



Planning & Environment

Mr John McKee
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Ku-ring-gai Council
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Contact: Michael Druce
Phone: (02) 9860 1544
Email: Michael.druce@planning.nsw.gov.au
Our ref: PP_2014_KURIN_005_00 (14/16084)
Your ref: D03211049

Dear Mr McKee

Planning proposal to amend Ku-ring-gai Local Environmental Plan (Local Centres) 2012

I am writing in response to your Council's letter dated 15 September, 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to allow two (2) additional uses (being [1] Car park and [2] Restaurant/Café with a maximum floor area of 100 square metres) for the R4 zoned sites located at 51, 55, and 55A Lindfield Avenue, Lindfield.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones and 6.3 Site Specific Provisions, are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 Local Environmental Plan 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 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 local environmental plans 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 *Environmental Planning and Assessment Act 1979* 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 Planning and Environment Metropolitan Office to assist you. Mr Druce can be contacted on (02) 9860 1544.

Yours sincerely

R Cumming
5/11/2014

Rachel Cumming
Director, Metropolitan (Parramatta)
Planning Services

Gateway Determination

Planning proposal (Agency Ref: PP_2014_KURIN_007_00): to amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to allow two (2) additional uses (being [1] Car park and [2] Restaurant/Café with a maximum floor area of 100 square metres) on the R4 zoned sites at 51, 55, and 55A Lindfield Avenue, Lindfield.

I, the Director, Metropolitan Delivery (Parramatta), Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that the amendment to Ku-ring-gai Local Environmental Plan (Local Centres) 2012 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* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **14 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 & Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*:
 - Office of Environment and Heritage,
 - Transport for NSW – Roads and Maritime Service.

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.

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 *Environmental Planning and Assessment Act 1979*. 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 **6 months** from the week following the date of the Gateway determination.

Dated 5th day of November 2014.

RJ Cumming 5/11/2014

**Rachel Cumming
Director, Metropolitan (Parramatta)
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ku-ring-gai Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_KURIN_007_00	Planning proposal to amend Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to allow (1) car parking and (2) restaurant and café with a maximum floor area of 100 square metres, as additional permitted uses for the R4 zoned sites located at 51, 55 and 55A Lindfield Avenue, Lindfield.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *5th November*, 2014

RT Cumming

Rachel Cumming
Director
Metropolitan (Parramatta)
Planning Services
as delegate of the Minister for Planning