

Gateway Determination

Planning proposal (Department Ref: PP-2021-7404): To rezone 159-167 Darley Street West, Mona Vale to R3 Medium Density Residential.

I, the Director at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Pittwater Local Environmental Plan 2014 to rezone 159-167 Darley Street West, Mona Vale from R2 Low Density Residential to R3 Medium Density Residential should proceed subject to the following conditions:

Gateway Conditions

1. Prior to community consultation the planning proposal (and any supporting studies) are to be updated to:
 - (a) assess the proposal against up to date SEPPs and Ministerial 9.1 Directions, and in particular Direction 3.1 (Conservation Zones), Direction 4.1 (Flooding) and Direction 5.1 (Integrating Land Use and Transport).
 - (b) consider the proposal against the Mona Vale Place Plan, having regard to its current status
 - (c) include a new Affordable Housing clause in the PLEP with associated Affordable Housing Contributions Scheme Map, consistent with clause 6.11 (Affordable Housing) of the Warringah LEP 2011
 - (d) identify an affordable housing contribution rate of 5% for the site on the proposed Affordable Housing Contributions Scheme Map.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (e) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023) and must be made publicly available for a minimum of 20 working days; and
 - (f) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - (a) Relevant utility providers, including Ausgrid and Sydney Water.
 - (b) Environment and Heritage Group

- (c) NSW State Emergency Service
- (d) Biodiversity and Conservation Division
- (e) Transport for NSW
- (f) Greater Cities Commission
- (g) Northern Beaches Council.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 3.34(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 LEP should be completed on or before 17 July 2024.

Dated 8th day of September 2023.



Brendan Metcalfe
Director, North District
Department of Planning and Environment
Delegate of the Minister for Planning and Public Spaces