



Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1006
GORDON NSW 2073

Dear Mr McKee

Planning proposal PP_2018_KURIN_004_00 to amend Ku-ring-gai Local Environmental Plan 2015

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* (the Act) and additional information received on 3 October 2018 in respect of the planning proposal to rezone, amend associated development standards and reclassify Council-owned land at 4 Pennant Avenue, Gordon.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination. The conditions include updating the planning proposal to reflect an R2 Low Density Residential zoning and associated development standards. The planning proposal should also provide further justification for the proposed loss of open space, information about proposed offsets of this loss, and information on what public benefit the sale of the land will have for the community. The planning proposal should address the relevant Planning Priority N20; delivering high quality open space in the North District Plan.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes is justified and no further approval is required in relation to this Direction.

However, the planning proposal is inconsistent with section 9.1 Direction 4.3 Flood Prone Land. It is a condition of the Gateway determination that a flood risk management study be prepared for the site before community consultation. Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of this Direction. Council should ensure this occurs before the plan is made.

I have considered Council's planning proposal and have determined not to condition the Gateway for Council to be the local plan-making authority as the proposal for the reclassification of land will involve the discharge of interests.

The amending local environmental plan (LEP) is to be finalised within 12 months of

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 to draft and finalise the LEP should be made eight 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, the Minister for Planning and Public Spaces may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Ashley Richards, Specialist Planning Officer, to assist you. Ms Richards can be contacted on 8289 6776.

Yours sincerely



Brett Whitworth
Deputy Secretary
Greater Sydney Place and Infrastructure
Department of Planning Industry and Environment

Encl: Gateway determination