

Mr Ken Gouldthorp
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: IRF22/1456

Via email: council@northsydney.nsw.gov.au

Attention: Marcelo Occhiuzzi, Manager Strategic Planning

Dear Mr Gouldthorp

Planning proposal PP-2022-1259 to amend North Sydney Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the site at 45 McLaren Street, North Sydney to rezone the site, introduce a maximum FSR, introduce a minimum non-residential FSR and amend other clauses in the North Sydney LEP 2013.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination. Council may need to update the planning proposal to address conditions of the Gateway determination and should ensure this occurs prior to exhibition.

The proposed local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination or before 28 February 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible and within 3 months of the date of the Gateway determination.

In considering the nature of the planning proposal, I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Christina Brooks to assist you. Ms Brooks can be contacted on 9274 6045.

Yours sincerely

A handwritten signature in blue ink, reading "Brendan Metcalfe".

1 June 2022
Brendan Metcalfe
Director, North District
Metro Central and North

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2022-1259): to amend the North Sydney LEP 2013 as it applies to 45 McLaren Street, North Sydney by rezoning the site from R4 High Density Residential to B4 Mixed Use, increasing the height of buildings to part RL103 and part RL 115, introducing a maximum FSR of 6.25:1, introducing a minimum non-residential FSR of 1:1 and amending other associated provisions to permit residential development at ground level along Walker Street.

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 LEP 2013 Local Environmental Plan (LEP) 2013 to rezone the site, increase the height of buildings, introduce a maximum FSR, introduce a minimum non-residential FSR and amend other associated provisions should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to address the following:
 - (a) provide consistency and clarification throughout the planning proposal regarding the height sought by the planning proposal is a maximum height of RL115, where the reference scheme provides for a maximum height of RL 113.8;
 - (b) address the reissued and updated 9.1 Ministerial directions of 1 March 2022, remove revoked directions;
 - (c) provide further justification for 1.4 Site Specific Provisions;
 - (d) address the consolidated and updated SEPPs of 1 March 2022;
 - (e) include an advisory note referencing the Employment Zones Reform Framework and noting the proposed translation of employment zones as it relates to the proposed amendments. Include a table within the planning proposal that clearly demonstrates the information required in the table template for changes within an industrial or business zone for each of the following options:
 - the amendment or introduction of a local provision; and
 - Schedule 1 Additional Permitted Uses.
 - (f) revise to address consistency with the Council endorsed Ward Street Precinct Masterplan preferred 'Option 2' in lieu of 'Option 1' (p.37);
 - (g) provide clear proposed mapping as the images in the amended planning proposal are of a poor resolution;
 - (h) update the Visual Assessment Report to include an illustrative assessment of the view impacts to residential properties located to the west of 45 McLaren Street located on McLaren and Miller Streets;
 - (i) provide the number of jobs that may be created as result of the changes to the planning controls on the site;
 - (j) reflect the new LEP Making Guidelines (Dec 2021) taking effect; and
 - (k) 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 28 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).

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 Act:

- Transport for NSW (TfNSW);
- Ausgrid;
- Sydney Water Corporation;
- NSW Department of Education;
- NSW Department of Health – Northern Sydney Local Health District;

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 Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).
5. Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the 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 Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The planning proposal must be reported to council for a final recommendation **6 months** from the date of the Gateway determination.
7. The LEP should be completed within **9 months** of the date of the Gateway determination.

Dated 1st day of June 2022.



Brendan Metcalfe
Director North District
Metro Central and North
Department of Planning and Environment
Delegate of the Minister for Planning and Homes