

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

Our ref: PP_2016_LANEC_003_00 (16/08236)

Dear Mr Wrightson

Planning proposal to amend Lane Cove Local Environmental Plan 2009

I am writing in response to Lane Cove Council's letter dated 21 April 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to make various housekeeping amendments to *Lane Cove Local Environmental Plan 2009*.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 the Department of Planning and Environment 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 Greater Sydney Commission may take action under section 54(2)(d) of the 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 Lauren Templeman at the Department's Sydney Region East team to assist you. Ms Templeman can be contacted on (02) 9228 6590.

Yours sincerely

 6/7/16
Karen Armstrong
Director, Sydney Region East
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_LANEC_003_00): to make various housekeeping amendments to Lane Cove Local Environmental Plan 2009.

I, the Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Lane Cove Local Environmental Plan 2009* to make various housekeeping amendments should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be updated to:
 - a) justify the need and suitability of the proposed additional uses in Zone IN2 Light Industrial;
 - b) justify the proposed inclusion of the southern portion of 14 Gay Street, Lane Cove North, on the Environmental Protection Land Map;
 - c) revise the proposal to amend clause 4.1 Minimum subdivision lot size, to remove the clause excluding the use of cl. 4.6 to subdivide dual occupancies;
 - d) remove the proposal to reduce FSR 0.6:1 to FSR 0.5:1 for various sites in Zone R2 Low Density Residential;
 - e) revise the proposal to amend clause 4.3 Height of buildings (1) (a) and (b), to achieve a more balanced height objective in relation to the impacts of new development on existing properties.
 - f) revise the proposal to amend clause 4.4 Floor space ratio, to clarify the land use zones to which subclause (2B) will apply; and
 - g) revise the proposal to insert model clause 5.3, to clarify the land use zones to which subclause (2) will apply.
2. Council is to consult directly with land owners at 3A, 5A and 7 Dettmann Avenue, Longueville and 41 Stuart Street, Lane Cove North regarding the proposed inclusion of the western portion of these properties on the Land Reservation Acquisition Map.
3. Community consultation is required under sections 56(2) 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 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 (Department of Planning and Infrastructure 2013)*.
4. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the EP&A Act.

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. All maps are to be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps 2015.
6. 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.
7. The timeframe for completing the LEP is 9 months from the week following the date of the gateway determination.

Dated *6th* day of *July* 2016


Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lane Cove Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_LANEC_003_00	Planning proposal to make various housekeeping amendments to <i>Lane Cove Local Environmental Plan 2009</i> .

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 6th JULY 2016



Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission