



15/14560

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

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 26 August 2015, 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 the planning controls for land at 75-79 Lithgow Street and 84-90 Christie Street, St Leonards

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

The Department remains concerned about the loss of commercially zoned land, especially if the option to include Site B as part of the proposal and eventual development does not occur. Council is encouraged to work with the proponent to ensure that the loss is reduced and realise St Leonards' role as a strategic centre. The Department is supportive of the public benefit incentive scheme which may reduce the loss of commercial floor space.

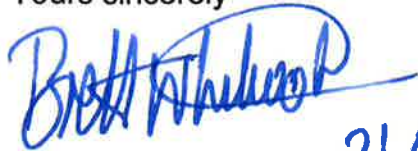
The Department also remains concerned about the cumulative impacts of spot rezoning and development in the St Leonards area. Council is encouraged to continue to participate in the Department led working group in order to work strategically with the Department, North Sydney and Willoughby councils to address these impacts.

The amending Local Environmental Plan 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 Local Environmental Plan should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete local environmental plans 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 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 Sandy Shewell of the Department's Metropolitan (CBD) office to assist you. Ms Shewell can be contacted at the Department on (02) 9228 6591.

Yours sincerely



21 October 2015

Brett Whitworth
Acting Executive Director, Regions
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_LANEC_002_00): to amend the planning controls for the site at 75-79 Lithgow Street and 84-90 Christie Street, St Leonards

I, the Acting Executive Director, Regions, at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 the planning controls for the site at 75-79 Lithgow Street and 84-90 Christie Street, St Leonards should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be revised to:
 - (a) update the Economic Impact Assessment to include detailed urban design consideration of the proposed development in relation to the transition in height to surrounding development, and the minimisation of overshadowing, privacy, and view impacts
 - (b) update the planning proposal to include the additional information provided by Council to the Department in response to the request by the LEP Panel in its letter dated 21 July 2015 and ensure this information is publicly exhibited
 - (c) justify the inconsistencies with section 117 Directions 1.1 Business and Industrial Zones and 7.1 A Plan for Growing Sydney.
2. The planning proposal is to be amended to reflect the above conditions and a copy provided to the Director, Metropolitan (CBD) prior to community consultation under sections 56(2)(c) and 57 of the Act being undertaken.
3. Prior to undertaking public exhibition, Council is to consult and work with Transport for NSW on the cumulative impacts of the proposed development and the capacity of the road network to cater for the mix and intensity of uses proposed and already approved.

Council is to include an appropriate level of assessment of these impacts with the planning proposal for the purposes of public exhibition.

4. Prior to finalisation, the planning proposal is to be amended to respond to the findings of the Strategic Planning Review being undertaken by the Department in consultation with Council and demonstrate consistency with that work.
5. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal 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 Environment 2013)*.
6. 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).
7. The timeframe for completing the Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated 21st day of October 2015.



Brett Whitworth
Acting Executive Director, Regions
Planning Services

Delegate of the Minister for Planning