

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

Our ref: PP_2012_LANEC_003_00 (12/05915)
Your ref: 12138/12

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

Dear Mr Brown,

Re: Planning proposal to correct mapping anomalies in Lane Cove LEP 2009.

I am writing in response to your Council's letter dated 19 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 correct mapping anomalies in Lane Cove LEP 2009.

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.

Council is to ensure that all mapping prepared for public exhibition purposes clearly identifies the subject sites, current zoning and the intent of the proposed amendment.

Council is required to consult with the Commissioner of the NSW Rural Fire Service prior to commencing exhibition as required by S117 Direction 4.4 Planning for Bushfire Protection. If necessary, Council is to amend the planning proposal to reflect the outcomes of this consultation prior to commencing public exhibition.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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,

SHaddad

Sam Haddad
Director-General

12/4/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_LANEC_003_00): to correct mapping anomalies in Lane Cove LEP 2009.

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 correct mapping anomalies in Lane Cove LEP 2009 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for 14 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 authority under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

This 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. Further to condition 2 above, Council is required to consult with the Commissioner of the NSW Rural Fire Service prior to commencing exhibition as required by S117 Direction 4.4 Planning for Bushfire Protection. If necessary, Council is to amend the planning proposal to reflect the outcomes of this consultation prior to commencing public exhibition.
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 6 months from the week following the date of the Gateway determination.

Dated 12th day of April 2012.


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