



Office of the Director General

Dr John Roseth
Chair
Sydney East Joint Regional Planning Panel
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Our ref: PP_2012_WILLO_002_00 (10/20811)

Dear Dr Roseth,

Planning proposal to amend Willoughby Local Environmental Plan 2012

I am writing in response to your request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal for land at 126 Greville Street and 23-25 Millwood Avenue, Chatswood, which seeks to rezone part of the land to E2 Environmental Conservation and R3 Medium Density Residential, apply a maximum floor space ratio of 0.45:1, minimum lot size of 220sqm and maximum building height to 12m for part of the land, apply special provisions, including a cap that no more than 60 dwellings is allowed to be developed on the site and permit additional uses.

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

Requirements concerning the remediation of contaminated lands are covered under State Environmental Planning Policy (SEPP) 55 – Remediation of Land. The planning proposal should be amended to remove the proposed special provision which requires undertaking investigations for contaminated lands. Development for the purposes of bush fire hazard reduction works are covered under SEPP Infrastructure, therefore the condition to permit works within an asset protection zone is also to be removed from the planning proposal.

I understand that the planning proposal was heard at the Sydney East Joint Regional Planning Panel (JRPP) meeting on 4 December 2012, where it was resolved that the planning proposal and supporting material, including the draft development control plan would be forwarded to a meeting of the JRPP, prior to public exhibition. The department does not object to this arrangement.

I also understand that the JRPP and the proponent have now agreed to exclude 23 Millwood Avenue and part of 25 Millwood Avenue, Chatswood from the planning proposal. The planning proposal and associated maps should be amended to remove reference to land at 23 Millwood Avenue and part of 25 Millwood Avenue, Chatswood.

I have agreed that the planning proposal's inconsistency with S117 Direction 6.3 Site Specific Provisions is of minor significance. No further approval is required in relation to this Direction.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. The exhibition of the planning proposal should commence as soon as possible and the request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW 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 s54(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 Megan Hollingsworth, A/Team Leader in Sydney Region East at the Department of Planning and Infrastructure on 02 9228 6111.

Yours sincerely,


Sam Haddad
Director General

15/2/2013.

Gateway Determination

Planning proposal (Department Ref: PP_2012_WILLO_002_00): to facilitate the development of medium density housing on land at Chatswood.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to Willoughby Local Environmental Plan (LEP) 2012 for land at 126 Greville Street and 23-25 Millwood Avenue, Chatswood, which seeks to rezone part of the land to E2 Environmental Conservation and R3 Medium Density Residential, apply a maximum floor space ratio of 0.45:1, minimum lot size of 220sqm and maximum building height to 12m for part of the land, apply special provisions, including a cap that no more than 60 dwellings is allowed to be developed on the site and permit additional uses should proceed subject to the following conditions:

1. Requirements concerning the remediation of contaminated lands are covered under State Environmental Planning Policy (SEPP) 55 – Remediation of Land. The proposed special provision which requires undertaking investigations for contaminated lands should be removed from the planning proposal. The relevant planning authority is to ensure that the planning proposal satisfies the requirements of SEPP 55. If required, an initial site contamination investigation report is to be prepared to demonstrate that the site is suitable for rezoning to the proposed zone and placed on public exhibition. Development for the purposes of bush fire hazard reduction works are covered under SEPP Infrastructure, therefore the condition to permit works within an asset protection zone is also to be removed from the planning proposal. The planning proposal should be amended to explain its relationship with SEPP 55 and SEPP Infrastructure.
2. Prior to commencing public exhibition, the planning proposal is to be amended to:
 - (a) remove Lot 137 DP 14799, being 23 Millwood Avenue, and Lot 138 DP 14799, being part of 25 Millwood Avenue, Chatswood, as it no longer applies to the planning proposal. The planning proposal is to clearly advise that the 60 dwelling cap only applies to 126 Greville Street and part of 25 Millwood Avenue, Chatswood being Lot 1 DP408490. All maps accompanying the planning proposal should clearly identify the subject land and clearly illustrate the changes proposed;
 - (b) zone the triangular land parcel in the north-west corner of the site to E2 Environmental Conservation and align the zoning boundary to follow the surveyed ecological boundary line shown on the survey plan by Danny Linker, Issue D, dated 30 November 2012;
 - (c) include existing and proposed land zoning, floor space ratio, height of buildings and lot size maps under Willoughby LEP 2012 at an appropriate scale, which clearly identify the subject land; and
 - (d) include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
3. A draft Development Control Plan is to be prepared, in consultation with Willoughby Council, which is to be placed on public exhibition with the planning proposal.



4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
- (a) the planning proposal must be made publicly available for **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 Infrastructure 2012).
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
- Office of Environment and Heritage – NSW National Parks and Wildlife Service
 - NSW Rural Fire Service
 - Transport for NSW – Roads and Maritime Service
 - Department of Primary Industries – Office of Water
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
6. 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 the regional planning authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 15th day of February 2013.

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Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure