

Ms Debra Just  
CEO  
Willoughby City Council  
PO Box 57  
CHATSWOOD NSW 2057

Via email: [email@willoughby.nsw.gov.au](mailto:email@willoughby.nsw.gov.au)

Attention: Norma Shankie-Williams

Dear Ms Just

**Planning proposal PP-2021-5704 to amend Willoughby Local Environmental Plan 2012**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 10 November 2021 in respect of the planning proposal for 9-11 Nelson Street, Chatswood to rezone the site from R3 Medium Density Residential to B4 Mixed Use, increase the maximum height of buildings from 12m to 90m, increase the maximum floor space ratio from 0.9:1 and 6:1 and add and amend various associated clauses and maps.

As delegate of the Minister for Planning and Homes, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 2.6 Remediation of Contaminated Land and 3.5 Development Near Regulated Airports and Defence Airfields. Council should ensure this occurs prior to public exhibition.

It is requested that prior to the submission of future planning proposals, that any updates to the planning proposals made by way of the Council resolution, are incorporated into the planning proposal before it is submitted to the Department on the NSW Planning Portal.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within **9 months** of the date of the Gateway determination. Council should aim to commence the

exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Christina Brooks. Ms Brooks can be contacted on 9274 6045.

Yours sincerely



**28 February 2021**  
**Brendan Metcalfe**  
**Director, North District**  
**Eastern Harbour City**

Encl: Gateway determination  
Authorised plan-making reporting template