

Gateway Determination

Planning proposal (Department Ref: PP_2020_WILLO_002_00): to increase the height of buildings from part 20m and 25m to 90m and increase the maximum floor space ratio from 2.7:1 to 6:1 for land at 3-5 Help Street, 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 with the as follows:
 - a. The project timeline is updated based on this Gateway determination.
 - b. Clauses 6.8 and 6.24 relating to affordable housing and design excellence are removed, as planning proposal PP_2019_WILLO_002_00 includes these clauses and has been submitted to the Department for finalisation.
 - c. Material addressing A Plan for Growing Sydney and Draft Great Sydney Region Plan is deleted and updated to address the Greater Sydney Region Plan.
 - d. Material relating to the draft North District Plan should be updated to address the North District Plan.
 - e. The objectives are to be updated to include consistency with the Chatswood CBD Strategy, Local Strategic Planning Statement and Local Housing Strategy.
 - f. 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 is to be included.
 - g. The planning proposal report is to be consolidated into a single document as opposed to several addendum reports supporting the original report.
 - h. Include a change to Willoughby LEP 2012 Clause 4.3A(8) for it to be consistent with the recommendations of the now finalised Chatswood CBD Strategy for the ongoing protection of solar access to key public open spaces between 12pm-2pm during mid-winter.
 - i. 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 24th day of November 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