Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2021-2784)*: to amend the Willoughby LEP 2012 as it applies to 92-96 Victoria Road, North Willoughby by increasing the maximum height of buildings, increasing the maximum FSR and including permitting multi-dwelling residential development as an additional permitted use.*

I, the Acting 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 2012 to increase the maximum height of buildings, increase the maximum floor space ratio and amend other associated site specific provisions including permitting multi-dwelling residential development as an additional permitted use 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 **12 months** following the date of the gateway determination.

Gateway Conditions

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

   (a) remove reference to clause 6.23 Design excellence at certain sites at Willoughby as this clause will not apply to the site;

   (b) provide proposed mapping:

      a. maximum Height of Buildings Map to indicate the application of 4.3A exceptions to height of buildings for ‘Area 4’;

      b. maximum FSR Map to indicate the application of clause 4.4A Exceptions to floor space ratio for ‘Area 21’;

      c. Lot Size Map to remove the application of a lot size;

      d. Special Provisions Map to indicate that the site is subject to:

         i. clause 6.8 Affordable housing in ‘Area 9’;

         ii. clause 6.10 Minimum lot sizes for certain residential accommodation;

   (c) refer to the Spatial Viewer rather than the PDF maps;

(d) revise the assessment in the North District Plan that address Priority N17 to address N19;

(e) address SEPP (Resilience and Hazards) 2021, chapter 4 – Remediation of land;

(f) address Ministerial Direction 4.4 Remediation of contaminated land;

(g) provide a Preliminary Site Investigation;

(h) provide more detailed shadow diagrams for the 21st June to fully demonstrate the potential Impact on the adjoining properties for public exhibition;

(i) provide an updated traffic assessment to address the cumulative traffic impacts on the intersections and surrounding road network with the proposal and the proposed uplift in the North Willoughby Local Centre; and

(j) provide a revised project timeline based on the date of the 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 must commence within **3 months** following the date of the gateway determination.

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 (TfNSW);
- Ausgrid; and
- Sydney Water Corporation.

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 twelfth day of July 2022

Lauren Templeman
Acting Director North District
Metro Central and North
Department of Planning and Environment

Delegate of the Minister for Planning and Homes