NSW GOVERNMENT | Planning & Environment

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Our ref: PP_2015_WARRI_001_00 (15/01110)

Mr Rik Hart
General Manager
Warringah Council
Civic Drive, 725 Pittwater Road
Dee Why NSW 2099

Attention: Theo Zotos

Dear Mr Hart

Planning proposal to amend Warringah Local Environmental Plan 2011

I am writing in response to your request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of a planning proposal to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826).

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

The amending Local Environmental Plan is to be finalised within **12 months** of the week following the date of the Gateway determination. The Council should aim to commence the exhibition of the planning proposal as soon as possible. The Council's request for the Department of Planning and Environment to draft and finalise the Local Environmental Plan should be made **6 weeks** prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

If you have any queries, please contact Ms Lee McCourt of the Department's regional office on (02) 8575 4129.

Yours sincerely,

Marcus Ray
A/Deputy Secretary
Planning Services
28/01/2015
Encl: Gateway Determination

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Gateway Determination

***Planning proposal (Department Ref: PP_2015_WARRI_001_00)**: to rezone land at Ralston Avenue, Belrose.*

I, the Acting Deputy Secretary, Planning Services, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that a proposal to rezone the land at Ralston Avenue, Belrose (Lot 1 DP 1139826), to R2 Low Density Residential, RE1 Public Recreation and E3 Environmental Management should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be updated to:
   (a) remove all reference to the E2 Environmental Conservation Zone, to be replaced with the E3 Environmental Management zone;
   (b) demonstrate consistency with 'A Plan for Growing Sydney', released on 14 December 2014;
   (c) rezone the site R2 Low Density Residential, RE1 Public Recreation and E3 Environmental Management on the Land Use Zoning Map;
   (d) apply a minimum lot size of 600sqm to land zoned R2 Low Density Residential on the Lot Size Map; and
   (e) apply a building height of 8.5m to land zoned R2 Low Density Residential on the Height of Building Map.

   Note: Maps should be prepared to the standards identified in the Standard Technical Requirements for LEP Maps (Department of Planning and Infrastructure 2013).

2. 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
   (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 Environment 2013)*.

3. Consultation with the NSW Rural Fire Service consistent with s117 Direction 4.4 Planning for Bushfire Protection is required prior to undertaking community consultation under section 57 of the EP&A Act. NSW Rural Fire Service 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.

   This agency advice received and the proponents proposed response to this advice should be placed on public exhibition with the planning proposal.

4. Consultation is required with the following Government agencies prior to exhibition:
   (a) Office of Environment and Heritage; and
   (b) Transport for NSW – Roads and Maritime Services.

   The agencies are 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. This agency advice received and the proponents proposed response to this advice should be placed on public exhibition with the planning 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 Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated 28th day of January 2015.

Marcus Ray
A/Deputy Secretary
Planning Services

Delegate of the Minister for Planning