



Planning & Environment

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Contact: James Sellwood
Phone: (02) 8575 4122
Email: james.sellwood@planning.nsw.gov.au
Postal: GPO Box 39 SYDNEY NSW 2001

Our ref: PP_2015_PITTW_001_00 (15/07217)
Your ref: PP0001/15

Dear Mr Ferguson

Planning proposal to amend Pittwater Local Environmental Plan 2014

I am writing in response to your Council's letter dated 27 April 2015 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 Schedule 5 and the Heritage Maps of Pittwater Local Environmental Plan 2014.

As delegate of the Minister for Planning, 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 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 Local Environmental Plan 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's regional team for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 Minister 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 Mr James Sellwood of the Department's Metropolitan (CBD) branch to assist you. Mr Sellwood can be contacted on (02) 8575 4122.

Yours sincerely


Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2015_PITTW_001_00): to amend Schedule 5 and the Heritage Maps.

I, the Director, Metropolitan (CBD) at the Department of Planning and Environment as delegate of the Minister for Planning, 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 update Schedule 5 Environmental Heritage and the Heritage Maps should proceed subject to the following conditions:

1. 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 Environment 2013)*.
2. The Pittwater Community Based Heritage Study Review (2015) should be placed on public exhibition with the planning proposal.
3. The planning proposal is to be updated to clearly demonstrate the need for the listing of Ku-ring-gai Chase National Park, and how this would operate in conjunction with the provisions of the *National Parks and Wildlife Act 1974*.
4. Consultation is required under section 56(2)(d) of the Act with the following divisions within the Office of Environment and Heritage:
 - Heritage; and
 - National Parks and Wildlife Service

Each division 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 divisions may request additional information or additional matters to be addressed in the proposal. The planning proposal is to be revised to address any submissions from these divisions, and copies of all submissions must be included with the revised proposal.

5. 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).
6. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated 29th day of May 2014.



Lee Mulvey
Director, Metropolitan (CBD)
Planning Services
Delegate of the Minister for Planning