



## Planning & Infrastructure

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Dr John Roseth  
Chairperson  
Sydney East Joint Regional Planning Panel  
GPO Box 39  
SYDNEY NSW 2001

Our ref: PP\_2013\_PITTW\_001\_00 (13/02920)  
Your ref:

Dear Mr Roseth

### **Planning proposal to amend Pittwater Local Environmental Plan 1993 and draft Pittwater LEP 3012**

I am writing in response to your letter dated 15 August 2013 requesting a Gateway determination under s56 of the EPA Act 1979 in respect of the planning proposal to rezone land at 120-122 Mona Vale Road, Warriewood from (1a) Non-Urban 'A' to R2 Low Density Residential and E4 Environmental Living, and specify the minimum lot size for the subject land.

As delegate of the Minister for Planning and Infrastructure, 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 inconsistencies with s117 Direction are justified by the Warriewood Valley Strategic Review report endorsed by the Director General and are of minor significance. However, the Sydney East Joint Regional Planning Panel (the Panel) should consult with NSW Rural Fire Service in relation to s117 Direction 4.4 for Bushfire Protection. No further approval is required in relation to these Directions.

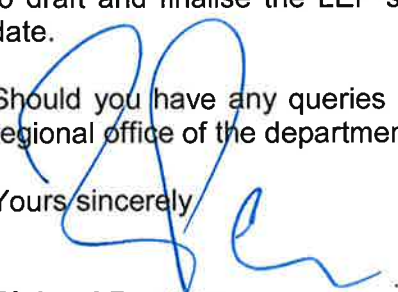
Clause 6 of State Environmental Planning Policy 55 applies to the subject site requiring the Relevant Planning Authority to obtain a preliminary investigation of any land contamination. It is recommended the proponent provide a preliminary investigation of contamination of the land prior to public exhibition of the planning proposal.

The proponent has provided evidence of an option to purchase part of Lot 10 required to provide road access to the site, in accordance with the condition 1 of the Panel's advice dated 22 May 2013. It is recommended this evidence of road access be included in the exhibition package.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. The Panel should aim to commence the exhibition of the planning proposal by 14 October 2013. The Panel's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

Should you have any queries in regard to this matter, please contact Ms Lee McCourt of the regional office of the department on 02 8575 4129.

Yours sincerely

  
**Richard Pearson**  
Deputy Director General  
Planning Operations and Regional Delivery

4/9/13

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_PITTW\_001\_00):** to rezone land at 120-122 Mona Vale Road, Warriewood from (1a) Non-Urban to 'A' to R2 Low Density Residential and E4 Environmental Living and specify the minimum lot size for the subject land.

I, the Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Pittwater Local Environmental Plan (LEP) 1993 and the draft Pittwater LEP 2013 to rezone land at 120-122 Mona Vale Road from (1a) Non-Urban to 'A' to R2 Low Density Residential and E4 Environmental Living and specify the minimum lot size for the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be amended as follows:
  - (a) introduce Standard Instrument zoning to the land use table, R2 Low Density Residential and E4 Environmental Living Zones;
  - (b) amend the Zoning Maps and Minimum Lot Size Map to reflect the Panel's advice dated 22 May 2013;
  - (c) amend provisions to include minimum lot size and Standard Instrument R2 and E4 Zones including permissible use;
  - (d) introduce definitions of land use terms applying to R2 and E4 Zones; and
  - (e) amend the planning proposal to reflect proposed amendment to the Pittwater Local Environmental Plan 1993 and the exhibited draft Pittwater Local Environmental Plan 2013;
2. Prior to undertaking public exhibition, the proponent is to provide the following:
  - (a) a map outlining the land subject to the planning proposal, a current land use zoning map, a proposed land use zoning map and a minimum lot size map in accordance with the Panel's advice dated 22 May 2013; and
  - (b) a preliminary investigation of contamination of the subject lands.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A 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 & Infrastructure 2013).
4. Consultation is required with Government Agencies, as follows:
  - (a) Office of Environment and Heritage;
  - (b) Fire and Rescue NSW;
  - (c) NSW Rural Fire Service (consistent with Direction 4.4 Planning for Bush Fire Protection); and
  - (d) Transport for NSW – Roads and Maritime Services;

The agencies are 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.

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 EP&A Act. This does not discharge the Panel 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 LEP is **6 months** from the week following the date of the Gateway determination.

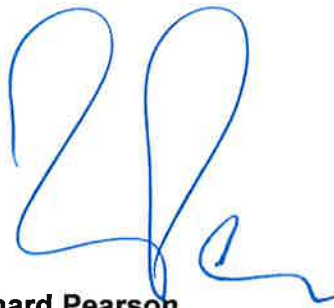
Dated

4

day of

September

2013.



**Richard Pearson**  
**Deputy Director General**  
**Planning Operations and Regional Delivery**  
**Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and Infrastructure**