



Planning & Environment

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

Our ref: PP_2014_KURIN_002_00 (14/06479)
Your ref: S09781 / 2014/054528

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

Dear Mr McKee,

Planning proposal to amend draft Ku-ring-gai Local Environmental Plan 2014

I am writing in response to your Council's letter dated 5 March 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 to identify the former 3M building at 950 Pacific Highway, Pymble as a local heritage item and subsequent additional information dated 13 June 2014 addressing the implications of this request on the planning proposal to permit 'hardware and building supplies' in the B7 (Business Park) zone.

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.

The Office of Environment and Heritage (OEH) has provided initial support for the planning proposal. OEH has asked that the heritage assessment prepared by John Oultram Heritage and Design is placed on public exhibition with the planning proposal, that OEH is formally consulted on the proposal and that the entire site is listed within the heritage schedule of the Local Environmental Plan (LEP). The letter from OEH has been attached for your information.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones is of minor significance. No further approval is required in relation to this Direction.

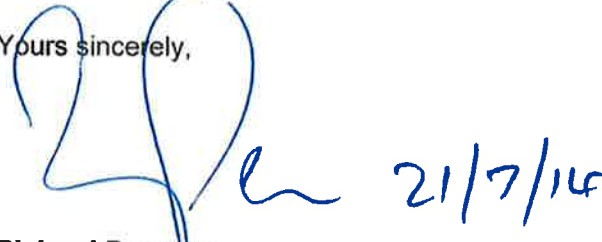
The Minister's plan making powers were delegated to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 12 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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.

Should you have any queries in regard to this matter, I have arranged for Mr Michael Druce of the Department of Planning and Environment's regional office to assist you. Mr Druce can be contacted on (02) 9860 1560.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'R. Pearson', followed by the date '21/7/14' written in the same ink.

Richard Pearson
Deputy Secretary
Growth Planning

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Letter from Office of Environment and Heritage

Gateway Determination

Planning proposal (Dept Ref: PP_2014_KURIN_002_00): to list the former 3M building at 950 Pacific Highway, Pymble as a local heritage item.

I, the Deputy Secretary, Growth Planning 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 draft Ku-ring-gai Local Environmental Plan (LEP) 2014 or Ku-ring-gai Planning Scheme Ordinance to identify the former 3M building at 950 Pacific Highway, Pymble as a local heritage item should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to advise that the proposal will amend the draft Ku-ring-gai LEP 2014, or if the draft LEP is not made prior to the finalisation of this planning proposal, it will amend the Ku-ring-gai Planning Scheme Ordinance.
2. Consultation is required with the Office of Environment and Heritage (OEH) under section 56(2)(d) of the EP&A Act. OEH 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.

OEH is to be consulted on the heritage significance of the former 3M building and the content and recommendations of the heritage assessment prepared by John Oultram Heritage and Design. The heritage assessment is to be placed on public exhibition with the planning proposal.

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 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 and Environment 2013).
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 **12 months** from the week following the date of the Gateway determination.

Dated

21

day of

July

2014.



Richard Pearson
Deputy Secretary
Growth Planning
Department of Planning and Environment

Delegate of the Minister for Planning