

Response to Gateway Determination Conditions

Planning Proposal 3/18 – 50-56 Atchison Street, St Leonards

This document represents North Sydney Council's response to the conditions set out in the Gateway Determination issued by the Department of Planning, Infrastructure and Environment (DPIE) for the above Planning Proposal, dated 15 March 2021.

Condition 1

Prior to undertaking public exhibition, the Planning Proposal was updated to:

- a) Clearly specify a maximum height of building to 56m, consistent with the St Leonards and Crows Nest 2036 Plan;
- b) include reference to the introduction of a new local provision for the site to allow a lift overrun providing access to a communal rooftop to exceed the height of building control to a maximum RL of 147.1m with a plain English explanation rather than a specific clause;
- c) clarify that the Special Infrastructure Contribution (SIC) will apply to the site and any Voluntary Planning Agreement (VPA) is in addition to the application of the SIC;*
- d) provide mapping demonstrating the existing development controls on the site;
- e) provide proposed and existing mapping to the Department's technical standard;
- f) include an updated project timeline in section 10 of the proposal;
- g) amend the planning proposal to refer to Section 9.1 Ministerial Direction instead of the former Section 117 Ministerial Directions;
- h) provide assessment against Section 9.1 Ministerial Direction 2.6 Remediation of Contaminated Land and provide a preliminary site investigation to demonstrate consistency with this Direction to the satisfaction of the delegate of the Minister;
- i) provide assessment of the planning proposal against Section 9.1 Ministerial Direction 7.11 Implementation of St Leonards and Crows Nest 2036 Plan including justification with any inconsistencies relating to Height of Building, FSR, setbacks and street wall height and remove all references to the 'draft' St Leonards and Crows Nest Plan;
- j) remove references to revoked Section 9.1 Ministerial Directions and repealed SEPPs.

in accordance with the condition.

*Council has sought clarification from the DPIE on whether the public benefits proposed under the accompanying draft VPA will be accepted in lieu of the SIC. Should the application of the SIC be imposed in addition to any VPA, a review of the draft VPA will be undertaken with the value of public benefits proposed being reduced to take into consideration payment of the SIC. This is in accordance with the agreed terms of the draft VPA.

Condition 2

Prior to community consultation, the Planning Proposal was revised to address Condition 1 and forwarded to the DPIE for review and approval in accordance with this condition.

In a letter dated 8 June 2021, the DPIE advised that the planning proposal has been adequately updated to address Condition 1 of the Gateway Determination with the expectation of the following minor updates:

- i). Condition 1(f) – the timeline should be updated to refer to a notification of the LEP by March 2022 instead of March 2021;
- ii). Condition 1(g) – replace reference to 117 compliance table with section 9.1 compliance table;
- iii). Condition 1(j) – the planning proposal should be updated to remove references to repealed SEPPs.

Prior to community consultation, the planning proposal was updated to address the above.

Condition 3

All documentation submitted with the Gateway Determination request has been uploaded to the NSW Planning Portal (PP 2021-3531).

Condition 4

The Planning Proposal and associated Voluntary Planning Agreement (VPA) will be placed on public exhibition concurrently from Monday 19 July 2021 to Monday 16 August 2021, in accordance with this condition.

Condition 5

The Planning Proposal will be on public exhibition from Monday 19 July 2021 to Monday 16 August 2021, for a minimum of 28 days in accordance with the notice requirements for planning proposals identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2018).

Condition 6

Prior to public exhibition, the Planning Proposal was referred to following public authorities:

- the Commonwealth Department of Transport, Infrastructure, Regional Development and Communications (DTIRDC).

In accordance with the condition.

The DTIRDC was provided a copy of the Planning Proposal and all relevant supporting material and given a minimum of 28 days within which to comment.

The Planning Proposal has been referred to the following public authorities:

- Ausgrid;
- Sydney Airport Corporation Limited (SACL);
- Airservices Australia;
- Civil Aviation Safety Authority (CASA);
- Sydney Water; and

- Transport for NSW (TfNSW).

in accordance with the condition.

Each of the above public authorities has been provided with a copy of the Planning Proposal and all relevant supporting material and given a minimum of 28 days within which to comment. This is being undertaken concurrently with the public exhibition of the Planning Proposal.

Condition 7

The project timeline in section 10 of the planning proposal was updated to address Condition 1(f) of the Gateway Determination.

The timeframe for the exhibition of the proposal was amended to July - August 2021. This was endorsed by the DPIE as per Condition 2.

Condition 8

The project timeline in section 10 of the planning proposal was updated in accordance with Condition 1(f) of the Gateway Determination.

The timeframe for the proposal to be reported to council for final recommendation was amended to October 2021. This was endorsed by the DPIE as per Condition 2.

Condition 9

The condition is noted.

Condition 10

The condition is noted.