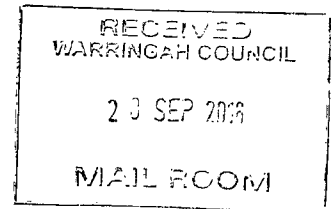


Mr Mark Ferguson  
Interim General Manager  
Northern Beaches Council  
725 Pittwater Road  
Dee Why NSW 2099

Our ref: 14/19356  
Your ref: EC11214

Attention: Ms Janelle Brooks



Dear Mr Ferguson *Mark*

**Planning Proposal PP\_2015\_WARRI\_003\_00 – Alteration of Gateway Determination**

I refer to your letter of 20 May 2016 in relation to revisions to planning proposal PP\_2015\_WARRI\_003\_00 seeking a revised Gateway determination for 'Key Sites' within Dee Why Town Centre.

I have determined as delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination issued on 1 April 2015 for PP\_2015\_WARRI\_003\_00. The Alteration of the Gateway Determination is enclosed.

A conditional Gateway determination was issued on 1 April 2015, which required the planning proposal to be amended to address a number of matters and be resubmitted to the Department for further consideration. A number of these matters have been addressed. However, before the planning proposal proceeds to agency comment the proposal is to be further revised to meet the Gateway conditions.

The draft clauses are to be amended to include a plain English explanation of the intended outcomes. The explanation of provisions should outline what Council intends to achieve instead of outlining clause by clause amendments. For example, instead of including an amendment to clause 4.6, the explanation of provisions should identify that it intends to include a provision to remove the flexibility to amend proposed development standards.

The planning proposal still provides an explanation of provisions which reflects the potential drafting of these amendments. Particularly, references to the specific public provisions an applicant is to provide in exchange for incentive controls on key sites are to be removed from the planning proposal. It is to be made clear in the planning proposal and exhibition material that these amendments have not been finalised and are subject to legal drafting by Parliamentary Counsel.

The exhibition material should clearly identify the consistency between the planning proposal and the recommendations in the Dee Why Town Centre Masterplan (2013).

A copy of all relevant supporting documents, including the Dee Why Town Centre Masterplan (2013) and Dee Why Town Centre Traffic Model Update (2014) should be included with the exhibition material.

Prior to community consultation, Council is to consult with Transport for New South Wales and Roads and Maritime Services. Following consultation with these public authorities, Council is to provide the Director of the Sydney East Region section at the Department with an updated copy of the planning proposal. This is to include any comments received from these agencies and seek the Director's agreement prior to proceeding to public exhibition.

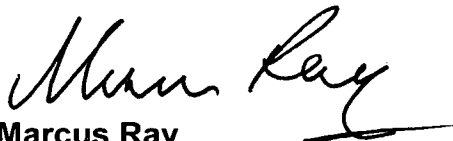
Council is required to seek an Alteration to the Gateway determination if an amendment to the planning proposal is required as a result of agency consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 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 Greater Sydney Commission may take action under section 54(2)(d) of the Act, if the timeframes outlined in this determination are not met.

Should you have any queries in regards to this matter, I have arranged for Ms Sandy Chappel to assist you. Ms Chappel can be contacted on (02) 9228 6591.

Yours sincerely



**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

22/09/2016

Encl: Alteration to Gateway Determination



## Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2015\_WARRI\_003\_00): to amend the Warringah Local Environmental Plan 2011 for 'Key Sites' within the Dee Why Town Centre.*

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 1 April 2015 for the proposed amendment to the *Warringah Local Environmental Plan 2011* as follows:

1. Delete condition 1, and replace with:
  1. The planning proposal is to be amended to prior to community consultation:
    - (a) Remove draft clauses from the planning proposal and include a plain English explanation of the intended planning outcomes;
    - (b) Clarify in the exhibition material that the legal drafting of any portion of the planning proposal has not been determined and is subject to drafting by Parliamentary Counsel;
    - (c) Remove references to the provision of contributions, infrastructure, improvements dedication of land and/or undertaking of works in exchange for additional development density; and
    - (d) Include justification and explanation why Key Site F has been included in the planning proposal as it has not been identified in Council's adopted Dee Why Town Centre Masterplan.
2. Delete condition 2, and replace with:
  2. Prior to community consultation, Council is to consult with:
    - Transport for NSW
    - Roads and Maritime Services.

Council is to update the planning proposal and incorporate any relevant comments. Council is to submit a copy of the revised planning proposal to the Director, Sydney East Region section at the Department, and seek agreement from the Department prior to proceeding to public exhibition.

3. Delete condition 3, and replace with:
  3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
    - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and



## Planning & Environment

(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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.

4. Insert the following conditions:

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
- Transport for NSW
  - Roads and Maritime Services
  - Office of Environment and Heritage
  - Sydney Water
  - Energy Australia.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
6. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated *22nd* day of *September* 2016

A handwritten signature in black ink that reads 'Marcus Ray'.

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Greater Sydney Commission**