

Gateway Determination

Planning proposal (Department Ref: PP-2023-987): to amend the North Sydney LEP 2013 as it applies to 50-88 Parraween Street, Cremorne by identifying the properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86 and 88 Parraween Street as local heritage items, rezoning all sites from R4 High Density Residential to R3 Medium Density Residential, and reducing the maximum building height of all sites from 12m to 8.5m.

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 identify 12 properties as local heritage items, rezone 20 properties and reduce the maximum building height of 20 properties should proceed subject to the following conditions:

1. The planning proposal is to be updated to address the following and submitted to the Minister (or delegate) for review and endorsement, prior to public exhibition:
 - (a) remove the provisions to rezone land from R4 High Density Residential to R3 Medium Density Residential and reduce maximum building height from 12m to 8.5m, including all mapping and reference to these provisions;
 - (b) remove properties without any identified heritage value 58, 60, 62, 64, 66, 68, 74 and 76 Parraween Street, Cremorne from the planning proposal and update all mapping and reference material to refer only to the remaining 12 properties proposed for local heritage listing;
 - (c) incorporate the outcome of the Interim Heritage Order (IHO) NSW Land and Environment Court appeals on the sites;
 - (d) provide justification for the inconsistency with Ministerial Direction 6.1 Residential Zones in relation to the proposed local heritage listings;
 - (e) appropriately define item names as drafted for inclusion as additions to Schedule 5 – Environmental Heritage;
 - (f) include an advisory note that the heritage item numbers are indicative only and will be confirmed at the finalisation stage;
 - (g) identify the current MU1 Mixed Use zone applying to nearby land following commencement of the Employment Zones Reform for all mapping and documents; and
 - (h) include an updated timeline based on the issuing of the Gateway determination.
2. Prior to finalisation, a post-exhibition review of submissions and relevant heritage studies, including those commissioned by Council, is to be undertaken by an independent heritage consultant to provide a recommendation on the appropriateness of the proposed heritage listings. This review should consider existing comparable heritage items in the LGA.
3. 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 complex 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.

- 4. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act.
- 5. 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).
- 6. Given the nature of the proposal, Council is not authorised to be the plan-making authority to make this plan.
- 7. The planning proposal must be reported to Council for a final recommendation **6 months** from the date of the Gateway determination.
- 8. The LEP should be completed within **9 months** of the date of the Gateway determination.

Dated 31st day of July 2023.



Leah Schramm
Acting Executive Director, Metro Central and North
Planning and Land Use Strategy
Department of Planning and Environment
Delegate of the Minister for Planning and Homes