

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-3209):** *Introduce Addition Permitted Use of dwelling house and height limit at 6 Mitchell Road, Palm Beach.*

I, the Director, North District at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Pittwater Local Environmental Plan 2014 to include an additional permitted use of dwelling house and prescribe a height limit of 74.5 AHD on Lot 1 of DP 1086858 should proceed subject to the following conditions:

Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be notified on or before 31 December 2023.

### Gateway Conditions

1. The planning proposal is to be amended to address the following matters prior to exhibition:
  - (a) Delete discussion on North District Plan planning priorities N1, N2, N3, N4, N7, N7, N9, N10, N11, N12, N13, N14, N15, N16, N18, N21 and N22 that are not relevant to the proposal;
  - (b) Delete discussion on Northern Beaches Local Strategic Planning Statement priorities 1, 5, 7, 8, 9, 10, 12, 13, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 that are not relevant to the proposal;
  - (c) Delete the following community outcomes of the Northern Beaches Community Strategic Plan that are not relevant from the planning proposal:
    - i. Places for People
    - ii. Community and Belonging
    - iii. Vibrant Local Economy
    - iv. Transport, Infrastructure and Connectivity
    - v. Good Governance

vi. Partnership and Participation

2. *The Bible Garden – Palm Beach Plan of Management* (dated December 2006) is to be exhibited with the Planning Proposal;
3. 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 standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 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 Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within **3 months** following the date of the gateway determination.

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 EP&A 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 30<sup>th</sup> day of May 2023.



**Brendan Metcalfe**  
**Director, North District**  
**Department of Planning and Environment**  
**Delegate of the Minister for Planning and Public Spaces**