



Gateway Determination

Planning proposal (Department Ref: PP_2019_WILLO_001_00) for the site at 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood to:

- rezone the site from R2 Low Density Residential to R4 High Density Residential;
- rezone the adjoining roadway in Bowen Street from R2 Low Density Residential to R3 Medium Residential;
- increase the maximum floor space ratio control from 0.4:1 to 2.5:1;
- increase the maximum height of building from 8.5 metres to 30 metres;
- amend the minimum subdivision lot size from 550m² to 6,000m² by removing the site from the lot size map and inserting an additional clause under Clause 6.10;
- amend the special provisions area map to include the site in Area 9 (affordable housing) and Area 12 (design excellence);
- amend clause 6.8(2) to include Area 9 on the special provisions area map;
- amend clause 3.8(7) 'affordable housing' to include reference to Area 3 and Area 9; and
- introduce a Design Excellence Clause 6.24.

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 2012* should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to include:
 - (a) An updated project timeline.
 - (b) Updated draft LEP mapping to Department standard.
 - (c) Include an assessment of the proposal against the relevant priorities and actions of the now endorsed Willoughby Local Strategic Planning Statement.
 - (d) Update the proposal to include the revised building height of 25m as presented in 'Option 2' of the built form massing submission.
 - (e) Prepare updated shadow diagrams to show the extent of the overshadowing impact to 1 Bowen Street between 9am-3pm during mid-winter at 30-minute intervals.

- (f) Update the proposal to remove the objective 'high quality residential development that the proponent is committed to developing'.
 - (g) Update the proposal to address Council's concerns regarding the proposed shared zone along Bowen Street.
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 (Roads and Maritime Branch)
 - NSW Department of Health
 - NSW Department of Education
 - NSW Department of Premier and Cabinet (Heritage branch)
 - Sydney Water Corporation
 - Ausgrid

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 Council 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

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

Dated 13th day of May 2020.



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

Delegate of the Minister for Planning
and Public Spaces