



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

Dear Mr McKee

Planning proposal PP_2019_KURIN_002_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 rezone and redevelop the site as a mixed use development comprising a supermarket, a café and specialty shops.

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, the planning proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within twelve 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

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 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 Ashley Richards to assist you. Ms Richards can be contacted on 8289 6776.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amanda', with a stylized flourish at the end.

Amanda Harvey 13 November 2019
Director, North District, Eastern Harbour City

Encl: Gateway determination
Authorised plan-making reporting template



Gateway Determination

Planning proposal (Department Ref: PP_2019_KURIN_002_00): to rezone the site from R2 Low Density Residential to B1 Neighbourhood Centre and remove the Minimum Lot Size standard.

I, the Director, North District, Eastern Harbour City at the Department of Planning, Industry and Environment, 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 Council Local Environmental Plan (LEP) 2015 to rezone and redevelop the site as a mixed use development comprising a supermarket, a café and specialty shops should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal should be amended to:
 - (a) include a project timeline consistent with section 2.6 of part 6 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016). The project timeline is to provide a mechanism to monitor the progress of the planning proposal; and
 - (b) refer to a site-specific development control plan or controls that are to be prepared in consultation with Council and publicly exhibited with the planning proposal.
2. Community consultation is required under section 3.34(2)(c) and schedule 1, clause 4 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 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 publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016)
3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
 - Transport for NSW, incorporating Roads and Maritime Services;
 - Sydney Water;
 - Endeavour Energy;
 - Environment, Energy and Science; and
 - other relevant infrastructure service providers.

Each public authority/organisation 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 3.34(2)(e) of the Act.
5. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority.

Dated 13th day of November 2019.



Amanda Harvey
Director, North District, Eastern
Harbour City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces