Gateway Determination

Planning proposal (Department Ref: PP-2021-6560)*: to amend the Willoughby LEP 2012 as it applies to 849, 853 and 859 Pacific Highway and 2 Wilson Street, Chatswood by rezoning the site from R4 High Density Residential to B4 Mixed Use, increasing the maximum height of buildings to 90m, increasing the maximum FSR of 6:1; and as it applies to 8 Wilson Street, Chatswood by rezoning part of the site from SP2 Infrastructure (Railway), introducing a maximum height of buildings to 90m, introducing a maximum FSR of 6:1 and to amend other associated provisions for the entire amalgamated site*

I, the Director at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 849, 853 and 859 Pacific Highway and 2 Wilson Street, Chatswood to rezone the site, increase the maximum height of buildings, increase the maximum FSR, and as it applies to 8 Wilson Street, Chatswood to rezone the site, introduce a maximum height of buildings, introduce a maximum FSR and amend other associated provisions for the entire amalgamated site should proceed subject to the following conditions:

The Council as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 EP&A 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 within **10 months** of the gateway determination.

Gateway Conditions

1. Prior to community consultation the proposal is to be updated to address the following:

   (a) confirm the number of jobs as a result of the proposed increase to the planning controls;

   (b) ensure the planning proposal does not refer to the SP2 Infrastructure (Classified Road) as being part of the planning proposal;

   (c) indicate that the surplus TAHE land at 8 Wilson Street:

      i. is zoned part SP2 Infrastructure (Railway) and part B4 Mixed Use; and

      ii. provide discussion on the current land uses on the TAHE land;

   (d) provide the proposed:

      i. Lot Size Map to indicate a minimum lot size of 4,000m^2 and remove reference to a lot size of 1,200m^2;

      ii. Special Provisions Map to indicate that the site will be subject to:

1. clause 6.23 Design excellence at certain at Willoughby;
2. clause 6.25 Shop top housing at certain sites at Chatswood; and
3. clause 6.8 Affordable housing as ‘Area 9’ and remove reference to ‘Area 3’ in the submitted SPA extract;

iii. Active Street Frontages to show Wilson Street, Pacific Highway and O’Brien Street;

(e) refer to the revised numbering of all of the 9.1 Ministerial Directions and include an explanation of consistency against the following;

i. 3.2 Heritage Conservation as the shadow diagrams indicate that the North Chatswood HCA with be impacted from about 2:30pm;

ii. 4.4 Remediation of Contaminated Land for the amalgamated site;

iii. 5.3 Development Near Regulated Airports and Defence Airfields and correct the wording of the Direction; and

iv. 7.1 Business and Industrial Zones as the surplus TAHE land at 8 Wilson Street is part zoned B4 Mixed Use and the planning proposal will displace a facility utilised for employment purposes;

(f) refer to the consolidated SEPPs and include further discussion in;

iii. SEPP (Housing) 2021;

iv. SEPP (Transport and Infrastructure) 2021;

v. SEPP (Biodiversity and Conservation) 2021; and

vi. SEPP (Resilience and Hazards) 2021;

(g) provide a contamination report for the site at 849, 853 and 859 Pacific Highway and 2 Wilson Street, Chatswood and include in the exhibition of the proposal;

(h) provide discussion on the relationship of the draft exhibited Comprehensive LEP review and the planning proposal including the surplus TAHE land;

(i) include an advisory note referencing the Employment Zones Reform Framework and noting the proposed translation of employment zones as it relates to the proposed amendments. Include a table within the planning proposal that clearly demonstrates the information required in the table template for changes within an industrial or business zone for each of the following options:

vii. the amendment or introduction of a local provision; and

viii. Schedule 1 Additional Permitted Uses.

(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.

(k) provide a revised project timeline based on the issuing of this Gateway determination.

2. 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 Guidelines* (Department of Planning and Environment, 2021) and 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition should commence within **3 months** following the date of the gateway determination.

Any draft VPA for 849, 853 and 859 Pacific Highway and 2-8 Wilson Street is to be exhibited at the same time and in the same way as the planning proposal (as far as practicable).

3. 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 EP&A Act:

- Transport for NSW;
- Ausgrid;
- Sydney Water Corporation;
- Department Education;
- Department Health – Northern Sydney Local Health District;
- Sydney Airport Corporation Limited (SACL); and
- Airservices Australia.

Consultation is also required with the following organisations

- Department infrastructure, Transport and Regional Development and Cities prior to public exhibition.

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 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 EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).

Dated 28th day of July 2022.

Brendan Metcalfe

Brendan Metcalfe
Director North District
Metro Central and North

Department of Planning and Environment

Delegate of the Minister for Planning and Homes