



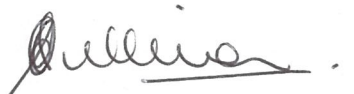
Minute Paper for the Executive Council

Subject: Approval of the Governor under section 30(2) of the Local Government Act 1993 – Warringah Local Environmental Plan 2011 (Amendment No 30)

Department of Planning, Housing
and Infrastructure

Document Number: IRF25/428

*Approved by the
Executive Council,*


Clerk of the Council.

Minute No. -- 28 --

Date 6 AUG 2025

Approved,


Governor

*Her Excellency the Governor
and The Executive Council*

I RECOMMEND for the approval of Her Excellency the Governor, with the advice of the Executive Council, the insertion of Lot 2, DP 1174201, Winbourne Road into Part 2 of Schedule 4 to the Warringah Local Environmental Plan 2011, pursuant to section 30(2) of the Local Government Act 1993.

Clause 5.2(5) of the Warringah Local Environmental Plan 2011 provides that the public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all interests affecting the land or any part of the land (unless otherwise specified).


The Hon. Paul Scully MP
Minister for Planning and Public
Spaces



New South Wales

Warringah Local Environmental Plan 2011 (Amendment No 30)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the
Environmental Planning and Assessment Act 1979.

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Approved by the
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Min No: -- 28 --

6 August 2025



Clerk of the Council

Warringah Local Environmental Plan 2011 (Amendment No 30)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Warringah Local Environmental Plan 2011 (Amendment No 30)*.

2 Commencement

This plan commences on the day on which it is published on the NSW legislation website.

3 Land to which plan applies

This plan applies to Lot 2, DP 1174201, Winbourne Road, Brookvale.

4 Maps

The maps adopted by *Warringah Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this plan.

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Schedule 1 Amendment of Warringah Local Environmental Plan 2011

Schedule 4 Classification and reclassification of public land

Insert in appropriate order in Part 2—

Brookvale

Lot 2, DP 1174201,
Winbourne Road

Nil

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Min No: -- 28 -- 6 August 2025



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Environmental Planning and Assessment Act 1979

Warringah Local Environmental Plan 2011 (Amendment No 30)

**Northern Beaches
Council**
PO Box 82
Manly NSW 1655

Map Cover Sheet

Warringah Local Environmental Plan 2011

The following map sheets are revoked:

Map Sheet	Map Identification Number
Height of Buildings Map HOB_010A	1800_COM_HOB_010A_010_20111122
Lot Size Map LSZ_010A	1800_COM_LSZ_010A_010_20161221
https://www.planningportal.nsw.gov.au/spatialviewerlite/#/find-a-property/address?ppnumber=PP-2023-953	

The following map sheets are adopted:

Map Sheet	Map Identification Number
Height of Buildings Map HOB_010A	1800_COM_HOB_010A_010_20250117
Lot Size Map LSZ_010A	1800_COM_LSZ_010A_010_20250117
https://www.planningportal.nsw.gov.au/spatialviewerlite/#/find-a-property/address?ppnumber=PP-2024-928	

Certified

As a Delegate for the Local Plan-Making Authority

[Date]

Approved by the
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Clerk of the Council



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Warringah Local Environmental Plan 2011 (Amendment No 30)

Your ref: ayat.naji@dpie.nsw.gov.au
 Sokkhim.ly@planning.nsw.gov.au
Our ref: e2025-020.d03

In my opinion the attached draft environmental planning instrument may legally be made.

Before the instrument is made, the approval of the Governor should be obtained in accordance with the Local Government Act 1993, section 30(2) in relation to the operational land to be inserted into Schedule 4, Part 2 by this instrument.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to read 'A O'Callaghan'.

(A O'CALLAGHAN)
Parliamentary Counsel
20 May 2025

Approved by the
Executive Council

Min No: -- 28 --

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Clerk of the Council

EXPLANATORY NOTE

Approval of the Governor under section 30(2) of the Local Government Act 1993 - Warringah Local Environmental Plan 2011 (Amendment No 30)

Warringah Local Environmental Plan 2011 (Amendment No 30) (Amending LEP) proposes to reclassify Lot 2 DP 1174201, Winbourne Road (Brookvale) (subject site) from community land to operational land and discharge all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.

Clause 5.2 of the *Warringah Local Environmental Plan 2011* (Warringah LEP) provides for the classification and reclassification of public land as community land or operational land in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

To reclassify land from community land to operational land, an amendment is required to insert the land description into Part 2 of Schedule 4 of the Warringah LEP. When this occurs, if the land is a public reserve, it will cease to be a public reserve and all interests affecting the land, or part of the land are discharged, unless otherwise specified in the LEP. This will enable the future development of the land in accordance with the proposed LEP.

The Amending LEP seeks to alter the Warringah LEP to achieve this intent by amending Part 2 of Schedule 4 of the Warringah LEP. This will reclassify the subject site from community land to operational land and allow the sale, amalgamation, and redevelopment of the site. Upon the making of the Amending LEP, all interests affecting the land will be discharged.

Section 30(2) of the *Local Government Act 1993* requires the Governor's approval for the reclassification of land if the reclassification will also remove the public reserve status and discharges interests affecting the land, before the Amending LEP can be made. Accordingly, the Governor's approval is sought to reclassify the subject sites from community land to operational land as set out in the Amending LEP.

The Parliamentary Counsel has provided an opinion that the Amending LEP may legally be made.

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