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Our ref: PP_2014_KURIN_004_00 (14/01359)
Your ref: S09767/2014/123360

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

Dear Mr McKee

Planning proposal to amend Ku-ring-gai Planning Scheme Ordinance

I am writing in response to your Council's letter dated 22 May 2014 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 the rezoning and reclassification from community land to operational land of 27 Garrick Road, St Ives; Part 56-58 Koola Avenue, East Killara; 97 Babbage Road, Roseville Chase; and 136A Morris Avenue / Junction Lane, Wahroonga.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the reduction is of minor significance. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of other relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*. Your attention is drawn to the requirements under Attachment 2 of the practice note. A copy is enclosed for your information.

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 soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

In preparing the final planning proposal following public exhibition, Council is requested to consider the option of amending the proposal to include the site at 97 Babbage Road, Roseville

Chase in the E4 Environmental Living zone in the Draft Ku-ring-gai Local Environmental Plan 2014, consistent with the zone applying to adjoining land.

Should you have any queries in regard to this matter, I have arranged for Mr Shane Nugent of the Department of Planning and Environment Parramatta Office to assist you. Mr Nugent can be contacted on (02) 9860 1173.

Yours sincerely,

 5/8/2014

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Housing, Growth and Economics

Gateway Determination

Planning proposal (Department Ref: PP_2014_KURIN_004_00): for the rezoning and reclassification from community land to operational land of 27 Garrick Road, St Ives; Part 56-58 Koola Avenue, East Killara; 97 Babbage Road, Roseville Chase; and 136A Morris Avenue / Junction Lane, Wahroonga.

I, the Director, Metropolitan Delivery (Parramatta) at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Ku-ring-gai Planning Scheme Ordinance, for the rezoning and reclassification from community land to operational land of 27 Garrick Road, St Ives; Part 56-58 Koola Avenue, East Killara; 97 Babbage Road, Roseville Chase; and 136A Morris Avenue / Junction Lane, Wahroonga, should proceed subject to the following conditions:

1. 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 a minimum of **28 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning 2013)*.
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act, as required by Section 117 Direction 4.4 Planning for Bushfire Protection prior to community consultation. The Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 5th August day of 2014.



5/8/2014

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Housing, Growth and Economics
Department of Planning and Environment

Delegate of the Minister for Planning