



Gateway Determination

Planning proposal (Department Ref: PP_2020_WILLO_001_00):

I, the Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Willoughby Local Environmental Plan (LEP) 2012* at 65 Albert Avenue, Chatswood to:

- Increase the maximum building height to RL 192.9 AHD.
- Increase the maximum floor space ratio to 11.11:1.
- Include a minimum commercial floor space ratio of 7.68:1.
- Include shop-top housing as an additional permitted use.
- Amend Clause 4.3(A) Exceptions to building height.
- Amend the Special Provisions Area map.

Has been recommended to proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be updated to include:
 - a) An updated project timeline.
 - b) Updated draft LEP mapping to Department standard.
 - c) Include assessment of the proposal against the priorities and actions of the endorsed Willoughby Local Strategic Planning Statement.
 - d) Solar access protections to Chatswood Oval between 11am-2pm are to remain as an amendment to Clause 4.3A, not a local provision.
 - e) The removal of solar access protections to Chatswood Park from Clause 4.3(A)8.
 - f) The preparation of a visual impact assessment, specifically from the residences of the 'Sebel' building directly to the north of the site, to the Department's satisfaction.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Transport for NSW
- Transport for NSW (Roads and Maritime Branch)
- Ausgrid
- Sydney Water
- NSW Department of Education
- NSW Department of Health
- Civil Aviation Safety Authority

Each public authority/organisation 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.

4. 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 Act. This does not discharge the Panel from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

Dated 9 June 2020



Malcolm McDonald
Executive Director
Eastern Harbour City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces