

Ms Debra Just
Chief Executive Officer
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

Our ref: IRF23/2925

Dear Ms Just

Planning proposal PP-2023-2402 to amend Willoughby Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to expand the existing St Leonards Church local heritage listing to include the entire property of 43 Donnelly Road, Naremburn as a local heritage item in the Willoughby LEP 2012.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination. Council is required to update the planning proposal to address conditions of the Gateway determination and ensure this occurs prior to exhibition.

I have also noted the inconsistency of the planning proposal as submitted with Direction 6.1 Residential Zones. The proposal should be updated to address and justify the inconsistency with Direction 6.1 Residential zones in the context of the proposed local heritage listing.

I understand the NSW Land and Environment Court has heard a Class 1 appeal seeking the revocation of the Interim Heritage Order (IHO) applying to the site subject to this proposal. A condition has been included for the planning proposal to be updated to be consistent with and address the findings of this decision immediately when available. The key matter being whether the school buildings, hall and grounds should be included in the listing. Council is encouraged to address this condition prior to exhibition. If this is not possible, Council must address this condition prior to finalisation.

I have determined to authorise Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised on or before 31 October 2024. Council should aim to return the updated planning proposal to the Minister (or delegate) for review and endorsement as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made in line with the timeframes outlined in the enclosed guidance attachment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Matthew Rothwell to assist you. Mr Rothwell can be contacted on 8275-1066.

Yours sincerely



18 January 2024

Brendan Metcalfe
Director, Metro North
Metro Central and North

Encl: Gateway determination
Encl: Guidance on timeframes