

Gateway Determination

Planning proposal (Department Ref: PP-2023-760): to amend Clause 4.6 and Clause 6.3 of the North Sydney LEP 2013 as relating to building height variations within the North Sydney Centre.

I, the Acting Executive Director, Metro Central and North at the Department of Planning and Environment, 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 amend Clause 4.6 and Clause 6.3 should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to address the following and submitted to the Minister for review and endorsement prior to public exhibition:
 - (a) include a plain English explanation of the intent of the intended outcomes of the planning proposal under explanations of provisions;
 - (b) remove Council's draft clauses from the body of the planning proposal, include as an annexure and note that they are indicative only and will be subject to drafting by Parliamentary Counsel should the planning proposal proceed to finalisation;
 - (c) update the planning proposal to accurately reflect the current land zonings in the North Sydney Centre following commencement of the employment zones reform on 26 April 2023;
 - (d) 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 **3 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. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan.
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

6th day of July 2023.



Alison Burton
Acting Executive Director, Metro Central and North
Planning and Land Use Strategy
Department of Planning and Environment
Delegate of the Minister for Planning and Public Spaces