

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_NBEAC\_003\_00):** Various amendments to the Manly Local Environmental Plan 2013 and Pittwater Local Environmental Plan 2014 in response to the Low Rise Medium Density Housing Code (the Code).

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that amendments to the Manly Local Environmental Plan (LEP) 2013 and Pittwater Local Environmental Plan 2014 in response to the Low Rise Medium Density Housing Code should proceed subject to the following conditions:

1. The planning proposal should be updated to:
  - a. exclude the proposed amendment to prohibit multi-dwelling housing in any R3 Medium Density Residential zone under the Pittwater LEP 2014;
  - b. clearly set out the existing and proposed provisions with respect to the relevant LEPs proposed for amendment;
  - c. to explore alternative LEP amendments in relation to dual occupancies to address Council's concerns with application of the Code;
  - d. provide a quantitative analysis to assess the impacts of the proposal on housing diversity and supply as follows:
    - i. the total area of land zoned R2 Low Density Residential and R3 Medium Density Residential in the local government area;
    - ii. the number of lots eligible for dual occupancies and manor houses/multi-dwelling housing under the Low Rise Medium Density Housing Code in the R2 Low Density Residential and R3 Medium Density Residential zones for the Manly LEP 2013 and Pittwater LEP 2014, taking into account the Codes SEPP exclusions; and
    - iii. the number of dual occupancy and multi-dwelling housing developments approved in the R2 Low Density Residential and R3 Medium Density Residential zones in the local government area in the past five years; and
  - e. assess the proposal's consistency with the objectives and actions in the Greater Sydney Region Plan;
  - f. assess the proposal's consistency with the North District Plan's planning priorities;
  - g. provide further detail on how the planning proposal is consistent with Council's relevant local strategies;

- h. explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community; and
  - i. include a new savings transition clause to ensure that proposed amendments do not affect any development applications or appeal processes.
2. The revised planning proposal should be forwarded to the Department for review and approval prior to exhibition.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days;
  - (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 section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
  - (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition, explaining the effect of the proposed changes.
4. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
5. 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).
6. The time frame for completion of the LEP is by 1 July 2019.

Dated 31<sup>st</sup> day of July 2018.

  
**Stephen Murray**  
Executive Director - Regions  
Planning Services  
Department of Planning and Environment

**Delegate of the Greater Sydney Commission**