

Mr Mark Ferguson
General Manager
Northern Beaches Council
PO Box 1336
DEE WHY NSW 2099

Our ref: PP_2016_NBEAC_005_00 (17/08714)

Dear Mr Ferguson

**Planning proposal to amend Pittwater Local Environmental Plan 2014 –
9, 11, 12 & 13 Fern Creek Road, Warriewood**

I am writing in response to your Council's letter dated 9 June 2017 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to amend the Pittwater Local Environmental Plan 2014 by rezoning land to enable the expansion of the southern portion of Central Local Park, Warriewood, and facilitate the development of the remaining land for housing by making associated changes to dwelling yield restrictions and the maximum building height.

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.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis that it is consistent with Council's strategic planning for the area and the Central Local Park will play an important recreational and open space role for the growing community of the area. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of s117 Direction 4.4 Planning for Bushfire Prone Land. Council should ensure this occurs prior to the plan being made.

It is noted that the proposal involves Council owned land. Council should satisfy itself that the Planning Proposal does not need to seek the reclassification of any public land prior to public consultation.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has not requested 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 as the proposal is a

local planning matter and Council will have elected Councillors by the time this proposal progresses to section 59 the Act.

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 LEPs 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 Elvie Magallanes of the Department's Sydney Region East team to assist you. Ms Magallanes can be contacted on (02) 9860 1439.

Yours sincerely



7 July 2017

Craig Diss
Acting Director, Sydney Region East
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2017_NBEAC_005_00): to rezone land to enable the expansion of the southern portion of Central Local Park, Warriewood, and facilitate the development of the remaining land for housing by making associated changes to dwelling yield restrictions and the maximum building height.

I, the Acting Director, Sydney Region East 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 (LEP) 2014 to rezone land to enable the expansion of the southern portion of Central Local Park, Warriewood, and facilitate the development of the remaining land for housing by making associated changes to dwelling yield restrictions and the maximum building height should proceed subject to the following conditions:

1. Prior to community consultation, the Planning Proposal is to be updated to:
 - a) include additional information confirming the suitability of the proposal in relation to:
 - flooding; and
 - potential land contamination;
 - b) clarify that the proposed changes to the Height of Building Map for part of Lot 5 DP 736961 apply to land already zoned R3 Medium Density Residential; and
 - c) provide an explanation for the proposed amendment to Clause 6.1(3) of the LEP in relation to the decrease in dwelling yield for Sector 901A.
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 2016)*.
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:
 - NSW Rural Fire Service
 - NSW Environment Protection Authority
 - NSW Office of Water
 - NSW Office of Environment and Heritage

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.



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 7 day of July 2017

Craig Diss
Acting Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Northern Beaches Council is authorised to exercise the functions of the Minister for Planning 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_2017_NBEAC_005_00	Planning Proposal to rezone land to enable the expansion of the southern portion of Central Local Park, Warriewood, and facilitate the development of the remaining land for housing by making associated changes to dwelling yield restrictions and the maximum building height

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 7 July 2017



Craig Diss
Acting Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Secretary of the Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_NBEAC_005_00
Date Sent to DoP&E under s56	15 June 2017
Date considered at LEP Review Panel	N/A
Gateway determination date	7 July 2017

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: