

Gateway Determination

Planning proposal (Department Ref: PP-2024-1343): to create a new Northern Beaches Local Environmental Plan.

I, the Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that a proposal to consolidate the Manly Local Environmental Plan (LEP) 2013, Pittwater LEP 2014, Warringah LEP 2011 and Warringah LEP 2000 (Deferred Lands) to create a single Local Environmental Plan for the Northern Beaches local government area, should proceed subject to the conditions below.

The LEP should be completed on or before 30 October 2026.

Gateway Conditions

1. Prior to public exhibition the planning proposal is to be amended and forwarded to the Minister under s 3.34(6) of the Act as follows:
 - a. Remove any references to:
 - i. amendments to Clause 1.8A savings provisions seeking deferred commencement/sunset clause of 2 years for Oxford Falls and Belrose North under Warringah LEP 2000.
 - ii. amendments to Clause 1.9 seeking exemption from affordable housing provisions under the Housing SEPP.
 - iii. proposed rezonings from:
 - R2 Low Density Residential to C4 Environmental Living
 - R5 Large Lot Residential to C3 Environmental Management and C4 Environmental Living
 - iv. prohibition of advertising structures in the E2 Commercial Centre, E3 Productivity Support, E4 General Industrial, SP4 Enterprise and MU1 Mixed Use zone.
 - v. proposed FSR provisions and instead replace with a FSR sliding scale formula approach and a supporting assessment.
 - vi. proposed provisions for a 30m height limit at the Warringah Mall site.
 - vii. proposed landscaped area provisions.
 - viii. proposed minimum lot frontage provisions for certain residential land.
 - ix. proposed environmental sustainability clause.
 - x. the expansion of scenic protection provisions to apply to the entire LGA.
 - xi. proposed provisions for licensed premises noise impacts.
 - b. Include the following studies as an attachment to the planning proposal which have been referred to in Council's documentation:
 - i. Biodiversity Planning Review
 - ii. Technical reports to support the proposed coastal hazard management
 - iii. Technical reports to support the proposed watercourses, wetlands and riparian land provisions.
 - iv. Geotechnical studies that have informed the planning proposal.

- v. Heritage Assessment for Manly Hospital, 150 Darley Road, Manly - "Stage 1: Heritage Assessment Report (Paul Davis Pty Ltd – April 2018).
- c. Detail zoning and land use permissibility changes for the deferred lands from WLEP 2000 to the proposed Standard Instrument zonings in the planning proposal document.
- d. Include further justification, specific details, analysis and examples/sample sites for sites proposed to be rezoned from:
 - i. R2 Low Density Residential and R3 Medium Density Residential to C2 Environmental Conservation
 - ii. C3 Environmental Management to C4 Environmental Living
 - iii. C4 Environmental Living to C2 Environmental Conservation and C3 Environmental Management
 - iv. SP4 Enterprise to C2 Environmental Conservation
 - v. RU4 Primary Production Small Lots to C2 Environmental Conservation;
 - vi. RU2 Rural Landscape and RU4 Primary Production Small Lots to C3 Environmental Management
 - vii. RE1 Public Recreation and W1 Natural Waterways sites to conservation zones.
- e. Include examples of the visual impacts of billboards across the LGA (other than in the zones mentioned under (a)(iii)).
- f. Include kiosks as a permissible use in the SP3 Tourist zone.
- g. Include further discussion and justification for the proposed amendments to FSR provisions in the R1 and R3 zones of the former Manly LGA, specifically in relation to undersized lots. This should include an explanation of how the proposed LEP amendments will maintain development potential for these lots without relying on clause 4.6 variations and examples of how FSR is calculated and applies to undersized lots.
- h. Round up proposed height of buildings in local centres to nearest 0.5m.
- i. Outline and address the dual occupancies provision under *State Environmental Planning Policy (Housing) 2021* – Low and Mid-Rise Housing.
- j. Provide further discussion on the exclusion of battle-axe lots and the restriction on detached dual occupancies (i.e. only permitted on corner lots, dual street frontages, or where a heritage item is present) in the LEP or consider relocating these to the DCP.
- k. Include an outcome focused landscaped provision (such as a clause that sets clear objectives without prescribing detailed numerical thresholds) across the LGA, consistent with comparable LEPs.
- l. Include a landscaped provision with general area based minimum requirements for strategic locations such as environmentally sensitive bushland areas, including Pittwater offshore communities and R5 Large Lot Residential zoned land. However, the planning proposal is to provide further justification for the increase in minimum landscaped areas rates for these areas – i.e. 66% in Pittwater offshore communities, and 80% in the R5 Large Lot Residential zone.
- m. Provide further analysis of Council's Housing Mix Research and Analysis report including:
 - i. The location, number of dwellings and dwelling-mix of each building analysed.
 - ii. Whether analysed buildings are subject to existing DCP dwelling requirements (e.g. Avalon Beach Village, Dee Why Town Centre).
 - iii. Analysis that the proposed measures will not adversely affect development feasibility.

