

The Department of Planning, Housing and Infrastructure issued a Gateway Determination on 22 March 2024. An assessment against the Gateway Determination has been undertaken (see **Table 1**).

The Planning Proposal Authority team is satisfied that the planning proposal and supporting documents have met the conditions of the Gateway Determination and the planning proposal can proceed to finalisation.

Table 1 - Summary Against Gateway Determination

Gateway Condition	Assessment
Prior to community consultation the planning proposal is to be updated to:	
1 (a) investigate opportunities for the provision of affordable housing in the proposal as a key public benefit, instead of the provision of 88 additional public car spaces, with a target of at least 5% affordable housing per the Greater Sydney Region Plan;	<p>Condition met</p> <p>The Department's Gateway assessment report noted:</p> <p><i>'The North Sydney LEP does not contain any provisions for developments to include affordable housing. Currently only 130 affordable housing units are managed in the LGA. Council recognises the acute need for affordable housing and would be supportive of a higher quantum being provided as is possible.'</i></p> <ul style="list-style-type: none"> <i>The North Sydney Local Planning Panel reviewed the planning proposal at their meeting on 19 April 2023 and stated that if the planning proposal was to progress, consideration should be given to the provision of key worker and affordable housing.</i> <i>At the meeting of 12 February 2024, Council resolved that additional resources are to be devoted to housing. Council officers will now reprioritise their work program to concentrate on affordable housing policy, planning and implementation.</i> <i>At the Sydney North Planning Panel meeting of 6 September 2023, it was noted that there was a lack of discussion in the planning proposal concerning affordable housing, and the Panel recommended removal of the additional 88 public car parking spaces.</i> <p><i>A key component of the proponent's public benefit offer is additional public car parking to the value of \$4,947,587. Rather than delivering excess parking that is not supported by Council or the Panel, the department recommends that proponent investigate opportunities for the provision of affordable housing in the proposal as a key public benefit with a target of at least 5% affordable housing per the Greater Sydney Region Plan.'</i></p> <p>In response, the proponent states:</p> <ul style="list-style-type: none"> the planning proposal process to date has resulted in a reduction in residential yield, which

Gateway Condition	Assessment
	<p>has reduced the potential for additional public benefits;</p> <ul style="list-style-type: none"> the proposed public plaza has been increased from 1,000m² to 1,100m²; the additional inclusion of an affordable housing component that could not be built into the project's feasibility from inception will further impact the project's viability to such an extent that maintaining the current building on site presents a more viable commercial option (from a business point of view) than pursuing the proposal; and the Neutral Bay Town Centre Economic analysis and Financial Feasibility Assessment prepared by Hill PDA found that any future feasible development on the site required a minimum 8-storeys across the entire site and approximately 87 dwellings. In addition to the design changes outlined above and the existing public value contribution, the current Planning Proposal has 63 dwellings - well below the number modelled by Hill PDA. This analysis undertaken by Hill PDA independently verifies the significant feasibility challenges the project faces. <p>This condition has been satisfied, because:</p> <ul style="list-style-type: none"> the proponent has investigated the possibility of providing affordable housing; and while the provision of affordable housing in new development projects such as this is encouraged. Section 7.32(3)(b) of the Act requires any condition imposed relating to contributions for affordable housing on a development consent must be authorised by an LEP and must be in accordance with a Council scheme for dedications or contributions set out in or adopted by the LEP. To date, North Sydney Council has not sought to amend the North Sydney LEP 2013 to reference an affordable housing contribution scheme to levy for affordable housing on this site. <p>It should be noted that as part of the Department's review and approval of Council's Local Housing Strategy, Condition 1 of this approval recommended Council adopt a Scheme to support the outcome for affordable housing to be included in Council's LEP. This approval was issued on 10 May 2021 and since this time council hasn't</p>

Gateway Condition	Assessment
	<p>adopted an Affordable Housing Contribution Scheme (AHCS).</p> <p>This does not preclude Council and the proponent exploring the provision of affordable housing through the voluntary planning agreement process.</p>
1(b) address the consolidated SEPP (Resilience and Hazards) 2021 instead of the now repealed SEPP 55 Remediation of Land.	<p>Condition met</p> <p>The Department's Gateway assessment considered that the planning proposal was consistent with SEPP (Resilience and Hazards) 2021, but notes the planning proposal incorrectly references the former SEPP 55 Remediation of Land.</p> <p>The Gateway condition requires that these references be updated to address SEPP (Resilience and Hazards) 2021. The planning proposal has been updated accordingly – see page 57 of the planning proposal.</p>
1(c) address SEPP (Sustainable Buildings) 2022.	<p>Condition met</p> <p>The Gateway determination required the planning proposal address SEPP (Sustainable Buildings) 2022.</p> <p>The aims of SEPP (Sustainable Buildings) 2022 include:</p> <ul style="list-style-type: none"> • to encourage the design and delivery of sustainable buildings; • to ensure consistent assessment of the sustainability of buildings; and • to reduce greenhouse gas emissions. <p>The SEPP includes sustainability requirements for residential and non-residential development which give effect to these objectives. These requirements are applied through the development application process.</p> <p>The SEPP applies because the planning proposal seeks to facilitate a mixed use development which includes land uses where the SEPP applies.</p> <p>The planning proposal is consistent with this SEPP because it does not include any provisions which:</p> <ul style="list-style-type: none"> • seek to prevent the SEPP's application; and • are in addition to the SEPP. <p>The planning proposal addresses the application of the SEPP, noting the relevant sustainability requirements are not proposed to be restricted or altered and can be applied during the development application process – see page 58 of the planning proposal.</p>
1(d) update the consistency against SEPP (Housing) 2021 relating to	<p>Condition met</p>

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chapter 4 and remove reference to SEPP No 65 – Design Quality of Residential Apartment Development.	The Gateway determination considered that the planning proposal was consistent with SEPP (Housing) 2021 Chapter 4, but notes the planning proposal references these requirements as being in the now repealed SEPP 65 -Design Quality of Residential Apartment Development. The Gateway condition requires that these references be updated to address SEPP (Housing) 2021 Chapter 4. The planning proposal has been updated accordingly – see page 58 of the planning proposal.
1(e) to include an updated timeline based on the issuing of the Gateway determination.	Condition met The planning proposal's project timeframe has been updated to align with the Gateway assessment report and benchmark timeframes in the LEP Making Guidelines – see page 78 of the planning proposal.
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 <i>Local Environmental Plan Making Guideline</i> (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and	Condition met The planning proposal and its supporting documents were publicly exhibited from 13 May to 13 June 2024 which met the minimum 20 working days required by the Gateway determination.
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 <i>Local Environmental Plan Making Guideline</i> (Department of Planning and Environment, August 2023).	Condition met The exhibition documents and methodology comply with the relevant provisions of the EP&A Act 1979 and the LEP Making Guidelines.
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: <ul style="list-style-type: none"> • Transport for NSW; • Ausgrid 	Condition met Consultation with these public authorities and Council was completed during the public exhibition in accordance with the Gateway determination.

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<ul style="list-style-type: none">• Sydney Water Corporation• NSW Department of Education - Schools Infrastructure NSW; and• NSW Health – Northern Sydney Local Health District	
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).	N/A No land reclassification proposed.