



Gateway Determination

Planning proposal (Department Ref: PP_2021_4064): to increase the maximum height of building and include additional permitted uses on certain land in at 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen.

I, the Director, North District at the Department of Planning, Industry and Environment, 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 an amendment to the Warringah Local Environmental Plan (LEP) 2011 to increase the maximum height of building and include additional permitted uses on certain land in at 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - a. Update Part 1 and Part 2 to clearly outline the outcome anticipated on the site, and the definition of commercial premises;
 - b. Update Part 2 Explanation of Provisions to include a maximum gross floor area control as referenced throughout the planning proposal applying to the specified additional permitted uses;
 - c. Update Part 3 Justification to include Council's assessment of the planning proposal against:
 - i. the revised Section 9.1 Direction 4.3 Flooding, including any relevant studies required to justify any inconsistencies with the terms of the direction;
 - ii. SEPP No 65 (Design Quality of Residential Apartments); including any relevant studies required to justify any inconsistencies with the ADG; and
 - d. Update Part 4 Mapping to include a Key Sites Map showing the application of Council's Northern Beaches Affordable Housing Scheme.
2. Prior to public exhibition, the planning proposal is to be revised to address condition 1 and forwarded to the Department for review and approval.
3. At least one month prior to a request being made to draft an LEP to finalise the Planning Proposal, Council's final Northern Beaches Affordable Housing Contributions Scheme is to be referred to the Department.
4. The Department's endorsement of Council's Housing Contributions Scheme is to be issued prior to council exercising its role as local plan-making authority.
5. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
6. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Transport for NSW;
 - NSW State Emergency Service, and
 - The Department of Planning, Industry and Environment – Environment, Energy and Sciences Group

Each public authority/organisation 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.

7. 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).
8. Council is authorised as the Local Plan-Making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- a. Council has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
9. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 20th day of August 2021.



Brendan Metcalfe
Director, North District, Eastern Harbour City
Place Design and Public Spaces Division
Department of Planning, Industry and
Environment
Delegate of the Minister for Planning and
Public Spaces