



Gateway Determination

Planning Proposal PP_2021_2018: to rezone land from R2 Low Density Residential to RE1 Public Recreation at 5 Bowling Green Lane, Avalon Beach.

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 part of Lot 7 DP 1240400 at 5 Bowling Green Lane, Avalon Beach from R2 Low Density Residential to RE1 Public Recreation should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters prior to public exhibition:
 - (a) Note the proposal is justifiably inconsistent with Ministerial Section 9.1 Direction 3.1 Residential zones;
 - (b) Address Ministerial Section 9.1 Direction 3.4 Integrating Land Use and Transport;
 - (c) Delete any 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9.1 Direction 3.3 Home Occupations and Direction 7.1 Implementation of A plan for Growing Sydney, which have been repealed;
 - (d) Address Objective 31 of the Greater Sydney Region Plan; and
 - (e) Reflect that the planning proposal is a result of a Council resolution rather than an endorsed Local Strategic Planning Statement, strategic study or report
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (f) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (g) 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. 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).

4. 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.

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

Dated 14 day of May 2021.



Brendan Metcalfe
Director, North District
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces