

20 November 2023

NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref: 2023/713361

Dear Sir/Madam

Planning Proposal - Lot 2742/9999 Condamine Street Manly Vale NSW 2093

Northern Beaches Council requests that the Department of Planning and Environment provide a Gateway Determination for the attached Planning Proposal under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

The Planning Proposal seeks to amend the Warringah Local Environmental Plan 2011 for land at Lot 2742/9999 Condamine Street, Manly Vale (Lot 2742 DP 752038). The objective of the Planning Proposal is to permit an Additional Permitted Use of "registered club" on the site.

The table below outlines the enclosed documentation supporting the request for Gateway consideration.

Document	Attachment
Information Checklist	1
Planning Proposal	2
Report to Council and Council resolution dated 24 October 2023	3
Evaluation for the Delegation of Plan Making Functions	4
Indicative Project Timeline	5

Council requests to exercise its delegation to make the Local Environmental Plan. The evaluation response for delegation has been enclosed as Attachment 4.

Should you require any further information or assistance in this matter, please feel free to contact Shivani Tapas on shivani.tapas@northernbeaches.nsw.gov.au

Yours faithfully



Shivani Tapas - Planner, Strategic and Place Planning

STEP 1: REQUIRED FOR ALL PROPOSALS

(under s3.33(2)(a-e) of the EP&A Act)

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| <ul style="list-style-type: none"> • Objectives and intended outcome • Mapping (including current and proposed zones) • Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> • Explanation of provisions • Justification and process for implementation (including compliance assessment against relevant section 9.1 direction/s) |
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STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

Planning Matters or Issues	to be considered	N/A	Planning Matters or Issues	to be considered	N/A
Strategic Planning Context			Environmental Considerations		
Consistent with the relevant regional, district or corridor/precinct plans applying to the site, including any draft regional/district or corridor/precinct plans released or public comment; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flooding	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land/site contamination (SEPP55)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Seeking to update the current planning controls if they have not been amended in the last 5 years	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sea level rise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Description / Context			Urban design Considerations		
Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Existing site plan (buildings, vegetation, roads, etc)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site photos / photomontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Building mass/block diagram study (changes in building height and FSR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic and Transport Considerations			Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Local traffic and transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Development yield analysis (potential yield of lots, houses, employment generation)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic Considerations		
Public transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Economic impact assessment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cycle and pedestrian movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Considerations			Employment land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bushfire Hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social and Cultural Considerations		
Acid sulphate Soil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Heritage impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aboriginal archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flora and/or fauna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Open space management	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soil stability, erosion, sediment, landslip assessment and subsidence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	European archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Social and cultural impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stakeholder engagement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Infrastructure Considerations		
			Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Miscellaneous / Additional Considerations		
			List any additional studies that should be undertaken post Gateway determination	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Evaluation criteria for authorising Council to be the local plan-making authority

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council	Response	Department assessment
	Y/N	Not Relevant	Agree / Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	<input type="checkbox"/> Y		
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	<input type="checkbox"/> Y		
Are appropriate maps included to identify the location of the site and the intent of the amendment?	<input type="checkbox"/> Y		
Does the planning proposal contain details related to proposed consultation?	<input type="checkbox"/> Y		
Does the planning proposal give effect to an endorsed regional or sub-regional planning strategy or a local strategy including the LSPS endorsed by the Planning Secretary?	<input type="checkbox"/> N		
Does the planning proposal adequately address any consistency with all relevant s. 9.1 Planning Directions?	<input type="checkbox"/> Y		
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	<input type="checkbox"/> Y		
Minor Mapping Error Amendments			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		<input type="checkbox"/> Not relevant	
Heritage LEPs			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		<input type="checkbox"/> Not relevant	
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		<input type="checkbox"/> Not relevant	
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		<input type="checkbox"/> Not relevant	

Reclassifications			
Is there an associated spot rezoning with the reclassification?		Not relevant	
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Not relevant	
Is the planning proposal proposed to rectify an anomaly in a classification?		Not relevant	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Y		
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		Not relevant	
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		Not relevant	
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		Not relevant	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Not relevant	
Spot Rezonings			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Not relevant	
Does the planning proposal create an exception to a mapped development standard?	N		

Section 3.22 matters

<p>Does the proposed instrument</p> <ul style="list-style-type: none"> a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? <p>(Note – the Minister (or Delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed).</p>	<div style="border: 1px solid black; padding: 2px 10px; display: inline-block;">N</div>		
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Notes

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the council will be authorised to make the plan, as a matter of local planning significance
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Planning Secretary of the Department.

Matters that will be routinely delegated to a Council under administration are confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/

Indicative Project Timeline

Task	Timeframe
Anticipated commencement date (Gateway determination)	December 2023
Anticipated timeframe for the completion of required technical information	TBC
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	TBC
Commencement and completion dates for public exhibition period	Early 2024
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	Early 2024
Timeframe for the consideration of a proposal post exhibition	Early 2024
Date of submission to the Department to finalise the LEP	Mid 2024
Anticipated date the local plan-making authority will make the plan (if authorised)	Mid 2024
Anticipated date the local plan-making authority will forward to the PCO for publication	Mid 2024