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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND ENVIRONMENT

Growth Planning

PP-2014-WILLO-003-00 - GATEWAY DETERMINATION

PURPOSE

- The attached gateway determination and letter is submitted for the Director's signature.

RECOMMENDATION

- It is RECOMMENDED that the Director:
 - **notes** the planning proposal (**Tag A**) and the Planning Team Report (**Tag B**); and
 - **signs** the attached gateway determination and letter.

CURRENT POSITION

- The planning proposal seeks to allow for the redevelopment of a consolidated site located at 654-659 Pacific Highway, 658-666 Pacific Highway, 1 Freeman Road and 2A Oliver Road, Chatswood, for the purpose of a mixed use development by increasing height and floor space ratio.
- Willoughby Council has requested a gateway determination for the planning proposal under section 56 of the *Environmental Planning and Assessment Act, 1979*.

Contact Officer: Lee McCourt
Growth Planning
Phone: 02 8575 4129

 18/7/14
Team Leader, Metropolitan Delivery

 18/7/14
Director, Metropolitan Delivery (CBD)
Growth Planning



14/11881

Mr Nick Tobin
General Manager
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

Dear Mr Tobin

Planning proposal to amend Willoughby Council Local Environmental Plan 2012

I am writing in response to Council's letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act, 1979* in respect of the planning proposal for 654-659 Pacific Highway, 658-666 Pacific Highway, 1 Freeman Road and 2A Oliver Road, Chatswood, to introduce an incentives clause for the site, which will allow an FSR to 3.2:1 and building height of 24 metres.

As delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached gateway determination.

In October 2012, the previous Minister delegated plan making powers to councils. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the gateway determination. Council should aim to commence exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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 Minister may take action under section 54(2) (d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Belinda Morrow of the Metropolitan Delivery (CBD) branch on 02 8575 4124.

Yours sincerely,


Lee Mulvey
Director
Metropolitan Delivery (CBD)
Growth Planning
18/7/14

Gateway Determination

Planning proposal (Department Ref: PP_2014_WILLO_003_00): to allow for a mixed use development at 654-659 Pacific Highway, 658-666 Pacific Highway, 1 Freeman Road and 2A Oliver Road, Chatswood.

I, the Director, Metropolitan Delivery (CBD) at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* that an amendment to the Willoughby Local Environmental Plan (LEP) 2012 to include incentives clause for the site, which will allow an FSR to 3.2:1 and building height of 24 metres, should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council should amend the planning proposal to include maps that clearly illustrate the existing and proposed special area provisions, height of buildings, and floor space ratio for the consolidated site.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **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 Environment 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act, or organisations; Transport for NSW and Roads and Maritime Services.

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 56(2)(e) of the EP&A 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).



Planning & Environment

5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 18 day of July 2014.

Lee
Lee Mulvey
Director
Metropolitan Delivery (CBD)
Growth Planning

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Willoughby Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_WILLO_003_00	Planning proposal to amend the Willoughby LEP 2012 to include incentives clause, which will allow for an FSR to 3.2:1 and building height of 24 metres for 654-659 Pacific Highway, 658-666 Pacific Highway, 1 Freeman Road and 2A Oliver Road, Chatswood.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 18 July 2014

A handwritten signature in blue ink, appearing to read "Lee", with a long horizontal stroke extending to the right.

Lee Mulvey
Director, Metropolitan Delivery (CBD)
Growth Planning