



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

Our ref: PP_2016_KURIN_007_00 (16/11832)
Your ref: S11160

Dear Mr McKee

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

I am writing in response to Council's letter dated 24 August 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to add the Middle Harbour Road Heritage Conservation Area to Schedule 5 of *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.

In relation to S117 Direction 4.4. Planning for Bushfire Protection, although the proposal it is not anticipated to affect bushfire risk in the area, consultation is required with NSW Rural Fire Service to satisfy the Direction.

I note the nature of the balance between the contributory, neutral and detracting elements in the proposed conservation area, and that there remains a question over the merit of the area being identified as a heritage conservation area. Given the differences between the heritage studies stronger justification is required for the imposition of the proposed conservation area. The supporting study is to be reviewed to address the results of the site inspection undertaken by Council officers and the findings of the Architectural Projects Study.

I note Council has written to the NSW Heritage Council for its comments on the planning proposal. While objections have not been raised to the proposal on behalf of the Heritage Council, given local interest in the proposal, the determination has been conditioned for further consultation with the Office of Environment and Heritage prior to community consultation.

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 not to issue an authorisation for Council to exercise delegation to make this plan in this instance.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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, action 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, I have arranged for Mrs Catherine Van Laeren of the Department's regional office to assist you. Mrs Van Laeren may be contacted on (02) 9860 1520.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

20/10/2016

End:

Gateway Determination