



## Department of Planning and Environment

Mr Peter Robinson  
Executive Manager  
Development Assessment  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Our ref: IRF22/230

2 March 2022

Dear Mr Robinson

**Subject:** Extension of Concurrence – Clause 4.6 variation – Northern Beaches Council

I refer to your recent discussions with the Department of Planning and Environment (the Department) resulting in a request to broaden the existing assumed concurrence (dated 2/11/21) relating to development applications which vary building height and floor space ratio (FSR) development standards by greater than 10% for dwelling houses (Class 1 Buildings) and uninhabitable buildings and other minor structures (Class 10 Buildings).

I understand that Council seeks to extend the existing concurrence to include development applications which vary any built form control for the B2 (Oxford Falls Valley) and C8 (Belrose North) localities in Warringah LEP 2000 (Deferred Areas). While the number of development applications in these localities is small, the Department notes that broadening the assumed concurrence would allow Council to investigate a more permanent solution for the entire Northern Beaches LGA as part of its consolidated LEP.

In considering Council's request, the Department acknowledges the extensive work being undertaken by Council to progress the consolidated LEP for the Northern Beaches. As delegate of the Secretary, I have determined that the existing assumed concurrence (dated 2/11/21) should be extended so that Council may assume the Secretary's concurrence 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 2013 and Pittwater LEP 2014;
- FSR under the Manly LEP 2013; and
- any built form control considered a development standard under the B2 and C8 Localities of Warringah LEP 2000.

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.

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.



## Department of Planning and Environment

The assumed concurrence has been granted based on the small number of variations Council has considered since the last extension. Council is required to supply data to the Department every 6 months at [eastern.harbourcity@planning.nsw.gov.au](mailto:eastern.harbourcity@planning.nsw.gov.au) showing the number of development applications determined under the concurrence.

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".

**Malcolm McDonald**  
**Executive Director, Eastern Harbour City**