



Contact: Shane Nugent
Phone: (02) 9860 1173
Email: shane.nugent@planning.nsw.gov.au
Postal:

Our ref: PP_2013_KURIN_003_00
Your ref: S09769

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

Attn: Craig Wyse

Dear Mr McKee

Planning proposal to amend Ku-ring-gai Planning Scheme Ordinance 1971

I am writing in response to your letter dated 4 October 2013 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 reclassify 6 parcels of land at East Lindfield, Wahroonga, Pymble and West Lindfield, owned by Ku-ring-gai Council, from community land to operational land.

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

A condition of the Gateway determination is that the planning proposal should be amended prior to exhibition to include information on all interests to be discharged for each site, together with a justification or explanation for the discharge of these interests, as required by Practice Note PN09-003. It will also be necessary to include a title search for each parcel as part of the final planning proposal submitted to the Department.

A further condition is that the planning proposal should be amended to move the information on the details of the sites proposed for reclassification from sections 1.1 and 1.3 of the report to Part 2 Explanation of Provisions in the planning proposal, or to provide a cross reference in that section. This is to ensure that Part 2 provides a detailed statement of how the objectives are to be achieved, as required in *A Guide to Preparing Planning Proposals*.

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 as soon as possible. Council's request for the department 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.

Should you have any queries in regard to this matter, please contact Mr Shane Nugent of the regional office of the department on 02 9860 1173.

Yours sincerely,

RT cumming 8/11/13

**Rachel Cumming
Acting Regional Director
Sydney West Region
Planning Operations and Regional Delivery**

Gateway Determination

Planning proposal (Department Ref: PP_2013_KURIN_003_00): to reclassify 6 parcels of land at East Lindfield, Wahroonga, Pymble and West Lindfield, owned by Ku-ring-gai Council, from community land to operational land.

I, the Acting Regional Director, Sydney West Region at the 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 Parramatta City Local Environmental Plan (LEP) 2007 to reclassify 6 parcels of land at East Lindfield, Wahroonga, Pymble and West Lindfield, owned by Ku-ring-gai Council, from community land to operational land, should proceed subject to the following conditions:

1. The planning proposal should be amended prior to public exhibition to:
 - (a) Move the information on the details of the sites proposed for reclassification from sections 1.1 and 1.3 of the report to Part 2 Explanation of Provisions in the planning proposal, or to provide a cross reference in that section.
 - (b) Include information on all interests to be discharged for each site, together with a justification or explanation for the discharge of these interests.
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:
 - (c) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (d) 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 & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act 1979:
 - Department of Education and Communities
 - Family and Community Services - Housing NSW
 - Transport for NSW
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services
 - Sydney Water
 - Ausgrid

Each public authority 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.

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. However a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.



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

Dated *8th* day of *November* 2013.

R Cumming

**Rachel Cumming
Acting Regional Director
Sydney West Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**