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Our ref: PP_2012_WARRI_006_00 (12/12168)

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 16 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 Warringah Local Environmental Plan (LEP) 2011 to rezone land at Belrose to R2 Low Density Residential and allocate a minimum lot size, maximum building height and land slip risk map for the subject land.

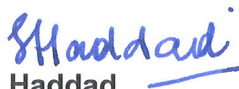
As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

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 David Pitney of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,


Sam Haddad
Director-General

23/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_WARRI_006_00): to amend Warringah Local Environmental Plan (LEP) 2011 to rezone land at Belrose.

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 to Warringah Local Environmental Plan (LEP) 2011 to rezone land at Belrose to R2 Low Density Residential and allocate a minimum lot size, maximum building height and land risk slip for the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to address the following:
 - (a) the relationship of the proposed rezoning with the Oxford Falls Valley and Belrose North strategic review
 - (b) the strategic justification for undertaking the rezoning ahead of the outcomes of the strategic review being finalised,
 - (c) further justification for zoning the subject land R2 Low Density Residential, and
 - (d) how the planning proposal will address the matter of non-conforming uses.
2. Prior to undertaking public exhibition, Council is to amend the 'statement of objectives' in the planning proposal to advise that:
 - (a) the subject land is currently deferred from Warringah LEP 2011, and
 - (b) the planning proposal will allocate minimum lot size, maximum building height and land slip risk controls for the subject land.
3. In relation to Section 117 Direction 3.1 Residential Zones, Council should address matters concerning the permissibility of seniors housing on the site. This should be done prior to placing the planning proposal on public exhibition.
4. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
5. 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)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment

on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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

Dated 23rd day of August 2012.

SHaddad

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