



Contact: Sandy Shewell
Phone: (02) 9860 1560
Email: Sandy.Shewell@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2012_KURIN_004_00 (12/10406)
Your ref: S09318

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

Dear Mr McKee,

Planning Proposal to amend the Ku-Ring-Gai Planning Scheme Ordinance 1971

I am writing in response to your Council's letter dated 19 June 2012 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 reclassify Lot 21 DP 713207, 9 Havilah Lane, Lindfield, from 'community' land to 'operational' land.

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.

For the purposes of community consultation, Council needs to amend Part 2 'Explanation of Provisions' section of the planning proposal to clarify that the proposal, when finalised, will discharge any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.

Council is reminded of its obligations for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational', as per the Department's LEP Practice Note PN003.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to this Direction. In addition, no further referral is required in relation to relevant S117 Directions while the planning proposal remains in its current form.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Sandy Shewell of the Regional Office of the Department on 02 9860 1560.

Yours sincerely,



Sam Haddad
Director-General

13/7/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_KURIN_004_00): to reclassify Lot 21 DP 713207, 9 Havilah Lane, Lindfield, from community land to operational land.

I, the Director General, Department of Planning and Infrastructure 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 reclassify 9 Havilah Lane, Lindfield, from 'community' land to 'operational' land should proceed subject to the following conditions:

1. Prior to community consultation commencing, Council is to:
 - (a) Amend Part 2 'Explanation of Provisions' section of the planning proposal to clarify that the proposal, when finalised, will discharge any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.
 - (b) Amend section 1.5 'Proposed Planning Controls' of the planning proposal to clarify how the draft Ku-Ring-Gai Local Environmental Plan (Local Centres) 2012 will be amended should the Principal LEP be finalised prior to the planning proposal.
 - (c) Provide the Department's Sydney Region West team with a copy of the revised planning proposal.
2. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW - RailCorp
 - Transport for NSW – Roads and Maritime Services

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.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated

13th

day of

July

2012.

SHaddad

Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure