



IRF24/2518

# Gateway determination report – PP-2024-1862

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Willoughby Housekeeping Review 2024

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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# 1 Planning proposal

## 1.1 Overview

Table 1 Planning proposal details

LGA	Willoughby
PPA	Willoughby City Council
NAME	Willoughby Housekeeping Review 2024
NUMBER	PP-2024-1862
LEP TO BE AMENDED	Willoughby Local Environmental Plan 2012
ADDRESS	N/A
DESCRIPTION	N/A
RECEIVED	21/08/2024
FILE NO.	IRF24/2518
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

- The planning proposal contains objectives and intended outcomes that explain the intent of the proposal.
- The objectives of the planning proposal are to amend the Willoughby Local Environmental Plan (WLEP) 2012 to:
- Implement multiple housekeeping amendments to resolve any existing anomalies or inconsistencies including any associated mapping.
  - Update property descriptions to maintain currency and correct existing errors.
  - Make minor mapping amendments to the zoning and controls of specific sites.
  - Clarify the intended interpretation of provisions to address any ambiguity.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Willoughby LEP 2012 per the changes below.

### 1.3.1 Amendment to Gross Floor Area Definition

The planning proposal seeks to amend the Willoughby LEP 2012 to extend the standard definition of *gross floor area* to include the following types of structures within gross floor area calculations:

- Common horizontal circulations such as corridors and breezeways.
- Enclosable weatherproof structures.

Council has proposed this change to reduce ambiguity in relation to floor space calculations and have noted that there have been instances in which applications unduly excluded certain types of areas which are not explicitly included within the existing definition.

The Department notes that the definition change proposed within the planning proposal, contravenes the instructions set out in the LEP practice note PN 11-003 '*Preparing LEPs using the Standard Instrument: definitions*' dated 10 March 2011.

The practice note states the following:

*The Dictionary is a mandatory provision and will be included in its entirety in all LEPs. To maintain consistency in planning language across the State, councils are not able to alter the standard definitions or directly add definitions to the Dictionary.*

The Department recommends the removal of this proposed amendment as a condition of Gateway.

The Department notes that definitions within the Standard Instrument LEP are subject to routine review to ensure that the functionality and clarity of LEPs are optimised. Council's suggested change may be considered in a future update.

### 1.3.2 Dual Occupancy Amendment

The planning proposal seeks to alter Clause 4.1C *Minimum subdivision lot size for dual occupancies* in Willoughby LEP 2012.

An attached dual occupancy is defined as two dwellings which are attached to each other and share one lot of land. A semi-detached dwelling is defined as one dwelling on one lot of land attached to one other dwelling located on a separate lot of land.

The planning proposal notes semi-detached dwellings are classified as a prohibited land use for R2 Low Density Residential and C4 Environmental Living zones. Dual occupancies are permitted with consent in these zones.

The proposed amendment seeks to clarify that Clause 4.1C prevails over any prohibitions against semi-detached dwellings stipulated under any other part of the LEP.

Clause 4.1C of the Willoughby LEP relates to the subdivision process. The Department notes that attached dual occupancies which transition to semi-detached dwellings as a result of the subdivision process, are only considered semi-detached dwellings once the subdivision process has been completed.

While the Department acknowledges the intention for the planning proposal to clarify the permissibility of semi-detached dwellings resulting from the subdivision of R2 and C4 zones, the Department does not consider the amendment proposed to be an appropriate means to provide this clarification.

Specifically, the Department notes that the matters which Council seek to provide clarification on, are only premised by the subdivision process and would not have a direct and consequential effect on the subdivision process itself.

As the proposed changes to Clause 4.1C are not directly relevant to the clause, the Department does not support the proposed change and recommend its removal as a condition of Gateway.

The Department recommends Council consider the permissibility of semi-attached dwellings more broadly and whether the intended outcome of this proposal could be achieved through a more appropriate means, such as amending the zone land use tables. An amendment of this nature could be considered within a separate planning proposal.

### 1.3.3 Amendments to Affordable Housing clause

The planning proposal seeks to alter Clause 6.8 Affordable housing in WLEP 2012 to:

- Remove subclauses under 6.8(1)(d) which identify specific income streams received by or on behalf of Council that are to be used to fund works in relation to affordable housing
- Specify the affordable housing rates for each area under Clause 6.8(2)
- Remove requirements which mandate consideration for the existing mix of residential accommodation within Willoughby
- Replace existing references to the *Willoughby Affordable Housing Principles* with references to the *Willoughby Affordable Housing Scheme*
- Amend subclause 6.8(6) to clarify when a monetary contribution is required.

Council state that the proposed changes would provide greater alignment with terminology adopted by the *Environmental Planning and Assessment Act 1979* (EP&A Act) and would improve the overall clarity of the clause. Council also notes that its preference for provision of affordable housing units over monetary contributions was confirmed in an update of its affordable housing policy adopted by Council on 11 December 2023.

An affordable housing scheme document has not been submitted with the planning proposal. The principles in subclause 6.8(1) might form one component of an affordable housing scheme if deemed appropriate.

The Department is of the view that the current affordable housing contribution rates are clear on the Affordable Housing map and that there is insufficient justification to support the proposed amendments to the existing clause and explain the intended outcome and how potential impacts were considered. The Department recommends the removal of the proposed amendments to clause 6.8 from the planning proposal as a condition of gateway.

Council's affordable housing provisions have been in effect for a number of years. There have been changes to the SEPP and guidelines since the provisions were first adopted. The Department's 'Guideline for Developing an Affordable Housing Contribution Scheme' (2019) provides detailed information to help councils prepare a contribution schemes. Council is encouraged to consider a comprehensive review of its affordable housing provisions with a view to updating them to align with the current Guidelines, including potentially preparing an updated Affordable Housing Contributions Scheme.