- n. Consider introduction of an urban heat clause.
 - o. Provide further detail on how technical studies have informed the bushland and biodiversity map area.
 - p. Quantitatively define 'associated buffers' as referenced in the draft provisions relating to watercourses, wetlands and riparian land.
 - q. Clarify if and how natural and piped water courses are defined and managed by the proposed clause relating to watercourses, wetlands and riparian land.
 - r. Update the draft maps to:
 - i. Include zoning of roadways
 - ii. Identify additional land parcels for acquisition mapped as errors and remove from the Land Acquisition map
 - iii. Identify land for acquisition parcels that are incorrectly zoned on the Land Acquisition map and update to align with adjacent land uses
 - iv. Include the missing (approximately 14) properties on the coastline hazard management map
 - v. Remove the piped water courses from the watercourses, wetlands and riparian land map
 - vi. Provide a consistent approach to mapping roads in the Draft LEP maps in accordance with the Department's Technical Mapping Requirements
 - vii. Update the proposed zone for seniors living sites in Belrose (deferred lands) from R5 Large Lot Residential to R2 Low Density Residential
 - viii. Update the zoning of the Belrose Cemetery from SP1 to SP2 and attach an appropriate label
 - ix. Update the SP label for Bare Creek to include recreational facility (new bike park alongside Waste Transfer Station)
 - x. Update SP labels to be consistent with standard instrument definitions
 - xi. Remove building height standards from the Height of Buildings map for land rezoned to RE1, C1, C2 and W1 zones
 - xii. Include two parts of the Austlink Business Park which are shown as a gap on the Additional Permitted Uses map
 - xiii. Include the Avalon and Bayview Sailing Clubs on the Additional Permitted Uses map
 - xiv. Include the 400m Additional Permitted Uses boundary for boarding houses and hostels on the Additional Permitted Uses map. Measurement of 400m distances to be consistent with approach in Chapter 6 State Environmental Planning Policy (Housing) 2021 (using a 400m walking distance)
 - s. Update the Additional Permitted Uses on Certain Land assessment table supporting documentation to clarify the need and purpose of the changes.
 - t. include an advisory note confirming that recent State-led housing policies, particularly the NSW Low and Mid-Rise Housing Policy, applies to the subject land. The note must outline that the Stage 2 provisions in the Low and Mid-Rise Housing Areas prevail over local planning controls, and that wherever an inconsistency arises, the State Environmental Planning Policy (Housing) 2021 would apply in accordance with the statutory hierarchy of planning instruments.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as principal as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment,

August 2023) and must be made publicly available for a minimum of 30 working days; and

- (b) the planning proposal 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Environmental Protection Authority NSW.
 - Heritage Council of NSW.
 - NSW Maritime.
 - Schools Infrastructure NSW (and private school operators).
 - Transport for NSW.
 - Government Architect NSW.
 - Department of Climate Change, Energy, the Environment and Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

Dated 14 October 2025



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Delegate of the Minister for Planning and
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