

Gateway Determination

Planning proposal (Department Ref: PP_2016_NBEAC_004_00): *minor policy and housekeeping amendments.*

I, Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Pittwater Local Environmental Plan 2014* to make minor policy and housekeeping amendments should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to include:
 - a plain English explanation of the intended effect of the proposed provisions.
 - include the word 'alteration' to Item 8, clause 7.8 (Limited development on foreshore area), subclause (2)(a), which is to read as:

'(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:
(a) the extension, alteration or rebuilding of an existing dwelling wholly or partly on the foreshore area if the footprint of the extension, alteration or rebuilding will not extend any further forward of the foreshore building line than the footprint of the existing dwelling,'
 - replace map sheet 6370_COM_LSZ_012_010_20140623 in appendix 3 with map sheet 6370_COM_LSZ_012_010_20150804.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Transport for NSW; and
 - Roads and Maritime Services.

Each public authority 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. The planning proposal should be updated prior to public exhibition.

4. A public hearing is not required to be held into the matter by any person or body under section 56(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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *4th* day of *October* 2016



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

**Delegate of the Greater Sydney
Commission**

Mr Mark Ferguson
Interim General Manager
Northern Beaches Council
PO Box 882
Mona Vale NSW 1660

Our ref: PP_2016_NBEAC_004_00 (16/06510) (


Dear Mr Ferguson

**Planning proposal to amend the Pittwater Local Environmental Plan 2014 –
PP_2016_NBEAC_004_00 – Housekeeping Amendments**

I am writing in response to your Council's letter dated 1 July 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for the above planning proposal.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEP's by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Tegan Park of the Department's regional office to assist you. Ms Park can be contacted on (02) 9274 6369.

Yours sincerely

 4 October 2016
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Northern Beaches Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_NBEAC_004_00	Planning proposal for minor policy and housekeeping amendments

In exercising the Greater Sydney Commission's functions under section 59, the Council must comply with the Department's 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Dated 4 October 2016


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission