

Office of the Director General

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

11/10058

Attention: Steve Evans

Dear Mr Ferguson

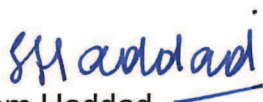
I refer to Council's letter of 3 June 2011, requesting an extension to the Gateway Determination timeframe for the Planning Proposal for 17 & 25 – 27 Foamcrest Avenue, Newport.

I appreciate Council's initiative in advising the Department of the likely delays to the progress of the Planning Proposal associated with the public hearing and subsequent reporting. I have now altered the Gateway Determination in relation to this Planning Proposal, as delegate of the Minister for Planning and Infrastructure. The Planning Proposal should proceed subject to the conditions in the attached revised Gateway Determination.

I have determined to extend the timeframe for finalisation of the Local Environmental Plan (LEP). The LEP is now to be finalised by 16 December 2011. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

Should you have any further enquiries about this matter, please contact Nathan Herborn, Sydney East Planning Team, of the Department on telephone number 9228 6451.

Yours sincerely


Sam Haddad
Director General
1/7/2011

**FOR
DIRECTOR
GENERAL'S
SIGNATURE
IF APPROVED**

506855



Planning &
Infrastructure

Gateway Determination

Planning Proposal (Department Ref: PP_2010_PITTW_004_00): to rezone 17 and 25-27 Foamcrest Avenue, Newport from 5(a) (Special Uses "A") to 3(a) (General Business "A"), and to amend the Multi-Unit Housing Map to enable shop top housing on the site.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(7) of the EP&A Act that an amendment to the Pittwater Local Environmental Plan 1993 to rezone 17 Foamcrest Avenue Newport (Lot 10 & 11, Section 5, DP 6248) and 25-27 Foamcrest Avenue Newport (Lot 14 & 15, Section 5, DP 6248) from 5(a) (Special Uses "A") to 3(a) (General Business "A"), and to amend the Multi-Unit Housing Map to enable shop top housing on the site should proceed subject to the following conditions:

1. A copy of Council's Flood Risk Management Policy and the s117 direction 4.3 - Flood Prone Land is included in the exhibition material.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 original Gateway determination (9 December 2010).

Dated 1st day of July 2011.


Sam Haddad
Director General
Department of Planning and Infrastructure
Delegate of the Minister for Planning and
Infrastructure