

Attachment D:

Consistency with applicable Section 9.1 Directions

Gateway Question Part 3, Section B, Question 6.

The link to Section 9.1 Directions in full on [NSW Planning and Environment's website](#)

Direction	Consistency
Employment and Resources	
1.1 Business and Industrial zones	Does not apply.
1.2 Rural zones	Does not apply.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply.
1.4 Oyster Aquaculture	Does not apply.
1.5 Rural Lands	Does not apply.

Direction	Consistency
Environment and Heritage	
2.1 Environment Protection Zones	The planning proposal does not seek to change any existing environmental protection standards.
2.2 Coastal Management	The planning proposal is consistent with this direction as it will prevent intensive development in areas identified under the Coastal Management Act 2016.
2.3 Heritage Conservation	The planning proposal is consistent with this direction as it does not alter or amend any heritage items, areas, objects or places of environmental heritage significance and indigenous heritage significance.
2.4 Recreation Vehicle Areas	Does not apply.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply.

Direction	Consistency
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>The objectives of this direction require consideration to be given to housing choice and variety and for efficient use to be made of existing infrastructure and services.</p> <p><u><i>Council's approach</i></u></p> <p>As stated in the Council report, a housing strategy was developed in the mid 1990's to increase the number of zones which encouraged townhouses and villas within the LGA. Council's Local Environmental Plan 1987 contained specific controls that were developed to differentiate between townhouses and villas based on the local context.</p> <p>The main difference between the land uses was that villas were to remain as single storey and townhouses were able to be two storeys. Although the provisions of the Standard Instrument Local Environmental Plan did not make this distinction, Council and the Department of Planning concluded that it was appropriate to permit 'multi dwelling housing' in the new R2 Low Density Residential zone with controls limiting it to single storey villas. Townhouses (and terraces) were to be located in the R3 Medium Density Residential zone in order to be consistent with Council's long standing planning approach.</p> <p>This approach was exhibited to the community during the comprehensive Local Environmental Plan and Development Control Plan phase. The community did not raise concern about villa homes being made permissible in the R2 Low Density Residential zone under the 'multi dwelling housing' term, on the basis that it would be single storey and appropriately controlled. Council made its final decision on this basis and the Standard Instrument LEP was gazetted on 19 February 2010.</p> <p>It is important to note that since then, only one Development Application has been received for single storey villas in Lane Cove, whilst over 3500 units have been approved.</p> <p><u><i>Greater Sydney Region Plan and North District Plan</i></u></p> <p>A key objective of both the Greater Sydney Region Plan and the North District Plan is to deliver more housing supply in the right locations, and one portion of this is local infill development (referred to as "the missing middle" or</p>

	<p>medium density housing) to encourage a variety and choice of housing types. It states that Council's should investigate and consider additional medium density opportunities based on the following matters:</p> <ol style="list-style-type: none"> 1. <i>"<u>transitional</u> areas between urban renewal precincts and existing neighbourhoods;</i> 2. <i>residential land around <u>local centres</u> where links for walking and cycling help promote a healthy lifestyle;</i> 3. <i>areas with good proximity to <u>regional transport</u> where more intensive urban renewal is not suitable due to challenging topography or other characteristics;</i> 4. <i>lower density parts of suburban Greater Sydney <u>undergoing replacement</u> of older housing stock;</i> 5. <i>areas with existing <u>social housing</u> that could benefit from urban renewal and which provide good access to transport and jobs" (page 61).</i> <p>Council considered these and other matters, during its Comprehensive Local Environmental Plan phase.</p> <p>Allowing 'multi dwelling housing' to remain as a permissible land use in the R2 zone (with the Code superseding Council's existing controls) would result in unacceptable and unintended planning outcomes, which is inconsistent with the five matters listed above:</p> <ol style="list-style-type: none"> 1. Much of the zoned R2 Low Density land identified for medium density is located far from any R3 or R4 higher density, and so will not act as "transitional" medium density. 2. Likewise much of the zoned R2 Low Density land is located far from local centres. 3. State Government policies re-affirm that the highest housing densities should be located close to major public transport stops and corridors, where appropriate. However, much of the zoned R2 Low Density land is located on peninsulas with poor regional transport. 4. The majority of zoned R2 Low Density land in Lane Cove LGA is not currently being considered for replacement. Council's housing target is being exceeded due to strategic planning of higher densities in the Mowbray Road and St Leonards precincts. There is no intention or need to increase housing densities elsewhere in Lane Cove. 5. There is very little social housing in the Lane Cove
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	<p>LGA, particularly in the R2 zone. Most of this R2 land is also far away from major transport stops and corridors.</p> <p>On all five matters for consideration, it is clear that allowing multi dwelling housing to remain as a permissible land use in the R2 Low Density Residential zone would promote medium density development in the wrong location. This is contrary to Council's long standing strategic planning intent for this land use as well as State Government Policies to promote densities in the appropriate locations.</p> <p>Therefore, the provisions of the Planning Proposal that are inconsistent with Direction 3.1 Residential Zones are considered to be in accordance with the Greater Sydney Region Plan and North District Plan both of which seeks to promote more housing but in the right locations. It is clear that allowing multi dwelling housing to remain as a permissible land use in the R2 Low Density Residential zone would potentially promote medium density development in the wrong location.</p> <p>All residential zones in Council's Local Environmental Plan still contain a range of locally appropriate dwelling types in the right locations – thus achieving the objectives of this specific direction. Dual occupancies and attached dwellings will also be retained in the R2 Low Density and R3 Medium Density zones – which will not prevent the new Code and Design Guide from being used. Therefore any other provisions of the Planning Proposal that are inconsistent with this direction are also considered to be of minor significance.</p>
3.2 Caravan Parks and Manufactured Home Estates	Does not apply.
3.3 Home Occupations	Does not apply.
3.4 Integrating Land Use and Transport	<p>The objectives of this direction require consideration to be given planning objectives including improving access to housing, jobs and services and increasing choice of available transport. It also must be consistent with <i>“Improving Transport Choice – Guidelines for planning and development”</i>.</p> <p>Principle 1 is to ‘concentrate in centres’ which means:</p> <p><i>“Develop concentrated centres containing the highest appropriate densities of housing, employment, services and public facilities within an acceptable walking</i></p>

	<p><i>distance — 400 to 1000 metres — of major public transport nodes, such as railway stations and high frequency bus routes with at least a 15 minute frequency at peak times”.</i></p> <p>Most land zoned as R2 Low Density Residential is dispersed throughout most of the Lane Cove LGA. A majority of this land is located near the Sydney Harbour foreshore. Currently there are only two major public transport nodes that fit the description above:</p> <ul style="list-style-type: none"> - Lane Cove Bus interchange, and - St Leonards. <p>By retaining ‘multi dwelling housing’ to be a permissible land use in the R2 Low Density Residential zone, it allows (by default) an artificial increase in density which is contrary to the aims, objectives and principles of the Department’s own guidelines.</p> <p>The intent of these guidelines is to concentrate densities in appropriate locations near centres of activities and public transport usage. Most of the foreshore areas are not clustered around such centres or major public transport hubs / corridors.</p> <p>Therefore, the provisions of the Planning Proposal are consistent with Direction 3.4 Integrating Land Use and Transport and the Department’s <i>“Improving Transport Choice – Guidelines for planning and development”</i>.</p>
<p>3.5 Development Near Licensed Aerodromes</p>	<p>All land in Lane Cove is located within the vicinity of the existing Sydney Airport but is not located within the Australian Noise Exposure Forecast (ANEF) contours.</p> <p>This direction states that the relevant planning authority must consider the Obstacle Limitation Surface as defined by the Commonwealth.</p> <p>Most of Lane Cove is identified as having an ‘Outer Horizontal Surface of 156 metres AHD’ with only one portion having being a ‘Inner Horizontal Surface of 51 metres AHD’ (see additional information section).</p> <p>This means that if a building exceeds either the 51 metre or the 156 metre AHD height restriction they must require approval from the relevant Commonwealth Aviation</p>

	<p>Authority.</p> <p>Provisions within this planning proposal only affect the R2 Low Density Residential zone which does not contain height controls that would intrude into either the Inner Horizontal Surface or Outer Horizontal Surface. Therefore the planning proposal is consistent with this direction.</p>
3.6 Shooting Ranges	Does not apply.

Direction	Consistency
Hazard and Risk	
4.1 Acid Sulfate Soils	Does not apply.
4.2 Mine Subsidence and Unstable Land	Does not apply.
4.3 Flood Prone Land	<p>Consistent.</p> <p>The proposal seeks to alter the R2 Low Density Residential zone and provisions relating to multi dwelling housing. Some of these lands are situated on flood control lots.</p> <p>However, the removal of these controls does not change the flood risk nor does it conflict with the changes under the new Medium Density Housing Code.</p> <p>Therefore any provisions of the Planning Proposal that are inconsistent with Direction 4.3 Flood Prone Land are considered to be of minor significance.</p>
4.4 Planning for Bushfire Protection	<p>Consistent.</p> <p>While some lands within the Lane Cove Local Government Area is identified as bush fire prone, the provisions of the planning proposal do not increase or alter Bush fire attack levels (BAL) or interfere with the operation of Asset Protection Zones (APZ).</p> <p>Therefore any provisions of the Planning Proposal that are inconsistent with Direction 4.4 Planning for Bushfire Protection are considered to be of minor significance.</p>

Direction	Consistency
Regional Planning	
5.1 Implementation of Regional Strategies	Does not apply.
5.2 Sydney Drinking Water Catchment	Does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008. See amended Direction 5.1
5.7 Central Coast	Revoked 10 July 2008. See amended Direction 5.1
5.8 Second Sydney Airport: Badgerys Creek	Does not apply.
5.9 North West Rail Link Corridor Strategy	Does not apply.
5.10 Implementation of Regional Plans	Does not apply.

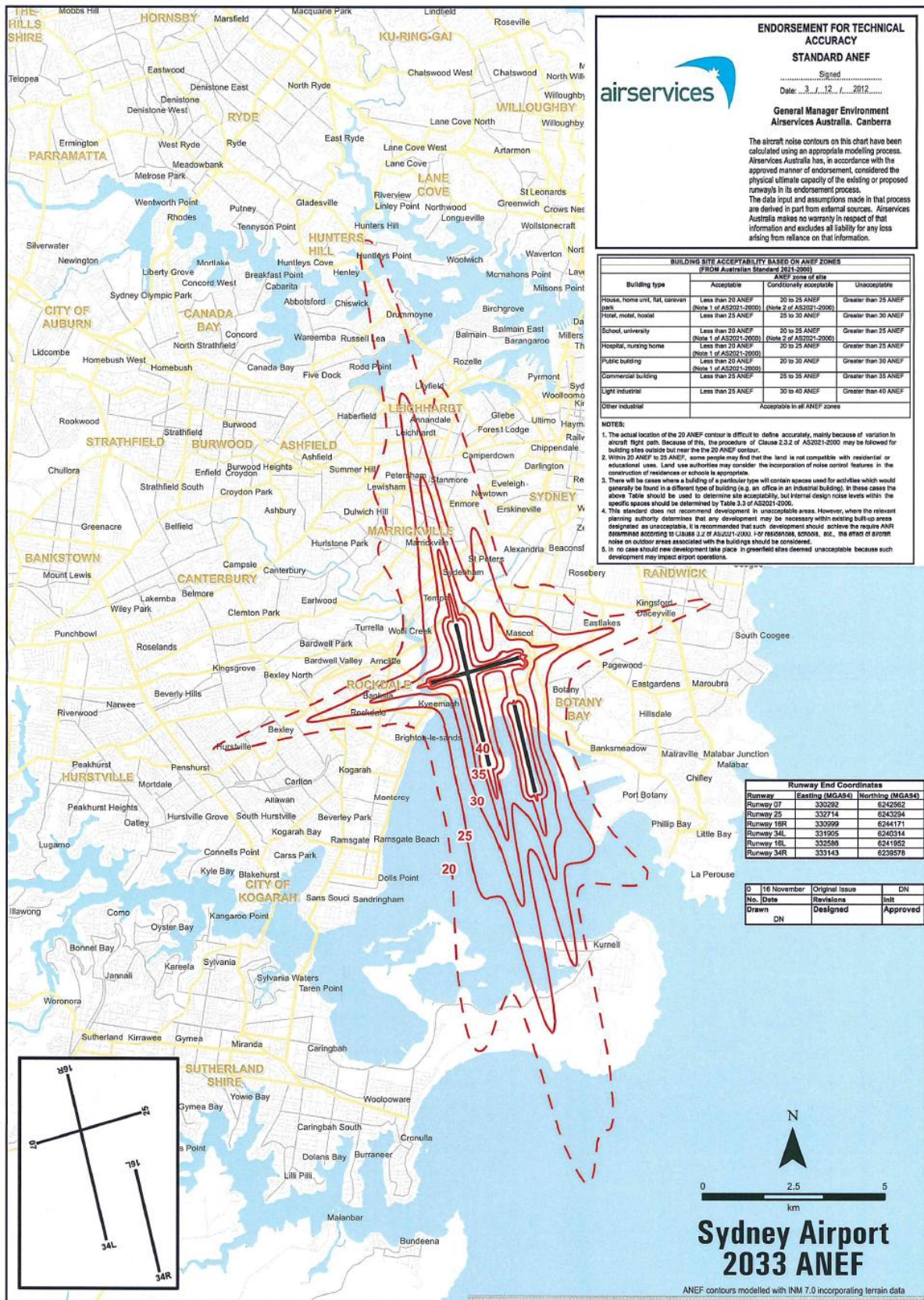
Direction	Consistency
Local Plan Making	
6.1 Approval and Referral Requirements	The proposal does not seek to introduce any LEP mechanisms that require concurrence, consultation or referral to Government agencies. Hence, the planning proposal is consistent with this direction.
6.2 Reserving Land for Public Purposes	The planning proposal does not seek to reserve any land for public purposes.
6.3 Site Specific Provisions	Does not apply.

Direction	Consistency
Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	<p>Consistent.</p> <p>Although the Greater Sydney Region Plan and North District Plan have been adopted, this direction has yet to be amended to reflect this.</p> <p>However, the planning proposal is consistent with this direction as it will “give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney”.</p> <p>A Plan for Growing Sydney contains four major goals with a series of subsidiary directions/actions to achieve. It also contains a list of priorities for each of the sub-regions. The four main goals are:</p> <ol style="list-style-type: none"> 1. A competitive economy with world-class services and transport; 2. A city of housing choice, with homes that meet our needs and lifestyles 3. A great place to live with communities that are strong, healthy and well connected; and 4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources. <p>The goals, directions and actions of this plan are almost identical to the adopted Greater Sydney Region Plan and North District Plan – that is to provide new housing in the right locations. <i>Action 2.1.1 (Accelerate Housing Supply and Local Housing Choices)</i> of A Plan for Growing Sydney is particularly relevant as it also sought to:</p> <ul style="list-style-type: none"> - target locations which deliver homes closer to jobs; - The most suitable areas for significant urban renewal are those areas best connected to employment & include – <ul style="list-style-type: none"> ○ in and around centres that are close to jobs and are serviced by public transport services that are frequent and capable of moving

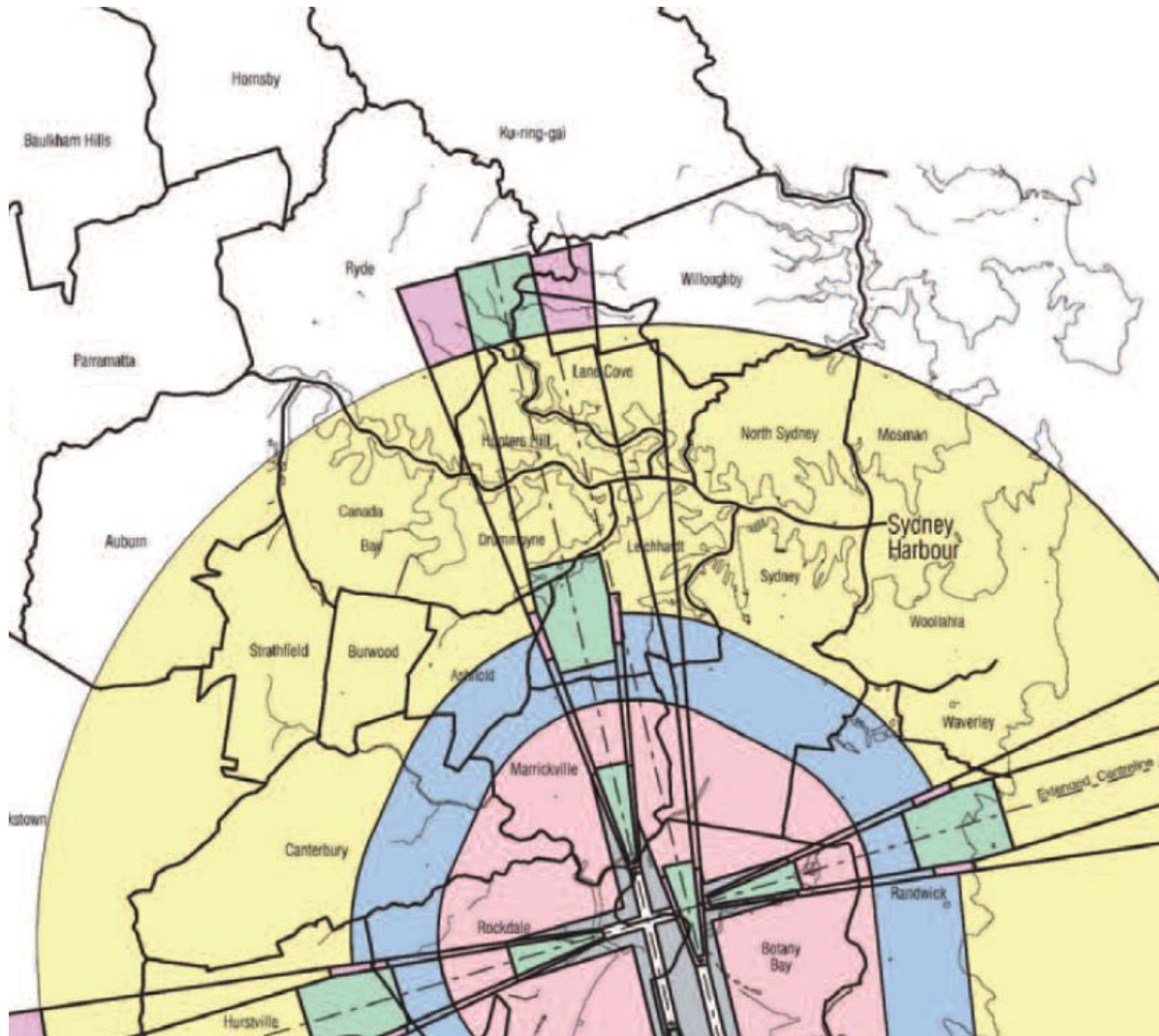
	<p>large numbers of people; and</p> <ul style="list-style-type: none"> ○ in and around strategic centres. <p>Removing multi dwelling housing from the R2 Low Density zone will ensure that new medium density housing will be delivered in appropriate locations, close to jobs, centres and public transport infrastructure.</p> <p>Therefore, the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply.

ADDITIONAL INFORMATION







Sydney Airport – Current ANEF contours



Sydney Airport – Current OLS



LEGEND

-  APPROACH SURFACE 2% GRADIENT, THEN 2.5% GRADIENT, THEN HORIZONTAL
-  TAKE OFF SURFACE 2% GRADIENT
-  TRANSITIONAL SURFACE 14.3% GRADIENT
-  CONICAL SURFACE 5% GRADIENT
-  INNER HORIZONTAL SURFACE 51M AHD
-  OUTER HORIZONTAL SURFACE 156M AHD