

Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1006
GORDON NSW 2072

Dear Mr McKee

Planning proposal PP_2018_KURIN_005_00 to amend Ku-ring-gai Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to consolidate Ku-ring-gai's local environmental planning instruments into a single local environmental plan (LEP).

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

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones is justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes. Council should ensure this occurs prior to public exhibition/the plan being made.

The proposed amendment seeking to remove Council's acquisition responsibility together with the removal of the E2 Environmental Conservation zone, and the application of the E4 Environmental Living zone for land at 11, 23 and 25 Glen Road, Roseville, is not supported. While I appreciate Council's position, a lack of funding cannot determine an appropriate land zone. A condition has been included in the Gateway determination requiring this part of the proposal to be removed.

Should Council provide adequate justification on planning grounds that is, if necessary, supported by an ecological study demonstrating how the environmental attributes of the site will not be compromised by applying an E4 Environmental Living zone, it may seek an altered Gateway determination or progress this matter with a separate planning proposal.

Regarding the town centres, a condition has been included in the Gateway determination to require that the proposal is amended prior to exhibition to include the existing mapped controls under the LEP (Local Centres) 2012 with map tile references and a map key. This condition is to ensure a clear comparison of the existing mapped planning controls and the proposal mapped controls for the six local centres under the Ku-ring-gai LEP (Local Centres) 2012 and Ku-ring-gai LEP 2015.

To ensure land owners are made aware of the proposed amendments, a condition has been included in the Gateway determination requiring Council to notify individual property owners of any changes to their land during the exhibition period.

I have considered Council's request to be authorised as the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority due to the complexity of the proposal.

The amending LEP is to be finalised within 18 months of 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 eight 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 planning proposal authority may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Alicia Hall to assist you. Ms Hall can be contacted on 9860 1587.

Yours sincerely

 13 May 2019
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination