



Gateway Determination

Planning proposal (Department Ref: PP_2020_3926): to rezone land from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential and apply a minimum lot size at 4 Bellara Avenue North Narrabeen

I, the Director, North District at the Department of Planning, Industry and Environment (the Department), 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 Pittwater Local Environmental Plan (LEP) 2014 to rezone one lot from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential at 4 Bellara Avenue North Narrabeen should proceed subject to the following conditions:

1. Prior to public exhibition:
 - a. a preliminary site contamination report is to be prepared.
 - b. the planning proposal is to be updated to reflect the outcomes of the preliminary site contamination report and consistency with Ministerial Section 9.1 Direction 2.6 Remediation of Contaminated Land.
 - c. the revised planning proposal is to be submitted to the Department for approval to ensure consistency with Direction 2.6 Remediation of Contaminated Land has been resolved.
 - d. the planning proposal is to be updated to delete reference to Ministerial Section 9.1 Direction 3.3 Home Occupations and Direction 7.1 Implementation of A plan for Growing Sydney, which have been repealed.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 14 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).
3. 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:
 - Metropolitan Local Aboriginal Land Council (MLALC)

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.

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).
5. 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.
6. The time frame for completing the LEP is to be 9 months following the date of the Gateway determination.

Dated 24 day of March 2021.



Brendan Metcalfe
Director, North District, Eastern Harbour City Places,
Design and Public Spaces Department of Planning,
Industry and Environment

Delegate of the Minister for Planning and Public Spaces