

Gateway Determination

Planning proposal (Department Ref: PP-2022-4350): to increase the maximum height of buildings and increase the minimum non-residential floorspace ratio.

I, the Director at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 and increase the minimum non-residential floorspace ratio should proceed subject to the following conditions:

Gateway Conditions

1. Prior to community consultation the planning proposal is to be updated to:
 - (a) investigate opportunities for the provision of affordable housing in the proposal as a key public benefit, instead of the provision of 88 additional public car spaces, with a target of at least 5% affordable housing per the Greater Sydney Region Plan;
 - (b) address the consolidated SEPP (Resilience and Hazards) 2021 instead of the now repealed SEPP 55 Remediation of Land;
 - (c) address SEPP (Sustainable Buildings) 2022;
 - (d) update the consistency against SEPP (Housing) 2021 relating to chapter 4 and remove reference to SEPP No 65 – Design Quality of Residential Apartment Development;
 - (e) to 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 Guideline* (Department of Planning and Environment, August 2023) 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 Guideline* (Department of Planning and Environment, August 2023).
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;

- Ausgrid;
- Sydney Water Corporation;
- NSW Department of Education - Schools Infrastructure NSW; and
- NSW 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 working 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 any obligation to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 22 March 2024



Brendan Metcalfe
Director, Metro Central and North District
Planning and Landuse Strategy
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces