

Gateway Determination

Planning proposal (Department Ref: PP_2020_LANEC_001_00): to facilitate the development of the St Leonards Over-rail Plaza.

I, the Acting Director, North District 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 Lane Cove Local Environmental Plan (LEP) 2009 to amend Schedule 1 Additional Permitted Uses to facilitate the development of the St Leonards Over-rail Plaza should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to establish an Additional Permitted Uses Map. The map is to identify the extent to which the proposed Schedule 1 clause is to apply across the site.
2. Prior to public exhibition the draft amendment contained in the explanation of provisions is to be updated to contain a reference to the abovementioned Additional Permitted Uses Map.
3. Prior to public exhibition the explanation of provisions is to be revised to remove all references to State Environmental Planning Policy (Infrastructure) 2007. It is recommended that this discussion be transferred to the Intended Outcomes section.
4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14**; and
 - (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 made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Transport for NSW (Prior to public exhibition);
 - North Sydney Council; and

- Willoughby City Council

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.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(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 or if reclassifying land).
7. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
8. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated: **29 day of May 2020.**



**Luke Downend
Acting Director, North District
Eastern Harbour City
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**