

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-7492):** to amend the North Sydney LEP 2013 as it applies to 12-14 Waters Road, Neutral Bay by increasing the maximum building height from 16m to 22m, increasing the minimum non-residential FSR from 0.5:1 to 1.2:1, and introducing a site-specific provision to allow an additional 2m in height (24m total) for rooftop community facilities, plant or vertical circulation.

I, the Acting Director, North District at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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, increase the minimum non-residential FSR, and introduce an additional site-specific provision height for rooftop facilities, should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to address the following:
  - (a) update the Urban Design Report and associated reference scheme in the planning proposal report to reflect the height control of 22m (with additional 2m height for rooftop facilities), this includes referencing correct overshadowing diagrams in the planning report;
  - (b) include RL's to the proposed top of building structure in all sections and elevations of the Amended Concept Drawings and updated Urban Design Report;
  - (c) clarify the number of proposed apartments in the context of DA 92/21/3 modification to DA 92/2021 that amalgamates apartments 2.07 and 2.08 into one (1) apartment, ensuring this number is consistent across all documentation;
  - (d) consolidate planning proposal assessments against regional, state and local plans to remove duplicate tables and sections;
  - (e) provide further justification for Ministerial Direction 1.4 Site Specific Provisions;
  - (f) revise Ministerial Direction 3.2 Heritage to rectify errors and remove content not applicable to this proposal;
  - (g) amend planning proposal to remove errors and reference to requiring updates to SEPPs as the proposal addresses the current consolidated SEPPs;
  - (h) update planning proposal to reflect the new letter of offer to Council and remove reference to the previous VPA;
  - (i) provide improved resolution and clear images and mapping; and
  - (j) 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:
  - (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 28 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, September 2022).

Exhibition must commence within **3 months** following the date of the gateway determination.

The Voluntary Planning Agreement (VPA) Letter of Offer for 12-14 Waters Road, Neutral Bay should be exhibited concurrently exhibited with the planning proposal (as far as practicable).

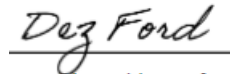
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Ausgrid; and
- Transport for NSW

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 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. The timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.

Dated 23<sup>rd</sup> day of December 2022.



**Dez Ford**  
**Acting Director, North District**  
**Metro Central and North**  
**Department of Planning and Environment**  
**Delegate of the Minister for Planning and**  
**Homes**