



Planning & Infrastructure

Contact: Nava Sedghi
Phone: (02) 8575 4117
Email: nava.sedghi@planning.nsw.gov.au
Postal: GPO Box 39 SYDNEY NSW 2001

Our ref: PP_2013_WILLO_001_00 (13/19220)

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 19 November 2013, 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 rezone Lot 3 DP 239924 at 8 McCabe Place, Chatswood.

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

I have also agreed the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is of minor significance and S117 Direction 6.2 Reserving Land for Public Purpose is justified. No further approval is required in relation to these Directions.

In October 2012, the Minister delegated his plan making powers to councils. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the gateway determination. Council should aim to commence exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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, 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, please contact Ms Nava Sedghi on 02 8575 4117.

Yours sincerely,


**Director, Metropolitan Delivery
Growth Planning & Delivery**

Gateway Determination

Planning proposal (Department Ref: PP_2013_WILLO_001_00): to rezone Lot 3 DP 239924 at 8 McCabe Place, Chatswood.

I, the Director, Metropolitan Delivery branch at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act) that an amendment to the Willoughby Local Environmental Plan (LEP) 2012 to rezone Lot 3 DP 239924 at 8 McCabe Place, Chatswood should proceed subject to the following conditions:

1. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy 55 – Remediation of Land. A preliminary site contamination investigation report is to be prepared, to demonstrate that the site is suitable for rezoning to the proposed zone and be placed on public exhibition with the planning proposal.
2. Council will need to prepare maps that reflect the planning proposal in accordance with the Standard Technical Requirements for LEP maps. Amending maps that are required include land zoning map and floor space ratio map.

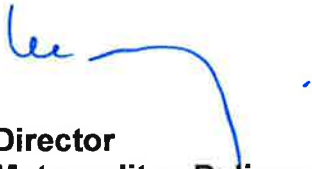
The amending maps are to be included in the public exhibition material of the planning proposal.

3. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is not classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available 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 (Department of Planning & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Sydney Water;
 - Telstra; and
 - NSW 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 **6 months** from the week following the date of the Gateway determination.

Dated 30th of January 2014.



**Director
Metropolitan Delivery
Growth Planning and Delivery
Department of Planning and
Infrastructure**

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



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Willoughby City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_WILLO_001_00	Planning proposal to rezone Lot 3 DP 239924 at 8 McCabe Place, Chatswood.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 30th January 2014

Director
Metropolitan Delivery
Growth Planning and Delivery
Department of Planning and Infrastructure