

Ku-ring-gai Planning Scheme Ordinance - Amendment to incorporate provisions for Biodiversity, Riparian Land and Heritage Conservation Areas

Proposal Title :	Ku-ring-gai Planning Scheme Ordinance - Amendment to incorporate provisions for Biodiversity, Riparian Land and Heritage Conservation Areas		
Proposal Summary :	This Planning Proposal seeks to amend the Ku-ring-gai Planning Scheme Ordinance 1971 to incorporate new definitions and provisions for biodiversity, riparian land and heritage conservation areas.		
PP Number :	PP_2011_KURIN_002_00	Dop File No :	11/20894

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions :
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 2.4 Recreation Vehicle Areas
 - 3.1 Residential Zones
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.4 Planning for Bushfire Protection
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the Planning Proposal proceeds, subject to the following requirements:

1. The Planning Proposal be revised to incorporate a simplified explanation of how all the objectives/intended outcomes of the Planning Proposal will be achieved as follows:

"This Planning Proposal seeks to:

 - (a) protect, maintain and improve biodiversity;
 - (b) maintain and improve waterways and riparian lands;
 - (c) protect the local character, heritage and natural landscapes; and
 - (d) form the basis for future residential, retail and commercial planning, within the Ku-ring-gai Local Government Area."
2. The Planning Proposal be revised to include an accurate reference to Local Planning Direction 7.1 (Implementation of the Metropolitan Plan for Sydney 2036) and demonstrate consistency of the Planning Proposal with the Metropolitan Plan for Sydney 2036. The reference to 'Attachment A' included on page 12 of the Planning Proposal should be also be revised to read 'Attachment E';
3. The Planning Proposal be exhibited for 20 days;
4. The Planning Proposal be completed within 6 months;
5. Council note that the Director General is to be satisfied that the summary (the material to be exhibited) provides sufficient details for community consultation. Council is to be requested to provide this summary to the Director General as required under section 57(2) of the Environmental Planning & Assessment Act 1979; and that
6. Council consult with the following agencies:-

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Hawkesbury - Nepean Catchment Management Authority
Sydney Metropolitan Catchment Management Authority
Office of Environment and Heritage
NSW National Parks and Wildlife Service
NSW Rural Fire Service
State Water Corporation
Sydney Water
Willoughby City Council
Warringah Council
Ryde City Council
Hornsby Shire Council
Aboriginal Heritage Office
Land and Property Management Authority
NSW Heritage Office

Supporting Reasons :

The proposed heritage conservation area provisions seek to protect heritage within the Ku-ring-gai LGA. The proposed biodiversity and riparian land and waterways provisions will enhance and protect the natural environment and protect the character of the LGA through the retention of vegetation within the urban setting.

It has been previously agreed with Council that the riparian land and waterways, biodiversity and heritage provisions identified in the former Ku-ring-gai Town Centres LEP 2010 will be included within the draft LEP.

Panel Recommendation

Recommendation Date : 08-Dec-2011

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

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

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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.

Signature: _____

Printed Name: _____

Date: _____