

Ms Helen Lever
Acting Chief Executive Officer
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Ms Lever

Planning proposal PP_2018_NBEAC_003_00 to amend Manly Local Environmental Plan 2013 and Pittwater Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal seeking amendments to the Manly Local Environmental Plan (LEP) 2013 and Pittwater Local Environmental Plan 2014 in response to the Low Rise Medium Density Housing Code.

In response to your request, the Minister for Planning agreed that the Northern Beaches area would be deferred from the commencement of the Code until 1 July 2019. This deferral gives Council the opportunity to work closely with the community and industry to provide housing controls that reflect the character of the Northern Beaches.

I also acknowledge Council's need for the planning proposal, which is based on the desire to maintain the strategic intent of low-density residential zones under the Manly LEP 2013 and Pittwater LEP 2014, and to prevent negative impacts on water quality and quantity in the medium-density residential areas in the Warriewood Valley Release Area under the Pittwater LEP 2014.

I note Council's concerns relating to inconsistencies in controls for dual occupancy development in the Code with Council's own local requirements. Consequently, I understand Council's desire to ensure a consistent approach to dual occupancy development throughout the LGA for complying development and development approved under Council's LEPs.

In response, Council is seeking to prohibit this use in various zones. As an alternative approach, it is open to Council to consider what other LEP amendments, such as alteration of the minimum lot size for this development under its LEPs, could be made. This would enable this type of development to better correspond to the dual occupancy requirements of the Code (which in part relies on Council's LEPs), while at the same time seeking to reflect the low-density characteristics sought by Council for dual occupancy development.

As you are aware, multi-dwelling housing is a mandated use in the in the R3 Medium Density Residential zone under the Standard Instrument Local Environmental Plan. As such, a planning proposal cannot amend the Standard Instrument. Before the planning proposal can be exhibited it is required to be altered to exclude the proposal from prohibiting multi-dwelling housing in the R3 Medium Density Residential-zoned area of the Warriewood Valley Release Area.

Additionally, Council may wish to consider using a marked-up version of edits that depicts deletions as strikethrough text and use LEP mapping to confine amendments relating to the R3 zone in the Warriewood Valley Release Area. Council may also wish to consider inserting a table in the planning proposal to demonstrate land uses that are permitted under the existing relevant LEPs and what land uses will become prohibited as a result of the planning proposal.

The following additional information is also required to support the planning proposal and clearly explain the effect of the amendments on the Northern Beaches community in relation to housing supply and diversity as follows:

- the total area of land zoned R2 Low Density Residential and R3 Medium Density Residential in the local government area;
- the number of lots eligible for dual occupancies and manor houses/multi-dwelling housing under the Low Rise Medium Density Housing Code in the R2 Low Density Residential and R3 Medium Density Residential zones for the Manly LEP 2013 and Pittwater LEP 2014, taking into account the Codes SEPP exclusions;
- the number of dual occupancies and multi-dwelling housing developments approved in the R2 Low Density Residential and R3 Medium Density Residential zones in the Northern Beaches local government area in the past five years;
- whether the proposal is supported by a housing strategy that has been developed in consultation with the community; and
- include a new savings transition clause to ensure that proposed amendments do not affect any development applications or appeal processes.

Based on the above and as delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council will also need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones and write to all affected landowners about the exhibition of the planning proposal to explain the effect of the proposed changes.

This additional information and alteration to the planning proposal is necessary to ensure a full understanding of the outcomes of changing the range of permissible uses in the respective R2 and R3 zones and how this may impact on the future provision of housing diversity in the Northern Beaches local government area.

I have also considered the nature of this planning proposal, and given the implications this proposal may have on state policy, have decided not to issue Council with plan-making authority.

The proposal will need to be finalised by 1 July 2019, in time for end of the deferral period for the Code. Therefore, Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date. Therefore, Council should aim to commence the exhibition of the planning proposal as soon as possible.

The Department is available to discuss these matters in more detail and I have arranged for Ms Yolande Miller, Senior Planner, Sydney Region East, to assist you. Ms Miller can be contacted on 9274 6500.

Yours sincerely



Stephen Murray
Executive Director, Regions
Planning Services

31 July 2018

Encl: Gateway determination