

Gateway Determination

Planning proposal (Department Ref: PP-2021-2473): to amend the Willoughby LEP 2012 as it applies to 815 Pacific Highway and 15 Help Street, Chatswood to increase the maximum permitted building height, amend floor space ratio controls, prohibit serviced apartments in the B3 Commercial Core zone and amend other associated provisions.

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. in the objectives and intended outcomes section provide additional information regarding:
 - i. consistency with the Chatswood CBD Strategy, including the proposed amendments to the B3 Commercial Core land use table and repeal of clause 6.12;
 - ii. consistency with Willoughby Council's endorsed Local Strategic Planning Statement (LSPS);
 - iii. consistency with the character of the adjoining area;
 - iv. Chatswood's significance as a Strategic Centre in the North District Plan; and
 - v. how the proposal will facilitate the delivery of a development to help Council achieve its medium and long term jobs targets and provide an estimate of employment/jobs to be provided.
 - b. provide a plain English explanation for the proposed controls to apply to the site rather than specific clauses.
 - c. remove the introduction of design excellence clause as this LEP amendment has 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.
 - d. amend the Special Provisions Map to:
 - i. include the site and all corresponding clauses that will apply to it. ('Area 8'- Architectural roof features 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.

- e. include existing Active Street Frontages and Special Provisions Maps;
 - f. amend mapping to refer to the relevant area and replace 'Area X' with the intended nominated alphabetical indicator on the:
 - i. maximum HOB;
 - ii. maximum FSR map; and
 - iii. lot size LZS map;
 - g. update all references to refer to the North District Plan, not the draft plan and to address all the relevant priorities;
 - h. include an assessment of the proposal against the priorities and actions of the endorsed Willoughby Local Strategic Planning Statement;
 - i. provide an updated assessment against s9.1 Ministerial Directions:
 - i. 2.6 Remediation of Contaminated Land;
 - ii. 3.5 Development Near Regulated Airports and Defence Airfields including the revision of the name of the Direction; and
 - iii. 6.3 Site Specific Provisions;
 - j. a revised assessment of SEPP (Infrastructure) 2007 as the site is adjacent to the State classified Pacific Highway zoned SP2 Infrastructure (Classified Road);
 - k. update Willoughby LEP 2012 Clause 4.3A(8) to be consistent with the recommendations of the now finalised Chatswood CBD Strategy regarding solar access protection to key public open spaces during 12pm-2pm during mid-winter; and
 - l. include a project timeline based on the issuing of 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/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

- Department of Infrastructure, Transport Regional Development and Cities (DITRDC).
- Civil Aviation Safety Authority (CASA);
- Air Services Australia; and
- Sydney Airport Corporation Limited (SACL).

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, 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 30 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