

## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_WILLO\_003\_00):** to rezone the site from B5 Business Development to B4 Mixed Use, increase the height of buildings from 21m to 90m and increase the maximum floor space ratio from 2.5:1 to 6:1 for land at 871-877 Pacific Highway, Chatswood.

I, the Acting Director, North District at the Department of Planning, Industry and Environment, 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 (LEP) 2012 should proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be updated to include:
  - a. An updated project timeline based on the issuing of this Gateway determination and the timeframe included.
  - b. The objectives of the planning proposal are to be updated to include the proposals consistency with the Chatswood CBD Strategy, Local Strategic Planning Statement and Local Housing Strategy.
  - c. Removal of clauses 6.8 and 6.24 relating to affordable housing and design excellence as planning proposal PP\_2019\_WILLO\_002\_00 includes these clauses and has been submitted to the Department for gazettal.
  - d. Include an assessment of the proposal against the relevant priorities and actions of the endorsed Willoughby Local Strategic Planning Statement and the finalised Willoughby Local Housing Strategy.
  - e. Council should consider whether the planning proposal is likely to impact upon significant regional or district views for neighbouring properties and if a view sharing analysis should be prepared to support the proposal during exhibition.
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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

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
- NSW Department of Education
- NSW Department of Health

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 a submission or if 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 time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 2<sup>nd</sup> day of December 2020.



**Brendan Metcalfe**  
**Acting Director, North District**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**