



Contact: Nabil Alaeddine
Phone: (02) 9228 6593
Fax: (02) 9228 6244
Email: Nabil.Alaeddine@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Our ref: PP_2013_WARRI_002_00 (13/10610)

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

Dear Mr Hart,

Planning proposal to amend Warringah Local Environmental Plan 2011

I am writing in response to your Council's letter dated 20 June 2013 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 rezone certain land in the Warringah local government area to E1 National Parks and Nature Reserves and rezone certain land from E1 to RE1 Public Recreation, SP2 Infrastructure, RE2 Private Recreation, E2 Environmental Conservation and W1 Natural Waterways and remove applicable minimum lot size and building height controls for certain land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 2.1 Environment Protection Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 section 54(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 Nabil Alaeddine of the regional office of the department on 02 9228 6593.

Yours sincerely,

pe 

Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery

16-7.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_WARRI_002_00): to rezone and amend the development standards for land in the Warringah local government area.

I, the Acting Executive Director, Metropolitan Planning at the 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 to the Warringah Local Environmental Plan (LEP) 2011 to rezone certain land in the Warringah local government area to E1 National Parks and Nature Reserves and rezone certain land from E1 to RE1 Public Recreation, SP2 Infrastructure, RE2 Private Recreation, E2 Environmental Conservation and W1 Natural Waterways and remove applicable minimum lot size and building height controls for certain land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to advise that the proposal aims to correct errors and anomalies on the land zoning, lot size and height of buildings maps under Warringah LEP 2011 to reconcile parcels of land and define boundaries for land owned by or relevant to the National Parks and Wildlife Service.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning and where applicable lot size and height of buildings maps, which are at an appropriate scale and clearly identify the subject sites.
3. Council is to update the planning proposal to include sufficient additional information to demonstrate consistency or justify any inconsistency with S117 Directions 2.2 Coastal Protection, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils and 4.4 Planning for Bushfire Protection and State Environmental Planning Policy (SEPP) 71 - Coastal Protection and SEPP Infrastructure.
4. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Trade and Investment – Crown Lands
 - Sydney Water
 - Transport for NSW - Roads and Maritime Services
 - National Parks and Wildlife Service
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority 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.

6. 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).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 16th day of July 2013.



Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Warringah Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_WARRI_002_00	Planning proposal to rezone certain land in the Warringah local government area to E1 National Parks and Nature Reserves and rezone certain land from E1 to RE1 Public Recreation, SP2 Infrastructure, RE2 Private Recreation, E2 Environmental Conservation and W1 Natural Waterways and remove applicable minimum lot size and building height controls for certain land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated

16th July 2013


Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_WARRI_002_00
Date Sent to Department under s56	20/06/2013
Date considered at LEP Review Panel	11/07/2013
Gateway determination date	16/07/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: