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Our ref: PP_2014_WILLO_001_00 (14/03245)

Mr Nick Tobin
General Manager
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

Dear Mr Tobin,

Planning proposal to amend Willoughby Local Environmental Plan 2012

I am writing in response to your Council's letter dated 11 February 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to permit a supermarket and liquor store as additional permitted uses on land at 17-19 Smith Street, Chatswood.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 3.4 Integrating Land Use and Transport and 6.3 Site Specific Provisions are justified by the land use study prepared by Jones Lang LaSalle (2011) or are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be placed on public exhibition within 6 weeks and finalised within 9 months, of the week following the date of the Gateway determination. Given the proposal creates the potential for additional jobs and the community has not had prior opportunity to comment on the proposal, it is important to progress the planning proposal to public exhibition as soon as possible. Furthermore, it is considered that the information provided to Planning and Infrastructure to support the planning proposal is sufficient for its progress to public exhibition, other than that required by the Determination.

Council's request for Planning and Infrastructure to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, Council is advised that the Minister may take action under section 54(2) (d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Nava Sedghi of the Planning and Infrastructure regional office to assist you. Ms Sedghi can be contacted on (02) 8575 4117.

Yours sincerely,



Richard Pearson
Deputy Director General
Growth Planning & Delivery

Encl: Gateway Determination

Gateway Determination

Planning proposal (Agency Ref: PP_2014_WILLO_001_00): to permit a supermarket and liquor store as additional permitted uses on land at 17-19 Smith Street, Chatswood.

I, the Deputy Director General, Growth Planning and Delivery at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Willoughby Local Environmental Plan (LEP) 2012 to permit a supermarket and liquor store as additional permitted uses on land at 17-19 Smith Street, Chatswood should proceed subject to the following conditions:

1. Council is to adopt the community consultation program as outlined in its report dated 3 February 2014, including writing to adjoining landowners; property owners in the East Chatswood industrial area and surrounding commercial and residential areas; local progress associations; and Ku-ring-gai Council. Council is to hold a public question and answer session during the public exhibition of the planning proposal.
2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. An initial site contamination investigation report is to be prepared to demonstrate that the site is suitable for the proposed additional uses. This report is to be included as part of the public exhibition material.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available within **6 weeks** of the week following the date of the Gateway determination and for a minimum of **28 days**; and
 - (b) the relevant planning 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 section 5.5.2 of *A Guide to Preparing LEPs (Planning and Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Energy Australia
 - Sydney Water
 - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(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).



6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

24

day of

March

2014.

**Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**