



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

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

Our ref: PP\_2014\_WILLO\_004\_00 (14/11050)

Attention: Greg Woodhams, Environmental Services Director

Dear Mr Tobin

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

I am writing in response to your Council's letter dated 20 June 2014, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("the Act") in respect of a planning proposal to amend Willoughby Local Environmental Plan 2012.

The planning proposal at 65 Albert Avenue, Chatswood seeks to permit "shop top housing" as an additional permitted use, amend the height of building and floor space ratio controls, and introduce other site specific controls for the "Mandarin Centre" site.

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

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now 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.

Should you have any queries in regard to this matter, I have arranged for Mr James Sellwood of the Department's Metropolitan Delivery (CBD) branch to assist you. Mr Sellwood can be contacted on 02 8575 4122.

Yours sincerely



12 August 2014

**James Matthews**  
**Acting Director, Metropolitan Delivery (CBD)**  
**Housing, Growth and Economics**

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2014\_WILLO\_004\_00):** to permit “shop top housing” on the “Mandarin Centre” site, located at Lots 1, 2 and 3 DP 1035379 and Lots 41 and 42 DP 1150370 at 65 Albert Avenue, Chatswood.

I, the Acting Director, Metropolitan Delivery (CBD) 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 permit “shop top housing” as an additional permitted use, amend the height of building and floor space ratio controls, and introduce other site specific controls for the “Mandarin Centre” site located at Lots 1, 2 and 3 DP 1035379 and Lots 41 and 42 DP 1150370, 65 Albert Avenue, Chatswood should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to ensure that it reflects the outcomes of the Report to Council and Resolution of Council on the planning proposal dated 5 May 2014.
2. Council is to satisfactorily address the impacts of the proposal on traffic and parking, seeking comment from Roads and Maritime Services on this matter. The planning proposal is to be updated accordingly for exhibition purposes.
3. Prior to undertaking public exhibition, Council is to update the planning proposal to include a Site Identification Map, and Height of Building, Floor Space Ratio, and Special Provisions Area maps, which clearly show both the existing and proposed controls for the site. A Land Acquisition Reservation Map is also to be included, which shows the proposed 3 metre wide strip of land along the Albert Avenue frontage of the site, known as 65 Albert Avenue, for local road widening purposes.

These maps should be prepared in accordance with the Department’s *Standard Technical Requirements for LEP Maps (Department of Planning and Environment 2013)*.

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act:
  - Office of Environment and Heritage
  - Transport for NSW – Sydney Trains
  - Transport for NSW – Roads and Maritime Services
  - Department of Education and Communities

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.

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 from these public authorities, and copies of all submissions must be included with the revised proposal.

5. Prior to proceeding to public exhibition, the planning proposal is to be revised to reflect the above conditions and a copy provided to the Director, Metropolitan Delivery (CBD) prior to community consultation under section 56(2)(c) and section 57 of the Act.
6. 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)*.
7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 12 day of August 2014.



**James Matthews**  
**Acting Director**  
**Metropolitan Delivery (CBD)**  
**Housing, Growth and Economics**

**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:

Number	Name
PP_2014_WILLO_004_00	Planning proposal to permit "shop top housing" on the "Mandarin Centre" site, located at Lots 1, 2 and 3 DP 1035379 and Lots 41 and 42 DP 1150370 at 65 Albert Avenue, 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 12 August 2014

  
**James Matthews**  
**Acting Director**  
**Metropolitan Delivery (CBD)**  
**Housing, Growth and Economics**

**Delegate of the Minister for Planning**