Planning & Environment

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

15/03769

Dear Mr Hart

Planning Proposal to amend Warringah Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal for key sites within the Dee Why Town Centre.

As delegate of the Minister for Planning, I have determined that the planning proposal should be resubmitted for the reasons outlined in the attached Gateway determination. The intent of the planning proposal to facilitate revitalisation and growth within the Dee Why Town Centre is supported in principle. However, the Department has concerns with the mechanism in which Council is seeking to achieve its objectives.

As you are aware, Council cannot provide bonus development incentives in exchange for mandatory development contributions through an environmental planning instrument.

Council is to remove all draft clauses from the planning proposal, which would be subject to change through the legal drafting process, and replace this with a plain English explanation of the intended effect of the proposed changes. There is scope for the planning proposal to identify the public infrastructure improvements for individual key sites that must be considered in future development applications where a bonus development density is sought.

In addition, the Key Sites Map is to be updated and made consistent with the Department's *Standard Technical Requirements for Local Environmental Plan Maps*. This includes clearly labelling the key sites' and removing elements ordinarily identified in development control plans or master plans i.e. location of town square and pedestrian linkages.

The Department will continue to work with Council to progress this matter prior to it being resubmitted.

Should you have any queries with regard to this matter, please contact Mr Tim Archer of the Department's Metropolitan (CBD) team, on (02) 8575 4120.

Yours sincerely

Marcus Ray
Deputy Secretary, Planning Services
01/04/2015

Encl. Gateway determination

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Gateway Determination

***Planning proposal (Department Ref: PP_2015_003_00)**: to amend the Warringah Local Environmental Plan 2011 for 'Key Sites' within the Dee Why Town Centre.*

I, Deputy Secretary of 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 an amendment to the *Warringah Local Environmental Plan 2011* to introduce floor space ratio and maximum height of buildings for the Dee Why Town Centre should proceed subject to the following conditions:

1. Council is to provide further justification for the inconsistency with Section 117 Direction 1.1 Business and Industrial Zones and demonstrate how the planning proposal will continue to cater for employment opportunities within the Dee Why Town Centre.

2. The planning proposal is to be amended to:
   (a) demonstrate consistency with *A Plan for Growing Sydney*, released on 14 December 2014;
   (b) remove the draft clauses from the planning proposal (i.e. Attachment 3 - Report to Ordinary Council Meeting, 23 September 2014) and replace with a plain English explanation of the intended effect of the changes (as amended);
   (c) remove references to the provision of contributions, infrastructure improvements, dedication of land and/or undertaking of works in exchange for additional development density;
   (d) clearly articulate both the existing controls and proposed planning controls for each 'Key Site'; and
   (e) ensure the Key Sites Map is consistent with the Department's Standard Technical Requirements for Local Environmental Plan Maps.

3. Council is to amend the planning proposal to reflect the proposed controls endorsed by Gateway for 'Key Site B' within the Dee Why Town Centre (PP_2015_002_00).

Dated 31st day of April 2015.

Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Minister for Planning