



Mr Greg Woodhams  
Acting General Manager  
Willoughby City Council  
PO Box 57  
Chatswood NSW 2057

Contact: James Sellwood  
Phone: 02 8575 4122  
Email: [james.sellwood@planning.nsw.gov.au](mailto:james.sellwood@planning.nsw.gov.au)  
Postal: GPO Box 39 SYDNEY NSW 2001

Our ref: PP\_2014\_WILLO\_005\_00 (14/19490)

Dear Mr Woodhams *Greg*

### **Planning Proposal to amend Willoughby Local Environmental Plan 2012**

I am writing in response to Council's letter, dated 29 October 2014, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to amend the *Willoughby Local Environmental Plan 2012*.

The planning proposal seeks to correct anomalies and discrepancies; include Castle Cove Golf Course as a local heritage item; reclassify 7-13 Herbert Street, St Leonards from 'community' to 'operational'; introduce a height limit and include additional permitted uses for land at 28 Archer St, Chatswood; and rezone seven public schools to SP2 Educational Establishment.

As delegate of the Minister for Planning, I have determined that this planning proposal should proceed subject to amendments set out in the conditions in the attached Gateway determination.

The proposed inclusion of the Castle Cove Golf Course is not supported and should be removed from the planning proposal. The golf course does not meet the NSW Heritage Assessment Criteria for listing as an item of environmental heritage. The golf course is also owned by Council and classified as community land which should offer sufficient protection.

Council is to consult with the Department of Education and Communities on the rezoning of the seven public school sites to SP2 Educational Establishment and amend the planning proposal to reflect the Department's position prior to the commencement of public exhibition. Council is reminded that it must not use its delegation under section 59 of the Act where there is an unresolved agency objection to the draft Local Environmental Plan.

The Minister delegated plan making powers to councils in October 2012. I understand that Council has accepted this delegation. I have considered the nature of the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

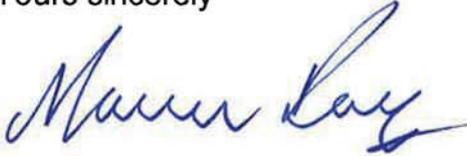
The amending Local Environmental Plan is to be finalised within **12 months** of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the Local Environmental Plan should 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 of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Mr James Sellwood, of the Department's Metropolitan CBD office, on (02) 8575 4122.

Yours sincerely



Marcus Ray  
Acting Deputy Secretary  
Planning Services  
*23/01/2015*  
Delegate of the Minister for Planning

Enclosed:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2014\_WILLO\_005\_00):** *Housekeeping, Heritage Listing, Reclassification, and Other Amendments.*

I, the Acting Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Willoughby Local Environmental Plan 2012 to correct anomalies and discrepancies; include Castle Cove Golf Course as a local heritage item; reclassify 7-13 Herbert Street, St Leonards from 'community' to 'operational'; introduce a height limit and include additional permitted uses for land at 28 Archer St, Chatswood; and rezone seven public schools to SP2 (Educational Establishment) should proceed subject to the following conditions:

1. The proposed inclusion of the Castle Cove Golf Course as an item of local heritage significance is not supported as the proposal does not meet the NSW Heritage Assessment Criteria. Council is to remove this component of the planning proposal prior to the commencement of public exhibition.
2. Consultation is required with the Department of Education and Communities under section 56(2)(d) of the Act. The Department 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.

Public authorities may request additional information or additional matters to be addressed in the planning proposal. The planning proposal is to be revised to address submissions, and copies of all submissions must be included with the revised proposal.

3. Prior to undertaking community consultation, Council is to update the planning proposal to include maps for all proposed map amendments. These maps should be prepared in accordance with the Department's 'Standard Technical Requirements for LEP Maps' (Department of Planning and Environment 2013).
4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal 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 and Environment 2013).

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 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).

It is noted this proposal is to reclassify land and Council will need to fulfil any obligations under the *Local Government Act 1993*.

6. The timeframe for completing the Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated *23rd* day of *January* 2015.



**Marcus Ray**  
**Acting Deputy Secretary**  
**Planning Services**

**Delegate of the Minister for Planning**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Willoughby City Council is authorised to exercise the functions of the Minister for Planning 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:

<b>Number</b>	<b>Name</b>
PP_2014_WILLO_005_00	Planning proposal - Housekeeping, Heritage Listing, Reclassification, and Other Amendments

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 23/01/ 2015

A handwritten signature in black ink, appearing to read 'Marcus Ray', written in a cursive style.

**Marcus Ray  
Acting Deputy Secretary  
Planning Services**

**Delegate of the Minister for Planning**