



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

A handwritten signature in blue ink, appearing to read 'Brett Whitworth', with a stylized flourish at the end.

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

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2018_KURIN_004_00): to rezone, amend associated development standards and reclassify 4 Pennant Avenue, Gordon (Lot Y DP387680).

I, the Deputy Secretary, Greater Sydney Place and Infrastructure at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the Environmental Planning and Assessment Act 1979 (the Act) that an amendment to the Ku-ring-gai Council Local Environmental Plan (LEP) 2015 to rezone land from RE1 Public Recreation to R2 Low Density Residential, apply a floor space ratio of 0.3:1, a maximum building height control of 9.5m and a minimum lot size of 840m², and reclassify the land from community land to operational land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal should be amended to:
 - (a) Update the proposal for the site to reflect the following development standards:
 - Zone R2 Low Density Residential;
 - FSR of 0.3:1;
 - A maximum building height of 9.5m; and
 - A minimum lot size of 840m².
 - (b) Provide further justification to demonstrate the wider consequences of this loss of open space and how Council can offset or compensate for this loss;
 - (c) Provide clear information showing what public benefits the sale of the land could have in progressing and delivering the Gordon Civic and Community Facilities Precinct;
 - (d) Update the proposal maps to reflect the above development standards;
 - (e) Update the proposal to include the following maps for the site:
 - Heritage Map;
 - Riparian Land Map; and
 - Terrestrial Biodiversity Map.
 - (f) Address Planning Priority N20 – Delivering high quality open space in the North District Plan;

- (g) Prepare a flood risk management assessment/study for the site to assess the inconsistency with section 9.1 Direction 4.3 Flood Prone Land;
 - (h) Prepare a traffic study for the site to assess the impacts of the proposal and the capacity of the local road network;
 - (i) Prepare a concept development scheme incorporating an urban design study demonstrating how low-density residential development on this site will achieve appropriate setbacks, privacy and a sympathetic built form;
 - (j) Prepare a heritage impact statement addressing the effect of the concept development on the adjoining heritage conservation area and the local heritage items in the vicinity;
 - (k) Include a project timeline consistent with section 2.6 of part 6 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016). The project timeline is to provide a mechanism to monitor the progress of the planning proposal; and
 - (l) Update the planning proposal to provide specifics regarding the timing of delivery of the Gordon Golf Course Regional Park. What mechanisms are in place to ensure this space will be funded and delivered in a timely manner should also be addressed.
2. Once the planning proposal is revised in accordance with condition 1, this must be submitted to the Department for approval prior to public exhibition.
 3. Public consultation is required under section 3.34(2)(c) and schedule 1, clause 4 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days;
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be 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); and
 - (c) a copy of practice note PN 16-001 *Classification and reclassification of public land through a local environmental plan* is to be included in the public exhibition material.
 4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
 - Transport for NSW, incorporating Roads and Maritime Services;
 - Sydney Water;
 - Ausgrid; and
 - Environment, Energy and Science (ESS).

Each public authority/organisation 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.

5. Council must conduct a public hearing for the proposed reclassification of land under the Local Government Act 1993. Council must provide the community with an additional opportunity to present to an independent person after Council's planning proposal report has gone on exhibition;
6. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.
7. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan as the proposal involves the discharge of interests.

Dated 17th day of February 2020.



Brett Whitworth
Deputy Secretary
Greater Sydney Place and Infrastructure
Place, Design and Public Spaces
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces