



Contact: Craige Wyse

Reference: S09053
29 November 2011



Peter Goth
Regional Director Sydney West
Department of Planning
Locked Bag 5020
PARRAMATTA NSW 2124

Dear Mr Goth

Ku-ring-gai Council Planning Proposal - Biodiversity, Riparian and Heritage Conservation Area Provisions

At its meeting on 8 November 2011 Council considered a report on the processes and a timetable for future strategic planning Ku-ring-gai Council in light of the planning uncertainty created by the NSW Land & Environment Court declared the *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* invalid on 28 July 2011. Council resolved to endorse a Statement of Commitments and a revised timing/community consultation program for a new Ku-ring-gai Town Centres Local Environmental Plan (LEP). The report also included time lines for Council's Principal LEP for areas outside of the Town Centres and an interim LEP to introduce biodiversity and heritage conservation area provisions into the Ku-ring-gai Planning Scheme Ordinance (KPSO).

The timelines that Council endorsed to resolve the strategic planning issues in Ku-ring-gai have been developed in consultation with the Minister for Planning & Infrastructure and the Department. The Minister has written to Council expressing his support for the proposed time lines for the Ku-ring-gai LEPs. A copy of the Minister's letter and the endorsed timeline for the preparation of the Biodiversity and Heritage LEP is included as Attachment A to the Planning proposal.

As part of its overall strategic planning, Council is seeking the preparation of a Biodiversity and Heritage LEP. Council at its meeting of 8 November, 2011 resolved:

"A. *That Council prepare a planning proposal by the end of November 2011 in accordance with section 55 of the Environmental Planning and Assessment Act to amend the Ku-ring-gai Planning Scheme Ordinance to include Heritage Conservation Areas and Biodiversity and riparian mapping, incorporating:*

- *those HCA's already adopted by Council at its meetings of 24 May 2011 (Post Exhibition Report on Draft Northern Heritage Conservation Area Review), including revised HCA 17 Pymble (Fernwalk) and HCA 26 Mahratta, Wahroonga, and 28 June 2011 (Post Exhibition Report on Draft Southern Heritage Conservation Area Review);*
- *the fourteen Heritage Conservation Areas identified in the previously gazetted Town Centres LEP; and*



- *biodiversity and riparian mapping of the whole of Ku-ring-gai LGA, based on the biodiversity and riparian lands background study of February 2011 as attached to the Report on Submissions on Draft Natural Resource Strategies including amendments resolved by Council at its meeting of 24 May 2011 and mapping previously identified in the former Town Centres LEP as amended by the revised mapping methodology in the background study.*
- B. *That Council submit the Planning Proposal to the NSW Department of Planning for a gateway determination.*
- C. *That the Planning Proposal be exhibited in accordance with any gateway determination and the requirements of Section 57 of the Environmental Planning and Assessment Act.*
- D. *That a report which takes into account public submissions made during the exhibition period be brought back to Council at the end of the exhibition period.*
- E. *That Council write to The Hon. Brad Hazzard, Minister for Planning and Infrastructure as a matter of courtesy to ensure he is kept informed of Council's progress in regards to planning in Ku-ring-gai."*

The matter of the development of an LEP (dealing with biodiversity and heritage issues) has also been discussed with the Minister and the Department. It has been agreed that the LEP should be prepared on the basis that development of the LEP did not divert Council resources from development of a fresh town centres LEP or lengthen the overall timeframe for a new Town Centres LEP and Council's Principal LEP.

The **attached** planning proposal for the Biodiversity, Riparian and Heritage Conservation Area LEP has been drafted in accordance with Section 55 of the *EP&A Act, 1979* and the Department of Planning's "*A guide to Preparing Planning Proposals*".

It is requested that the Planning Proposal be forwarded to the LEP review panel for a gateway determination under section 56 of the *EP&A Act*.

If you have any further enquiries on this matter, please do not hesitate to contact Craig Wyse, Team Leader Urban Planning on 9424 0860.

Yours sincerely



Antony Fabbro
Manager Urban & Heritage Planning
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