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Department Generated Correspondence (Y)

Contact: Sandy Shewell
Phone: (02) 9873 8500
Fax: (02) 9873 8599
Email: Sandy.Shewell@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP_2012_KURIN_001_00 (12/02107)
Your ref: S09007

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

Dear Mr McKee,

Re: Planning Proposal to rezone land at 1 Suakin Street, Pymble from 5(a) Special Uses "A" (Commonwealth Purposes) and 5(a) Special Uses "A" (Council Purposes) to B7 Business Park, and land to the west of West Street and Ryde Road from 3(b)(Business – Commercial Services) to B7 Business Park

I am writing in response to your Council's letter dated 19 January 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 Planning Scheme Ordinance 1971 to:

- Rezone land at 1 Suakin Street, Pymble from 5(a) Special Uses "A" (Commonwealth Purposes) and 5(a) Special Uses "A" (Council Purposes) to B7 Business Park, and land to the west of West Street and Ryde Street from 3(b)(Business – Commercial Services) to B7 Business Park, and to insert the B7 Business Park Zone;
- Apply a maximum FSR and maximum Building Height to the subject land;
- Include the State listed heritage item at 982-984 Pacific Highway as an item of Heritage Significance under Schedule 7 Heritage Items.

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.

Council is to review Part 2 – Explanation of Provisions of the planning proposal to ensure the proposed changes to the Ku-ring-gai Planning Scheme Ordinance 1971 are clearly explained. In doing so, Council is to clarify whether maximum FSR and building height maps are to be included, and whether FSR and building height clauses, as included at Appendix 2 are to be included in the draft amendment. Council is to complete all maps prior to finalisation of the draft plan, and should consider including the maps with the planning proposal for the purposes of community consultation.

In relation to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, it is noted that the site is bushfire prone and provisions have been included that require development to integrate bushfire risk management measures and biodiversity protection. Notwithstanding this, Council is to undertake consultation with the Commissioner of the NSW Rural Fire Service prior to community consultation as required by the Local Planning Direction.

Council is advised that S117 Direction 6.3 Site Specific Provisions applies to the planning proposal given the draft amendment will allow a particular development to be carried out on a specific site. Therefore, Council is to amend the planning proposal to include consideration of

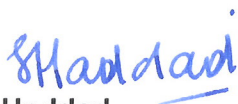
the requirements of S117 Direction 6.3 Site Specific Provisions prior to the commencement of public exhibition.

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 within four (4) weeks from the week following this 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

20/2/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_KURIN_001_00): to rezone land at 1 Suakin Street, Pymble from 5(a) Special Uses "A" (Commonwealth Purposes) to B7 Business Park, and land to the west of West Street and Ryde Road from 3(b)(Business – Commercial Services) to B7 Business Park

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 Planning Scheme Ordinance 1971 to:

- Rezone land at 1 Suakin Street, Pymble from 5(a) Special Uses "A" (Commonwealth Purposes) and 5(a) Special Uses "A" (Council Purposes) to B7 Business Park, and land to the west of West Street and Ryde Street from 3(b)(Business – Commercial Services) to B7 Business Park, and to insert the B7 Business Park Zone;
- Apply a maximum FSR and maximum Building Height to the subject land;
- Include the State listed heritage item at 982-984 Pacific Highway as an item of Heritage Significance under Schedule 7 Heritage Items.

should proceed subject to the following conditions:

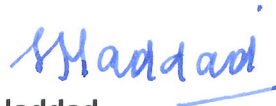
1. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
2. Council is to amend the planning proposal to include consideration of the requirements of S117 Direction 6.3 Site Specific Provisions prior to the commencement of public exhibition.
3. Council is to review Part 2 – Explanation of Provisions of the planning proposal to ensure the proposed changes to the Ku-ring-gai Planning Scheme Ordinance 1971 are clearly explained.
4. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Family and Community Services
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Department of Health
 - NSW Police Force
 - NSW Rural Fire Service

- Department of Transport
- Department of Transport – Railcorp
- Adjoining LGAs

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.

6. 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).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 20th day of February 2012.



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