

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-4155):** *To amend Clause 4.1A of the Lane Cove LEP 2009 to permit subdivision of currently approved dual occupancies under certain circumstances.*

I, the Director, North District, at the Department of Planning and Environment (the Department), as delegate of the Minister for Planning and Homes, 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 2009 to amend Clause 4.1A should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities
- (d) if post-exhibition changes are proposed the Department is consulted and agrees prior to LEP drafting.

The LEP should be completed within **9 months** of the Gateway determination.

### Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be updated to address the following:
  - (a) Include an additional proposed subclause condition g) consistent with, or similar to, the Willoughby LEP 2012 model Clause 4.1C (1)(c) specifying that each resulting subdivided lot is to only have one dwelling situated on it;
  - (b) Provide a more accurate estimation, where practical, of the number of dual occupancy properties within the Lane Cove LGA that meet the proposed LEP subclause criteria;
  - (c) include an explanation of how Council expects landowner to prove they have consent for their dual occupancy development to meet the subclause conditions;
  - (d) Include updated references to the Section 9.1 Ministerial Directions issued on 16 December 2022; and
  - (e) Include an updated project timeline to ensure completion in a timely manner based on the issuing of the Gateway determination.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within **3 months** following the date of the gateway determination.

3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act.
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 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 planning proposal must be reported to Council for a final recommendation **6 months** from the date of the Gateway determination.
6. The LEP should be completed within **9 months** of the date of the Gateway determination.

Dated 19<sup>th</sup> day of January 2023.



**Brendan Metcalfe**  
**Director North District**  
**Metro Central and North**  
**Department of Planning and Environment**  
**Delegate of the Minister for Planning and Homes**