



Planning

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

Our ref: 12/07240
Your ref:

Attention: Andrew Watson

Dear Mr McKee

Ku-ring-gai Planning Proposal – Gateway Determination – Ku-ring-gai Local Environmental Plan (Local Centres) 2012

I am writing in response to Council's letter dated 12 April 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 for Ku-ring-gai Local Environmental Plan (Local Centres) 2012 which is being prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006.

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

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 finalise the LEP should be made six (6) weeks prior to the projected publication date.

As an Opinion has not been issued by Parliamentary Counsel that the plan may be legally made, the Department has issued this determination on the understanding that Council, when exhibiting the draft LEP, makes it clear to the public that the draft LEP may be changed to satisfy legal drafting requirements.

Council is reminded to place the relevant State Environmental Planning Policies, any Regional Environmental Plans (deemed SEPPs) and section 117 Directions that apply on exhibition with the certified draft LEP.

It has been identified that the draft LEP is inconsistent with section 117 Direction 1.1 - Business and Industrial zones and Direction 3.1 – Residential Zones. I have determined that the inconsistencies with these Directions have been sufficiently justified by Council to enable public exhibition to be undertaken. Council should

place this letter on exhibition to demonstrate that these inconsistencies have been addressed. Notwithstanding this, Council should provide detailed consideration to submissions received in relation to those sites outlined in Council's submission as sites that are being zoned for densities lower than current densities. Care should be taken to consider the details of the viability of future development of these sites alongside Council's desired future character for the sites and the surrounding areas.

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 Peter Goth, of the Regional Office of the Department of Planning and Infrastructure on 9860 1174.

Yours sincerely


Sam Haddad
Director General

7/5/2012.