



Office of the Secretary

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

Our ref: 14/16475

Attention: Mr Craige Wyse

Dear Mr McKee

Ku-ring-gai Local Environmental Plan 2015

I refer to Council's submission under the *Environmental Planning and Assessment Act 1979* (the Act), requesting that the Minister for Planning makes the *Ku-ring-gai Local Environmental Plan 2015* (the Plan).

I am writing to notify you that as the Minister's delegate, I have made the Plan under section 59(2) of the Act and that, under section 34(5) of the Act, it will commence when published on the NSW Legislation website.

In considering the draft Plan, I have made a number of variations (refer to the table attached). I am advised that the Department has consulted with Council officers on the variations, and that Council officers have provided general agreement on the final form of the Plan.

The Plan includes a number of deferred matters where the *Ku-ring-gai Planning Scheme Ordinance* will continue to apply. I encourage Council to submit a planning proposal to incorporate these matters in the new local environmental plan as soon as practicable.

I commend Council for the work undertaken to prepare the Plan and appreciate Council's co-operation in delivering this Plan.

Should you have any questions regarding this matter, please contact Mr Shane Nugent, of the Department's Metropolitan Region (Parramatta) office, on (02) 9860 1173.

Yours sincerely

Carolyn McNally
Secretary

4.3.15



Ku-ring-gai Local Environmental Plan 2015

Key Variations to the draft Plan as submitted by Council	
1	<p>The suspension of covenants clause 1.9A applies to all land, without an exemption for low density residential zones, as Council's proposal contradicts the purpose of the standard instrument clause and by ensuring that private covenants, agreements or other instruments do not override the provisions of a local environmental plan.</p>
2	<p>Council's proposal to include minimum lot depth provisions to enable asset protection zones in certain bushfire prone areas has been deleted, as it was not endorsed by the Rural Fire Service. The Department considers that such provisions are more appropriately included in a development control plan.</p>
3	<p>The Plan has been amended to include a site of approximately 900 square metres, owned by the Minister for Planning, at 6 Exeter Road, Wahroonga, as E4 Environmental Living zone rather than the E2 Environmental Conservation zone proposed by Council.</p> <p>This change was requested by the Office of Strategic Lands as the site was part of a road reservation, which has now been identified as surplus. The E4 Environmental Living Zone was applied reflecting the existing development pattern along Exeter Road. The site will continue to be identified on Council's Biodiversity maps.</p>
4	<p>The draft Plan has been amended to defer part of the Killara Golf Club site that is currently zoned to permit low density residential development.</p> <p>The change has been made as a result of representations to the Department on behalf of Killara Golf Club that identified that the site was appropriately zoned for low density residential and an R2 Low Density Residential zone was preferred. This will mean that the current controls from the <i>Ku-ring-gai Planning Scheme Ordinance</i> will continue to apply, pending a planning proposal to enable consideration of the appropriate zone for the land.</p> <p>The deferral option is recommended as it provides the opportunity for a transparent process to address the appropriate zone for the land, and provides an opportunity for adjoining landowners to make submissions on the proposed zoning.</p>
5	<p>At the request of Council officers, the Land Zoning Map has been amended to change the zoning for 8 lots from E2 Environmental Conservation to R2 Low Density Residential. This corrects an error in the exhibited maps which was identified after the draft Plan was submitted to the Department.</p>
6	<p>At the request of Council officers, the draft Plan was amended to provide for a deferred commencement period of 28 days.</p>