

Ms Debra Just
General Manager
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

Dear Ms Just

Planning proposal [PP_2018_WILLO_003_00] to amend Willoughby Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to list new heritage items and amend an existing heritage item.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to consideration being given to finalising the plan.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority as Council has not demonstrated that all landowners are supportive of the proposed heritage listings.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Lawren Drummond assist you. Ms Drummond can be contacted on 9274 6185.

Yours sincerely



Amanda Harvey 22/10/18
**Director, Sydney Region East
Planning Services**

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2018_WILLO_003_00): to list new local heritage items and amend an existing heritage item.

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Willoughby Local Environmental Plan (LEP) 2012 to list new local heritage items and amend the status of an existing heritage item should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) include the proposed map amendments to Willoughby LEP 2012 Heritage Maps and Dual Occupancy Restriction Maps;
 - (b) update the objectives and intended outcomes of the planning proposal to reflect the intention to restrict the development of dual occupancy on several of the sites; and
 - (c) update the project timeline.
2. Consultation is required with the landowners during community exhibition.
3. 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Office of Environment and Heritage; and
 - The NSW Rural Fire Service.

Note: In accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the NSW Rural Fire Service prior to community consultation, and if necessary, amend the planning proposal accordingly.

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 3.34(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).
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated *22nd* day of *October* 2018.



Amanda Harvey
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission