



Mr Rik Hart
General Manager
Warringah Council
Civic Drive, 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 your Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal for 'Site B' Howard and Oaks Avenues, Dee Why within the Dee Why Town Centre.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to councils by the Minister 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.

However, please note that the inconsistency with section 117 Direction 1.1 *Business and Industrial Zones* has not yet been approved. Once the work required to justify this inconsistency has been completed, Council should make a submission to the Department seeking this approval. This must occur prior to the finalisation of the amendment.

The amending local environmental plan is to be finalised within **12 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 local environmental plan 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 of Planning and Environment's regional team for administrative purposes.

The State Government is committed to reducing the time taken to complete local environmental plans 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 Act if the time frames outlined in this determination are not met.

If you have any queries, please contact Tim Archer of the Department's regional office on (02) 8575 4120.

Yours sincerely,


Lee Mulvey
Director
Metropolitan Delivery (CBD)
Planning Services
26/2/15



Gateway Determination

Planning proposal (Department Ref: PP_2015_WARRI_002_00): to amend the building heights and remove restrictions on permissible land uses for 'Site B' within the Dee Why Town Centre.

I, the Director, Metropolitan Delivery (CBD) at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Warringah Local Environmental Plan 2011 to vary the building heights and remove restrictions on permissible land uses for 'Site B' within the Dee Why Town Centre should proceed subject to the following conditions:

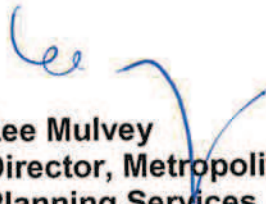
1. As the planning proposal may result in a loss of commercial floor space, the planning proposal is to be updated prior to exhibition to:
 - a) explain how the planning proposal and broader town centre will continue to cater for future employment opportunities;
 - b) provide justification on the inconsistency with s117 Direction 1.1 Business and Industrial Zones, supported by an independent economic/market assessment; and
 - c) in the context of potential loss of commercial floor space, demonstrate consistency with 'A Plan for Growing Sydney', released on 14 December 2014,
2. Prior to undertaking public exhibition, the planning proposal is to be updated to:
 - a) update the Height of Building Map/s to clearly show both the existing and proposed controls for the site;
 - b) include a plain English explanation of the intended effect of the changes, including comment on whether existing clause 7.8 is completely superseded by this proposal, or needs to be retained or amended; and
 - c) demonstrate general consistency with 'A Plan for Growing Sydney', released on 14 December 2014.

Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning & Infrastructure 2013).

3. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - d) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2013) and must be made publicly available for a minimum of 14 days; and
 - e) 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 and Environment 2013).

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 12 months from the week following the date of the Gateway determination.

Dated 26th day of February 2015.


Lee Mulvey
Director, Metropolitan Delivery (CBD)
Planning Services

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Warringah Council is authorised to exercise the functions of the Minister for Planning 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_2015_WARRI_002_00	Planning proposal to amend the building heights and remove restrictions on permissible land uses for 'Site B' within the Dee Why Town Centre.

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

Dated 26th February 2015


Lee Mulvey
Director, Metropolitan Delivery (CBD)
Planning Services