



Our ref: 15/17850

Mr Rick Hart
General Manager
Warringah Council
Civic Drive, 725 Pittwater Road
Dee Why NSW 2099

Dear Mr Hart

I refer to Council's correspondence dated 30 September 2015 and 22 December 2015, in relation to revisions to Planning Proposal PP_2015_WARRI_002_00 to amend controls for 'Site B', Howard and Oaks Avenues, within the Dee Why Town Centre.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 26 February 2015 for PP_2015_WARRI_002. The Alteration of the Gateway determination is enclosed.

A condition of the Gateway determination issued on 26 February 2015 required further consideration of how the planning proposal and broader town centre would continue to cater for future employment opportunities, including further justification for the inconsistency with *Section 117 Direction 1.1 Business and Industrial Zones*.

I understand an Economic Assessment Report (dated April 2015) was prepared by Hill PDA Consulting on behalf of the proponent, and was placed on public exhibition with the planning proposal. The Economic Assessment Report indicates the proposal is likely to support the viability of the Brookvale-Dee Why strategic centre, based on a single floor of non-residential development (ie. ground floor).

However, I note Council's post-exhibition decision to restrict residential development on the ground and first floors (as opposed to only on the ground floor as exhibited) to reinforce the site's capacity for business and employment functions, and support the wider renewal of the town centre. This is consistent with *A Plan for Growing Sydney* and is supported by the Department.

As delegate of the Secretary, I approve the inconsistency with *Section 117 Direction 1.1 Business and Industrial zones* in light of the above changes.

The planning proposal submitted for Gateway and publically exhibited provided greater flexibility for non-residential uses. I note, however, that Council has resolved to retain clauses within its LEP that restrict certain uses on the ground and first floors.

The Department requests that Council updates its proposal prior to finalisation to expand the range of permissible non-residential uses on the ground and first floors, allowing more flexibility for market conditions to guide future uses on the site. These changes are considered to be minor and within the scope of previous exhibitions.

If you have any further enquiries, please contact Mr Lee Mulvey, Director of the Department's Metropolitan (CBD) team, on (02) 9228 6512.

Yours sincerely



Brett Whitworth
A/Executive Director, Regions



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2015_WARRI_002_00)

I, the A/Executive Director, Regions, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination, dated 26 February 2015, for the proposed amendment to the Warringah Local Environmental Plan (LEP) 2013 for 'Site B' in Dee Why Town Centre as follows:

1. Insert:

new condition 6: "Prior to finalisation, the planning proposal is to be amended to:

- enable business and retail uses to be permissible on the ground floor;
- enable the range of commercial uses to be permissible on the first floor;
- permit residential accommodation on the second floor. Residential accommodation would continue to be prohibited on the ground and first floors;
- increase the podium height from RL31 metres to RL32 metres, to facilitate greater floor-to-floor heights at ground and first floors;
- allow an exception to the maximum height of buildings at the location identified on the Key Sites Map, to facilitate a footbridge connection."

Dated

18th

day of

January

2016

**Brett Whitworth
A/Executive Director, Regions
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning