

Gateway Determination

Planning proposal (Department Ref: PP_2019_WILLO_002_00): to amend the Willoughby Local Environmental Plan (LEP) 2012 to rezone land at 1-31 Walter Street and 452-462 Willoughby Road, Willoughby.

I, the Acting Executive Director, 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 the Willoughby Local Environmental Plan (LEP) 2012 for land at:

- 1-31 Walter Street and 452-462 Willoughby Road, Willoughby to:
 - rezone the land from R3 Medium Density Residential to R4 High Density Residential;
 - increase the floor space ratio (FSR) from 0.9:1 to 1.5:1;
- 452-462 Willoughby Road, Willoughby to:
 - increase the maximum height of buildings from 12m to 17m;
- 3-13A Walter Street, Willoughby to:
 - increase the maximum height of buildings from 12m to 24m;
- 15-31 Walter Street, Willoughby to: and
 - increase the maximum height of buildings from 12m to 27m;

should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to:
 - (a) address North District Planning Priority N5 – providing housing supply, choice, and affordability, with access to jobs, services, and public transport;
 - (b) consider removing the proposed amendments to Clause 6.10 from the planning proposal relating to minimum lot sizes and address this within a site-specific DCP requirement relating to preferred lot sizes or amalgamation patterns;
 - (c) reconsider the amendments to Clause 6.8 (Affordable Housing) to ensure that affordable housing is included within the maximum FSR. If considered necessary, prepare a plain English explanation of the proposal's intentions for public exhibition;
 - (d) update the proposed LEP maps to Department standard;
 - (e) update overshadowing diagrams to demonstrate that development in accordance with the proposal can achieve Willoughby Council's DCP minimum solar access outcomes to the primary living areas and of existing properties to the south of the site along Walter Street;

- (f) update the project timeline.
2. Community consultation 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;
 - (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 identified in section 5.5.3 of *A guide to preparing local environmental plans* (Department of planning and environment 2016); and
 - (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition.
3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
- NSW Department of Transport (former Transport for NSW and Roads and Maritime Services) in relation to the adjoining land zoned SP2 Infrastructure and land reserved for acquisition;
 - Sydney Water; and
 - Ausgrid.

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.

4. A public hearing is not required to be held into this 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 to reclassify land).
5. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.

Dated 14th day of February 2020.



Amanda Harvey

**A/ Executive Director
Eastern Harbour City
Greater Sydney Place, Design, and
Public Spaces**

**Delegate of the Minister for Planning
and Public Spaces**

