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Our ref: PP\_2013\_LANEC\_004\_00 (13/10693)  
Your ref: 17547/13

Mr Craig Wrightson  
General Manager  
Lane Cove Municipal Council  
PO Box 20  
LANE COVE NSW 1595

Dear Mr Wrightson,

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**Planning proposal to amend Lane Cove Local Environmental Plan 2009**

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at 8-14 Mindarie Street, Lane Cove North from R4 High Density Residential to E4 Environmental Living, reduce the maximum building height from 11.5m to 9.5m, reduce the maximum floor space ratio from 1.4:1 to 0.5:1 and apply a minimum lot size of 550sqm for the subject land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should not proceed.

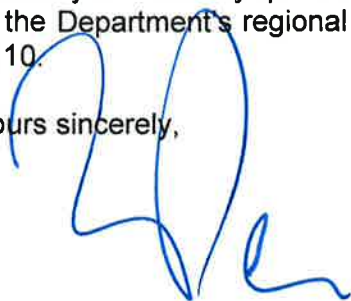
The planning proposal to rezone land at Mindarie Street, Lane Cove North, located within the Mowbray Road Precinct, for environmental living purposes is not supported because the proposal is inconsistent with the Mowbray Road Precinct Strategic Review (2011) and supporting Master Planning Study, prepared on behalf of Council and the Department of Planning and Infrastructure by JBA Planning. I note that on 5 December 2011 Council resolved to endorse the Strategic Review and submit a planning proposal for the Precinct, subject to certain variations.

The Strategic Review examined existing planning controls in the Mowbray Road Precinct with regard to infrastructure capacity and environmental constraints. The Review recommended to limit development to low density residential in areas affected by bushfire risk or other environmental constraints and retain high density residential areas in the northern part of the Precinct, which includes the subject site. I understand the Master Planning Study recommended the subject site at Mindarie Street, Lane Cove North maintain the R4 High Density Residential zoning, with a maximum floor space ratio of 1.4:1 and a maximum building height of 11.5m. The planning proposal is inconsistent with the recommendations of the Review and Study and does not adequately justify why the zoning and development standards applicable to the subject site should not remain in place.

While I acknowledge Council's concern regarding the relationship between the subject site and surrounding properties with regards to topography and amenity, Council's development control plan includes specific provisions which aim to provide an appropriate transition between high and low density residential uses in the Precinct.

Should you have any queries in regard to this matter, I have arranged for Ms Sarah Waterworth of the Department's regional office to assist you. Ms Waterworth can be contacted on 02 8575 4110.

Yours sincerely,



23/1/14

**Richard Pearson**  
**Deputy Director General**  
**Growth Planning & Delivery**  
Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_LANEC\_004\_00):** to amend the zoning and development controls for land within the Mowbray Road Precinct.

I, the Deputy Director General, Growth Planning and Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Lane Cove Local Environmental Plan (LEP) 2009 to rezone land at 8-14 Mindarie Street, Lane Cove North from R4 High Density Residential to E4 Environmental Living, reduce the maximum building height from 11.5m to 9.5m, reduce the maximum floor space ratio from 1.4:1 to 0.5:1 and apply a minimum lot size of 550sqm for the subject land should not proceed for the following reasons:

1. The planning proposal is inconsistent with the Mowbray Road Precinct Strategic Review (2011) and supporting Master Planning Study, prepared on behalf of Council and the Department of Planning and Infrastructure by JBA Planning. The Study recommended the subject site at Mindarie Street, Lane Cove North maintain the R4 High Density Residential zoning, with a floor space ratio of 1.4:1 and a maximum building height of 11.5m.
2. The planning proposal is not accompanied by additional strategic planning advice that supports inconsistency with the recommendations of the Mowbray Road Strategic Review and supporting Master Planning Study and does not adequately justify why the zoning and development standards applicable to the subject site should not remain in place.
3. Council's development control plan includes specific provisions which aim to provide an appropriate transition between high and low density residential uses in the Precinct, therefore the proposed down zoning and reduction in development standards for the subject site is not necessary.

Dated

23

day of

January

2013



Richard Pearson  
Deputy Director General  
Growth Planning & Delivery  
Department of Planning & Infrastructure

Delegate of the Minister for Planning &  
Infrastructure