



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

Dear Mr McKee

**Planning proposal PP-2021-4677 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) in respect of the planning proposal to reclassify and rezone 4 Pennant Avenue, Gordon, from RE1 Public Recreation to R2 Low Density Residential, apply a floor space ratio control of 0.3:1, apply a maximum building height control of 9.5 metres, and apply a minimum lot size control of 840m<sup>2</sup>.

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.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes is justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the area is appropriately serviced by public recreation space. No further approval is required in relation to this Direction.

I have also agreed that the Flood Impact Assessment satisfactorily addresses the flooding constraints on the site, and that any future development will be subject to further flood impact analysis and mitigation. In that regard, the proposal is justifiably inconsistent with Ministerial Direction 4.3 Flooding, and the inconsistency is minor. No further approval is required in relation to this Direction.

In addition to the conditions, the proposal is required to be updated to ensure the up-to-date reference of Ministerial Direction 4.3 Flooding.

Considering the nature of Council's planning proposal, I have conditioned that the Department of Planning, Industry and Environment be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. The timeframe has been selected due to Council elections being held during the process and the need to conduct a public hearing and for the Department to seek Executive Council approval for the reclassification of the land. Council should aim to commence the exhibition of the planning proposal as soon as possible and forward a recommendation on whether the plan should proceed to a LEP amendment after considering a post-exhibition report.

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 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 further enquiries about this matter, I have arranged for Mr Michael Cividin to assist you. Mr Cividin can be contacted on 9860 1554.

Yours sincerely



**24 September 2021**  
**Brendan Metcalfe**  
**Director North District**  
**Greater Sydney Place and Infrastructure**  
**Department of Planning Industry and Environment**

Encl: Gateway determination