### 1.3.4 Active Street Frontage Amendment

The planning proposal seeks to amend Clause 6.7(5)(b) of the Willoughby LEP 2012. The purpose of an active street frontage is to "*promote uses that attract pedestrian traffic along certain ground floor street frontages...*".

Under Clause 6.7(5) a space which is not zoned E2 Commercial Centre can only be considered an active street frontage if it is used as a commercial premises.

The planning proposal states that there may be instances whereby the objectives of an active street frontage are fulfilled by land uses which are neither commercial nor residential. Consequently, the planning proposal seeks to amend Clause 6.7(5)(b) of the LEP to include non-residential premises within the interpretation of active street frontage.

The Department considers the amendments to Clause 6.7(5)(b) to have merit and supports the proposed change.

### 1.3.5 Amendments to Schedule 1 of the Willoughby LEP 2012

The property details of items in Schedule 1 Additional Permitted Uses require amendments to accurately reflect amalgamations, subdivisions, and name changes which have occurred in relation to certain land parcels.

A Gateway condition is recommended to require that the planning proposal is updated prior to consultation to ensure it consistently and accurately describes the changes to the property descriptions in Schedule 1.

**Table 2 - Proposed Amendments to Schedule 1 of the Willoughby LEP 2012**

Clause	Existing property description	Proposed Amendment*
3	Jersey Road, Artarmon (corner Hampden Road)	Remove “Hampden Road”, insert instead “Hampden Lane”
9(1)	12 Charles Street, Castlecrag, being Lot 127, DP 13097 and Lot B, DP 102309	Remove “Lot 127, DP 13097 and Lot B, DP 102309”, insert instead “Lot 1 DP 1295413”
13	Thomas Street, Chatswood	Change the property description to 18 Thomas Street and 70 Albert Avenue.
15(1)	35A–41 Anderson Street and 9 and 9A Kirk Street, Chatswood, being Lots 7–11, DP 2602 and Lots 9 and 11, DP 7518.	Remove “Lots 7–11, DP 2602 and Lots 9 and 11, DP 7518”, insert instead “Lots 7, 8 & 9 DP 2602, Lot 101 DP 1289376”
20(1)	28–32 Chatswood Avenue, Chatswood, being Lot 1, DP 811501	Remove “Lot 1, DP 811501”, insert instead “Lot 1 and Lot 2 DP 1280762”
25(1)(a)	3–21 Malvern Avenue and 103 Archer Street, Chatswood, being Lots A and B, DP 418863, Lots A and B, DP 394859, Lot 101, DP 853857, Lots 2 and 3, DP 100677, Lot 2, DP 310160, Lots 3 and 4, DP 313131 and Lot 2, DP 101905,	Remove “Lot 101, DP 853857”, insert instead “SP 1038”
26(1)	655A Pacific Highway, Chatswood, being Lot 1, DP 861346	Remove “Lot 1, DP 861346”, insert instead “SP 57067”
30(1)	311–313 Victoria Avenue, Chatswood, being Lot 1, DP 1077410.	Remove “Lot 1, DP 1077410”, insert instead “SP 74153”
37(1)	2B, 2–14 Northcote Street, St Leonards, being Lots 1 and 2, DP 801523, Lot 1, DP 746018, Lots 2–4, Section 29, DP 4241, Lot 2, DP 110095 and Lot 1, DP 926289	Remove “Lot 2, DP 110095 and Lot 1, DP 926289”, insert instead “SP 93253”
46	30 William Street, East Roseville	Clarify that the clause applies to 30 William Street and 83 Macquarie Street, East Roseville



Clause	Existing property description	Proposed Amendment*
50(1)(a)	2–10 Herbert Street, St Leonards, being Lot 2, DP 778425, Lot 1, DP 778425, Lots 1 and 2, DP 1079151 and Lot C, DP 401303	Remove “and Lot C, DP 401303”, insert instead “, SP 74480 and, Lots 1 and 2 DP 1212720”
55(1)	Lots 31 and 32, DP 2880 and Lot 18, DP 82656	Before “DP 2880” insert “Section 1”
63	Use of certain land at 132–134 Penshurst Street, Willoughby  (1) This clause applies to land at 132–134 Penshurst Street, Willoughby, being Lots 4 and 5, Section 4, DP 1671.  (2) Development for the purpose of a garden centre is permitted with development consent.	Delete clause.
72	10 Herbert Street, St Leonards	Remove “10 Herbert Street”, insert instead “2 Frederick Street”
72(1)	...part of Lot C, DP 401303, identified as “Area 12” on the Floor Space Ratio Map.	Remove “Lot C, DP 401303”, insert instead “Lot 2 DP 1212720”
73(1)	17 Smith Street, Chatswood, being Lot 101, DP 714477	Remove “Lot 101, DP 714477”, insert instead “Lots 1-2 DP 1286955”
74	12 Frederick Street, St Leonard’s	Remove “12 Frederick Street”, insert instead “7 Westbourne Street”
74(1)	... part of Lot 1, DP 591747, identified as “Area 11” on the Floor Space Ratio Map.	Remove “part of Lot 1, DP 591747”, insert instead “Lot 1 DP 1239533”

*\*Note – Where a subclause has not been specified, the proposed change is applicable to the entire clause.*

### 1.3.6 Mapping Amendments

Table 3 outlines the mapping changes contained within the planning proposal.

**Table 3 – Proposed Mapping Changes**

Proposed Amendment	Comment
Introduce minimum lot size of 5500sqm at 655A Pacific Highway, Chatswood.  Introduce minimum lot size of 5500sqm at 641-653 Pacific Highway, Chatswood.	Planning proposal (PP-2022-822) seeks to establish a 5500sqm minimum lot size for 641-653 and 655A Pacific Highway, Chatswood, as part of a proposed redevelopment of the site including uplift. This planning proposal is at the post-exhibition stage.  Given this proposed amendment is contained within a more progressed planning proposal, the Department

	<p>recommends it is removed from the planning proposal as a condition of Gateway.</p>
<p>Introduce minimum lot size of 2000sqm at 701-745 Pacific Highway, Chatswood.</p> <p>Introduce minimum lot size of 2000sqm at 689-699 Pacific Highway Chatswood.</p> <p>Introduce a Minimum Lot Size of 4400sqm for 3 McIntosh St, 2 Day Street, 38-42 Anderson Street, Chatswood</p>	<p>An increase to the minimum lot size is proposed for certain MU1 Mixed Use land around the Chatswood CBD.</p> <p>In the Chatswood CBD, a minimum lot size of 1,200sqm for mixed use development on land zoned MU1 Mixed Use applies consistent with the Chatswood CBD Planning and Urban Design Strategy 2036. The Strategy does not specify where larger minimum lot sizes are recommended. The minimum lot sizes recommended in the Strategy were implemented in the Willoughby Comprehensive LEP.</p> <p>There are also controls in the Willoughby Development Control Plan 2023 (DCP) for site amalgamation, vehicle access and site isolation.</p> <p>The subject planning proposal states that establishing larger minimum lot sizes will contribute towards better urban design outcomes including enabling the delivery of pedestrian and cycle links and reducing traffic impacts in some areas including minimising vehicle access points onto the Pacific Highway. Council has also noted this approach will minimise site isolation.</p> <p>The Department is not satisfied that the proposed minimum lot sizes which are significantly beyond that recommended in the Chatswood CBD Planning and Urban Design Strategy 2036 and subsequently implemented through the Willoughby Comprehensive LEP is the best means of achieving the outcomes sought by Council.</p> <p>Given the current controls in Council's DCP for site amalgamation the Department is not satisfied that Council has demonstrated the need for this amendment. It is considered that these matters are more appropriately address at the DA stage to allow flexibility in facilitating development outcomes including the delivery of housing and to allow detailed consideration of site-specific issues.</p> <p>The Department recommends removal of the proposed mapping amendments to minimum lot sizes as a condition of gateway.</p>
174-220 Willoughby Road, Naremburn	<p>The site was intended to be included within "Area 5" of the Special Provisions Area mapping under the Willoughby Comprehensive planning proposal made in mid-2023. However it appears it was accidentally omitted</p>

Amend Area 5 of the Special Provisions Area (Design Excellence) to include 174-220 Willoughby Road, Naremburn.	from the final maps, the amendment seeks to rectify this error.
<p>2A Gordon Avenue, Chatswood</p> <p>Amend Land Use Zone from MU1 Mixed Use to RE1 Public Recreation.</p> <p>Remove existing mapping provisions including:</p> <ul style="list-style-type: none"> <li>- Floor Space Ratio</li> <li>- Height of Building</li> <li>- Special Provisions Area</li> <li>- Affordable Housing</li> </ul>	2A Gordon Street is a public open space currently owned by Council. The proposed map amendments will correct a mapping error from a previous amendment to adjoining land and restore the recreation land zoning and remove development standards to reflect that the purpose of the land is for use as public open space.
<p>34 Albert Avenue, 30-32 &amp; 32A Bertram Street, 31-35 Archer Street, Chatswood</p> <p>Amend the Floor Space Ratio (FSR) and Height of Building (HOB) maps to ensure the mapping aligned with the property boundaries.</p>	The planning proposal seeks to correct a mapping anomaly on the FSR and HOB maps to ensure alignment with the cadastral boundaries of the site.

Details of the above mapping amendments can be found within Section 1.5 of this report.

## 1.4 Site description and surrounding area

The planning proposal applies to land in the Willoughby local government area (LGA) as shown in **Figure 1**. Certain administrative amendments apply to specific sites as identified in the explanation of provisions in Sections 1.3 and 1.5.



**Figure 1 – Willoughby Local Government Area**

## 1.5 Mapping Amendments

The planning proposal seeks to amend the following Willoughby LEP 2012 maps:

- Land Zoning Map
- Lot Size Map
- Floor Space Ratio Map
- Height of Buildings Map
- Special Provisions Area Map
- Affordable Housing Map.

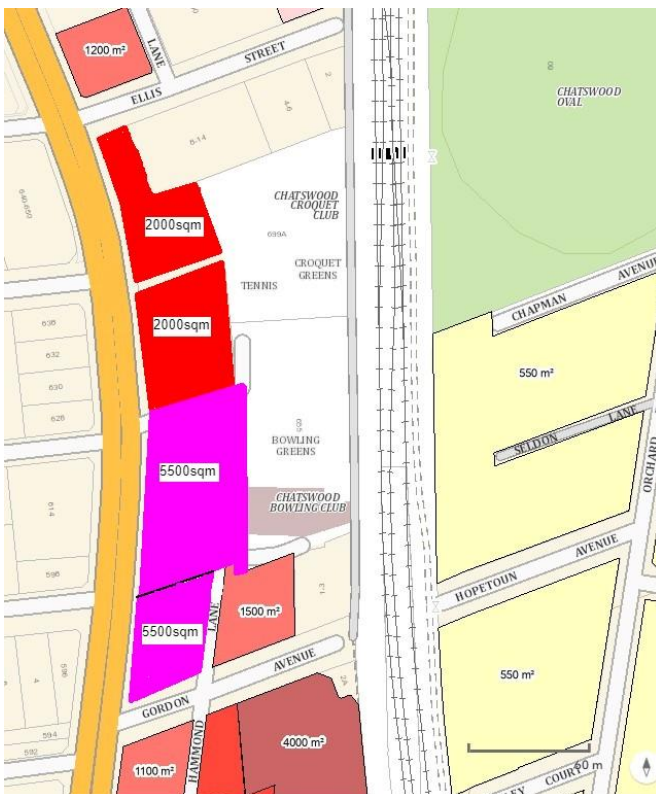
Figures of proposed mapping amendments within this report have been prepared by the Department.

A condition of the Gateway determination requires that the planning proposal is updated prior to consultation to include higher resolution maps, with labels, showing the proposed amendments.

### 1.5.1 Pacific Highway Chatswood

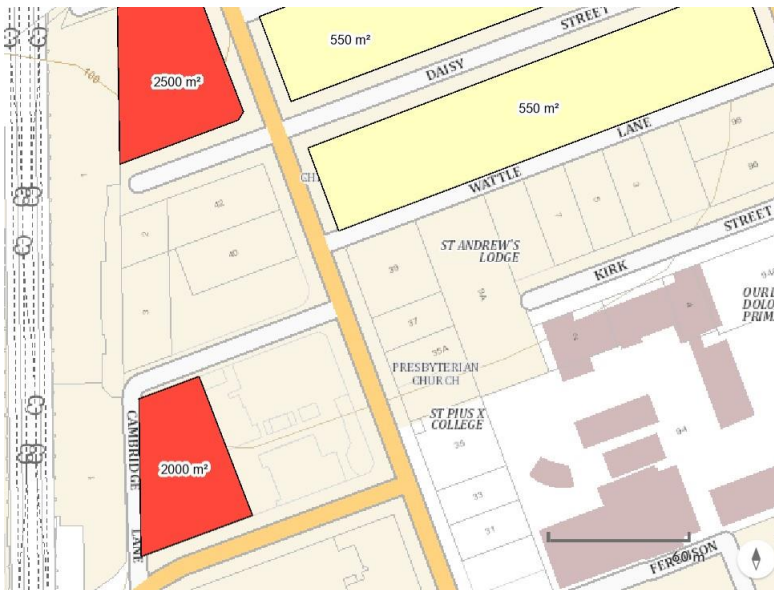


**Figure 2 – Existing Minimum Lot Sizes**



**Figure 3 – Proposed Minimum Lot Sizes**

### 1.5.2 3 McIntosh St, 2 Day St, 38-42 Anderson St



**Figure 4 – Existing Minimum Lot Size**



**Figure 5 – Proposed Minimum Lot Size**



### 1.5.3 174-220 Willoughby Road Naremburn

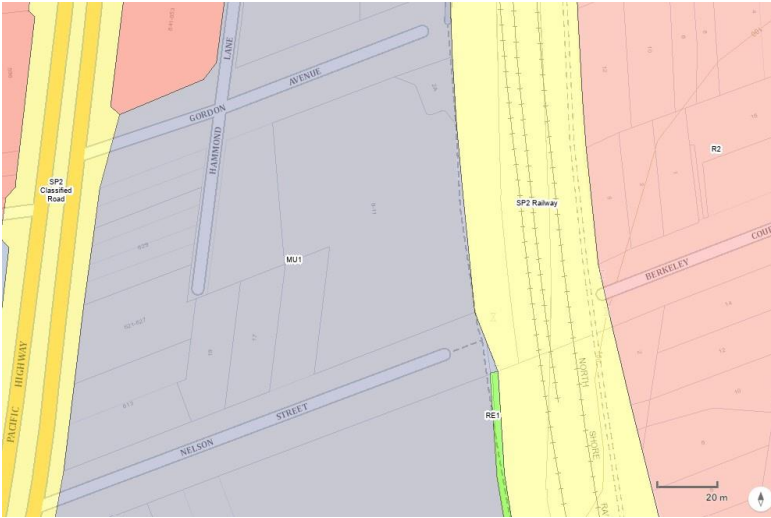


