



Section 73A EP&A Act submission

Part A. Council to complete

Subject:

Warringah Local Environmental Plan 2011 (Amendment 4) – made 7 February 2014.
Report requesting the making of amending local environmental plan under Section 73A.

Background:

On 28 August 2012 Warringah Council resolved to make a Planning Proposal to correct various anomalies in Warringah Local Environmental Plan 2011. One of the proposed amendments was to make *boat building and repair facilities* permitted in the IN1 General Industrial zone, this land use previously being prohibited in all zones in Warringah.

With the making of Warringah LEP 2011 (Amendment 4) on 7 February 2014, an error has occurred. As requested by Council, *boat building and repair facilities*, has been included as an Item 3 Permitted with consent, land use. However, it also remains listed in Item 4 Prohibited. That is, the land use is both permitted and prohibited.

This is clearly a drafting error and is not consistent with the Planning Proposal that preceded Amendment 4.

The error applies to all land in Warringah that is zoned IN1 General Industrial.

The error was discovered by officers of Council on 20 March 2014 and correspondence of that date was immediately forwarded to NSW Planning and Infrastructure requesting that it take immediate action to correct this error by invoking the provisions of Section 73A of the Environmental Planning and Assessment Act. A copy of this correspondence is attached for your convenience.

Why there is a need for the amendment:

The requested action under Section 73A is required as the Land Use Table for the IN1 zone is currently anomalous. With respect to the land use, *boat building and repair facilities*, the Land Use Table cannot be implemented and does not reflect Council's intention as set out the Planning Proposal that preceded Amendment 4.

What the amendment does:

Council requests an amendment that removes *boat building and repair facilities* from Item 4 Prohibited, in the Land Use Table to the IN1 General Industrial zone.

Why the amending plan is suitable to be made in accordance with section 73A:

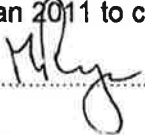
The use of Section 73A is suitable in this instance as Council's request is consistent with Section 73A(1)(a) which allows correction of an obvious error in the principal instrument by the removal of obviously unnecessary words from Item 4 of the Land Use Table for the IN1 General Industrial zone.

The council requests that the Minister agree to make an amendment to Warringah Local
Section 73A EP&A Act submission



Section 73A EP&A Act submission

Environmental Plan 2011 to correct the error outlined above.

Signed: 

Date: 25/3/14

Name: Malcolm Ryan

Position: Deputy General Manager Environment

On behalf of: Warringah Council