

Gateway Determination

Planning proposal (Department Ref: PP_2021_2923): to amend the Willoughby LEP 2012 as it applies to 613-627 Pacific Highway, Chatswood by rezoning the site from B5 Business Development to B4 Mixed Use, increasing the maximum height of buildings from 20m to 90m, increasing the floor space ratio from 2.5:1 to 6:1, including a minimum non-residential floor space ratio of 1:1 and identifying the site on the Special Provisions Area map to apply affordable housing provisions.

I, the Director 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 for land known as 613-627 Pacific Highway, Chatswood should proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be updated to:
 - (a) Clarify number of dwellings and include the approximate number of jobs based on the concept design;
 - (b) provide existing mapping including:
 - i. Land zoning map;
 - ii. Maximum height of buildings map;
 - iii. Floor space ratio map;
 - iv. Active Street Frontages;
 - v. Special Provisions Map; and
 - vi. Lot Size Map.
 - (c) provide a proposed Special Provisions Area Map to refer to the intended clauses for the site such as:
 - i. Clause 5.6 Architectural roof features;
 - ii. Clause 6.8 Affordable housing; and
 - iii. Clause 6.23 Design Excellence.
 - (d) provide amended proposed mapping relating to:
 - i. Lot Size Map to indicate a minimum lot size of 1,800m²; and
 - ii. Active Street Frontages Map to add the Pacific Highway and Nelson Street.
 - (e) incorporate the proposed changes outlined in the Council resolution including that the site will be subject to the following clauses:
 - i. Clause 5.6 Architectural roof features;
 - ii. Clause 6.7 Active street frontages;

- iii. Clause 6.8 Affordable Housing; and
 - iv. Clause 6.10 Minimum lot sizes;
 - (f) introduce the following provisions and provide a Plain English explanation for the inclusion of these provisions:
 - i. clause 6.25 Sun access to apply to land zoned B3 Commercial Core and B4 Mixed Use zones; and
 - ii. clause 4.4B minimum non-residential floor space in the Mixed Use zone;
 - iii. subclause to amend Schedule 1 Additional permitted uses to add 'Use of certain B4 land in Chatswood';
 - (g) address all relevant priorities relating to the North District Plan;
 - (h) include an assessment of the proposal against the relevant priorities and actions of the Council endorsed Willoughby Local Housing Strategy;
 - (i) include an assessment of SEPP (Affordable Rental Housing) 2009 and remove the duplicate entry referring to SEPP (Affordable Rental Housing) on page 31;
 - (j) remove reference the repealed SEPP No. 1 Development Standards;
 - (k) remove the reference to 7.1 Implementation of A Plan for Growing Sydney (revoked 2020) and provide an assessment against the relevant Section 9.1 Ministerial Directions:
 - i. 2.6 Remediation of contaminated land; and
 - ii. 3.5 Development Near Regulated Airports and Defence Airfields;
 - (l) include an updated assessment of Section 9.1 Ministerial Direction 6.2 Reserving Land for Public Purposes as it does not apply to this land;
 - (m) provide a noise impact assessment to ensure levels comply with SEPP (Infrastructure) 2007 Clause 87(3) due to the site's proximity to the Pacific Highway and the North Shore rail corridor.
 - (n) consideration as to 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;
 - (o) include a project timeline based on the Gateway determination date.
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 Regional Development and Cities (DIRDC);
- Airservices 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 planning proposal must be exhibited **3** months from the date of the Gateway determination.
7. The planning proposal must be reported to council for a final recommendation **6** months from the date of the Gateway determination.
8. The time frame for completing the LEP is to be **9** months following the date of the Gateway determination.

Dated 8th day of October 2021.



Brendan Metcalfe

**Director North District
Greater Sydney Place, Design, and Public Spaces
Delegate of the Minister for Planning and Public
Spaces**