



Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

15/10168

Attention: Mr Craige Wyse

Dear Mr McKee

**Planning proposal to amend Ku-ring-gai Local Environmental Plan
(Local Centres) 2012**

I am writing in response to your Council's letter dated 4 December 2015 (your reference: S10468) requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the revised planning proposal to reclassify land at 259-271 Pacific Highway from community land to operational land, to rezone the land to R4 High Density Residential, to permit business premises and office premises, and to increase the maximum floor space ratio and height of buildings permitted for the site.

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

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*. Your attention is also drawn to the requirements under Attachment 2 of the practice note.

I have also noted that the conclusion of a phase one assessment report undertaken for the site indicated that there was a medium risk of contamination and further assessment should be undertaken. I would appreciate it if Council would further consider this matter during the process to ensure it complies with clause 6 of *State Environmental Planning Policy No.55 – Remediation of Land*.

The amending Local Environmental Plan 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 for the Department of Planning and Environment to draft and finalise the Plan should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Mark Dennett of this office to assist you. Mr Dennett can be contacted on (02) 9860 1534.

Yours sincerely

 5/2/2016

Rachel Cumming
Director
Metropolitan (Parramatta)
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_KURIN_002_00) to amend Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to reclassify land at 259-271 Pacific Highway, Lindfield, from community land to operational land, to rezone the land to R4 High Density Residential, to permit business premises and office premises, and to increase the maximum floor space ratio and height of buildings permitted for the site.

I, the Director, Metropolitan (Parramatta), Planning Services, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012*, to reclassify land at 259-271 Pacific Highway, Lindfield, from community land to operational land, to rezone the land (including additional uses) and to increase maximum building height and maximum permitted floor space ratio controls, should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal:
 - a) to identify those interests which are to be discharged as a result of the proposal;
 - b) amend the proposal by including justification for the proposed increase in the maximum floor space ratio from 1.3:1 to 2.0:1, and the maximum building height from 17.5 metres to 23.5 metres, and to address the impact of these increases on adjoining sites.
2. Prior to finalisation of the proposal, Council is to prepare revised Floor Space Ratio and Height of Buildings Maps, consistent with the Department's "Standard Technical Requirements for Spatial Data and Maps". These maps and spatial data are to be submitted to the Planning Portal prior to finalisation of the proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act* as follows:
 - a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act*:
 - Aboriginal Land Council of NSW
 - Transport for NSW,
 - Transport for NSW – Roads and Maritime Services,
 - Transport for NSW – Sydney Trains,
 - Ausgrid,
 - Sydney Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. 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).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated this 5th day of February, 2016



Rachel Cumming
Director
Metropolitan (Parramatta)
Planning Services

Delegate of the Greater Sydney Commission