

15/16609

Mr Rik Hart
General Manager
Warringah Council
725 Pittwater Road
Dee Why NSW 2099

Dear Mr Hart

Planning Proposal to amend Warringah Local Environmental Plan 2011

I refer to Council's letter 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 2011. The proposal seeks to permit internal and attached secondary dwellings in zone RU4 – Primary Production Small Lots.

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

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has accepted this delegation. 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.

However, please note that the inconsistency with section 117 Direction 1.2 *Rural Zones* has not yet been approved. Once this inconsistency has been addressed, Council should make a submission to the Department seeking this approval. This must occur prior to finalisation of the amendment.

The amending 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 the Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment 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.

If you have any further enquiries about this matter, please contact Ms Lauren Templeman of the Department of Planning and Environment on telephone number (02) 9228 6590.

Yours sincerely


Lee Mulvey
Director, Metropolitan (CBD)
Planning Services 18/11/15