

Gateway Determination

Planning proposal (Department Ref: PP-2022-1013): to amend the North Sydney LEP 2013 as it applies to 71-89 Chandos Street, St Leonards by increasing the maximum building height from 20m to 43m, introducing a maximum FSR of 4:1, increasing the minimum non-residential FSR from 0.6:1 to 1:1, and introducing a site-specific provision to allow an additional 2m in height (45m total) for portions of the building providing inclusive access to the communal open space at the rooftop, lift access and overrun.

I, the Director, North District 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 increase the maximum building height, introduce a maximum FSR, 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) include the number of jobs that may be created as a result of the increase to the planning controls on the site;
 - (b) update the concept scheme to reflect the height control of 43m (with additional 2m height for rooftop facilities only);
 - (c) identify the current MU1 Mixed Use zone applying to the site following commencement of the Employment Zones Reform for all mapping and documents;
 - (d) provide a plain English explanation of the intent of the proposed additional local provision relating to exceptions to building height for the rooftop facilities;
 - (e) attach the proposed drafted clause as an appendix to the planning proposal, with an advisory note that Parliamentary Counsel will provide final drafting of the clause;
 - (f) consider the proposal's consistency with the North Sydney Local Housing Strategy;
 - (g) accurately reference and address current 9.1 Ministerial Directions, remove any revoked directions;
 - (h) provide further justification for Ministerial Direction 1.4 Site Specific Provisions;
 - (i) address Ministerial Direction 5.3 Development Near Regulated Airports and Defence Airfields;
 - (j) include the status of proposed or approved development neighbouring the site;
 - (k) note the application of the Special Infrastructure Contribution (SIC) to the site;
 - (l) remove reference to a site-specific DCP that is no longer required; and
 - (m) include an updated timeline based on the issuing of the Gateway determination.

Council does not require endorsement after updating, however a copy of the exhibition documents should be forwarded to the Department.

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 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.

The draft Voluntary Planning Agreement (VPA) for 71-89 Chandos Street, St Leonards should be exhibited concurrently with the planning proposal.

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 Act:

- Transport for NSW;
- Ausgrid;
- Sydney Water Corporation;

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 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. Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

6. The planning proposal must be reported to Council for a final recommendation **6 months** from the date of the Gateway determination.
7. The LEP should be completed within **9 months** of the date of the Gateway determination.

Dated 9th day of June 2023.



Brendan Metcalfe
Director, North District
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Department of Planning and Environment
Delegate of the Minister for Planning and Public Spaces