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Our ref: PP\_2016\_KURIN\_002 (16/03129)  
Your ref: S10968

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

Attention: Mr Antony Fabbro

Dear Mr McKee,

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

I am writing in response to Council's letter dated 9 February 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to list 25 Bushlands Avenue, Gordon, as a local heritage item within *Ku-ring-gai Local Environmental Plan 2015*.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated 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 (LEP) is to be finalised within 9 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mark Dennett of the regional office of the Department on (02) 9860 1534.

Yours sincerely



02/03/2016

**Catherine Van Laeren**  
**Director, Sydney Region West**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_KURIN\_002\_00):** to list 25 Bushlands Avenue, Gordon, as a local heritage item within Ku-ring-gai Local Environmental Plan 2015.

I, Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to the *Ku-ring-gai Local Environmental Plan 2015* (LEP) to heritage list 25 Bushlands Avenue, Gordon, 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* ("EP&A Act") as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013) and 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. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 EP&A Act. 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 **9 months** from the week following the date of the Gateway determination.

Dated 2<sup>nd</sup> day of March 2016.



Catherine Van Laeren  
Director, Sydney Region West  
Planning Services

Delegate of the Greater Sydney Commission