



Planning,  
Industry &  
Environment

### Gateway Determination

**Planning proposal:** to rezone the site from part R4 High Density Residential and part SP2 Infrastructure to B4 Mixed Use, increasing the maximum height of buildings from 34m to 90m and increasing the maximum floor space ratio from 1.7:1 to 6:1, with a minimum non-residential floor space ratio of 1:1, for land at 753 Pacific Highway and 15 Ellis Street, Chatswood.

I, the Director, North District 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 to facilitate a mixed use development at 753 Pacific Highway and 15 Ellis Street, Chatswood should proceed subject to the following conditions:

1. The planning proposal is to be uploaded to the NSW Planning Portal within 14 days of the Gateway determination.
2. Prior to the commencement of public exhibition the following updates should be made to the planning proposal.
  - a. The explanation of provisions is to be updated to ensure that the amendments requested are consistent between all documentation forwarded to the Department.
  - b. The explanation of provisions is to be updated to reflect the Department's supported height limit of 60m.
  - c. All proposed LEP Maps are to be updated prior to the commencement of public exhibition to meet the requirements of standard instrument mapping.
  - d. The proposed Height of Buildings Map is to be updated to reflect the Department's supported height limit of 60m.
  - e. The proposed Special Provisions Map is to be updated prior to public exhibition to clearly demonstrate the "Areas" applicable to the site.
  - f. Removal of duplicate clauses 6.8 and clause 6.24 relating to affordable housing and design excellence as planning proposal PP\_2019\_WILLO\_002\_00 includes these clauses and has been submitted to the Department for finalisation.
  - g. Include a project timeline as required by the Department's publication "A guide to preparing planning proposals".
  - h. Council should consider whether the planning proposal is likely to impact upon significant regional or district views for neighbouring properties and if a view sharing analysis should be prepared to support the proposal during exhibition.

- i. The planning proposal is to be updated to address section 9.1 Direction 2.6 Remediation of Contaminated Land

3. Prior to public exhibition Council must resolve any inconsistencies with Section 9.1 Direction 6.2 Reserving Land for Public Purposes. Consultation is to be undertaken with Transport for NSW and should seek to confirm its position in relation to the requirement for acquisition and proposed deletion of this requirement from the parcel of land fronting the Pacific Highway that is identified for future road widening.

Evidence of this consultation and subsequent actions must be resubmitted to the Secretary of the Department for approval to comply with the direction.

4. 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).
5. 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
  - Ausgrid
  - Sydney Water Corporation
  - NSW Department of Education
  - NSW Department of Health
  - Sydney Airport Corporation.

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.

6. 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).
7. 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:

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- (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.
8. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.
- a. The public exhibition of the proposal is to occur within 2 months of receipt of the Gateway determination
  - b. The proposal must be reported back to Council within 5 months of the receipt of the Gateway determination.

Dated 15th day of February 2021



**Brendan Metcalfe**  
**Director, North District**  
**Eastern Harbour City**  
**Department of Planning, Industry and Environment**

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

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