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Our ref: PP_2010_PITTW_004_00 (10/21690)
Your ref: Andrew Pigott

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

Dear Mr Ferguson,

Re: Planning Proposal to rezone land at 17 and 25-27 Foamcrest Avenue, Newport

I am writing in response to your Council's letter dated 25 October 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Pittwater Local Environmental Plan 1993 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.

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

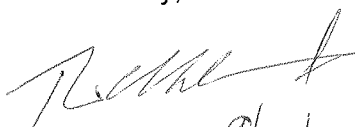
The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Nathan Herborn of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

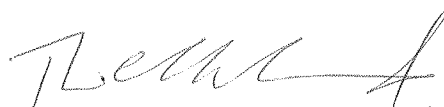
Planning Proposal (Department Ref: PP_2010_PITTW_004_00): to rezone 17 and 25-27 Foamcrest Avenue, Newport from 5(a) (Special Uses "A") to 3(a) (General Business "A"), and to amend the Multi-Unit Housing Map to enable shop top housing on the site.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) 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 **9 months** from the week following the date of the Gateway determination.

Dated 9th day of December 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning