

Gateway Determination

Planning proposal (Department Ref: PP-2021-2470): to rezone land from B5 Business Development to B4 Mixed Use, increase the height of buildings from 20m to 90m, and increase the maximum floor space ratio from 2.5:1 to 6:1 for land at 629-639 Pacific Highway, Chatswood; and include design excellence, minimum lot size, minimum commercial FSR and affordable housing provisions under Willoughby LEP 2012.

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 should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated as follows:
 - a. provide a plain English explanation for the proposed controls to apply to the site rather than specific clauses
 - b. remove reference to incentives clause and clarify the minimum lot size provision to apply to the site.
 - c. remove references to the B5 zone being retained as part of the proposal.
 - d. remove the introduction of design excellence clause and the amendment of affordable housing clause as these LEP amendments have recently been made. Any reference in the planning proposal to Design Excellence Provisions should refer to Clause 6.23 Design excellence which has been inserted in the LEP.
 - e. Amend the Special Provisions Map (Sheet SPA_004) to:
 - i. include the site and all corresponding clauses that will apply to it. ('Area 9'- Affordable Housing, 'Area 11'- Minimum Commercial Floor space and 'Area 12'- Design Excellence); and.
 - ii. for the purposes of exhibition, the legend should reference the proposed control that would apply, not only the specified clause.
 - f. Update the objectives to include the proposal's consistency with Willoughby Council's Local Strategic Planning Statement and draft Local Housing Strategy.
 - g. Note the Chatswood CBD Strategy's status as endorsed by the Department and adopted by Council.
 - h. Include an assessment against s9.1 Ministerial directions:
 - i. 2.6 Remediation of contaminated land
 - ii. 3.5 Development Near Regulated Airports and Defence Airfields

- iii. 4.1 Acid sulfate soils
 - i. Delete references/discussion related to 'revoked s 9.1 Directions:
 - i. 3.3 Home Occupations
 - ii. 7.1 Implementation of A Plan for Growing Sydney.
 - j. Provide an estimated number of jobs based on the updated concept design
 - k. Address ADG building separation, amenity and privacy impacts to existing and future residential development adjacent to the south.
 - l. Include an updated project timeline based on this Gateway determination.
- 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:
 - Transport for NSW
 - Ausgrid
 - Sydney Water
 - NSW Department of Education
 - NSW Department of Health.

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

Dated 12th day of April 2021.



Brendan Metcalfe
Director, North District
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces