



Gateway Determination

Planning proposal (Department Ref: PP_2016_KURIN_007_00): to amend Ku-ring-gai Local Environmental Plan (2015) to add the proposed Middle Harbour Road Heritage Conservation Area to Schedule 5.

I, the Deputy Secretary, Planning Services 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* (the Act) that an amendment to the *Ku-ring-gai Local Environmental Plan 2015* (LEP) to include the proposed Middle Harbour Road, Lindfield, Heritage Conservation Area in Schedule 5 and on the heritage map, should proceed subject to the following conditions:

1. Council is to conduct a review of the supporting Perumal Murphy Alessi Heritage Study prior to community consultation, and amend the planning proposal accordingly, to address the result of the site inspections undertaken by Council officers and the findings of the Architectural Projects Study. The reviewed study, and amended planning proposal, is to be forwarded to the Department for approval prior to community consultation.
2. Consultation is also required with the Office of Environment and Heritage (Heritage Division) under section 56(2)(d) of the Act. The Heritage Division is to be provided with a copy of the planning proposal, Council reports, other heritage studies and any other relevant supporting material, and given at least 21 days to comment on the proposal prior to community consultation.
3. Consultation is required with NSW Rural Fire Service under section 56(2)(d) of the Act prior to the exhibition period to comply with S117 Direction Planning for Bushfire Protection. NSW Rural Fire Service 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. During the community consultation period, Council is to notify all affected land owners within the boundary of the proposed heritage conservation area. The written notification is to include:
 - a. an overview of the proposal; and,
 - b. a copy of a diagram that identifies the proposed heritage conservation area.
5. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a. the planning proposal must be made publicly available for a minimum of **28 days**;

- 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 and Infrastructure 2013); and
 - c. Individual land owners given written notice.
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *20th* day of *October* 2016



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission