

Gateway Determination

Planning proposal (Department Ref: PP-2021-4170): to amend the Willoughby Local Environmental Plan (LEP) 2012 for land at 3 Ellis Street, Chatswood to rezone from R4 High Density Residential to B4 Mixed Use, increase the maximum height of buildings from 34m to 44m, increase the maximum floor space ratio from 1.7:1 to 4.5:1 and amend the Special Provisions Map to apply Affordable housing and design excellence provisions.

I, the Director 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 for land at 3 Ellis Street Chatswood should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters and submitted to the Department for review and endorsement, prior to public exhibition:
 - (a) provide a timeline based on the issuing of this Gateway determination.
 - (b) include the changes outlined in Council's resolution and update the list of appendices to clearly indicate the documents for the preferred option as supported by Council including but not limited to shadow diagrams, wind impact assessment and noise impact assessment.
 - (c) update the objectives and intended outcomes to:
 - provide a plain English explanation of the intend outcome to be achieved on the site as a result of the changes to the planning controls;
 - number of additional residential dwellings; and
 - number of jobs as a result of the proposal.
 - (d) provide existing mapping:
 - Active Street Frontages;
 - Special Provisions Map; and
 - Lot Size Map.
 - (e) proposed mapping to the Department's technical standard:
 - Height of Buildings Map;
 - FSR Map;
 - Lot Size Map to indicate a minimum lot size of 800m²;
 - Active Street Frontages Map; and

- Special Provisions Area Map to indicate the application of architectural roof features, design excellence and affordable housing.
- (f) remove the reference to Willoughby Community Strategic Plan 2010-2025 and provide an assessment of the consistency of the planning proposal against Our Future Willoughby 2028.
 - (g) include an assessment of the proposal against the relevant priorities and actions of the Council endorsed Willoughby Local Housing Strategy and remove 'draft'.
 - (h) ensure all of the relevant SEPPs are addressed and remove reference to repealed SEPPs.
 - (i) ensure all of the relevant Section 9.1 Ministerial Directions are addressed including Section 2.6 Remediation of Contaminated Land and 3.5 Development Near Licensed Aerodromes and remove reference to revoked directions:
 - i. 3.3 Home Occupations; and
 - ii. 7.1 Implementation of A Plan for Growing Sydney (revoked 2020) and provide additional assessment against 5.10 Implementation of Regional Plans.
 - (j) 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:

- Transport for NSW;
- Ausgrid;
- Sydney Water;
- Department of Education;
- Sydney Airport Corporation Limited; and
- Airservices Australia.

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 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 planning proposal must be exhibited **3 months** from the date of the Gateway determination.

7. The planning proposal must be reported to Council for a final recommendation **6 months** from the date of the Gateway determination.

8. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 26th day of October 2021.



Brendan Metcalfe
Director, North District
Eastern Harbour City
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces