

Attachment D – Summary Against Gateway Determination

The Department issued a Gateway Determination on 1 March 2023. Since this time the planning proposal has been updated in accordance with the Gateway conditions. An assessment against the Gateway Determination has been undertaken (see **Table 1**).

The Department is satisfied that the planning proposal and supporting documents have been amended to meet the conditions of the Gateway Determination and the planning proposal can be placed on to public exhibition.

Table 1 - Summary Against Gateway Determination

Gateway Condition	Assessment
1. Prior to community consultation the planning proposal is to be updated to address the following:	
1.(a) refer to the maximum height of buildings as RL163.8 throughout and provide revised mapping to indicate a maximum height of buildings of RL163.8	<p>Condition met</p> <p>The proponent has updated the planning proposal to refer to the proposed maximum height of buildings as RL163.8.</p> <p>The proposed LEP maps have been updated to indicate the proposed maximum height of buildings as RL163.8.</p>
1.(b) incorporate the changes as indicated in the revised Concept Design Report including updated shadow diagrams and any other supporting documents;	<p>Condition met</p> <p>The proponent has updated the supporting documents to reflect the revised Concept Design Report.</p> <p>The shadow diagrams in the Concept Design Report illustrate the shadow impact of a 18-storey building, without specifying the building height in metres.</p> <p>The condition is satisfied.</p>
1.(c) include the number of jobs that may be created as a result of the increase to the planning controls on the site;	<p>Condition met</p> <p>The planning proposal has been updated to include job figures for the site. The proposal states that a total of 20 retail jobs and 110 commercial jobs (office use) may be created as a result of the planning proposal.</p>
1.(d) refer to the new renumbered section 9.1 Ministerial Direction and remove reference to revoked Directions;	<p>Condition met</p> <p>The planning proposal has been updated to remove references to repealed 9.1 Directions and updated to refer to the new renumbered section 9.1 Ministerial Directions.</p>
1.(e) address the consolidated SEPPs and remove reference to repealed SEPPs;	<p>Condition met</p> <p>The planning proposal has been updated to remove references to repealed State Environmental Planning Policies (SEPPs) and updated to include an assessment against the consolidated SEPPs applicable to the proposal.</p>

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Gateway Condition		Assessment
1.(f)	it is recommended to address the proposed SEPP (Sustainable Buildings) 2022;	Condition met As noted above, the planning proposal has been updated to include an assessment against the consolidated SEPPs applicable to the proposal, including the SEPP (Sustainable Buildings) 2022.
1.(g)	include an advisory note referencing the Employment Zones Reform Framework; and	Condition met The planning proposal has been updated to include an advisory note referencing the Employment Zones Reform Framework.
1.(h)	include an updated timeline based on the issuing of the Gateway determination.	Condition met The planning proposal has been updated to include a revised project timeline based on the issuing of Gateway determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:		
2.(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.	Condition met The planning proposal and its supporting documents were publicly exhibited between 5 May and 6 June 2023, which meets the 20 working day requirement.
2.(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).	Condition met The exhibition documents and methodology comply with the relevant provisions of the EP&A Act 1979 and the LEP Making Guidelines as referenced in the condition.
2.(c)	it is recommended that a copy of the St Leonards Crows Nest 2036 Plan be exhibited with the planning proposal. Exhibition must commence within 3 months following the date of the gateway determination.	Condition met A copy of the St Leonards Crows Nest 2036 Plan was included in the exhibition package and was uploaded to the planning portal. Exhibition was undertaken from 8 May to 6 June 2023 which is within 3 months of the Gateway determination.
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:		

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Gateway Condition	Assessment
<ul style="list-style-type: none"> • Transport for NSW (TfNSW); • Transport for NSW (Sydney Metro); • Ausgrid; • Sydney Water Corporation; • NSW Department of Education / Schools Infrastructure NSW; • NSW Department of Health – Northern Sydney Local Health District • Department of Transport, Infrastructure, Regional Development and Communications and the Arts (DTIRDCA); • Sydney Airport Corporation Limited (SACL); and • Airservices Australia. <p>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.</p>	<p>Formal consultation with these public authorities has been undertaken during the public exhibition in accordance with the Gateway determination.</p>
<p>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, if reclassifying land).</p>	<p>N/A</p>
<p>5. The Panel as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 EP&A Act or the Secretary has agreed that any inconsistencies are justified; and (c) there are no outstanding written objections from public authorities.</p>	<p>Deleted</p>

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Gateway Condition		Assessment
6.	The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.	The finalisation date for this planning proposal is 1 December 2023.