



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

Our ref: PP_2014_KURIN_003_00
Your ref: SO9771/2014/091564

Attention: Kate Paterson

Dear Mr McKee

Planning Proposal to amend Ku-ring-gai LEP (Local Centres) 2012

I am writing in response to Council's letter 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 LEP (Local Centres) 2012 by reclassifying four council owned sites at 818 Pacific Highway Gordon, 2-4 Moree Street Gordon, 62 Pacific Highway Roseville, and 1186-1188 Pacific Highway Pymble, from Community Land to Operational Land.

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

The Minister delegated his plan making powers to councils in October, 2012. However as Council has identified interests in the land it wishes to extinguish, Council will not be able to exercise the delegation. In this instance, Council will be required to submit the adopted plan to this office for finalisation, as the reclassification items will be required to be submitted by the Minister to the Governor for her approval.

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 drawn to the requirements under Attachment 2 of the practice note. A copy is enclosed for your information.

The amending Local Environmental Plan (LEP) 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 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 section 54(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 Mr Michael Druce, Planning Officer, Metropolitan Delivery Office (Parramatta) on 02 9860 1544.

Yours sincerely

R Cumming 4/6/2014

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Growth Planning and Delivery

Encl: PN09-003, *Classification and reclassification of public land through a local environmental plan.*

Gateway Determination

Planning Proposal (Department Ref: PP_2014_KURIN_003_00): to amend Ku-ring-gai LEP (Local Centres) 2012 by reclassifying four council owned sites at 818 Pacific Highway Gordon, 2-4 Moree Street Gordon, 62 Pacific Highway Roseville, and 1186-1188 Pacific Highway Pymble, from Community Land to Operational Land.

I, the Director, Metropolitan Delivery (Parramatta), Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Ku-ring-gai LEP (Local Centres) 2012 by reclassifying four council owned sites at 818 Pacific Highway Gordon, 2-4 Moree Street Gordon, 62 Pacific Highway Roseville, and 1186-1188 Pacific Highway Pymble, from Community Land to Operational Land should proceed subject to the following conditions:

1. Prior to public exhibition:
 - (a) Council is to delete the heading: 'Part One Objectives' on Page 3 of the planning proposal, and amend the heading: 'Objectives of the proposed Local Environmental Plan' (on page 9) to: Part 1 'Objectives of the Planning Proposal', and
 - (b) the 'Explanation of Provisions' section is to be updated to include information on all interests to be discharged for each site, together with a justification or explanation for the discharge of these interests.
2. 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 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 (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Maritime Services;
 - NSW Rural Fire Service;
 - Office of Environment and Heritage.

Note: to satisfy section 117 direction: *4.4 Planning for Bushfire Protection*, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation.

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.

4. 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. However, a public hearing is required to be held into the matter in accordance with the Agency's practice note PN09-003, as the Planning Proposal involves a reclassification from community to operational.
5. Council is to ensure that the planning proposal addresses the Director General's requirements relating to reclassification of public land consistent with 5.5.4 of 'A Guide to preparing LEPs' and Council complies with the relevant requirements of the Agency's practice note PN09-003.
6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

RJ Cumming 4/6/14

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Growth Planning and Delivery

Delegate of the Minister for Planning