



Mr Mark Ferguson
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Our ref: PP_2010_PITTW_003_00 (09/02788)
Your ref: Liza Cordoba

Dear Mr Ferguson,

Re: Planning Proposal to limit the retail floor space area at 23B Macpherson Street, Warriewood – Revised Gateway Determination

I refer to my Gateway Determination dated 21 June 2010 under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Pittwater Local Environmental Plan 1993 to limit the retail floor space area of the focal neighbourhood centre at 23B Macpherson Street, Warriewood.

Pursuant to Clause 56(7) of the EP&A Act, as delegate of the Minister for Planning, I have now altered my Gateway Determination in relation to this planning proposal. The planning proposal should proceed subject to the conditions in the attached Gateway Determination.

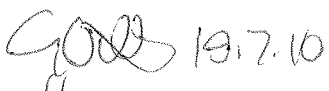
The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Sabina Miller of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,


* **Tom Gellibrand**
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_PITTW_003_00): to limit the retail floor space area of the focal neighbourhood centre at 23B Macpherson Street, Warriewood.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Pittwater Local Environmental Plan 1993 to limit the retail floor space area of the focal neighbourhood centre at 23B Macpherson Street, Warriewood should proceed subject to the following conditions:

1. Removal of the proposed amendment to clauses 30B (2), (2A) and (2B) and 30B (4) within Division 7A of the Warriewood Valley Urban Land Release relating to consistency with the objectives of the zones.
2. Removal of the minimum retail floor space area of 855m² from the proposed clause identified as Clause 30B(5) Division 7A Warriewood Valley Urban Land Release, Clause 30b(5).
3. Removal of the minimum retail floor space area of 855m² from the proposed additional objective to Schedule 11, Part 2 Zone objectives of the Warriewood Valley Urban Land Release, Zone 2(f) (Urban Purposes – Mixed Residential).
4. Retention of the existing definition of neighbourhood shop in Pittwater LEP 1993.
5. Inclusion of a provision to the effect that if a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.
6. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
9. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

10

day of

July

2010.


for **Tom Gellibrand**
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning