

Amending Warringah LEP 2011 under Section 73A

Proposal Title : **Amending Warringah LEP 2011 under Section 73A**

Proposal Summary : **To amend Warringah LEP 2011 (WLEP) under s73A of Environmental Planning and Assessment Act to fix a drafting error in the Land Use Table for IN1 General Industrial zone.**

PP Number : **PP_2014_WARRI_001_00** Dop File No : **12/16844**

Proposal Details

Date Planning Proposal Received : **25-Mar-2014** LGA covered : **Warringah**

Region : **Sydney Region East** RPA : **Warringah Council**

State Electorate : **WAKEHURST** Section of the Act : **73A - Minor Matter**

LEP Type : **73A**

Location Details

Street : **57**

Suburb : **Delmar Parade** City : **Dee Why** Postcode : **2099**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Deewa Baral**

Contact Number : **0285754127**

Contact Email : **deewa.baral@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Janelle Brooks**

Contact Number : **0299422933**

Contact Email : **janelle.brooks@warringah.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Council's objective is to rectify the drafting error in the Land Use Table for IN1 General Industrial zone.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of the provision is adequate.**

An amendment to WLEP is requested that removes 'boat building and repair facilities' from item 4 Prohibited, in the Land Use Table to IN1 General Industrial zone.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

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e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No mapping amendments required.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **As this proposal is to correct a drafting error, consultation to the community or other agencies is considered unnecessary.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **WLEP 2011 was notified on 9 December 2011.**

Assessment Criteria

Need for planning proposal : **With the making of WLEP (Amendment No 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 a drafting error and is not consistent with the planning proposal that preceded Amendment 4.

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.

Consistency with strategic planning framework : **Due to its minor administrative nature there are no implications for the strategic planning framework.**

Environmental social economic impacts : **This drafting error has impacted on the issue of section 149(2) Planning Certificates for properties in the IN1 zone.**

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **Nil**

Timeframe to make LEP : **3 months** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**

Additional Information :
1. Community consultation is not required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").
2. Consultation is not required with any public authorities under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway determination.

Supporting Reasons : **Fixing this drafting error is a matter of great urgency to Council, as this has resulted in Council being unable to issue Section 149(2) Planning Certificates for properties in the**

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IN1 zone.

Signature:



Printed Name:

Tim ARCHER

Date:

27 / 3 / 14

