



Planning & Infrastructure

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Our ref: PP_2012_LANEC_002_00 (12/05150)
Your ref: 9192/12

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

Dear Mr Brown,

Re: Planning Proposal to amend the permissible height and floor space ratio controls for 1-25 Marshall Avenue, St Leonards, zoned B4 Mixed Use. The height and FSR for the majority of the site has been reduced, with the exception of the eastern portion of the site which has been increased to allow a tower development and reduce overshadowing

I am writing in response to your Council's letter dated 13 March 2012 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 permissible height and floor space ratio controls for 1-25 Marshall Avenue, St Leonards which is now in one ownership and is zoned B4 Mixed Use. The height and FSR for the majority of the site has been reduced, with the exception of the eastern portion of the site which has been increased to allow a tower development and reduce overshadowing.

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 may potentially facilitate development which may include a tower component of some 78 metres in height. Due to the nature of surrounding development, there is the potential for overshadowing and other amenity impacts. Council is therefore to ensure that the urban design study prepared to support the planning proposal is placed on public exhibition with the planning proposal. This will ensure that the community has a better understanding of the potential impacts of the planning proposal should it proceed. Council is also to ensure that the exhibition material includes appropriate shadow diagrams to further assist in the community's understanding of this proposal.

I have agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 6.3 Site Specific Provisions 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 9 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 Tharani Yoganathan of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Sam Haddad
Director-General

13/4/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_LANEC_002_00): to amend the permissible height and floor space ratio controls for 1-25 Marshall Avenue, St Leonards zoned B4 Mixed Use. The height and FSR for the majority of the site has been reduced, with the exception of the eastern portion of the site which has been increased to allow a tower development and reduce overshadowing.

I, the Director General, 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 2009 to amend the permissible height and floor space ratio controls for 1-25 Marshall Avenue, St Leonards zoned B4 Mixed Use 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. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act:
3. A copy of the supporting urban design study for the planning proposal, and illustrative shadow diagrams are to be placed on exhibition with 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 9 months from the week following the date of the Gateway determination.

Dated 13th day of April 2012.



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