

Gateway Determination

Planning proposal (Department Ref: PP-2021-5395): to amend the Willoughby LEP 2012 as it applies to 100 Edinburgh Road, Castlecrag by increasing the maximum height of buildings, increase the maximum FSR and amend other associated provisions including an additional permitted use for residential flat buildings, a minimum floor space requirement for non-residential development and exceptions to height of buildings.

I, the Director, North District at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 to increase height of buildings and maximum floor space ratio and amend other associated provisions should proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be updated and resubmitted for endorsement by the Department prior to public exhibition addressing the following:
 - (a) provide clarification as to what is proposed on the land zoned RE1 Public Recreation.
 - (b) in the objectives and intended outcomes section, provide a plain English explanation of the outcome that is intended to be achieved including the type and scale of development expected on the site and the number of storeys, jobs and dwellings.
 - (c) provide a clear explanation of the provisions sought to be amended by the planning proposal and incorporate the proposed changes outlined in the Council resolution.
 - (d) the additional permitted use of residential flat building for land at 100 Edinburgh Road Castlecrag should be limited only to the B1 Neighbourhood Centre zoned land on Lot 11, DP611594.
 - (e) provide discussion on the relationship with the draft exhibited Willoughby Comprehensive Local Environmental Plan planning proposal and clarify updates to the draft controls in the planning proposal.
 - (f) update the 9.1 Ministerial Directions to refer to the most recently issued directions (1 March 2022) and as follows:
 - a. remove reference to revoked former Direction 7.1 Implementation of a Plan for Growing Sydney;
 - b. address all relevant directions including the following:
 - i. 4.4 Remediation of Contaminated Land;
 - ii. 4.5 Acid and Sulfate Soils as the site is within a 500m buffer zone of an area classified as "Class 2"; and
 - iii. 5.2 Reserving Land for a public purpose

- c. provide further justification for the inconsistency with:
 - i. 1.4 Site Specific Provisions as the increased height and FSR are to be provided by site-specific provisions; and
 - ii. 7.1 Business and Industrial Zones as the employment floorspace is to be reduced by approximately 812m².
 - (g) for the SEPPs:
 - a. address the following consolidated SEPPs:
 - i. SEPP (Housing) 2021
 - ii. SEPP (Biodiversity and Conservation) 2021;
 - iii. SEPP (Resilience and Hazards) 2021; and
 - iv. SEPP (Transportation and Infrastructure) 2021;
 - b. remove reference to the following repealed SEPPs and SREP:
 - i. SEPP (Affordable Rental Housing) 2009;
 - ii. SEPP 70 – Affordable Housing (Revised Schemes); and
 - iii. SEPP (Housing for Seniors or People with a Disability) 2004.
 - iv. SEPP 19 – Bushland in Urban Areas;
 - v. SREP (Sydney Harbour Catchment) 2005;
 - vi. SEPP 55 Remediation of Land; and
 - vii. SEPP (Infrastructure) 2007.
 - (h) 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 of these strategies.
 - (i) include an advisory note referencing the Employment Zones Reform Framework and noting the proposed translation of employment zones as it relates to the proposed amendments. Include a table within the planning proposal that clearly demonstrates the information required in the table template for changes within an industrial or business zone for each of the following options:
 - i. the amendment or introduction of a local provision; and
 - ii. Schedule 1 Additional Permitted Uses.
 - (j) update the draft mapping in the spatial viewer for the purposes of exhibition including:
 - i. the provision of a base maximum height of buildings and base maximum FSR maps and reference to clauses 4.3A Exceptions to height of buildings and 4.4A Exceptions to floor space ratio for additional controls; and
 - ii. the existing and proposed Special Provisions Area map to indicate that the land is subject to Clause 6.8 Affordable housing and 6.23 Design excellence for certain sites in Willoughby.
 - (k) remove reference to Clause 6.24 as this clause has been taken up in another planning proposal.
 - (l) 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 Local Environmental Plan Making Guideline (December 2021).
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; and
 - NSW Department Health - Northern Sydney Local Health District (LHD).

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 **9 months** from the date of the Gateway determination.
8. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 13 day of April 2022



Brendan Metcalfe
Director North District
Metro Central and North
Delegate of the Minister for Planning and Homes