



Ms Therese Cole
Chief Executive Officer
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: IRF24/201

Dear Ms Cole

Planning proposal PP-2023-92 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 601 Pacific Highway, St Leonards. The planning proposal seeks to increase the maximum building height and introduce a maximum FSR in the North Sydney LEP 2013.

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

The proposed local environmental plan (LEP) is to be finalised on or before 24 January 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. 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, Housing and Infrastructure.

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, August 2023) 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.

I note the site is subject to the Crows Nest accelerated precinct focus area of the Transport Oriented Development State Led Rezoning. Should the Crows Nest State Led Rezoning conclude prior to Council making a LEP amendment for this planning proposal, the controls implemented in the State Led Rezoning will be supported by

the Department to remain on the site. This may necessitate Council withdrawing the planning proposal or the Department issuing a do not proceed Gateway alteration.

Alternatively, should the planning proposal process conclude prior to the State Led Rezoning, the controls implemented by the proposal would not be further amended unless considered necessary.

Should you have any enquiries about this matter, I have arranged for Matthew Rothwell to assist you. Mr Rothwell can be contacted on 8275 1066.

Yours sincerely



2 April 2024
Brendan Metcalfe
Director, Metro North
Metro Central and North

Encl: Gateway determination
Encl: Guidance on timeframes

Gateway Determination

Planning proposal (Department Ref: PP-2023-92): to amend the North Sydney LEP 2013 as it applies to 601 Pacific Highway, St Leonards by increasing the maximum building height and introducing a maximum FSR to facilitate a commercial building.

I, the Director, Metro North 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 building height and introduce a maximum FSR, should proceed subject to the following conditions:

The 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.

The LEP should be completed on or before 24 January 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to address the following:
 - (a) consistently apply a maximum building height control of RL 259 as resolved by North Sydney Council on 27 November 2023, including in supporting documents; and
 - (b) 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:
 - (c) 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
 - (d) 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;
 - Sydney Airport;
 - Civil Aviation Safety Authority (CASA);
 - Airservices Australia; and
 - Commonwealth Department of Transport, Infrastructure, Regional Development, Communications and the Arts (DTIRDCA).

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, in response to a submission or if reclassifying land).

Dated 2 April 2024



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

Delegate of the Minister for Planning and Public Spaces