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Our ref: PP_2011_LANEC_007_00 (11/22000)
Your ref:

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

Dear Peter,

Re: Planning Proposal to amend the zoning, building height, and floor space ratio controls within the Mowbray Road Precinct.

I am writing in response to your Council's letter 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 the zoning, building height, and floor space ratio controls within the Mowbray Road Precinct.

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.

It is noted that the planning proposal is supported by the Mowbray Road Precinct Strategic Review Report that was jointly prepared by Lane Cove Council and the Department of Planning following consideration of a planning proposal by the LEP Review Panel on 21 April 2011. In making this determination for the revised planning proposal (PP_2011_LANEC_007_00) I have also determined under section 56(2) of the EP&A Act that the planning proposal forwarded to the Department on 24 March 2011 should not proceed.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones are of minor significance. No further approval is required in relation to this Direction.

It is acknowledged that previous consultation with the NSW Rural Fire Service has occurred during the preparation of the Mowbray Road Precinct Strategic Review Report and therefore satisfied the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Notwithstanding this, Council is requested to inform the NSW Rural Fire Service during exhibition.

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 in early 2012, or as soon as practicable. 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 David Pitney of the Regional Office of the Department on 02 9228 6204.

Yours sincerely,


Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LANEC_007_00): to amend the zoning, building height, and floor space ratio controls within the Mowbray Road Precinct.

I, the Deputy Director General, Plan Making & Urban Renewal 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 2009 to amend the zoning, building height, and floor space ratio controls within the Mowbray Road Precinct should proceed subject to the following conditions:

1. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Housing NSW
 - Transport for NSW
 - NSW Rural Fire Service
 - Sydney Water
 - Transgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each 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.

3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 21 day of 12 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure