

## Gateway Determination

***Planning proposal (Department Ref: PP-2022-901): the purpose of the planning proposal is to amend clause 6.3 as it relates to building heights and massing to development within the North Sydney Centre.***

I, the Executive Director, Metro Central and North, at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 amend clause 6.3 should proceed subject to the conditions of this Gateway determination.

### Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be updated to:
  - (a) Include a plain English explanation of the intent of the planning proposal under explanations of provisions.
  - (b) Update the planning proposal to address development applications lodged but not determined.
  - (c) Clarify the intent of the proposed amendments to apply clause 6.3(3) as a requirement to be met for all development on land within the North Sydney Centre or whether a trigger should be included so that the clause only applies to certain development applications.
  - (d) Discuss potential implications on the delivery of commercial floorspace on sites within the North Sydney Centre and Council's independent review of proposed development control plan changes.
  - (e) Remove references to a 'draft' North District Plan;
  - (f) Include updated references to the Section 9.1 Ministerial Directions issued on 1 March 2022;
  - (g) Include consideration of the consolidated State Environmental Planning Policies (SEPPs) and remove reference to repealed SEPPs; and
  - (h) Include an updated project timeline to ensure completion in a timely manner.
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).

Exhibition must commence within **4 months** following the date of the gateway determination.

3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act.
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, in response to a submission or if reclassifying land).
5. The time frame for completing the Local Environmental Plan is to be **9 months** following the date of the Gateway determination.
6. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan.

Dated                                  25<sup>th</sup> day of August                                  2022.

A handwritten signature in purple ink, reading "Alison McLaren".

**Alison McLaren**  
**Executive Director,**  
**Metro Central & North**  
**Department of Planning and Environment**  
  
**Delegate of the Minister for Planning**