



Ms Louise Kerr
Director Planning and Place
Northern Beaches Council
PO Box 82
Manly NSW 1655

Dear Ms Kerr

I refer to Northern Beaches Council's (Council) request that the Department of Planning, Industry and Environment (Department) extend the Secretary's assumed concurrence where a development application for a dwelling house involves a variation of building height and floor space ratio (FSR) development standards and extend it to include Class 10 buildings across the Northern Beaches local government area (LGA).

As is indicated in Council's request, the concurrence period was first granted as an interim measure to give Council time to commence the process of revising and/or incorporating new development standards (if required) into the new consolidated Northern Beaches Local Environmental Plan (LEP). The assumed concurrence was extended in 2019 and is expected to expire in November 2021.

It is understood that Council is seeking a further extension to the period of assumed concurrence for 36 months (until November 2024) to enable the Gateway determination (expected end of 2022), public exhibition and finalisation of the consolidated LEP (expected 12 months from gateway). I note Council's request to broaden the concurrence to include Class 10 buildings such as boat sheds and other minor structures.

In considering Council's request, the Department notes the extensive work being undertaken to develop the consolidated LEP for the Northern Beaches. As delegate of the Secretary, I have determined that for 36 months from the date of this letter, Council may assume the Secretary's concurrence to enable staff to determine development applications for Class 1 buildings (dwelling houses) and Class 10 buildings where the development contravenes a numerical standard by greater than 10% in the following circumstances:

- height of buildings under the Warringah LEP 2011, Manly LEP 20213 and Pittwater LEP 2014; and
- floor space ratio under the Manly LEP 2013.

These applications may be determined by Council staff under delegation in accordance with Council procedures. Should the consolidated LEP be gazetted prior to this date, the assumed concurrence will lapse.

In granting this extension, I encourage Council to continue to investigate the appropriateness of these controls and consider more permanent solutions for these variations as part of the consolidated comprehensive LEP for the Northern Beaches LGA. This will include, among other things, having regard to submissions received during the exhibition process for the consolidated LEP and any Department approval requirements.

The assumed concurrence has been granted based on the number of variations Council has considered remaining small since the last extension. Council is required to provide the data on applications determined under the concurrence every 6 months to the Department at eastern.harbourcity@planning.nsw.gov.au.

Should you have any enquiries about this matter, I have arranged for Mr Brendan Metcalfe, Director, North District at the Department on 9860 1442.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. McDonald', is positioned below the text 'Yours sincerely'.

2 November 2021

Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney Place and Infrastructure