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Our ref: PP_2012_WARRI_002_00 (12/11823)

Mr Rik Hart
General Manager
Warringah Council
Civic Centre
DEE WHY NSW 2099

Dear Mr Hart,

Planning proposal to amend Warringah Local Environmental Plan (LEP) 2011

I am writing in response to your Council's letter dated 4 July 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Warringah Local Environmental Plan (LEP) 2011 to rezone land at 638 Pittwater Road, Brookvale from a split zoning to a B5 Business Development zone over the entire site and to permit additional uses including office and retail premises and shop top housing on the site.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination. However, Council is encouraged to consider zoning the site appropriately to reflect the intended land use, such as zone B4 Mixed Use or another appropriate business zone

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

Council is to consider whether State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land applies to the site. If SEPP 55 applies Council is required to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included in the public exhibition material for the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal within four (4) weeks from the week following this determination. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Sabina Miller of the Regional Office of the department on 02 9228 6111.

Yours sincerely,


Sam Haddad
Director-General
6/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_WARRI_002_00): to amend Warringah LEP 2011 to rezone land at Brookvale to B5 Business Development zone.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment the Warringah Local Environmental Plan (LEP) 2011 to rezone land at 638 Pittwater Road, Brookvale from a split zoning to a B5 Business Development zone over the entire site and to permit additional uses including office and retail premises and shop top housing on the site should proceed subject to the following conditions:

1. Prior to placing the planning proposal on public exhibition, Council is to amend the statement of objectives to advise that additional uses permitted on the site will include retail and office premises and shop top housing.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

6th

day of

August

2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure