

Mr David Marshall  
Acting General Manager  
Ku-ring-gai Council  
818 Pacific Highway,  
Gordon, NSW 2072

Our ref: IRF24/143

Dear Mr Marshall,

**Planning proposal (PP-2023-2529) to amend Ku-ring-gai Local Environmental Plan 2015**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) received on 14 November 2023 in respect of the planning proposal to reclassify Council owned land from 'Community' land to 'Operational' land at 261 Mona Vale Road, St Ives.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes as the subject site is surplus to Council needs. No further approval is required in relation to the Directions. I have determined not to authorise Council to be the local plan-making authority as the proposal relates to the reclassification of Council owned land.

The amending local environmental plan (LEP) is to be finalised on, or before 10 January 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr Andy Ng to assist you. Mr Ng can be contacted on (02) 9585 6438.

Yours sincerely



**Brendan Metcalfe 13/3/2024**  
**Director, Metro North**

Encl: Gateway determination  
Guidance on Timeframes (August 2023)

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-2529):** to reclassify Council owned land from 'Community' land to 'Operational' land at 261 Mona Vale Road, St Ives.

I, the Director, Metro North at the Department of Planning Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ku-ring-gai Local Environmental Plan 2015 to reclassify Council owned land from 'Community' land to 'Operational' land at 261 Mona Vale Road, St Ives should proceed subject to the following conditions:

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act.

### Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be amended to:
  - (a) update the assessment against LEP Practice note PN 16-001 checklist to clearly articulate how each item is addressed and provide as a standalone document.
  - (b) update the project timeline to reflect the timelines detailed in this determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal 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 *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
  - Transport for NSW
  - Department of Climate Change, Energy, the Environment and Water (NSW) – Environment and Heritage
  - Sydney Water
  - Other relevant utility providers, such as Ausgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is required to be held into the matter in accordance with Section 29 of the *Local Government Act 1993* and the Department's Practice Note PN 16-001.

Dated 13 March 2024



**Brendan Metcalfe**  
**Director, Metro North**  
**Department of Planning, Housing and Infrastructure**  
**Delegate of the Minister for Planning and Public Spaces**