

## Gateway Determination

***Planning proposal (Department Ref: PP\_2019\_KURIN\_001\_00): to list 149 Livingstone Avenue, Pymble as an item of local heritage significance under schedule 5 part 1 and the relevant map of the Ku-ring-gai Local Environmental Plan 2015.***

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Minister, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the Ku-ring-gai Local Environmental Plan 2015 to list 149 Livingstone Avenue, Pymble as an item of local heritage significance should not proceed for the following reasons:

1. there is conflicting heritage advice and the proposal was not supported by the local planning panel and Council's Heritage Specialist Planner; and
2. insufficient justification has been presented to support the heritage listing of the site. The original Federation-style house has undergone significant alterations over time, resulting in a reduction of its historical and aesthetic values, which are unlikely to be reversed.

Dated 30th day of June 2019.



**Marcus Ray**  
Deputy Secretary  
Planning Services  
Department of Planning and  
Environment

**Delegate of the Minister for Planning  
and Public Spaces**



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

Dear Mr McKee

**Planning proposal PP\_2019\_KURIN\_001\_00 to amend Ku-ring-gai Local Environmental Plan 2015 to locally heritage list 149 Livingstone Avenue, Pymble**

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* in respect of the planning proposal to list 149 Livingstone Avenue, Pymble as a local heritage item.

The Department of Planning and Environment appreciates the need to conserve local heritage values in Ku-ring-gai area and Council's positive approach and role in managing and reviewing existing and potential items.

The Department has undertaken a detailed assessment of this proposal and the differing heritage expert advice that has been prepared for the site. The Department notes the conflicting expert advice on the heritage significance of the site and that the proposal was not supported by the local planning panel and Council's Heritage Specialist Planner. It is also noted that the original house has undergone significant alterations which have reduced the historical and aesthetic values of the site.

On close consideration of all the heritage advice received, the merit of listing the site as a heritage item is not sufficiently justified. As such, as delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should not proceed.

Should you have any enquiries about this matter, I have arranged for Ms Ashley Richards of the Department's Sydney Region West team to assist you. Ms Richards can be contacted on 8289 6776.

Yours sincerely

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

30/02/2019  
Encl: Gateway determination