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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Plan Making and Urban Renewal

REQUEST TO PROCEED WITH THE PLANNING PROPOSAL FOR KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (TOWN CENTRES) 2012

PURPOSE

- To recommend the Minister's delegate issue the Gateway Determination in accordance with the s56(2) of the Environmental Planning & Assessment Act, 1979, to enable the Planning Proposal to proceed.

RECOMMENDATION

- It is RECOMMENDED that the Minister's delegate:
- **notes** the Planning Proposal (**Tag C**) and draft instrument (**Tag D**) and the maps (**Tag E**) prepared by Ku-ring-gai Council;
- **notes** the Planning Team report attached (**Tag B**);
- **notes** that the Planning Proposal and draft instrument as amended by the Department is consistent or justifiably inconsistent with the relevant s.117 Directions (pages 20 - 24 of the Planning Proposal);
- **signs** the letter and Determination to Council (**Tag A**) to enable the Planning Proposal to proceed.

CURRENT POSITION

- On 12 April 2012, Ku-ring-gai Council submitted a Planning Proposal for a new Local Centres Local Environmental Plan process. The Planning Proposal is titled Ku-ring-gai Local Environmental Plan (Local Centres) 2012.
- The purpose of the Planning Proposal is to guide development for the local centres over the medium term and return certainty over the land use controls for this land following the voiding of the former Town Centres Plan by the Land and Environment Court.
- The draft LEP generally adopts the same provisions as included in the former Town Centres LEP. The main exception to this is that the capacity for mixed use development within the commercial areas of the centres has been significantly reduced and some specific sites have also been amended (see report for further information). This reduces the potential dwelling yield of the plan and weakens the opportunity for renewal of these centres. Nonetheless, the plan is sufficient, in conjunction with other relevant plans, to ensure the LGA will provide an additional 10,000 dwellings from 2004 to 2031 (as agreed in the Metropolitan Strategy 2005).
- The Regional Team, Planning Operation Co-ordination and Legal Branch have previously reviewed the local controls of the draft instrument and Council has

amended those parts of the written instrument accordingly. As such it is considered that the draft Local Environmental Plan (**Tag D**) is in a suitable form for Community Consultation under s.56 and 57 of the *Environment Planning & Assessment Act 1979* without need for amendment or conditions.

BACKGROUND

- On 28 July 2011, the Land and Environment Court declared the *Ku-ring-gai Town Centres Local Environmental Plan 2010* to be of no legal force or effect.
- On 19 October 2011, the Minister met with representatives from Ku-ring-gai Council to discuss options for the progression of a new Town Centres Local Environmental Plan (LEP).
- On 2 November 2011 the Minister wrote to the Mayor of Ku-ring-gai agreeing to the timetable proposed by Council. In accordance with this timetable the draft Town Centres LEP would be submitted to the Department post-exhibition by August 2012.
- The timetable agreed to by the Minister and Council requires a certificate to be issued by no later than 27 April 2012.
- Council has received a grant under the Local Environmental Plan Acceleration Fund to assist with the plan making of the Local Centres LEP and the issue of a Gateway Determination on 27 April 2012 is a milestone of the agreement.

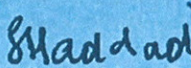

Regional Director
Sydney West

20 April 12


Executive Director
Planning Operations

26.4.12

Contact Officer: Sandy Shewell
Sydney West Planning Teams
Phone: (02) 9860 1555


Director General

7/5/2012.