

Gateway Determination

Planning proposal (58 Anderson Street, Chatswood): to amend the Willoughby LEP 2012 as it applies to 58 Anderson Street, Chatswood by rezoning the land from R2 Low Density Residential to B4 Mixed Use, increase the maximum height of buildings from 8.5m to 53m, increase the maximum floor space ratio from 0.4:1 to 4:1 and include the site on the Active Street Frontages Map and Special Provisions Map

I, the Acting 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 should proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be updated to include:
 - a. a project timeline based on the issuing of this Gateway determination;
 - b. existing maximum height of buildings, maximum floor space ratio and heritage maps;
 - c. proposed Active Street Frontages Map;
 - d. a proposed Special Provisions Area Map to refer to the site as:
 - i. Area 8' to refer to Clause 5.6 Architectural roof features;
 - ii. 'Area 9' to refer to a Clause 6.8 Affordable Housing;
 - iii. 'Area 11' to refer to Clause 6.23 Minimum commercial floor space within the Mixed-Use zone; and
 - iv. 'Area 12' to refer to Clause 6.24 Design Excellence;
 - e. proposed mapping to show the site on the:
 - i. maximum HOB map as area 'Y';
 - ii. maximum FSR map as area 'X';
 - f. reference to map sheet 003 in lieu of map sheet 004 for the proposed maps;
 - g. removal of material discussing:
 - i. A Plan for Growing Sydney and Draft Greater Sydney Region Plan;
 - ii. Revised Draft North District Plan and refer to the North District Plan; and
 - iii. NSW Long Term Transport Master Plan 2012 and address the Future Transport Strategy 2056;

- h. removal of Council material discussing clauses 6.24 and 6.8 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;
 - i. address consistency with Willoughby Council's Local Strategic Planning Statement and Local Housing Strategy;
 - j. address Ministerial Directions:
 - i. 2.3 Heritage Conservation;
 - ii. 2.6 Remediation of Contaminated Land; and
 - iii. 6.3 Site Specific Provisions;
 - k. address SEPP (Affordable Rental Housing) 2009;
 - l. a revised assessment against SEPP (Infrastructure) 2007 as the site is within 25m of a railway corridor zoned SP2 Infrastructure (Railway);
2. Prior to finalisation Council is to consider whether the minimum 1:1 commercial FSR component for this site is necessary, given the significant constraints in achieving a reasonable podium and access arrangement due to the small lot size.
3. 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).
4. 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; and
 - Sydney Water.

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.

5. 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, if reclassifying land).

6. 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.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 22 January 2021



Luke Downend
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Greater Sydney, Place and Infrastructure
Department of Planning, Industry and Environment
Delegate of the Minister for Planning and Public Spaces