



13/13718

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

Dear Mr Hart,

Planning proposal to amend Warringah Local Environmental Plan 2011

I am writing in response to Council's letter dated 5 August 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 amend the Height of Buildings Map in Warringah Local Environmental Plan 2011 so as to reduce the maximum permissible height at 57 Delmar Parade, Dee Why from 11 metres to 8.5 metres.

As delegate of the Minister for Planning and Infrastructure, I have determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination.

I agree that the Planning Proposal is not inconsistent with any S117 Direction with the exception of S117 Direction 3.1 Residential Zones. With regard to this direction, I agree that the inconsistency is of a minor nature.

The Minister delegated his plan making powers to councils in October 2012. In response to Council's request to be issued with delegation for this Planning Proposal, I 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 Margaret Kirton, Senior Planner, on 8575 4129.

Yours sincerely,

23/8/2013

For: **Juliet Grant**
Regional Director
Sydney East Region
Planning Operations and Regional Delivery



Gateway Determination

Planning proposal (Department Ref: PP_2013_WARRI_003_00) to amend Warringah Local Environmental Plan 2011 Height of Buildings Map so as to reduce the maximum permissible height at 57 Delmar Parade, Dee Why from 11 metres to 8.5 metres.

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 Warringah Local Environmental Plan (LEP) 2011 Height of Buildings Map so as to reduce the maximum permissible height at 57 Delmar Parade, Dee Why from 11 metres to 8.5 metres 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 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)*.
2. No consultation is required with public authorities under sections 56(2)(d) of the (EP&A Act).
3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 23 day of August 2013.

RJ Jamming

23/8/2013

For: **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



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Warringah Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_WARRI_003_00	Planning proposal to amend the Height of Buildings Map in Warringah Local Environmental Plan 2011 so as to reduce the maximum permissible height at 57 Delmar Parade, Dee Why from 11 metres to 8.5 metres.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 23/8/2013

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