



Office of the Director General

Mr Craig Wrightson
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Our ref: PP_2013_LANEC_001_00 (13/01146)
Your ref: SU4859

Dear Mr Wrightson,

Planning proposal to amend Lane Cove Local Environmental Plan 2009

I am writing in response to Council's letter dated 14 December 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 which relates to land at 274 and 274A Longueville Road and 4-18 Northwood Road, Lane Cove and seeks to rezone part of the land to B1 Neighbourhood Centre, amend the maximum floor space ratio to 2.25:1, amend the maximum building height to 18m and permit a neighbourhood shop from 400sqm to 1000sqm as an additional permitted use on the land.

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

Council's proposed provision to limit the size of neighbourhood shops from 400sqm to 1,000sqm through the use of additional permitted uses is not supported as a means of achieving the intended outcome. Council is to amend Clause 5.4 *Controls relating to miscellaneous permissible uses* to limit the retail floor area of neighbourhood shops. Council is also to use the maximum limit of 1,000sqm only, rather than using a range. Council is to amend the planning proposal prior to proceeding to public exhibition.

I have also agreed the planning proposal's inconsistency with S117 Directions 2.1 Environmental Protection Zones is of minor significance. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers 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 to make this plan.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The NSW 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 Andrew Watkins of the regional office of the department on 02 9228 6111.

Yours sincerely,



Richard Pearson
A/Director General

8/3/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_LANEC_001_00): to make various amendments to Lane Cove Local Environmental Plan 2009.

I, the A/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 (LEP) 2009 which relates to land at 274 and 274A Longueville Road and 4-18 Northwood Road, Lane Cove and seeks to rezone part of the land to B1 Neighbourhood Centre, amend the maximum floor space ratio to 2.25:1, amend the maximum building height to 18m and permit a neighbourhood shop from 400sqm to 1000sqm as an additional permitted use on the land should proceed subject to the following conditions:

1. Council's proposed provision to limit the size of neighbourhood shops from 400sqm to 1,000sqm through the use of additional permitted uses is not supported and should be removed from the planning proposal. Council is to amend Clause 5.4 *Controls relating to miscellaneous permissible uses* in its LEP to limit the retail floor area of neighbourhood shops. Council is also to use a maximum limit only, rather than including a range. Council is to amend this planning proposal to reflect the above approach prior to proceeding to public exhibition.
2. Prior to undertaking public exhibition, Council is to amend the existing and proposed land zoning maps, to correctly zone land to the north of the subject site, which is shown on the maps as R2 Low Density Residential to its correct zoning under Lane Cove LEP 2009, being RE1 Public Recreation.
3. Prior to undertaking public exhibition, Council is to amend the planning proposal to include further information on the proposal's impact on heritage items, including its impact on Aboriginal heritage items.
4. Prior to undertaking public exhibition, Council is to amend the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
5. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning. This report is to be included as part of the public exhibition material.
6. 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)*.
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Sydney Metropolitan Catchment Management Authority

- Office of Environment and Heritage
- Fire and Rescue NSW
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Adjoining LGAs

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.

8. 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).
9. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

8

day of

March

2013



Richard Pearson
A/Director General
Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lane Cove Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_LANEC_001_00	Planning proposal which relates to land at 274 and 274A Longueville Road and 4-18 Northwood Road, Lane Cove and seeks to rezone part of the land to B1 Neighbourhood Centre, amend the maximum floor space ratio to 2.25:1, amend the maximum building height to 18m and permit a neighbourhood shop from 400sqm to 1000sqm as an additional permitted use on the land.

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

Dated  2013


Richard Pearson
A/DIRECTOR GENERAL
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_LANEK_001_00
Date Sent to Department under s56	14/12/2012
Date considered at LEP Review Panel	14/02/2013
Gateway determination date	08/03/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: