

Gateway Determination

Planning proposal (Department Ref: PP-2022-822): to amend the Willoughby LEP 2012 for land at 641-655A Pacific Highway, Chatswood to rezone the land and increase the maximum height of buildings, increase the floorspace ratio, introduce a minimum lot size and amend other local planning provisions

I, the Director at the Department of Planning, Housing and Infrastructure, 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 2012 to rezone the land and increase the maximum height of buildings, increase the floorspace ratio, introduce a minimum lot size and amend other local planning provisions should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before **31 January 2025**.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) indicate the number of expected additional dwellings and jobs that will be facilitated by the increase to the planning provisions;
 - (b) provide shadow diagrams indicting the cumulative shadow impact to the proposal and the other approved planning proposals in the vicinity;
 - (c) refer to the new translated zones consistent with the department's Employment Zone Reform throughout the planning proposal and proposed mapping, for example, the B4 Mixed Use zone is now MU1 Mixed Use, B5 Business Development is now E2 Productivity Support. The site was R3 not B3;
 - (d) refer to 'Area 5' on the Special Provisions Area (SPA) map as referring to Clause 6.23 Design excellence instead of 'Area 12';
 - (e) indicate that the site will be subject to:
 - Schedule 1 (27) Use of certain land in Chatswood CBD 'Area 8' to permit development of residential flat buildings provided that the ground floor is used for non-residential purposes and provides at least 17% of GFA for non-residential uses;

- Clause 6.25 Shop top housing in zone MU1 'Area 8'; and
 - Clause 6.16 Minimum lot sizes for commercial and mixed use development in Chatswood CBD;
- (f) provide the following proposed mapping:
- minimum Lot Size Map to show a lot size of 5,500m²;
 - updated mapping consistent with previously approved planning proposals. For example, all surrounding sites have affordable housing contribution rates applied and the site at 10 Gordon Avenue and 15-19 Nelson Street has been approved to rezone the land and increase the planning provisions;
 - Active Street Frontages Map to show the Pacific Highway, Hammond Lane and Gordon Avenue as active street frontages;
 - existing Special Provisions Area map that includes reference to:
 - i. clause 6.16 Minimum lot sizes for commercial and mixed use development in Chatswood CBD 'Area 8' to require a minimum lot size of 1,200m² for mixed use development; and
 - ii. Schedule 1 (27) Use of certain land in Chatswood CBD 'Area 8';
- (g) delivering integrated land use and transport planning and a 30-minute city should be revised to N12 consistent with the North District Plan not N2;
- (h) update the Ministerial Directions to provide an adequate consistency against:
- 4.1 Flooding;
 - 4.4 Remediation of contaminated land; and
 - 5.3 Development Near Regulated Airports and Defence Airfields;
- (i) provide an updated consistency against the following SEPPs:
- SEPP (Housing) 2021 and remove reference to SEPP No 65 Design Quality of Residential Apartment Development; and
 - SEPP (Sustainable Buildings) 2022 and remove reference to SEPP (Building Sustainability Index: Basix) 2004.
- (j) provide an updated timeline based on the date of the Gateway determination.
2. It is recommended that Council's Part L – Place Based Plans in the Willoughby Development Control Plan be referenced in the planning proposal and exhibited with the planning proposal.
 3. 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 Guideline* (Department of Planning and Environment, August 2023) 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 Guideline* (Department of Planning and Environment, August 2023).
4. 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 Act:
- Transport for NSW;
 - Transport for NSW (Sydney Metro);
 - Ausgrid;
 - Sydney Water Corporation;
 - NSW Department of Education - Schools Infrastructure NSW;
 - NSW Health – Northern Sydney Health District;
 - 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** working days to comment on the proposal.
5. 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 a submission or if reclassifying land).

Dated 15 April 2024



Derryn John
Manager, North District
Metro Central and North
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces