



Mr Ken Gouldthorp  
General Manager  
North Sydney Council  
200 Miller Street  
NORTH SYDNEY NSW 2060

Dear Mr <sup>Ken</sup>~~Gouldthorp~~

**Planning proposal PP\_2018\_NORTH\_001\_00 to amend North Sydney Local Environmental Plan 2013**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the height of building and introduce a non-residential floor space ratio at 41 McLaren Street, North Sydney.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 1.1 Business and Industrial Zones is justified in accordance with the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain agreement of the Department's Secretary to comply with the requirements of relevant Section 9.1 Ministerial Direction 3.5 Development Near Licensed Aerodromes. Council should ensure this occurs prior to public exhibition.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered that given the nature of the planning proposal and its context to Council's Ward Street Precinct plans, Council should not be authorised to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Max Chipchase to assist you. Mr Chipchase can be contacted on 9274 6304.

Yours sincerely

 23 August 2019  
**Stephen Murray**  
Executive Director, Regions  
Planning Services

Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_NORTH\_001\_00):** to amend the height of building map and introduce a non-residential floor space ratio for land at 41 McLaren Street, North Sydney.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, 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 amend and introduce planning controls at 41 McLaren Street should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal is to be updated to address the following:
  - (a) to reflect the proposed map amendments to amend the height of building and introduce a non-residential floor space ratio map;
  - (b) update overshadowing diagrams to represent the extent of overshadowing from the proposed development on adjoining development and over Council's two draft masterplan options for the Ward Street Precinct;
  - (c) consider and demonstrate how adequate social and open space infrastructure will be provided to support the future development of the site;
  - (d) consider what impacts the proposal may have on adjoining residential developments, and what mitigation measures and/or built form setbacks could be applied to minimise impacts;
  - (e) assess the traffic and parking impacts of the proposal, and consider no increase in the provision of on-site parking beyond that currently accommodated within the site; and
  - (f) demonstrate consistency with the Greater Sydney Region Plan and the North District Plan.
2. 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).



3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Transport for NSW, including Sydney Metro;
- Roads and Maritime Services;
- Office of Environment and Heritage;
- Sydney Airport Corporation Limited;
- Civil Aviation Safety Authority;
- Department of Education;
- Airservices Australia;
- Federal Department of Infrastructure and Regional Development;
- Ausgrid; and
- Sydney Water.

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.

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).
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *23rd* day of *August* 2018.

**Stephen Murray**  
Executive Director, Regions  
Planning Services  
Department of Planning and Environment

**Delegate of the Greater Sydney Commission**