



Mr Rik Hart
General Manager
Warringah Council
Civic Drive
725 Pittwater Road
DEE WHY NSW 2099

Attention: Mr Michael Haynes

Dear Mr Hart,

I am writing in response to Council's letter, dated 19 September 2014, requesting a Gateway determination in respect of a planning proposal at 158 Pacific Parade, Dee Why, to formalise the permissibility of 'commercial premises' on the site.

The proposal identifies *Schedule 1 Additional Permitted Uses* as the most appropriate mechanism to ensure that the planning controls for the site reflect the existing land uses.

However, Schedule 1 should only be used in exceptional circumstances, and it is preferred that land use permissibility be controlled by zones and land use tables. Given the current primary commercial use of the land, and that the site adjoins the Dee Why Beach Precinct, the application of a B2 Local Centre zone would be a more acceptable solution, consistent with Council's intent.

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.

I have also agreed the planning proposal's inconsistency with section 117 Direction 3.1 Residential Zones is justified as being of minor significance. No further approval is required in relation to this Direction.

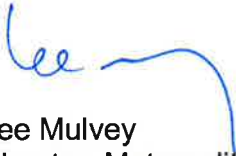
The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation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

If you have any queries in regard to this matter, I have arranged for Ms Lee McCourt of the Department's regional office to assist. Ms McCourt can be contacted on (02) 8575 4129.

Yours sincerely,



Lee Mulvey
Director, Metropolitan Delivery (CBD)
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_WARRI_002_00): to rezone land at 158 Pacific Parade, Dee Why

I, the Director, Metropolitan Delivery (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 Warringah Local Environmental Plan 2011 *to rezone land at 158 Pacific Parade, Dee Why (Lot 1 DP 34753)* should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to rezone the site B2 Local Centre, as opposed to a Schedule 1 amendment.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include a Land Zoning Map which clearly shows both the existing and proposed zones for the site.

The map should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning & Infrastructure 2013).

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and must be made publicly available for a minimum of **14 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)*.
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 Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated 17th day of October 2014.


Lee Mulvey
Director, Metropolitan Delivery
(CBD)
Planning Services

Delegate of the Minister for
Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Warringah 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_2014_WARRI_002_00	Planning proposal to rezone land at 158 Pacific Parade, Dee Why

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 17th October 2014


Lee Mulvey
Director, Metropolitan Delivery (CBD)
Planning Services

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated Local Environmental Plan 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
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making 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 Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

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

Stage	Date/Details
Planning Proposal Number	PP_2014_WARRI_002_00
Date Sent to Department under s56	26 September 2014
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	

Table 2 – To be completed by the RPA

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

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

Stage	Date/Details
Notification Date and details	

Additional relevant information: