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

Our ref: PP_2013_PITTW_001_00 (13/10907)
Your ref: PP0004/13

Dear Mr Ferguson

Planning proposal to amend Pittwater Local Environmental Plan 1993

I am writing in response to your Council's letter dated 14 June 2013 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 rezone parts of Sector 901 and increase the maximum dwellings permitted on various sectors including Sectors 301-303, 5, 801, 901A and adjoining Orchard Street road reserve, 901B, 901C, 901F, 10B, Buffer 2a and Buffer 3b within the Warriewood Valley Urban Land Release Area.

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 Directions are of minor significance. However, Council should consult with NSW Rural Fire Service in relation to s117 Direction 4.4 Planning for Bushfire Protection. No further approval is required in relation to these Directions.

I note your concerns in relation to emergency evacuation and the current intra-government review on state-wide flood evacuation policy. Council's intention to proceed with the proposal with a flood free evacuation route at the 1% AEP is supported.

It is acknowledged that Meriton Pty Limited submitted a planning proposal to Council on 7 June 2013, which includes several parcels of land covered by this Gateway Determination. Meriton's planning proposal seeks to amend the height and maximum dwellings permitted in Sector 302. As previously discussed, opportunity for higher residential density development within Warriewood Valley may exist and it is appropriate that they are explored through site specific planning proposals based on a merit assessment.

The Minister delegated his 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 (LEP) 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 LEP 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 for administrative purposes.

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 section 54(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 Ms Lee McCourt of the regional office of the department on 02 8575 4129.

Yours sincerely,



7/8/13

Juliet Grant
Regional Director
Sydney East Planning Team
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_PITTW_001_00): to make various amendments to the Pittwater Local Environmental Plan 1993.

I, the Regional Director, Sydney East Regional Planning Team 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 to rezone parts of Sector 901 and increase the maximum dwellings permitted on various sectors including Sectors 301-303, 5, 801, 901A and adjoining Orchard Street road reserve, 901B, 901C, 901F, 10B, Buffer 2a and Buffer 3b sectors within the Warriewood Valley Urban Land Release Area should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal as follows:
 - (a) to make clear that Clause 30E(4) pertaining to a State Infrastructure Contribution does not apply to current or future residential development in the Warriewood Valley Urban Release Area.
 - (b) to amend the planning proposal to reflect Council's resolution of 12 June 2013 to proceed with the planning proposal with a flood free evacuation route at the 1% AEP.
2. 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 & Infrastructure 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 & Infrastructure 2013)*.
3. Consultation is required with NSW Rural Fire Service under section 56(2)(d) of the EP&A Act and to comply with the requirement of S117 Direction 4.4 Planning for Bushfire Protection. NSW Rural Fire Service 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.
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 EP&A 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 LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

7th

day of

August

2013.

**Juliet Grant
Regional Director
Sydney Region East Planning Team
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**

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