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Our ref: PP_2012_LANEC_001_00 (11/22449)

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 land fronting the Pacific Highway and Longueville Road and rezone land at 5 Allison Avenue, Lane Cove from R4 High Density residential to R2 Low Density Residential and amend the floor space ratio and minimum lot size controls

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 2010 to increase the permissible building height controls and reduce floor space ratio controls for land fronting the Pacific Highway and Longueville Road, and rezone land at 5 Allison Avenue, Lane Cove from R4 High Density residential to R2 Low Density Residential and amend the floor space ratio and minimum lot size controls.

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.

While the Department supports the intent of the proposed amendments to facilitate new residential development within the subject precinct. Council should consider additional incentives to stimulate development such as permitting increased FSR and height allowances where lots are amalgamated for the purposes of residential development due to the restrictive nature of the subdivision layout and fragmented ownership. Council is able to amend the planning proposal to include such provisions if considered appropriate.

In accordance with the requirements of S117 Direction 3.4 Integrating Land Use and Transport, Council is to consult with Transport for NSW – Roads and Maritime Services and take into account any comments made, prior to public exhibition of the planning proposal.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones 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'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

9/3/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_LANEC_001_00): to amend the permissible height and floor space ratio controls for land fronting the Pacific Highway and Longueville Road and rezone land at 5 Allison Avenue, Lane Cove from R4 High Density residential to R2 Low Density Residential and amend the floor space ratio and minimum lot size controls

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 2010 to increase the permissible building height controls and reduce floor space ratio controls for land fronting the Pacific Highway and Longueville Road, and rezone land at 5 Allison Avenue, Lane Cove from R4 High Density residential to R2 Low Density Residential and amend the floor space ratio and minimum lot size controls 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:
 - Transport for NSW - Roads and Maritime Services

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 9th day of March 2012.


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