



Planning

Office of the Director-General

Contact: Sabina Miller
Phone: (02) 9228 6282
Fax: (02) 9228 6244
Email: sabina.miller@planning.nsw.gov.au
Postal: GPO BOX 39 Sydney NSW 2001

Our file ref: 09/01940

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

Dear Mr Ferguson,

Re: Planning Proposal to reclassify public land at units 9, 11, 12, 13, 14 and 16, No. 5 Vuko Place, Warriewood (Lots 9, 11 and 12 of Strata Plan 36126 and Lots 13, 14 and 16 Strata Plan 42156) from 'community' to 'operational' land

I am writing in response to your Council's letter dated 19 November 2009 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the planning proposal to amend Pittwater Local Environmental Plan 1993 to reclassify public land at units 9, 11, 12, 13, 14 and 16, No. 5 Vuko Place, Warriewood (Lots 9, 11 and 12 of Strata Plan 36126 and Lots 13, 14 and 16 Strata Plan 42156) from 'community' to 'operational' land.

As delegate of the Minister for Planning, I have now determined that 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 28 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination.

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.

I have formed the opinion that any inconsistencies with the section 117 Directions are minor and justifiable in this instance.

Should you have any queries in regard to this matter, please contact the Regional Office of the Department.

Yours sincerely,


Sam Haddad
Director-General

4/12/2009

Gateway Determination

Planning Proposal (Department Ref: PP_2009_PITTW_003_00): To reclassify public land at units 9, 11, 12, 13, 14 and 16, No. 5 Vuko Place, Warriewood (Lots 9, 11 and 12 of Strata Plan 36126 and Lots 13, 14 and 16 Strata Plan 42156) from 'community' to 'operational' land.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Pittwater Local Environmental Plan 1993 to reclassify public land at units 9, 11, 12, 13, 14 and 16, No. 5 Vuko Place, Warriewood (Lots 9, 11 and 12 of Strata Plan 36126 and Lots 13, 14 and 16 Strata Plan 42156) from 'community' to 'operational' land should proceed subject to the following conditions:

1. 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 not classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and therefore must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
2. No consultation is required with State or Commonwealth public authorities under section 56(2)(d) of the EP&A Act.
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act, noting that a public hearing is still required to be held under section 29 of the Local Government Act. In this regard, a copy of practice note PN09-003 – 'Classification and reclassification of public land through a local environmental plan' is to form part of the material displayed during public exhibition.
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 4th day of December 2009.



Sam Haddad
Delegate for the Minister for Planning