



Contact: Nathan Herborn
Phone: (02) 9228 6111
Fax: (02) 9228 6244
Email: Nathan.Herborn@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2011_LANEC_004_00 (11/10384)

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

Dear Mr Brown,

Re: Planning Proposal for reclassification of twelve drainage reserves and one lot in a public reserve from "community land" to "operational land"

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 for the reclassification of twelve drainage reserves and one lot in a public reserve from "community land" to "operational land".

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 majority of sites subject to this planning proposal are identified as 'drainage reserves' the Department notes that a number of the reserves appear to function as laneways providing access for residents. Council is to ensure that the community is provided with an opportunity to comment on the future of these 'drainage reserves' to ensure that if any are to be closed, due consideration has been given to the potential impacts of the loss of pedestrian and cycle routes through these neighbourhoods.

Council is reminded of its obligations for the preparation of an LEP involving the reclassification of public land as described in *PN 09-003 Classification and reclassification of public land through a local environmental plan* and the *Best Practice Guideline for LEPs and Council Land* (January 1997) issued by the Department.

It is noted the planning proposal does not provide data for Column 3 ("Any trusts etc not discharged") of the table included on page 1 in its planning proposal. Prior to community consultation, Council should complete this column for each entry. If no there is no relevant data the entries should read "nil".

Also, the property descriptions for the sites listed below are incomplete and should be updated prior to consultation. If the completed property description (Lot and DP number) does not properly identify the site, for instance where only part of a lot is to be reclassified, a map should accompany the property description. Examples of this are land identified as:

- 15A Point Road;
- Stokes Street DP 6874; and
- Fleming Street / Upper Cliff Road DP 6766;

Council is also to ensure that the quality of digital mapping prepared for exhibition purposes adequately identifies the subject sites and demonstrates the intent of the planning proposal.

Council is to provide an assessment of the planning proposal against all relevant s117 Directions and place this assessment on public exhibition. The assessment is to identify whether the planning proposal is consistent with a s117 Direction and where it is not, adequate justification to explain the inconsistency must be provided.

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 Nathan Herborn of the Regional Office of the Department on 02 9228 6111

Yours sincerely,


8/8/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LANEC_004_00): to for reclassification of twelve drainage reserves and one lot in a public reserve from "community land" to "operational land".

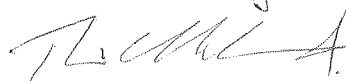
I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Lane Cove Local Environmental Plan 2009 for reclassification of twelve drainage reserves and one lot in a public reserve from "community land" to "operational land" should proceed subject to the following conditions:

1. Council is to ensure that all data and information relating to its interests, trusts to be discharged and other relevant information required in accordance with the Departments PN 009-003 and Best Practice Guidelines for the reclassification of Council owned land is provided for consultation purposes.
2. 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Roads and Traffic Authority (RTA)

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.

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 8th day of August 2011.



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