

Gateway Determination

Planning proposal (Department Ref: PP-2021-3476): to amend the Willoughby LEP 2012 as it applies to 44-52 Anderson Street, Chatswood by rezoning the land from R3 Medium Density Residential to B4 Mixed Use, increase the maximum height of buildings from 12m to 90m, increase the FSR from 0.9:1 to 6:1 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 proposal is to be updated as follows:
 - (a) in the objectives and intended outcomes section, provide a plain English explanation of the outcome that is intended to be achieved on the site including the type and scale of development expected on the site and the number of storeys, jobs and dwellings.
 - (b) Update mapping for the proposal to include:
 - i. existing Active Street Frontages, Special Provisions Area and Lot Size Maps;
 - ii. proposed Active Street Frontages Map to add Day Street, O'Brien Street and Anderson Street;
 - iii. proposed Lot Size Map to indicate a minimum lot size of 2,500 sqm;
 - iv. proposed Special Provisions Area Map to include the site and the corresponding clauses that will apply to it ('Area 8' – Affordable housing and-Architectural roof features). For the purposes of the exhibition, the legend should also indicate/reference the proposed control to apply rather than the specific clause.
 - (c) 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 6.8 Affordable housing;
 - iii. Clause 6.10 Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings to include development controls for shop top housing;
 - iv. Clause 6.23 Design excellence for certain sites at Willoughby;
 - v. Clause 6.24 Minimum commercial floor space within the Mixed Use zone.

- (d) include an assessment of the proposal against the relevant priorities and actions of the Council endorsed Willoughby Local Housing Strategy and remove references to the 'draft' version;
 - (e) remove reference to the following repealed SEPPs:
 - i. SEPP 1 Development Standards;
 - ii. SEPP (Concurrence - Land Application) 2018; and
 - iii. SEPP (Miscellaneous Consent Provisions) 2007.
 - (f) ensure all relevant Section 9.1 Ministerial Directions are addressed and remove references to the following Directions:
 - i. 3.3 Home Occupations;
 - ii. 5.1 Implementation of Regional Strategies;
 - iii. 5.5 Development in the vicinity of Ettalong, Paxton and Millfield;
 - iv. 5.6 Sydney to Canberra Corridor;
 - v. 5.8 Second Sydney Airport: Badgerys Creek;
 - vi. 7.1 Implementation of A Plan for Growing Sydney; and
 - vii. 7.2 Implementation of Greater Macarthur Land Release Investigation;
 - (g) address any overshadowing of surrounding properties and provide further analysis of the extent of overshadowing to properties in the vicinity of the site.
 - (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) 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 Corporation;

- NSW Department Education;
- NSW Department Health;
- Commonwealth Department of Transport, Infrastructure, Regional Development and Communications (DTIRDC);
- Civil Aviation Safety Authority (CASA); 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, in response to 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 16th day of September 2021

Brendan Metcalfe
Director North District
Greater Sydney Place, Design, and Public Spaces

Delegate of the Minister for Planning and Public Spaces