

Gateway Determination

Planning proposal (Department Ref: PP-2021-7169): to amend the North Sydney LEP 2013 as it applies to 360 Pacific Highway, Crows Nest by increasing the maximum height of buildings to RL163.8 (18-storeys), introducing a maximum FSR of 5.5:1 and increasing the minimum non-residential FSR to 2:1.

I, the Director, North District at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the North Sydney Local Environmental Plan 2013 to increase the maximum height of buildings, introduce a maximum FSR and increase the minimum non-residential FSR should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to address the following:
 - (a) refer to the maximum height of buildings as RL163.8 throughout and provide revised mapping to indicate a maximum height of buildings of RL163.8;
 - (b) incorporate the changes as indicated in the revised Concept Design Report including updated shadow diagrams and any other supporting documents;
 - (c) include the number of jobs that may be created as a result of the increase to the planning controls on the site;
 - (d) refer to the new renumbered section 9.1 Ministerial Direction and remove reference to revoked Directions;
 - (e) address the consolidated SEPPs and remove reference to repealed SEPPs;
 - (f) it is recommended to address the proposed SEPP (Sustainable Buildings) 2022;
 - (g) include an advisory note referencing the Employment Zones Reform Framework; and
 - (h) include an updated timeline based on the issuing of the Gateway determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021).
 - (c) it is recommended that a copy of the St Leonards Crows Nest 2036 Plan be exhibited with the planning proposal;

Exhibition must commence within **3 months** following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Transport for NSW (TfNSW);
- Transport for NSW (Sydney Metro);
- Ausgrid;
- Sydney Water Corporation;
- NSW Department of Education / Schools Infrastructure NSW;
- NSW Department of Health – Northern Sydney Local Health District; and
- Department of Transport, Infrastructure, Regional Development and Communications and the Arts (DTIRDCA);
- Sydney Airport Corporation Limited (SACL); and
- Airservices Australia.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).
5. The Panel as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.

Dated 1st day of March 2023.



Brendan Metcalfe
Director
Metro Central and North
Department of Planning and Environment

Delegate of the Minister for Planning and Homes