



Contact: Sandy Shewell
Phone: (02) 9873 8558
Fax: (02) 9873 8599
Email: sandy.shewell@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP_2011_KURIN_002_00 (11/20894)
Your ref: S09053

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

Dear Mr McKee,

Re: Planning Proposal to amend the Ku-ring-gai Planning Scheme Ordinance 1971 to incorporate new definitions and provisions for biodiversity, riparian land and heritage conservation areas.

I am writing in response to your Council's letter dated 29 November 2011 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 incorporate new definitions and provisions for biodiversity, riparian land and heritage conservation areas.

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.

It is acknowledged that the planning proposal identifies consistency with relevant Section 117 Directions and therefore the Director General's agreement to any inconsistency is not required. However, Council is requested to address the planning proposal's consistency with Section 117 Direction 7.1 *Implementation of the Metropolitan Plan for Sydney 2036* and provide an explanation of this consistency within the material placed on public exhibition.

It is noted that the planning proposal incorrectly references the checklist of compliance with Section 117 Directions as 'Attachment A' on page 12. Council is to amend the reference to read 'Attachment E' to correctly reference the checklist and avoid confusion during the consultation period.

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 as a matter of priority. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

Should you have any queries in regard to this matter, please contact Sandy Shewell of the Regional Office of the Department on 02 9873 8558

Yours sincerely,



13/12/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_KURIN_002_00): to amend the Ku-ring-gai Planning Scheme Ordinance 1971 to incorporate new definitions and provisions for biodiversity, riparian land and heritage conservation areas.

I, the Deputy Director General, Plan Making & Urban Renewal 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 incorporate new definitions and provisions for biodiversity, riparian land and heritage conservation areas should proceed subject to the following conditions:

1. Council is to address the planning proposal's consistency with the Sydney Metropolitan Plan and provide an explanation of this consistency with Section 117 Direction 7.1 *Implementation of the Metropolitan Plan for Sydney 2036* within the material placed on public exhibition.
2. Council is to amend the reference to the 'checklist of compliance with Section 117 Directions' on page 12 from 'Attachment A' to 'Attachment E'.
3. 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 **20 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Hawkesbury - Nepean Catchment Management Authority
 - Sydney Metropolitan Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - State Water Corporation
 - Sydney Water
 - Adjoining LGAs
 - Aboriginal Heritage Office
 - NSW Heritage Office

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.

5. 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).



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

Dated 13th day of December 2011.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure