



PCU56911



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SECRETARY

6 November 2014

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

Our Ref: EC11214
2014/300005

Dear Ms McNally

Planning Proposal- Dee Why Town Centre

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 the area known as the Dee Why town centre. The area is identified within the attached Council report and supporting documents considered at the Council meeting held 23 September 2014.

The Planning Proposal seeks to implement the recommendations contained within the adopted Dee Why Master Plan 2013 and supporting studies. The Master Plan encourages the rejuvenation of the Dee Why town centre consistent with its recognition as a Major Centre within the Metropolitan Strategy. The Master Plan aims to deliver an improved public domain and cater for the expected growth in housing and employment.

Please find enclosed a Section 55(a)-(e) Information checklist, an Evaluation Criteria for Plan Making functions and the following information relating to the Planning Proposal:

Document Title	Tag Ref.
Council meeting Minutes 23/9/14	A
Copy of submission as noted in Council meeting Minute D.	B
Council report considered at Council meeting 23/9/14	C
Council report Attachment 1- Chronology	D
Council report Attachment 2- Draft Warringah LEP 2011 Maps	E
Council report Attachment 3- Schedule of Draft Warringah LEP 2011 amendments	F
Council report Attachment 4- Draft Warringah Development Control Plan Amendments	G
Council report Attachment 5- Planning Proposal and WLEP 2011 Maps	H



Council report Attachment 6- Dee Why Town Centre Traffic Model Update (March 2014)	I
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Council would like to exercise its delegation authority for this Planning Proposal.

The draft Schedule of WLEP 2011 Amendments (Tag reference F) incorporates suggested wording for amending WLEP 2011. The submission received from Don Fox Planning (Tag reference B) was presented to the Council and was 'noted' in its resolution. This will result in changes to the draft Schedule of WLEP 2011 Amendments (Tag reference F). We will use these schedules as the basis for further discussions in terms of the drafting of the provisions.

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

Yours faithfully

Malcolm Ryan
Acting General Manager

Enquiries: Theo Zotos, Senior Strategic Planner 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	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☒	☐	• Existing site plan (buildings vegetation, roads, etc)	☒	☐
• Demonstrated consistency with relevant sub-regional strategy	☒	☐	• Building mass/block diagram study (changes in building height and FSR)	☒	☐
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒	• Lighting impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☒	☐
Site Description/Context			Economic Considerations		
• Aerial photographs	☒	☐	• Economic impact assessment	☒	☐
• Site photos/photomontage	☐	☒	• Retail centres hierarchy	☒	☐
Traffic and Transport Considerations			• Employment land	☒	☐
• Local traffic and transport	☒	☐	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☐	☒
• Public transport	☒	☐	• Aboriginal archaeology	☐	☒
• Cycle and pedestrian movement	☒	☐	• Open space management	☐	☒
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☐	☒	• Social and cultural impacts	☒	☐
• Acid Sulphate Soil	☐	☒	• Stakeholder engagement	☐	☒
• Noise impact	☐	☒	Infrastructure Considerations		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☒	☐
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☒	☐	List any additional studies - Dee Why Master Plan 2013 - Dee Why Town Centre Traffic Model update (2014)		
• Stormwater management	☒	☐			
• Flooding	☒	☐			
• Land/site contamination (SEPP55)	☐	☒			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			

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

Local Government Area:Warringah Council

Name of draft LEP:Dee Why Town Centre

Address of Land (if applicable):

A site identification map is contained within the Planning Proposal

Intent of draft LEP:

To amend a number of Warringah LEP 2011 Maps and provisions to reflect the findings of the adopted Dee Why Master Plan 2013

Additional Supporting Points/Information:

*The Planning Proposal includes a number of proposed Local Provisions which, as stated in the cover letter, were drafted to illustrate intent and will require further consultation with the Department.

The Planning Proposal does not contains details regarding the upcoming consultation as it is assumed those parameters will be stipulated within the Gateway determination and associated conditions.

Evaluation criteria for the issuing of an Authorisation	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
(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)				
Is the planning proposal consistent with the Standard Instrument Order, 2006? <i>Refer to notes</i>	<i>Y*</i>		Y	
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	<i>Y</i>		Y	
Are appropriate maps included to identify the location of the site and the intent of the amendment?	<i>Y</i>		Y	
Does the planning proposal contain details related to proposed consultation? <i>Refer to notes.</i>	<i>N</i>		Y	
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	<i>Y</i>		Y	
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	<i>Y</i>		Y	
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	<i>Y</i>		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?			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?			N	

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?			N	
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?			N	
Is the planning proposal proposed to rectify an anomaly in a classification?			N	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?			N	
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?			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?			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?			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?			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	
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	
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	
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?			Y	

Does the planning proposal create an exception to a mapped development standard?			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).			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.