

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

Attention: Ms Alexandra Plumb

Dear Mr McKee

**Planning proposal to amend Ku-ring-gai LEP 2015 – 21 Lorne Avenue, Killara  
(PP\_2017\_KURIN\_001\_00)**

I am writing in response to Council's request of 22 February 2017 for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act), in respect of a planning proposal to amend *Ku-ring-gai Local Environmental Plan (LEP) 2015* for rezoning of 21 Lorne Avenue, Killara from R2 Low Density Residential to R4 High Density Residential, and associated amendments.

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

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with Section 117 Direction 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to Councils in October 2012. It is noted that Council has requested to be issued with authorisation to exercise the delegation for this planning proposal. I have considered the nature of Council's planning proposal and I have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. 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 EP&A Act if the time frames outlined in this determination are not met.

Should you wish to clarify my letter, please contact Ms Chantelle Chow, Planning Officer, Sydney Region West, Planning Services, on (02) 9860 1548.

Yours sincerely



**Catherine Van Laeren** 2013/17  
**Director, Sydney Region West**  
**Planning Services**

Encl: Gateway Determination  
Authorisation  
Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2017\_KURIN\_001\_00):** to amend *Ku-ring-gai Local Environmental Plan 2015* concerning rezoning of land at 21 Lorne Avenue from R2 Low Density Residential to R4 High Density Residential, and amend development standards corresponding to the proposed changes in land use.

I, the Director, Sydney Region West, 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*, that an amendment to the *Ku-ring-gai Local Environmental Plan 2015* should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal, as follows:
  - (a) amend the planning proposal cover page to include Council's logo and address details to reflect Council's adoption of the proposal;
  - (b) identify the exact proposed amendments to the development standards in Part 2 of the planning proposal (page 2);
  - (c) include the findings of the Heritage Impact Statement in addressing Section 117 Direction 2.3 Heritage Conservation and remove the repeated paragraph in the table on page 9;
  - (d) include the relevant Section 117 Direction numbers in the table on page 13 of the planning proposal;
  - (e) include Council's comments on traffic impacts from Council's Meeting Report in the planning proposal;
  - (f) identify an exhibition period of 28 days in Part 5 of the planning proposal and remove the template instructions (page 19); and,
  - (g) include the appropriate project timeline dates in Part 6 of the planning proposal (page 20).

The amended proposal is to be submitted to the Department for information purposes.

2. 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; 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 Local Environmental Plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act:

- Office of Environment and Heritage;
- Transport for NSW;
- Transport for NSW – Sydney Trains;
- Transport for NSW – Roads and Maritime Services;
- Sydney Water;
- Energy Australia; and,
- Telstra.

Each public authority 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. 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).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 20<sup>th</sup> day of March 2017



**Catherine Van Laeren**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and Environment**  
**Delegate of the Greater Sydney Commission**

## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ku-ring-gai Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_KURIN_001_00	Planning proposal to rezone land at 21 Lorne Avenue, Killara to R4 High Density Residential, and increase the maximum building height to 17.5m, the maximum floor space ratio to 1.3:1 and the minimum lot size to 1,200sqm.

In exercising the Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 20<sup>th</sup> day of March 2017



**Catherine Van Laeren**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Greater Sydney Commission**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2017_KURIN_001_00
Date Sent to DoP&E under s56	22 February 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information: