

## **Attachment D – Summary Against Gateway Determination**

The Department issued a Gateway Determination on 23 December 2022. A Gateway Alteration was issued on 17 February 2023. An assessment against the Gateway Determination incorporating the changes made by the Gateway Alteration 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**

<b>Gateway Condition</b>		<b>Comment</b>
<b>1. Prior to community consultation, the planning proposal is to be updated to address the following:</b>		
<b>1(a)</b>	update the Urban Design Report and associated reference scheme in the planning proposal report to reflect the height control of 22m (with additional 2m height for rooftop facilities), this includes referencing correct overshadowing diagrams in the planning report.	<b>Condition Met</b> The proponent has updated the planning proposal and supporting documents to reflect the height control of 22m and an additional 2m height for rooftop facilities.
<b>1(b)</b>	include RL's to the proposed top of building structure in all sections and elevations of the Amended Concept Drawings and updated Urban Design Report.	<b>Condition Met</b> All sections and elevation figures used in the planning proposal and supporting documents have been updated to include RL heights.
<b>1(c)</b>	clarify the number of proposed apartments in the context of DA 92/21/3 modification to DA 92/2021 that amalgamates apartments 2.07 and 2.08 into one (1) apartment, ensuring this number is consistent across all documentation.	<b>Condition Met</b> The proponent has updated the dwelling figures to be consistent across all documents. The proponent has also confirmed that these figures are current and up to date.
<b>1(d)</b>	consolidate planning proposal assessments against regional, state and local plans to remove duplicate tables and sections.	<b>Condition Met</b> The planning proposal has been updated to reduce the duplicate assessment against regional, state and local plans.

1(e)	provide further justification for Ministerial Direction 1.4 Site Specific Provisions.	<p><b>Condition Met</b></p> <p>The planning proposal has been updated to include further justification for Ministerial Direction 1.4 Site Specific Provisions.</p>
1(f)	revise Ministerial Direction 3.2 Heritage to rectify errors and remove content not applicable to this proposal.	<p><b>Condition Met</b></p> <p>The planning proposal has been updated to remove unnecessary assessment against Ministerial Direction 3.2 Heritage.</p>
1(g)	amend planning proposal to remove errors and reference to requiring updates to SEPPs as the proposal addresses the current consolidated SEPPs.	<p><b>Condition Met</b></p> <p>The planning proposal has been updated to address errors in the assessment of the SEPPS. The proposal has also been updated to include an assessment against the consolidated SEPPs applicable to the proposal.</p>
1(h)	update planning proposal to reflect the new letter of offer to Council and remove reference to the previous VPA.	<p><b>Condition Met</b></p> <p>The updated planning proposal package was updated to reference the most current version of the VPA and has attached it in the appendices.</p>
1(i)	provide improved resolution and clear images and mapping.	<p><b>Condition Met</b></p> <p>The planning proposal has been updated to include improved images and mapping.</p>
1(j)	include an updated timeline based on the issuing of the Gateway determination.	<p><b>Condition Met</b></p> <p>The planning proposal has updated its timeline based on the December Gateway determination date.</p>

<b>2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:</b>		
<b>2(a)</b>	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>Condition Met</b> The planning proposal and its supporting documents were publicly exhibited from 22 February 2023 to 22 March 2023, which meets the 20 working day requirement.
<b>2(b)</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, September 2022). Exhibition must commence within 3 months following the date of the gateway determination. The Voluntary Planning Agreement (VPA) Letter of Offer for 12-14 Waters Road, Neutral Bay should be exhibited concurrently exhibited with the planning proposal (as far as practicable).	<b>Condition Met</b> 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.
<b>3</b>	Consultation is required with the following public authorities: <ul style="list-style-type: none"> <li>• Ausgrid</li> <li>• Transport for NSW</li> <li>• North Sydney Council</li> </ul> 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.	<b>Condition Met</b> Formal consultation with these public authorities has been completed during the public exhibition in accordance with the Gateway determination.
<b>4</b>	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).	A public meeting has been organized (21 June 2023) for this planning proposal to provide submissions makers the opportunity to comment on the proposal.

<b>5</b>	The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.	<b>Condition Met</b> The finalisation date for this planning proposal is 23 September 2023.
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