



## Gateway Determination

***Planning proposal (50-56 Atchison Street, St Leonards):*** to amend the North Sydney Local Environmental Plan (LEP) 2013 for land at 50-56 Atchison Street, St Leonards to increase the maximum height of buildings from 20m to 56m, increase the maximum floor space ratio from 0.6:1 to 6.4:1, increase the maximum non-residential floor space ratio from 0.6:1 to 1.7:1 and introduce a site-specific provision for a lift overrun providing access to a communal rooftop to exceed the height of building control.

I, the Executive Director at the Department of Planning, Industry 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 (LEP) 2013 to increase the maximum height of buildings from 20m to 56m, increase the maximum floor space ratio from 0.6:1 to 6.4:1, increase the maximum non-residential floor space ratio from 0.6:1 to 1.7:1 and introduce a site-specific provision for a lift overrun providing access to a communal rooftop to exceed the height of building control, should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters and submitted to the Department for review and endorsement prior to public exhibition:

The planning proposal is to be 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.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1 and forwarded to the Department for review and approval.
3. Ensure all documentation submitted with the Gateway determination request is uploaded to the NSW Planning Portal within 14 days.
4. Any Council endorsed Voluntary Planning Agreement (VPA) is to be exhibited concurrently with the planning proposal.
5. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
6. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with Section 9.1 Directions:
  - Ausgrid;
  - Sydney Airport Corporation Limited (SACL);
  - Airservices Australia;
  - Civil Aviation Safety Authority (CASA);
  - Commonwealth Department of Transport, Infrastructure, Regional Development and Communications (DTIRDC);
  - Sydney Water; and
  - Transport for NSW (TfNSW).

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal. Consultation with the Commonwealth Department of Transport, Infrastructure, Regional Development and Communications (DTIRDC) is required prior to public exhibition in accordance with the Section 9.1 Direction 3.5 Development Near Regulated Airports and Defence Airfields.

7. 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 reclassifying land).

8. The planning proposal must be exhibited **3 months** from the date of the Gateway determination.
9. The planning proposal must be reported to council for a final recommendation **9 months** from the date of the Gateway determination.
10. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 15 day of March 2021.



**Malcolm McDonald**  
**Executive Director, Eastern Harbour City**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and Environment**  
  
**Delegate of the Minister for Planning and Public Spaces**