

Restore the two-year transition period

Northern Beaches Council submitted a Planning Proposal to bring the deferred lands into Warringah LEP 2011 to the Department of Planning for a Gateway approval in 2015. The Gateway Determination report published by the Department of Planning stated:

Summary of Recommendation

It is recommended the planning proposal proceed subject to the following conditions:

- Prior to community consultation, Council is to complete stage 2 of the Strategic Review. This study should also examine the environmental significance of land proposed to be

2 / 14

zoned E4 Environmental Living. The planning proposal must be revised to reflect any recommendations of the stage 2 study.

- Prior to community consultation, the planning proposal is to be updated to:
 - demonstrate consistency with the draft North District Plan;
 - insert a Schedule 1 Additional Permitted Uses for Oxford Falls Grammar School;
 - require home based childcare be permissible with consent in environmental zones;
 - include a sunset provision for a set timeframe of 3 years to allow land owners to seek development approval for currently permitted uses; and
 - provide a new project timeline.

Northern Beaches Council elected to include the following clause in the Draft NBLEP that was submitted to the Department of Planning for Gateway Approval in 2024:

1.8A Savings provision relating to development applications

(1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

(2) Continuation of Permitted Development

Development that is permitted with development consent on land identified on the Oxford Falls and Belrose North Map, as in force immediately before <insert date of LEP commencement>, continues to be permitted with development consent on the land until <insert date 2 years following the date of LEP commencement>.

The Department of Planning's subsequent Gateway Assessment report stated:

Recommendation: Gateway determination to include a condition for the planning proposal and supporting documents to remove any references to amendments to:

- Clause 1.8A savings provisions seeking deferred commencement/sunset clause of 2 years for Oxford Falls and Belrose North under Warringah LEP 2000.

Clause 1.8A was amended by Northern Beaches Council to be as follows in the currently exhibited NBLEP:

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(1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

WUFA Recommendation is to restore Clause 1.8A to:

1.8A Savings provision relating to development applications

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(2) Continuation of Permitted Development

Development that is permitted with development consent on land identified on the Oxford Falls and Belrose North Map, as in force immediately before <insert date of LEP commencement>, continues to be permitted with development consent on the land until <insert date 2 years following the date of LEP commencement>.