**Figure 6 – Existing Special Provisions Area Map**

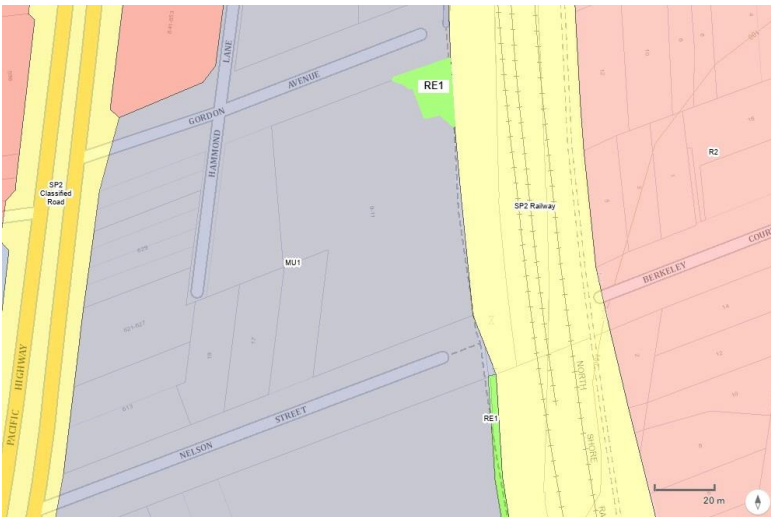


**Figure 7 – Proposed Special Provisions Area Map**

### 1.5.4 2A Gordon Avenue Chatswood

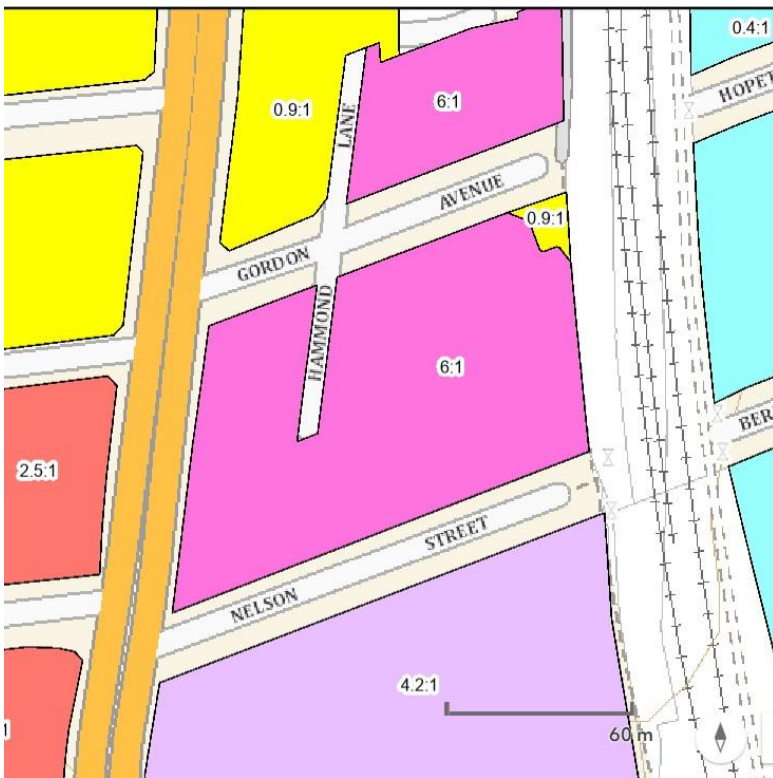


**Figure 8 - Existing Land Use Zoning Map**

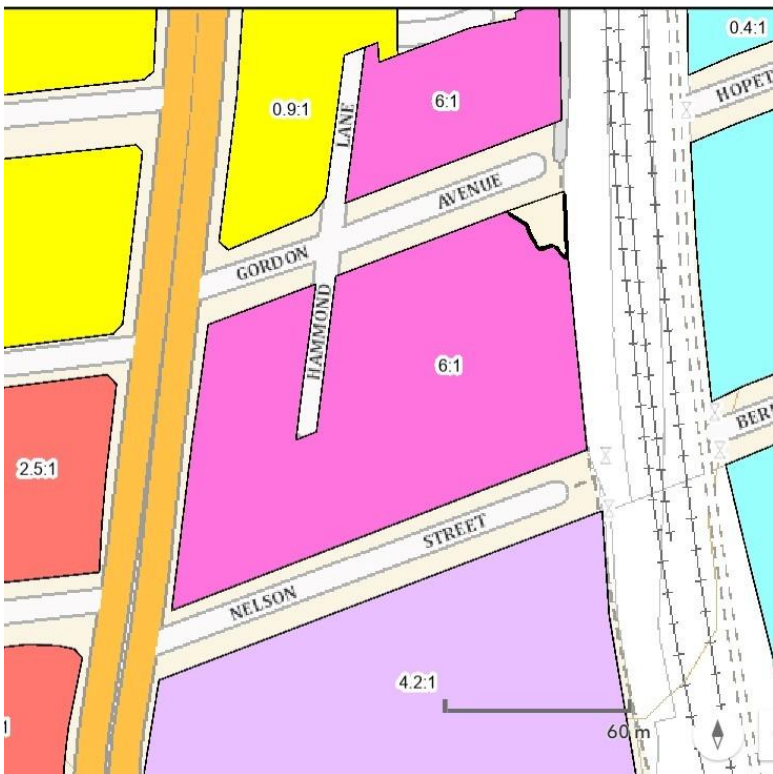


**Figure 9 – Proposed Land Use Zoning Map**





**Figure 10 – Existing Floor Space Ratio Mapping**



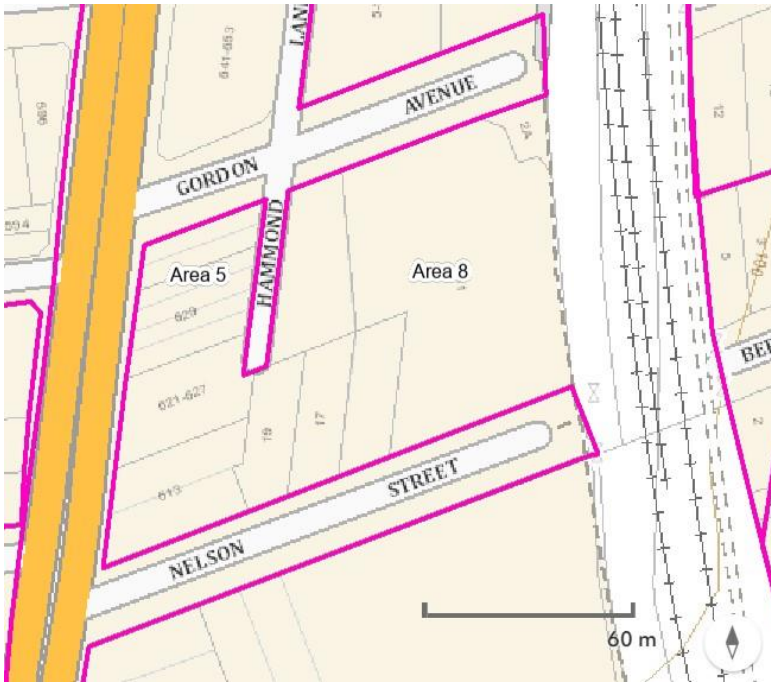
**Figure 11 – Proposed Floor Space Ratio Mapping**



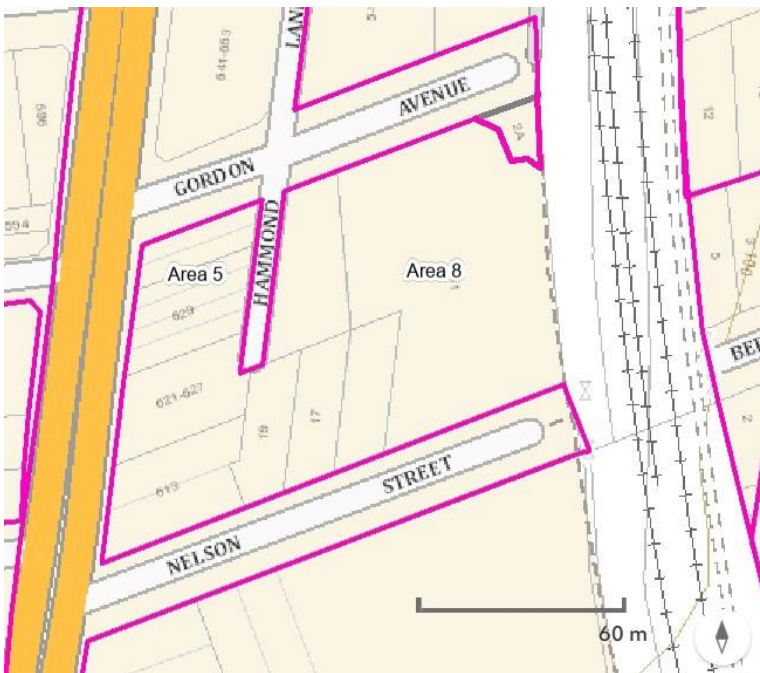
**Figure 12 – Existing Height of Building Map**



**Figure 13 – Proposed Height of Building Map**



**Figure 14 – Existing Special Provisions Area Map**



**Figure 15 – Proposed Special Provisions Area Map**



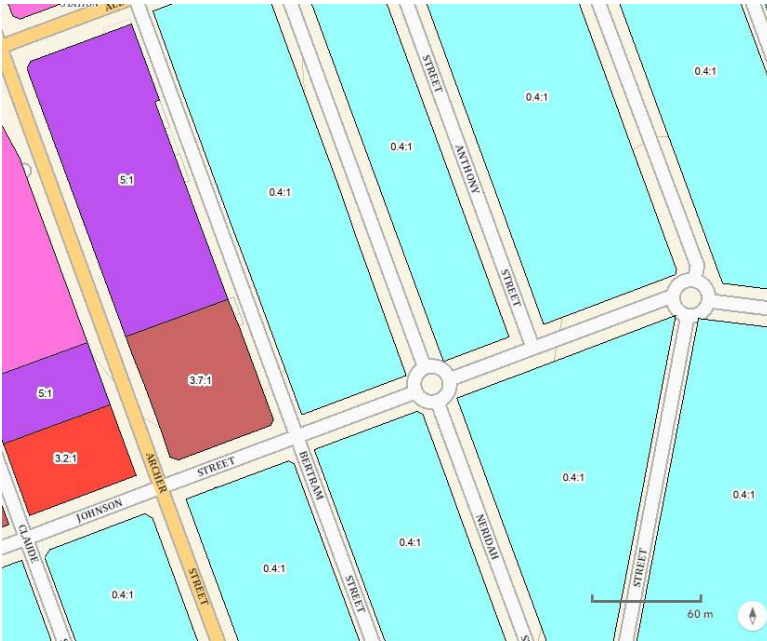
Figure 16 – Existing Affordable Housing Map



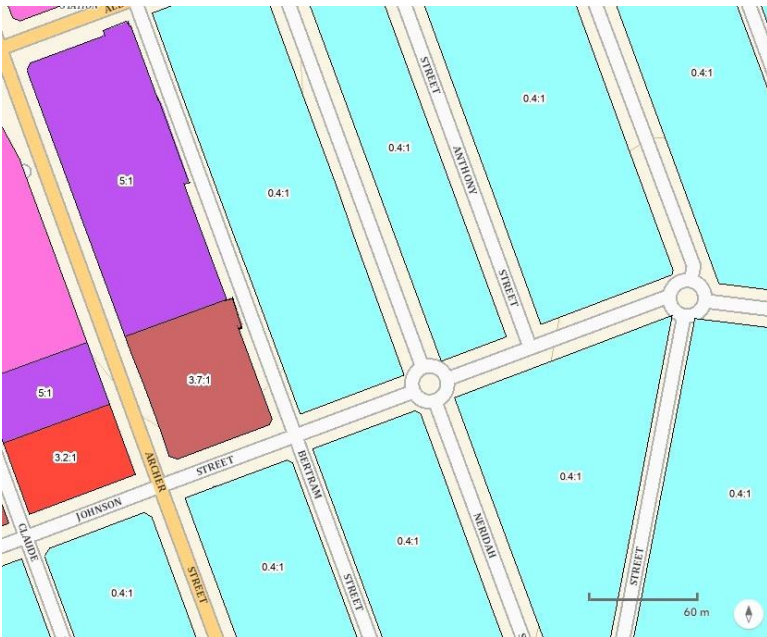
Figure 17 – Proposed Affordable Housing Map



