

The Department issued a Gateway Determination on 10 May 2022. Since then, the planning proposal and supporting documents have been updated in accordance with the Gateway Conditions. An assessment against the Gateway Determination has been undertaken (see table below).

The Agile Planning team is satisfied that the planning proposal and supporting documents have been amended to meet the conditions of the Gateway Determination and the planning proposal is suitable for consideration by the Panel.

Gateway Condition	Assessment
1. The Planning proposal is to be updated and submitted to the Department for review and endorsement prior to public exhibition to include:	
<p>1(a) Consideration of the following:</p> <ul style="list-style-type: none"> • objective 13 'Environmental heritage is identified, conserved and enhanced and objective 37 'Exposure to natural and urban hazards is reduced' of the Greater Sydney Region Plan. • Planning Priority N16 'Protecting and enhancing bushland and biodiversity' of the North District Plan. • the approved Ku-ring-gai Local Housing Strategy. • the updated Section 9.1 Ministerial Directions. • the consolidated State Environmental Planning Policies (SEPPs) and their relevant Chapters and remove reference to repealed SEPPs: <ul style="list-style-type: none"> ○ SEPP (Resilience and Hazards) 2021. ○ SEPP (Housing) 2021 and provide further discussion on relevant provision of the SEPP that may apply to the site should a rezoning proceed. ○ SEPP (Biodiversity and Conservation) 2021. • an alternative option to maintain the site's zone as R2 Low Density Residential and include additional permitted uses for seniors housing and nominated residential uses (multi-dwelling housing, attached dwellings and semi-detached dwellings). • provide clarification as to why serviced apartments for seniors living is not proposed to be a continued use on the site 	<p>Condition met.</p> <p>The Proponent has provided an updated Planning Proposal which was exhibited and included consideration of all matters relating to the Greater Sydney Region Plan, the North District Plan, approved Ku-ring-gai Local Housing Strategy, updated 9.1 Ministerial Directions and relevant State Environmental Planning Policies (SEPP).</p> <p>The proponent considered the alternative zoning options and provided clarification as to why serviced apartments for seniors living is not proposed.</p>

Gateway Condition	Assessment
<p>1(b) An updated Transport Assessment with consideration of:</p> <ul style="list-style-type: none"> • Potential vehicular arrival/movement profile of proposed non-seniors dwellings. • Implications of the number of car parking spaces proposed above the minimum rates set under Ku-ring-gai Council DCP 2021, particularly in relation to traffic impacts to Stanhope Road. • Reducing the number of car parking spaces allocated to the non-seniors dwellings. 	<p>Condition met.</p> <p>The proponent has submitted an updated Transport Assessment, which was provided to Transport for NSW (TfNSW) for advice.</p> <p>This assessment considers the arrival profile and traffic generated by non-seniors dwellings and concludes that it meets the minimum rates under the Development Control Plan (DCP).</p> <p>A reduction of the non-seniors car parking spaces has been considered however the Proponent has noted that it's only a minor exceedance of the DCP minimum.</p>
<p>1(c) An updated Urban Design Study to:</p> <ul style="list-style-type: none"> • Identify and provide analysis of townhouses that will not meet the Ku-ring-gai DCP 2021 requirements for solar access and include precedents where the design solutions proposed for the townhouses have been adopted to improve solar access. • Review and provide rationale for the townhouses' setback and interface with the adjoining bushland to the south and east. • The side setbacks of the terrace housing to the south and east present as hard edges to the surrounding bushland and a softer bushland edge with the built form should be considered. 	<p>Condition Met.</p> <p>The proponent submitted an updated Urban Design Study for exhibition which addressed the solar access requirements of the DCP.</p> <p>The proponent has provided justification on the townhouse setback and interface with the bushland.</p>
<p>1(d) An updated draft Site Specific DCP to include:</p> <ul style="list-style-type: none"> • Controls related to appropriate building depths of the seniors housing development. • Consideration of the side setbacks of the terrace housing to the south and east to ensure the built form does not result in hard built edge to the surrounding bushland and responds to the landscape setting. • Updated references to Ku-ring-gai DCP 2021. 	<p>Condition Met.</p> <p>The proponent submitted an updated draft DCP with the exhibited planning proposal, this included a proposed setback to the bushland and landscaping provisions.</p>

Gateway Condition		Assessment
1(e)	An updated project timeline.	<p>Condition met.</p> <p>The proponent submitted an updated project timeline with the PP for exhibition. The project timeline has been updated since then due to the post-exhibition process.</p>
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 complex 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 30 days; and	<p>Condition met.</p> <p>Public exhibition went for 30 days from 17 August to 27 September 2022.</p>
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).	<p>Condition met.</p> <p>The exhibition documents and methodology complied with the relevant provisions of the EP&A Act 1979 and the LEP Making Guidelines as referenced in the condition.</p>
3	<p>Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act:</p> <ul style="list-style-type: none"> The Commissioner of the NSW Rural Fire Service (RFS); <p>During consultation, RFS should specifically determine whether detached dwellings, dual occupancies and/or semi-detached dwelling land uses could provide appropriate bushfire risk mitigation for the seniors housing as an alternative to the proposed medium density dwellings.</p> <ul style="list-style-type: none"> Transport for NSW; <p>Including the consideration of the new street layout and site access for existing Transport for NSW bus services.</p> <ul style="list-style-type: none"> NSW Department of Education; NSW Department of Health; NSW Environment and Heritage; 	<p>Condition met.</p> <p>The Agile planning team has consulted with all the agencies as part of the formal public exhibition. All agencies were provided with a copy of the planning proposal via the NSW Planning Portal. All agencies were also notified by email.</p> <p>The Agile Planning team has corresponded with the NSW Rural Fire Service regarding alternate land uses on the southern portion of the site. RFS has advised that they have no issues with the currently proposed residential uses and that they would need to see more detail plans of alternate uses to provide comment about their appropriateness. The Agile Planning team is satisfied that this addresses the intent of the condition.</p> <p>TfNSW have been consulted on the proposal and have raised no concern</p>

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	<ul style="list-style-type: none"> Ku-ring-gai Council; Ausgrid; and Sydney Water Corporation. <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>	regarding the proposal changes or street layouts.
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).	Noted
5	The Minister for Planning (or an appointed delegate) will be the Local Plan-Making Authority for this planning proposal.	Noted. The proposal will be forwarded to the Department for finalisation.
6.	<p>The post exhibition report on the planning proposal must be reported to the Planning Panel for a final recommendation 9 months from the date of the Gateway determination</p> <p>The post exhibition report on the planning proposal must be reported to the Planning Panel for a final recommendation by end of September 2023</p>	Noted. This clause was altered as part of a Gateway alteration on 3 August 2023.
7.	<p>The LEP should be completed within 12 months of the date of the gateway determination</p> <p>The LEP should be completed by 22 December 2023</p>	Noted. This clause was altered as part of a Gateway alteration on 3 August 2023.