

Gateway Determination

Planning proposal (Department Ref: PP-2022-1855): to amend the Willoughby Local Environmental Plan (LEP) 2012 for land at 10 Gordon Street and 15-19 Nelson Street, Chatswood to rezone 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 to 6:1 and apply active street frontage and special provisions area clauses.

I, the Director 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 2012 to rezone the site, increase the maximum height of buildings, increase the floor space ratio and apply various local clauses including active street frontage and special provisions areas should proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be updated to include:
 - (a) provide the draft proposed mapping in the planning proposal:
 - Land Zone map to indicate a proposed B4 Mixed Use zone;
 - Maximum Height of Buildings map to indicate a height of 90m;
 - Maximum FSR map to indicate a FSR of 6:1;
 - Lot Size map to indicate a minimum size of 2,500m²;
 - Active Street Frontage map to add Gordon Avenue, Hammond Lane and Nelson Street;
 - Special Provisions Area map to show that the site will be subject to:
 - clause 6.23 Design excellence at certain sites at Willoughby;
 - clause 6.25 Shoptop housing at certain sites at Chatswood; and
 - clause 6.8 Affordable housing;
 - (b) refer to the revised numbering of all of the 9.1 Ministerial Directions and include an explanation of consistency against 5.3 Development Near Regulated Airports and Defence Airfields;
 - (c) address the State Environmental Planning Policy (Sustainable Buildings) 2022
 - (d) provide cumulative shadow diagrams that combine the building envelope from the amended development standards at 613-627 Pacific Highway, 629-639 Pacific Highway, 9-11 Nelson Street, and 5-9 Gordon Street in conjunction with the subject site;
 - (e) include an advisory note referencing the Employment Zones Reform Framework,
 - 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;
 - (f) provide a project timeframe based on the date of the Gateway determination.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of **20** working 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 Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within **3 months** following the date of the gateway determination.

Any draft contributions plan for 10 Gordon Street and 15-19 Nelson Street should be exhibited at the same time and in the same way as the planning proposal (as far as practicable).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Transport for NSW (TfNSW);
 - Transport for NSW (Sydney Metro);
 - Ausgrid;
 - Sydney Water Corporation;
 - NSW Department of Education including Schools Infrastructure NSW;
 - NSW Department of Health – Northern Sydney Local Health District; and
 - Sydney Airport Corporation Limited (SACL);
 - Airservices Australia; and
 - Department of Transport, Infrastructure, Regional Development and Communications (DTIRDC).

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. The Council as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. The planning proposal must be reported to Council for a final recommendation **6months** from the date of the Gateway determination.

6. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination

Dated 20th day of February 2023.



Brendan Metcalfe
Director, North District
Metro Central and North
Department of Planning and Environment

Delegate of the Minister for Planning and Homes