### 1.5.5 34 Albert Avenue, 30-32 & 32A Bertram Street, 31-35 Archer Street



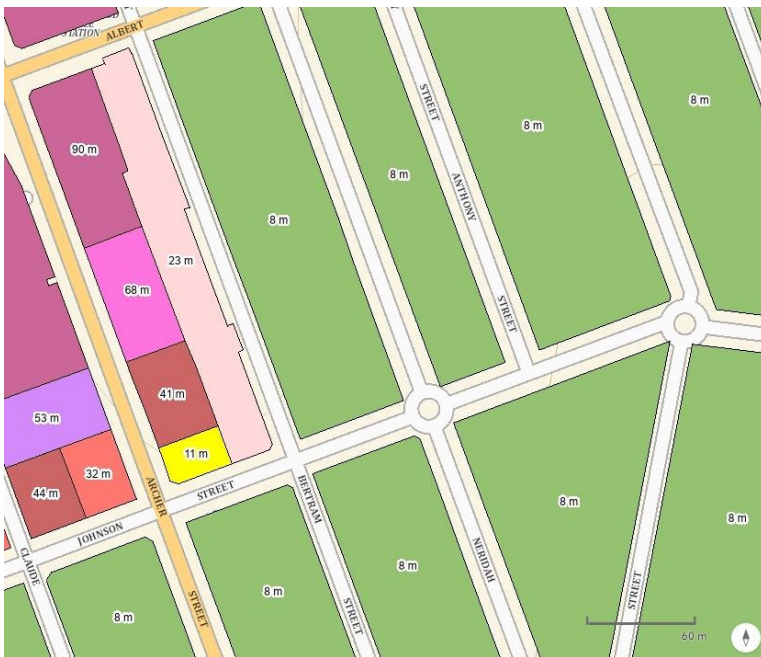
**Figure 18 – Existing Floor Space Ratio Map**



**Figure 19 – Proposed Floor Space Ratio Map**



**Figure 20 – Existing Height of Building Map**



**Figure 21 – Proposed Height of Building Map**

## 1.6 Background

On 30 June 2023, Amendment No 34 of the Willoughby LEP 2012 came into effect, following a comprehensive review. Since the commencement of Amendment No 34, various discrepancies and anomalies have been identified in the written instrument and maps. The planning proposal seeks to resolve these matters.

## 2 Need for the planning proposal

The planning proposal is not a result of a single strategic study or report. The proposal predominantly responds to matters brought to the attention of Council in relation to the operation of the LEP. Since the Willoughby LEP was amended in 2023, Council has identified various discrepancies in the written instrument and maps.

Additionally, the proposal seeks to implement planning controls which will encourage urban design principles identified within the Chatswood CBD Strategy by promoting active street frontages.

However, as discussed in section 1.3 of this report, the Department is not satisfied that the proposal has adequately demonstrated the need to increase to the minimum lot size is proposed for certain MU1 Mixed Use land around the Chatswood CBD. The lot sizes recommended in the Chatswood CBD Planning and Urban Design Strategy 2036 have been previously implemented by the Willoughby Comprehensive LEP and the DCP contains planning controls for site amalgamation, vehicle access and site isolation. A Gateway condition requires removal of this proposed amendment.

The planning proposal seeks to amend specific LEP provisions. A planning proposal to amend the LEP instrument and maps is considered the best mechanism to rectify the identified errors and amend the existing LEP provisions identified by Council, subject to the recommended Gateway conditions.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in Section 3.2 as follows.

### 3.2 District Plan

The planning proposal is located within the North District as identified by the North District Plan released by the former Greater Sydney Commission on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Table 4 includes an assessment of the planning proposal against relevant directions and actions.

**Table 4 District Plan assessment**

District Plan Priorities	Justification
Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage.	<p>The addition of 174-220 Willoughby Road, Naremburn to <i>the Special Provisions Area Map</i> will ensure design excellence provisions will apply to the site as intended by the Willoughby Comprehensive planning proposal.</p> <p>The proposal also amends Clause 6.7 <i>Active Street Frontages</i>, to ensure land uses which are neither residential nor commercial are allowed where “active street frontages” are required. This will allow a more diverse range of non-residential uses such as community services to be provided while still enabling active street frontages to be provided.</p> <p>The Department is satisfied that the proposal is consistent with this Planning Priority.</p>
Planning Priority N20: Delivering high quality open space.	<p>The Department notes Council's intent to preserve and maintain public open space, by rezoning 2A Gordon Avenue, Chatswood to RE1 to accurately reflect the site use. land.</p> <p>The Department is satisfied that the proposal is consistent with this Planning Priority.</p>

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
------------------	---------------



Local Strategic Planning Statement	<p>Published in February 2020, the <i>Willoughby City Local Strategic Planning Statement</i> (LSPS) provides a 20-year vision explaining how land use planning will be used to respond to predicted housing, economic, and population trends within the LGA.</p> <p>The proposal is consistent with the planning priorities established within the LSPS, particularly priorities 4, 6 and 9.</p> <p>Priority 4 of the LSPS aims to provide accessible social infrastructure within the LGA, which caters for the changing needs of the local population. The proposal supports priority 4 by amending the maps which apply to the local park at 2A Gordon Avenue Chatswood to better preserve the functionality of the site as a public recreational space.</p> <p>Priorities 6 and 9 of the LSPS aim to position the Chatswood local centre as a vibrant commercial centre, which meets the everyday needs of the population. The proposal is consistent with these priorities as it rectifies a mapping anomaly to ensure design excellence provisions apply to a site in Naremburn as intended by the Willoughby comprehensive LEP amendment.</p>
Chatswood CBD Planning and Urban Design Strategy 2036	<p>Published in 2020, the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> (Chatswood CBD Strategy), sets goals and strategies for the Chatswood CBD over the next 20 years.</p> <p>The proposal is generally consistent with the Chatswood CBD Strategy except for the proposed change to the minimum lot size on certain MU1 Mixed Use land. The Chatswood CBD Strategy's recommended 1,200sqm minimum lot size for mixed use development was implemented by the Willoughby Comprehensive LEP. As discussed in section 1.3.6 of this report, a Gateway condition is recommended this amendment is removed from the planning proposal prior to consultation.</p>

### 3.4 Local planning panel (LPP) recommendation

The planning proposal was considered at the Willoughby LPP's meeting on 18 June 2024. The LPP provided the following advice to Council:

