



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

Our ref: PP_2016_LANEC_001_00 (16/08397)

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 19 May 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 amend zoning, floor space ratio, lot size and height of buildings controls *under Lane Cove Local Environmental Plan 2009* for the St Leonards South Precinct

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.

Council may still need to obtain agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

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 not to issue an authorisation for Council to exercise delegation to make this plan.

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 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 East Region team to assist you. Ms Templeman can be contacted on (02) 9228 6590.

Yours sincerely

 2/9/16
Dr Oliver Holm
Acting Deputy Secretary
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_LANEC_001_00): to amend zoning, floor space ratio, lot size and height of buildings controls under Lane Cove Local Environmental Plan 2009 for the St Leonards South Precinct.

I, the Acting Deputy Secretary, Planning Services 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 amend zoning, FSR, lot size and building height controls should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - a) justify the inconsistency with s.117 Direction 2.3 Heritage Conservation, via a study to assess the impacts of the proposal on local heritage houses located at 3, 5 and 7 Park Road;
 - b) justify the inconsistency s.117 Direction 3.1 Residential Zones and s.117 Direction 3.4 Integrating Land Use and Transport, via a traffic and accessibility study focussing on the impacts of the current proposal and other approved proposals in the immediate area;
 - c) demonstrate that there is no inconsistency with SEPP Affordable Rental Housing;
 - d) replace proposed clauses 4.6(8)(ca), 5.1 and 6.8 with a 'plain English' explanation to explain Council's intention/ outcomes for the St Leonards South Precinct while allowing flexibility in the drafting of provisions;
 - e) include an Incentive Height of Buildings Map and an Incentive Floor Space Ratio Map;
 - f) replace the existing Special Provisions Area Map with a non-LEP version; and
 - g) include a satisfactory arrangements provision for contributions to designated State public infrastructure identified as part of a draft or final strategic planning review for the St Leonards and Crows Nest Station Precinct.

The amended planning proposal is to be submitted to the Department for review prior to exhibition.

2. A draft Development Control Plan for the St Leonards South Precinct area is to be exhibited with the planning proposal in order to clarify intended built form outcomes for the precinct and justify any non-compliance with SEPP 65 design criteria.

3. Consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a) The planning proposal is classified as routine as described in *A Guide to Preparing Local Environmental Plans (Department of Planning and Infrastructure 2013)* and must be made publicly available for a minimum of 28 days.
 - 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 following agencies under section 56(2)(d) of the EP&A Act:
 - Planning and Environment: Urban Renewal
 - Transport for NSW: Sydney Trains;
 - Transport for NSW: Road and Maritime Services;
 - Willoughby Council;
 - North Sydney Council;
 - Environment and Heritage;
 - Education and Communities;
 - Northern Sydney Local Health District;
 - Royal North Shore Hospital;
 - Sydney Airport Corporation Ltd;
 - Department of Infrastructure and Regional Development; and
 - Civil Aviation Safety Authority.

The agencies are 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 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.
7. All LEP maps are to be consistent with the Department's *Standard Technical Requirements for Spatial Datasets and Maps 2015*.



8. Prior to finalisation, the planning proposal is to be amended to demonstrate consistency with any available findings of a draft or final strategic planning review for the St Leonards and Crows Nest Station Precinct.

Dated *2nd* day of *September* 2016

**Dr Oliver Holm
Acting Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission**

