



## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_NBEAC\_004\_00):** to permit 'seniors housing' with development consent as an additional permitted use on land at 2 and 4 Nooal Street and 66 Bardo Road, Newport.

I, the Acting Executive Director 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 Pittwater Local Environmental Plan (LEP) 2014 to permit 'seniors housing' with development consent as an additional permitted use on land at 2 and 4 Nooal Street and 66 Bardo Road, Newport should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - a. revise Part 1 - Objectives or Intended Outcomes without reference to the mechanism by which the objectives / intended outcomes will be achieved and include reference to the concept scheme prepared by Richard Cole Architecture for the proponent;
  - b. revise Part 2 - Explanation of Provisions to refer permitting 'seniors housing' as an additional permitted use on the land under schedule 1 of Pittwater LEP 2014;
  - c. revise Part 3 - Justification by:
    - updating *Subsection 2 - Is the Planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*, to reflect that the proposal seeks to include 'seniors housing' as a permitted land use under schedule 1 of Pittwater LEP 2014;
    - revising *Section B – Relationship to strategic planning framework* to demonstrate that the proposal is consistent with the North District Plan (including Planning Priorities N5, N17, N19 and N22);
    - revising subsections a) and b) of *Section B – Relationship to strategic planning framework* to demonstrate that the proposal does have strategic and site specific merit and removes reference to the requirement for a site specific Development Control Plan (DCP);
    - revising Section 4 to demonstrate that the proposal is consistent with the Pittwater Local Planning Strategy (2011);
    - updating Section 5 to demonstrate consistency with the following SEPPs:
      - SEPP 55 – Remediation of Land
      - SEPP (Building Sustainability Index: BASIX) 2004
      - SEPP (Coastal Management) 2018
      - SEPP (Exempt and Complying Development Codes) 2008
      - SEPP (Housing for Seniors or People with a Disability) 2004

- removing reference to the following SEPPs in Section 5:
    - SEPP 65 – Design Quality of Residential Apartments
    - SEPP 70 – Affordable Rental Housing Scheme; and
  - revising Section 6 to demonstrate that the proposal is consistent with all relevant Section 9.1 Directions;
- d. ensure all figures/maps clearly depict labels and include a legend;
  - e. include figure extracts showing existing development standards that apply to the site;
  - f. remove the proposed Land Zoning Map in Part 4 and replace this with a proposed Additional Permitted Uses Map;
  - g. remove any discussion and reference of Council’s Housing Affordability Policy;
  - h. remove any discussion and reference to potential voluntary planning agreement;
  - i. remove unsubstantiated claims regarding the site being affected by flooding and coastal inundation; and
  - j. remove any discussion and reference to a site-specific Development Control Plan (DCP) and/or the addition of site specific DCP controls into Pittwater DCP 2014 or Pittwater DCP 21; and
  - k. reflect the Council’s 2019 Flood Study and to include a revised Estuarine Risk Management report to further assess the potential risk.
2. The revised planning proposal be forwarded to the Department for review and approval prior to exhibition.
  3. 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 **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, Industry and Environment 2016).
  4. 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:
    - Sydney Water
    - NSW Crown Lands

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.

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

Dated 14<sup>th</sup> day of October 2019.



**Amanda Harvey**  
**Acting Executive Director, Eastern**  
**Harbour City**  
**Greater Sydney, Place and**  
**Infrastructure**  
**Department of Planning, Industry**  
**and Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**