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

Our ref: PP_2012_KURIN_003_00 (12-08999)
 Your ref: S09190

Dear Mr McKee,

Planning proposal to rezone 21 Calga Street, Roseville Chase and 90 Babbage Road, Roseville Chase from Recreation Existing 6(a) to Residential 2(a) and to rezone 4 Binalong Street, West Pymble from Business 3(a)-(A3) to Residential 2(c) and reclassifying the subject sites from 'community' land to 'operational' land

I am writing in response to your Council's letter dated 18 May 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Ku-ring-gai Local Environmental Plan 1971 to rezone 21 Calga Street, Roseville Chase and 90 Babbage Road, Roseville Chase from Recreation Existing 6(a) to Residential 2(a) and to rezone 4 Binalong Street, West Pymble from Business 3(a)-(A3) to Residential 2(c) and reclassifying the subject sites from 'community' land to 'operational' land.

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

The Department recommends that Council consider progressing the planning proposal as both an amendment to the Ku-ring-gai Planning Scheme Ordinance 1979 and the draft Ku-ring-gai Local Environmental Plan 2012.

For the purposes of community consultation, Council needs to amend the 'explanation of provisions' section of the planning proposal to include a reference to the map indicating the proposed zones (i.e. the map shown in Appendix 4 of the planning proposal). Further, Council needs to review the mapping to correct inconsistencies with those in the figures and those included in the proposed format at Appendix 4. In particular, Council needs to review:

- the zoning of the site adjoining 90 Babbage Road, which is identified as Recreational in Figure 5 and Residential in Figure 8; and
- the zoning of land at 4 Binalong Street, which does not appear to be the same area of land identified in Appendix 4 to that being rezoned in Figure 9.

Council needs to amend the planning proposal to reflect the desired approach and provide the Department's Sydney Region West team with a copy of the revised proposal, prior to public exhibition.

Council is reminded of its obligation for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational' as per the Department's LEP Practice Note PN-003.

In regards to S117 Direction 3.4 Integrating Land Use and Transport, Council is to consult with Transport for NSW – State Transit Authority to determine the capacity of the existing public infrastructure and whether the existing services are capable of supporting the reclassification and rezoning of the sites. Any recommendations are to be discussed with the Department's Regional team, prior to proceeding to public exhibition.

As per the requirements of S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and, prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 following consultation with the public authorities listed in the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Sandy Shewell of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Sam Haddad
Director-General

12/6/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_KURIN_003_00): to rezone 21 Calga Street, Roseville Chase and 90 Babbage Road, Roseville Chase from Recreation Existing 6(a) to Residential 2(a) and to rezone 4 Binalong Street, West Pymble from Business 3(a)-(A3) to Residential 2(c) and reclassifying the subject sites from 'community' land to 'operational' land.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Ku-ring-gai Local Environmental Plan 1971 to rezone 21 Calga Street, Roseville Chase and 90 Babbage Road, Roseville Chase from Recreation Existing 6(a) to Residential 2(a) and to rezone 4 Binalong Street, West Pymble from Business 3(a)-(A3) to Residential 2(c) and reclassifying the subject sites from 'community' land to 'operational' land should proceed subject to the following conditions:

1. Council is to amend the 'explanation of provisions' section of the planning proposal to include a reference to the map indicating the proposed zone (i.e. the map shown in Appendix 4 of the planning proposal). Council is to provide the Department's Sydney Region West team with a copy of the revised planning proposal, prior to public exhibition.
2. In regards to S117 Direction 3.4 Integrating Land Use and Transport, Council are to consult with Transport for NSW – State Transit Authority and determine the capacity of the existing public infrastructure and whether the existing services are capable of supporting the reclassification and rezoning of the sites. Council needs to amend the planning proposal, if necessary, and take into account any comments made.
3. Council needs to amend the 'explanation of provisions' section of the planning proposal to include a reference to the map indicating the proposed zones (i.e. the map shown in Appendix 4 of the planning proposal). Further, Council needs to review the mapping to correct inconsistencies with those in the figures and those included in the proposed format at Appendix 4. In particular, Council needs to review:
 - the zoning of the site adjoining 90 Babbage Road, which is identified as Recreational in Figure 5 and Residential in Figure 8; and
 - the zoning of land at 4 Binalong Street, which does not appear to be the same area of land identified in Appendix 4 to that being rezoned in Figure 9.
4. As per the requirements of S117 Direction 4.4 Planning for Bushfire Protection, Council are to consult with the Commissioner of the NSW Rural Fire Service and, prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Transport for NSW – State Transit Authority
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Department of Planning and Infrastructure - Sydney Harbour Foreshore Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 12th day of June 2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure