



Contact: Emily Marriott-Brittan
Phone: (02) 9228 6358
Fax: (02) 9228 6455
Email: emily.marriot-brittan@planning.nsw.gov.au
Postal: GPO Box 39
Sydney NSW 2001
Our ref: PP_2011_LANEC_005_00 (11/11751)
Your ref: 46701/11

Mr Peter Brown
General Manager
Lane Cove Municipal Council
PO Box 20
LANE COVE NSW 1595

Dear Mr Brown

Re: Planning Proposal to amend Schedule 2 - Exempt Development under Lane Cove Local Environmental Plan 2009 to permit subdivision of a closed road.

I am writing in response to your Council's letter dated 9 November 2011 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 2009 to amend Schedule 2 – Exempt Development to permit subdivision of a closed road.

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

Prior to Public exhibition, Council is to confirm that Exempt Development to permit subdivision of a 'closed road' will not apply to land classified as 'community land', and only to land classified as 'operational land' under the *Local Government Act 1993*. This information is to be included with the exhibition material.

Prior to public exhibition, further clarification is required regarding the impact of the proposal on s117 Direction 6.2 Reserving Land for Public Purposes, clause 4, as a planning proposal must not create, alter or reduce existing reservation of land for public purposes without the approval of the Director-General of the Department of Planning and Infrastructure. This information is to be included with the exhibition material.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(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, please contact Emily Marriott-Brittan of the Regional Office of the Department on 02 9228 6358.

Yours sincerely,



Sam Haddad
Director-General

28/2/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LANEC_005_00): to amend Schedule 2 - Exempt Development under Lane Cove Local Environmental Plan 2009 to permit subdivision of a closed road.


I, the Director-General, Department of Planning and Infrastructure as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Lane Cove Local Environmental Plan 2009 to amend Schedule 2 – Exempt Development to permit subdivision of a closed road should proceed subject to the following conditions:

1. Prior to Public exhibition, Council is to confirm that Exempt Development to permit subdivision of a 'closed road' will not apply to land classified as 'community land', and only to land classified as 'operational land' under the *Local Government Act 1993*. This information is to be included with the exhibition material.
2. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Roads & Maritime Authority

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 28th day of February 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure