

13 October 2020

Elvie Magallanes
Place, Design and Public Spaces
NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

elvie.magallanes@planning.nsw.gov.au

Our Ref: 2020/617975

Dear Ms Magallanes

Planning Proposal – Manly Warringah War Memorial State Park

Northern Beaches Council requests that the Department of Planning, Industry and Environment provide a Gateway Determination for the attached Planning Proposal under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

The Planning Proposal seeks to amend provisions within the Warringah Local Environment Plan 2011 for certain land at Manly Warringah War Memorial State Park. The objective of the Planning Proposal is to amend the Warringah LEP 2011 with regard to three (3) Crown land lots (Lot 76 DP 504237, Lot 77 DP 504237 and Lot 2 DP 710023) to support a range of recreational land uses that are compatible with and protect the environmental, recreational, aesthetic and cultural values of the Manly Warringah War Memorial State Park.

The table below outlines the enclosed documentation supporting the request for Gateway consideration.

| Document | Attachment |
|--|------------|
| Information Checklist | 1 |
| Planning Proposal | 2 |
| Report to Council and Council resolution - 29 September 2020 | 3 |
| Evaluation for the Delegation of Plan Making Functions | 4 |
| Indicative Project Timeline | 5 |

Council requests to exercise its delegation to make the Local Environmental Plan. The evaluation response for delegation has been enclosed as Attachment 4.

Should you require any further information or assistance in this matter, please feel free to contact me on (02) 8495 6167 or Felicity.Shonk@northernbeaches.nsw.gov.au.

Yours faithfully

Felicity Shonk
Planner

STEP 1: REQUIRED FOR ALL PROPOSALS

(under s3.33(2)(a-e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> Objectives and intended outcome Mapping (including current and proposed zones) Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> Explanation of provisions Justification and process for implementation (including compliance assessment against relevant section 9.1 direction/s) |
|--|--|

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

| Planning Matters or Issues | to be considered | N/A | | to be considered | N/A |
|--|-------------------------------------|-------------------------------------|--|--|--|
| Strategic Planning Context | | | | Environmental Considerations | |
| Consistent with the relevant regional, district or corridor/precinct plans applying to the site, including any draft regional/district or corridor/precinct plans released or public comment; or | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Flooding | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Consistent with a relevant local council strategy that has been endorsed by the Department; or | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Land/site contamination (SEPP55) | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Seeking to update the current planning controls if they have not been amended in the last 5 years | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Sea level rise | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Site Description / Context | | | | Urban design Considerations | |
| Aerial photographs | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Existing site plan (buildings, vegetation, roads, etc) | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Site photos / photomontage | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Building mass/block diagram study (changes in building height and FSR) | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Traffic and Transport Considerations | | | | Lighting impact | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Local traffic and transport | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Development yield analysis (potential yield of lots, houses, employment generation) | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| TMAP | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Economic Considerations | |
| Public transport | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Economic impact assessment | <input type="checkbox"/> <input type="checkbox"/> |
| Cycle and pedestrian movement | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Retail centres hierarchy | <input type="checkbox"/> <input type="checkbox"/> |
| Environmental Considerations | | | | Employment land | <input type="checkbox"/> <input type="checkbox"/> |
| Bushfire Hazard | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Social and Cultural Considerations | |
| Acid sulphate Soil | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Heritage impact | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| Noise impact | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Aboriginal archaeology | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| Flora and/or fauna | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Open space management | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| Soil stability, erosion, sediment, landslip assessment and subsidence | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | European archaeology | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| Water quality | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Social and cultural impacts | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| Stormwater management | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Stakeholder engagement | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| | | | | Infrastructure Considerations | |
| | | | | Infrastructure servicing and potential funding arrangements | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| | | | | Miscellaneous / Additional Considerations | |
| | | | | List any additional studies that should be undertaken post Gateway determination | <input type="checkbox"/> <input checked="" type="checkbox"/> |

Evaluation criteria for authorising Council to be the local plan-making authority

| (NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed) | Council | Response | Department assessment |
|--|---------|--------------|-----------------------|
| | Y/N | Not Relevant | Agree / Disagree |
| Is the planning proposal consistent with the Standard Instrument Order, 2006? | Y | | |
| Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment? | Y | | |
| Are appropriate maps included to identify the location of the site and the intent of the amendment? | Y | | |
| Does the planning proposal contain details related to proposed consultation? | Y | | |
| Does the planning proposal give effect to an endorsed regional or sub-regional planning strategy or a local strategy including the LSPS endorsed by the Planning Secretary? | Y | | |
| Does the planning proposal adequately address any consistency with all relevant s. 9.1 Planning Directions? | Y | | |
| Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)? | N | | |
| Minor Mapping Error Amendments | | | |
| Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed? | | N/A | |
| Heritage LEPs | | | |
| Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office? | | N/A | |
| Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study? | | N/A | |
| Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained? | | N/A | |

| Reclassifications | | | |
|--|---|-----|--|
| Is there an associated spot rezoning with the reclassification? | | N/A | |
| If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy? | | N/A | |
| Is the planning proposal proposed to rectify an anomaly in a classification? | | N/A | |
| Will the planning proposal be consistent with an adopted POM or other strategy related to the site? | | N/A | |
| Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal? | | N/A | |
| Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval? | | N/A | |
| Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land? | | N/A | |
| Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation? | | N/A | |
| Spot Rezoning | | | |
| Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy? | Y | | |
| Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format? | Y | | |
| Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed? | N | | |
| If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed? | | N/A | |
| Does the planning proposal create an exception to a mapped development standard? | N | | |

Section 3.22 matters

Does the proposed instrument

- a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;
- b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or
- c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?

(Note – the Minister (or Delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed).

N/A

Notes

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the council will be authorised to make the plan, as a matter of local planning significance
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Planning Secretary of the Department.

Matters that will be routinely delegated to a Council under administration are confirmed on the Department's website.

www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/

Indicative Project Timeline

| Task | Timeframe |
|---|------------------------------|
| Anticipated commencement date (Gateway determination) | October 2020 |
| Anticipated timeframe for the completion of required technical information | October 2020 |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) | November 2020 |
| Commencement and completion dates for public exhibition period | December / late January 2020 |
| Dates for public hearing (if required) | |
| Timeframe for consideration of submissions | February 2021 |
| Timeframe for the consideration of a proposal post exhibition | March 2021 |
| Date of submission to the Department to finalise the LEP | April 2021 |
| Anticipated date the local plan-making authority will make the plan (if authorised) | July 2021 |
| Anticipated date the local plan-making authority will forward to the PCO for publication | September 2021 |