



Mr Mark Ferguson
Interim General Manager
Northern Beaches Council
Civic Drive
725 Pittwater Road
Dee Why NSW 2099

Our ref: PP_2016_WARRI_003_00(16/09071)
Your ref: PEX2016/003

Attention: Mr Neil Cocks

Dear Mr Ferguson

Planning proposal to amend Warringah Local Environmental Plan 2011 and Warringah Local Environmental Plan 2000

I am writing in response to your Council's letter dated 20 June 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the *Warringah Local Environmental Plan 2011* and *Warringah Local Environmental Plan 2000* to undertake housekeeping amendments.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In issuing the Gateway determination, I have required an amendment to the planning proposal to remove reference to proposed amendment (vi) to "amend the land use table to prohibit 'restriction facilities' in business and industrial zones", prior to proceeding to public exhibition. This condition has been issued as the proposed amendment is not required to the *Warringah Local Environmental Plan 2011*, as 'restriction facilities' is no longer a land use included in the Standard Instrument Local Environmental Plan's land use tables. For your information, I have attached a copy of Planning Circular *PS 11-001 – Amendment to the Standard Instrument (Local Environmental Plan) Order 2006*.

I also note that Council proposes to rezone a school site from IN1 General Industrial to SP2 Infrastructure. Council is required to seek the agreement of Department of Education and Communities prior to proceeding to public exhibition. Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of Section 117 Direction 6.2 – Reserving Land for Public Purposes. Council should ensure this occurs prior to the plan being made.

The requirement to consult with Transport for NSW - Roads and Maritime Services relates to the proposed amendment to the exempt development schedule for signage on trailers, given that this may be unsuitable in relation to the *Roads Act 1993*.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Sandy Chappel of the Department's regional office to assist you. Ms Chappel can be contacted on (02) 9228 6591.

Yours sincerely

 13/7/16
Karen Armstrong
Director, Sydney Region East
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_WARRI_003_00): to amend the Warringah Local Environmental Plan 2011 and Warringah Local Environmental Plan 2000 to undertake housekeeping amendments.

I, the Director, Sydney Region East, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Warringah Local Environmental Plan (LEP) 2011* and *Warringah Local Environmental Plan 2000* to undertake housekeeping amendments should proceed subject to the following conditions:

- 1) Prior to public exhibition, Council is to amend the planning proposal to:
 - a) delete reference to amendment (vi) to 'prohibit restriction facilities in all business and industrial zones';
 - b) amend the maps in the planning proposal that identify the proposed and current development controls, to clearly identify the subject land included within each proposed amendment; and
 - c) prepare Standard Instrument maps, where required, that are consistent with the *Standard Technical mapping guidelines for spatial datasets and maps (dated 30 November 2015)*.
- 2) Consultation is required with the following public authorities, prior to community consultation:
 - Department of Education and Communities, and
 - Transport for NSW – Roads and Maritime Services.

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.

Prior to proceeding to community consultation, Council is to update the planning proposal to reflect any advice received from Department of Education and Communities and/or Roads and Maritime Services. Council is required to seek an alteration to the Gateway determination if an amendment is required to the planning proposal as a result of agency consultation.

- 3) Community consultation is required under sections 56(2)(c) and 57 of the 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 and Infrastructure 2013)*.

4) Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Land and Property Information
- Office of Environment and Heritage – Heritage Office

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.

5) A public hearing is not required to be held into the matter by any person or body under section 56(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 timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 13TH day of JULY 2016



Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney
Commission