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Our ref: PP_2014_LANEC_001_00 (14/01007)
Your ref: 67168/13

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

Dear Mr Wrightson,

Planning proposal to amend Lane Cove Local Environmental Plan 2009

I am writing in response to your Council's letter dated 23 December 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Lane Cove Local Environmental Plan (LEP) 2009 to:

- Rezone 5 sites that comprise 472-520 Pacific Highway and 95 Nicholson Street, St Leonards from B3 Commercial Core to B4 Mixed Use for retail, commercial and residential purposes; and
- Increase the maximum building height for land at 472-486 Pacific Highway, St Leonards from 65m to 115m and 91m; and for land at 504-520 Pacific Highway, St Leonards from 72m to 138m.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

It is considered that the Planning Proposal is inconsistent with the Metropolitan Plan for Sydney 2036 and Draft Metropolitan Strategy for Sydney to 2031 in that the St Leonards centre is identified as an important location for employment growth and the rezoning will provide for significant residential expansion and a loss of commercial floor space and job opportunities. It is acknowledged that development of the site may act as a catalyst for further growth however the impact of this on commercial floor space should be further considered during the rezoning process.

Planning and Infrastructure would prefer a higher percentage of commercial floorspace be provided, possibly in the order of 50% of the current commercial floorspace capacity. This could, if necessary and considered appropriate, be provided by allowing additional height beyond that proposed to ensure no loss of residential floorspace.

It is noted that the planning proposal identifies a draft Voluntary Planning Agreement and site specific Development Control Plan is to be prepared. Council should consider including these documents with the planning proposal for the purposes of public exhibition.

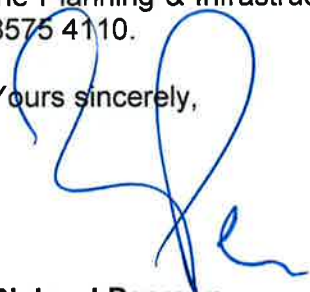
I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following 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 Planning & Infrastructure to draft and finalise the LEP should be made 6 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 may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Helen Wilkins of the Planning & Infrastructure regional office to assist you Ms Wilkins can be contacted on (02) 8575 4110.

Yours sincerely,



Richard Pearson
Deputy Director General
Growth Planning & Delivery

5/3/14

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Agency Ref: PP_2014_LANEC_001_00): to rezone land and increase the maximum building height for land in Pacific Highway, St Leonards.

I, the Deputy Director General, Growth Planning and Delivery at 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 5 sites that comprise 472-520 Pacific Highway and 95 Nicholson Street, St Leonards from B3 Commercial Core to B4 Mixed Use for retail, commercial and residential purposes; and
- increase the maximum building height for land at 472-486 Pacific Highway, St Leonards from 65m to 115m and 91m; and for land at 504-520 Pacific Highway, St Leonards from 72m to 138m

should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to revise the planning proposal to ensure that all matters identified in *A Guide to Preparing planning proposals* are adequately addressed.
2. Prior to public exhibition, a revised traffic, parking and access study is to be prepared to identify pedestrian and vehicular access to and from the land at 504-520 Pacific Highway, St Leonards considering the potential for future development of the surrounding areas. The study is to address all issues raised by Lane Cove Council and be included as part of the exhibition material.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Department of Education and Communities
 - Energy Australia
 - NSW Health
 - Sydney Trains
 - Roads and Maritime Services
 - Sydney Water
 - Adjoining LGA's

Each public authority 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. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 5 day of March 2014.



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

**Delegate of the Minister for Planning &
Infrastructure**