

Gateway Determination

Planning proposal (Department Ref: PP-2021-2071): to amend Lane Cove Local Environmental Plan (LEP) 2009 to include site specific provisions for a commercial building at 46-52 Nicholson Street and 59-67 Christie Street, St Leonards.

I, the Director of the North District at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Lane Cove Local Environmental Plan (LEP) 2009 should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal and all supporting documentation is to be updated as follows:
 - a. The proposed maximum building height of RL175.2m and maximum FSR of 15:1 as supported by Council and the proponent, are to be consistently updated and reflected in the explanation of provisions.
 - b. The objectives of the planning proposal are to be updated to include the proposal's consistency with the final St Leonards and Crows Nest 2036 Plan and Lane Cove Local Strategic Planning Statement and to remove the discussion regarding A Plan for Growing Sydney.
 - c. The planning proposal should address the final St Leonards and Crows Nest 2036 Plan and remove references to the 'draft 2036 Plan' and provide an assessment against section 9.1 Ministerial direction '7.11 Implementation of St Leonards and Crows Nest 2036 Plan'. This should include justification with any inconsistencies relating to setbacks, street wall height and tree canopy target for urban areas set by the 2036 Plan.
 - d. Provide an assessment against s9.1 Ministerial direction '3.5 Development Near Regulated Airports and Defence Airfields', and remove discussions related to directions '3.3 Home Occupations' and '7.1 Implementation of A Plan for Growing Sydney'.
 - e. Include an updated Concept Design within the proposed building height and FSR, addressing the following:
 - i. a landscape concept illustrating public domain improvements and publicly accessible through site link;
 - ii. view loss assessment from surrounding residential developments;
 - iii. updates to the potential number of jobs generated compared with the number of jobs provided in the existing development(s).

- f. A draft Development Control Plan (DCP) for the site is to be exhibited with the planning proposal and should address the proposed through site link, public open space, landscaping, tree canopy cover and public domain improvements including wind impact mitigation.
2. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:
 - Transport for NSW;
 - Ausgrid;
 - Sydney Water Corporation;
 - NSW Department of Health;
 - Airservices Australia;
 - Civil Aviation Safety Authority (CASA);
 - Sydney Airport Corporation Limited (SACL); and
 - Commonwealth Department of Transport, Infrastructure, Regional Development and Communications.

Commencement of consultation with the 'Commonwealth Department of Infrastructure, Transport, Regional Development and Communications' is required prior to public exhibition.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - a. the planning proposal must be made publicly available for a minimum of **28 days**; and
 - b. the planning proposal 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 6.5.2 of *A guide to preparing Local Environmental Plans* (Department of Planning and Environment 2018).
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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 it reclassifying land).
5. The planning proposal must be exhibited **3 months** from the date of the Gateway determination.
6. The planning proposal must be reported to Council for a final recommendation **6 months** from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.

8. As the proposal is generally consistent with the Department's St Leonards and Crows Nest 2036 Strategy, Council is authorised to be the local plan making authority for this proposal.

Dated 9th day of April 2021



Brendan Metcalfe
Director, North District
Eastern Harbour City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces



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

Via email: CPelcz@lanecove.nsw.gov.au

Attention: Christopher Pelcz, Coordinator Strategic Planning

Dear Mr Wrightson

Planning proposal [PP-2021-2071] to amend Lane Cove Local Environmental Plan 2009

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase the maximum height of buildings from 25m to RL 175.2m and increase the maximum floor space ratio from 4.5:1 to 15:1 for land at 46-52 Nicholson Street and 59-67 Christie Street, St Leonards.

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

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 9 months of 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

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 section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Geoff Kwok to assist you. Mr Kwok can be contacted on 8275 1472 or geoff.kwok@planning.nsw.gov.au.

Yours sincerely



9 April 2021
Brendan Metcalfe
Director, North District
Eastern Harbour City

Encl: Gateway determination