WARRINGAH COUNCIL

15 December 2014

Marcus Ray

Carolyn McNally
Secretary
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

mc 18/12.

Our Ref: PEX2014/0004

Dear Ms McNally

Planning Proposal: 'Site B' Howard and Oaks Avenue Dee Why

Warringah Council requests that the Department of Planning and Environment provide a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979 to amend Warringah Local Environmental Plan 2011 (WLEP 2011).

The Planning Proposal relates to land known as 'Site B' in Dee Why. The area is identified within the attached Council report and supporting documents which were considered at the Council meeting held 25 November 2014.

The Planning Proposal seeks to amend provisions within the WLEP 2011 in order to:

1. Accommodate modified building envelopes
2. Permit residential land use/s on building levels one and two of any future development.
3. Increase the range of permissible commercial land uses for the ground floor of any future development.

In addition to amendments to specific WLEP 2011 provisions, an amendment to the Height of Building map is also required to administer the intent of the Planning Proposal.

As per the resolution of 25 November 2014, Council requests that any supportive Gateway determination requires the applicant to undertake an assessment of the future employment potential of 'Site B'. The catalyst of such a request is detailed within the WDAP meeting minutes (Tag reference 3).

The table below outlines the enclosed documentation supporting the request for Gateway consideration;

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Civic Centre 725 Pittwater Road Dee Why NSW 2099
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ABN 31 565 068 406 DX 9118
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Document Title	Tag Ref.
Information Checklist pursuant to Section 55(a)-(e)	1
Evaluation for the Delegation of Plan Making Functions	2
Warringah Development Assessment Panel report and meeting Minutes 8 October 2014	3
Report and Council resolution 25 November 2014	4
Planning Proposal (prepared by Council)	5
Indicative project timeline	6

Council intends to exercise its delegation to make the local environmental plan. The evaluation respoonse for delegation has been enclosed as Tag reference No. 2.

Should you have any enquiries, please feel free to contact us.

Regards,

Theo Zotos
Senior Strategic Planner

Enquiries: Theo Zotos 9942 2165

INFORMATION CHECKLIST

Attachment 1

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context		
• Demonstrated consistency with relevant Regional Strategy	☒	☐
• Demonstrated consistency with relevant sub-regional strategy	☒	☐
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☒	☐
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒
Site Description/Context		
• Aerial photographs	☒	☐
• Site photos/photomontage	☐	☒
Traffic and Transport Considerations		
• Local traffic and transport	☒	☐
• TMAP	☐	☒
• Public transport	☐	☒
• Cycle and pedestrian movement	☐	☒
Environmental Considerations		
• Bushfire hazard	☐	☒
• Acid Sulphate Soil	☐	☒
• Noise impact	☐	☒
• Flora and/or fauna	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒
• Water quality	☐	☒
• Stormwater management	☒	☐
• Flooding	☒	☐
• Land/site contamination (SEPP55)	☐	☒
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒
• Sea level rise	☐	☒

PLANNING MATTERS OR ISSUES	To be considered	N/A
Urban Design Considerations		
• Existing site plan (buildings vegetation, roads, etc)	☒	☐
• Building mass/block diagram study (changes in building height and FSR)	☒	☐
• Lighting impact	☐	☒
• Development yield analysis (potential yield of lots, houses, employment generation)	☒	☐
Economic Considerations		
• Economic impact assessment	☐	☒
• Retail centres hierarchy	☒	☐
• Employment land	☒	☐
Social and Cultural Considerations		
• Heritage impact	☐	☒
• Aboriginal archaeology	☐	☒
• Open space management	☐	☒
• European archaeology	☐	☒
• Social and cultural impacts	☐	☒
• Stakeholder engagement	☐	☒
Infrastructure Considerations		
• Infrastructure servicing and potential funding arrangements	☐	☒
Miscellaneous/Additional Considerations		
List any additional studies		

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

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Local Government Area:Warringah

Name of draft LEP:Warringah Local Environmental Plan 2011 (WLEP 2011)

Address of Land (if applicable):

LAND PARCEL ADDRESS	LEGAL DESCRIPTION
9 Howard Avenue	Lot 7, DP 8172
11 Howard Avenue	Lo1 1, DP 209503
15 Howard Avenue	Lot 1, DP 212382
17 Howard Avenue	Lot 2, DP 212382
14 Oaks Avenue	Lot A, DP 371110
16 Oaks Avenue	Lot B, DP 371110
28 Oaks Avenue	Lot 3, DP 212382
884 Pittwater Road	Lot A, DP 339410
888 Pittwater Road	Lot 11, DP 231418
890 Pittwater Road	Lot 10, DP 231418
892 Pittwater Road	Lot 1, DP 504212
894 Pittwater Road	Lot A, DP 416469
896 Pittwater Road	Lots 1 and 3, DP 307937

Intent of draft LEP:
The intent of the Planning Proposal is to:

- Amend the WLEP 2011 "Height of Building Map" to amend building heights across parts of the site
- Amend site specific provisions within Part 7 of the WLEP 2011 in order to allow an alternative building design and building use composition.

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation **(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)**	**Council response**		**Department assessment**	
	Y/N	**Not relevant**	**Agree**	**Not agree**
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y		Y	
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y		Y	
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y		Y	
Does the planning proposal contain details related to proposed consultation?	Y		Y	
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y		Y	
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y		Y	
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y		Y	
Minor Mapping Error Amendments	**Y/N**			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		X	N	
Heritage LEPs	**Y/N**			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		X	N	
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		X	N	
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		X	N	

Reclassifications	**Y/N**			
Is there an associated spot rezoning with the reclassification?		X	N	
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		X	N	
Is the planning proposal proposed to rectify an anomaly in a classification?	N		N	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		X	N	
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	N		N	
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		X	N	
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		X	N	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		X	N	
Spot Rezonings	**Y/N**			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N		N	
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N		N	
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N		N	
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		X	Y	

Does the planning proposal create an exception to a mapped development standard?	N		N	
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).		X	N	

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.