*The Panel is satisfied that the planning proposal demonstrates strategic and site specific merit and supports the proposal being forwarded to the Department of Planning for Gateway consideration.*

### 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 - 9.1 Ministerial Direction assessment**

Directions	Consistent	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Yes	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The proposal seeks to rectify various identified administrative errors and inaccuracies and does not introduce unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal is consistent with this direction.</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
1.13 Implementation of <i>St Leonards and Crows Nest 2036 Plan</i>	Yes	<p>The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).</p> <p>A key objective of the Plan is that <i>New building design should provide high on-site amenity...</i></p> <p>The planning proposal seeks to apply design excellence provisions at 174-220 Willoughby Road Naremburn, located within the Precinct (see Figure 7) as intended by the Willoughby Comprehensive planning proposal, correcting a mapping error.</p> <p>The proposal is consistent with the objectives of the Plan and therefore is consistent with ministerial direction 1.13.</p>
5.2 Reserving Land for Public Purposes	Yes	<p>The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>The planning proposal seeks to rezone 2A Gordon Avenue Chatswood from MU1 Mixed Use to RE1 Public Recreation zoning. The land is currently public open space owned by Council.</p> <p>The planning proposal is consistent with the direction.</p>
6.1 Residential Zones	No	<p>The planning proposal seeks to rezone 2A Gordon Avenue Chatswood from MU1 to RE1 zoning. As MU1 is a zone in which significant residential development is permitted, direction 6.1 applies.</p> <p>The proposed rezoning is inconsistent with direction 6.1(2)(b), which states that the planning proposal must <i>not contain provisions which will reduce the permissible residential density of the land</i>. However, the Department considers the proposed change to be of minor significance, as the existing use of the site is public open space.</p> <p>The Department considers the inconsistency with the direction to be minor and justified.</p>
7.1 Business and Industrial Zones	No	<p>The planning proposal seeks to rezone 2A Gordon Avenue Chatswood from MU1 to RE1 zoning. The proposed rezoning is inconsistent with direction 7.1(1), which states that the planning proposal must <i>retain the areas and locations of Employment zones</i> and must <i>not reduce the total potential floor space area for employment and related public services in Employment zones</i>.</p> <p>However, the Department considers the proposed change to be of minor significance, as the existing use of the site is public open space.</p> <p>The Department considers the inconsistency with the direction to be minor and justified.</p>

## 3.6 State environmental planning policies (SEPPs)

The proposed instrument and map amendments are primarily administrative in nature to rectify errors and anomalies the Willoughby LEP 2012. The Department is satisfied that the planning proposal does not interfere in the operation of any applicable SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The Department is satisfied that there are no environmental impacts resulting from the planning proposal, given that the proposal is administrative in nature.

### 4.2 Social and economic

The proposed instrument and map amendments are primarily administrative in nature to rectify errors and anomalies the Willoughby LEP 2012. The Department is satisfied that there are unlikely to be any significant adverse social or economic impacts result from the planning proposal.

### 4.3 Infrastructure

The proposal will not facilitate any redevelopment or intensify the development potential of the existing urban areas and therefore will not require additional local or state infrastructure provision.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The Department notes that the planning proposal is classified as standard. Consequently, a minimum exhibition period of 20 working days is recommended for the proposal, in accordance with the *LEP Making Guideline*.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted, however it acknowledges the need to notify affected property owners.

Given the administrative nature of the planning proposal, the Department is satisfied that there is no need for consultation with any additional agencies at this time.

## 6 Timeframe

Council proposes a 14 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 23 July 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Given that the changes sought by the planning proposal are administrative in nature and of minor significance, the Department recommends that Council is authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed, subject to conditions, for the following reasons:

- The proposed amendments will improve the accuracy and operation of the LEP by removing administrative anomalies and errors.
- The proposed amendments have strategic and site specific merit. The discrepancies with the relevant Ministerial Directions are considered minor and justified in accordance with the terms of the Directions.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- delete the proposed amendment to clause 4.1C of the LEP.
- delete the proposed amendments to Clause 6.8 of the LEP.
- delete the proposed amendments to the dictionary definition of *gross floor area*.
- update the amendments proposed to schedule 1 of the LEP to ensure that all property descriptions are accurate and up-to-date.
- delete the proposed amendments to minimum lot sizes for certain MU1 Mixed Use around the Chatswood CBD.
- update proposed mapping with higher resolution images which are clearly labelled.
- update Part 6 of the planning proposal to provide a project timeline that is consistent with the LEP completion date on the Gateway determination.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 6.1 Residential Zones and 7.1 Business and Industrial Zones are minor and are justified in accordance with terms of the directions.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

- 1) The planning proposal is to be updated prior to community consultation to:
  - a) Remove the proposed amendments to Clause 6.8 of the LEP.
  - b) Remove the proposed amendment to Clause 4.1C of the LEP.
  - c) Remove the proposed amendments to the dictionary definition of gross floor area.
  - d) Update the amendments proposed within schedule 1 of the WLEP to ensure that all proposed changes are applied consistently.
  - e) Remove the proposed amendments to minimum lot sizes for certain MU1 Mixed Use around the Chatswood CBD.
  - f) Update proposed mapping with higher resolution images which are clearly labelled.

- g) Update Part 6 of the planning proposal to provide a project timeline that is consistent with the requirements stipulated under the LEP Making Guideline.
- 2) Public exhibition is required under section 3.34(2)(c) of 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, 2023) and must be made available for community consultation 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, 2023).
- 3) Given the nature of the planning proposal, Council should be authorised to be the local plan making authority.
- 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 EP&A 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).
- 5) The timeframe for the LEP to be completed is on or before 23 July 2025.



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