Department of Planning and Environment

Ms Debra Just
CEO
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

Our ref: IRF22/1790

Via email: email@willoughby.nsw.gov.au

Attention: Christopher Nguyen, Acting Strategic Planning Team Leader

Dear Ms Just

Planning proposal PP-2021-2784 to amend Willoughby Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and in respect of the planning proposal for 92-96 Victoria Avenue, North Willoughby to increase the maximum height of buildings, increase the maximum FSR and amend other provisions specific to the site including permitting multi-dwellings residential development as a land use with consent on the subject site.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

Council may still need to obtain the agreement of the delegate of the Minister to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Environmental Planning and Assessment Act 4.4 Remediation of Contaminated Land. Council should ensure this occurs prior to public exhibition.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised within 12 months of the date on the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible, but within 3 months of the Gateway determination. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency

referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Christina Brooks to assist you. Ms Brooks can be contacted on 9274 6045.

Yours sincerely



Lauren Templeman
Acting Director, North District
Metro Central and North
Department of Planning and Environment
12 July 2022

Encl: Gateway determination