Ref: IRF24/2518/ PP-2024-1862

Mr Hugh Phemister
General Manager
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

17 December 2024

Subject: Planning Proposal PP-2024-1862 to amend Willoughby Local Environmental Plan 2012

Dear Mr Phemister

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) in respect of the Willoughby Housekeeping planning proposal.

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

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act, Direction 6.1 Residential Zones and 7.1 Business and Industrial Zones, is justified in accordance with the terms of the Directions. No further approval is required in relation to the Directions.

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 Department has not supported Council's proposed amendments to its existing affordable housing contributions provisions in their current form. Council's affordable housing provisions have been in effect for a number of years and there have been changes to the SEPP and guidelines since they were first adopted.

Whilst, I acknowledge that this is outside the scope of the current planning proposal, I encourage Council to consider a comprehensive review of its affordable housing provisions and scheme with a view to updating them to align with the current 'Guideline for Developing an Affordable Housing Contribution Scheme' (2019). The Department is happy to support Council to progress this work.

The proposed local environmental plan (LEP) is to be finalised on or before 23 July 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. 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, Housing and Infrastructure.

Should you have any enquiries about this matter, I have arranged for James Bellamy to assist you. Mr Bellamy can be contacted on 8275 1847.

Yours sincerely



Dan Thompson
A/Executive Director, Local Planning & Council Support
Planning, Land Use Strategy, Housing and Infrastructure

Encl: Gateway determination

Gateway Determination

***Planning proposal (Department Ref: PP-2024-1862)**: Willoughby Housekeeping Review 2024.*

I, the A/Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, 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 2012 (WLEP) to make housekeeping amendments should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the 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 on or before 23 July 2025.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be amended to:

    a. Remove the proposed amendments to Clause 6.8 of the *Willoughby Local Environmental Plan 2012*.

    b. Remove the proposed amendment to Clause 4.1C of the *Willoughby Local Environmental Plan 2012*.

    c. Remove the proposed amendments to the dictionary definition of gross floor area.

    d. Update the amendments proposed within schedule 1 of the *Willoughby Local Environmental Plan 2012* to ensure property descriptions and addresses are consistent throughout the proposal and up-to-date.

    e. Remove the proposed amendments to increase minimum lot sizes for certain MU1 Mixed Use land in Chatswood.

    f. Update proposed mapping with higher resolution images which are clearly labelled.

    g. Update Part 6 of the planning proposal to provide a project timeline that is consistent with the requirements stipulated under the LEP Making Guideline.

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 Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

   No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act

3. 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).

Dated 17 December 2024



Daniel Thompson
A/Executive Director, Local Planning and Council Support
Planning Land Use Strategy, Housing and Infrastructure
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces