

Council: LANE COVE - SYDNEY REGION EAST	Current LEP: LEP 2009 - gazetted 19 February 2010
Council refs: 15066/12 12053/11	Dates: 4 April 2012 24 March 2011

Planning proposal based on: NSW Department of Planning, *A Guide to preparing local environmental plans*, July 2009 - Figure 3 – Matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land).

Note: Lane Cove Development Control Plan would be updated as appropriate for LEP amendments.

PLANNING PROPOSAL 9/2012: Heritage

Attachment 1	Current and Proposed Heritage Maps
Attachment 2:	Council Minutes (15271/12)
Attachment 3:	Heritage Review Stage 2 Study (47796/09)

1. A statement of the objectives or intended outcomes of the proposed local environmental plan. [Act s. 55(2)(a)]

The objectives of the planning proposal are to:-

- (i) Add twenty-five heritage items to the Lane Cove LEP Heritage Schedule 5, and delete three others, in response to assessment by independent heritage consultants.

2. An explanation of the provisions that are to be included in the proposed local environmental plan. [Act s. 55(2)(b)]

The Heritage Review Stage 2 Study, undertaken by independent consultants in November 2009 (please see AT 3), identified a number of items appropriate for amendment to the LEP heritage schedule in a subsequent LEP Review.

Council resolved in December 2010 to adopt the majority of the consultants' proposals within the LEP Review, commenced in a series of planning proposals a year after notification of the LEP had occurred in February 2010. Relevant Council Minutes are attached). The resolutions relate to:-

- Addition to the heritage schedule of approximately twenty items, assessed as significant in the study
- Removal of three items, assessed as not significant in the study.

(Please note: A separate planning proposal is being prepared relating to resolutions on certain landscape, streetscape and boatshed heritage items, approved demolitions and editing matters.)

The following is a schedule of the Heritage Register amendments resolved by Council for finalisation and covered in this Planning Proposal 9/2012:-

Items to be added to LEP Heritage Register

Map	Proposed LEP Item no.	GREENWICH	Item
1	I 50A	39 George St	Federation dwelling
1	I 64	36 Lower Serpentine	Sea walls
1	I 131A, I 132, I132A, I 133, I113	38-44 Lower Serpentine Rd	Sea walls
2	A 3A	Manns Point Reserve	Archaeology/ Bond store/ Wharf/ Quarry
		NORTHWOOD	
3	I 303A	109 Northwood Rd	Late Victorian style dwelling
3	I 312, I 282 A-D	33 Upper Cliff Rd/ 35-47 Cliff Rd	Stone fences

LEP Gateway Submission

3	I 311	40A Upper Cliff Rd	Modern dwelling
3	I 312	62 Cliff Rd	Federation dwelling
4	I 280A	1A Birriwa Place	Federation dwelling: "Loddington"
4	I 284A	4 James St	Californian bungalow (Murcutt extension)
4	I 309A	2 Upper Cliff Rd	Streetscape element
4	I 309B	4 Upper Cliff Rd	Streetscape element
4	I 285A	Kellys Esplanade	Paths, roads
		LONGUEVILLE	
5	I 223A	4 Amalfi Place	Federation outbuilding
		LANE COVE	
6	I 212	45 Parklands Av	Wall only.
7	I 177	139A Longueville Rd	Cenotaph & War Memorial, subject to flexible location.
7	I 164A	Lloyd Rees Bandstand	Subject to flexible location.

Items to be deleted from LEP Heritage Register

Map	Former LEP Item no.	LANE COVE	
8	I 165, I166 and I167	31,33,35 Longueville Rd	Art Deco flats buildings.

3. Justification for those objectives, outcomes and provisions and the process for their implementation. [Act s. 55(2)(c)]

A. Need for the planning proposal.

(1) Is the planning proposal a result of any strategic study or report?

Yes – Lane Cove Heritage Review Stage 2 Report, November 2009, by independent consultants: Garry Stanley, Jane Rothschild and Edward Higginbotham (please see AT 3).

(2) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – a planning proposal is required to amend LEP Schedule 5 Environmental Heritage.

(3) Is there a net community benefit?

Yes – in providing for heritage conservation of items of significance to the present and future communities, and removing any items no longer appropriate.

B. Relationship to strategic planning framework.

(1) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Plan and exhibited draft strategies)?

Yes. The Metropolitan Plan supports the principle of heritage conservation. The proposed heritage amendments will not impact on the achievement of Lane Cove's residential or employment targets.

(2) Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes, as supporting the principle of heritage conservation.

- (3) **Is the planning proposal consistent with applicable state environmental planning policies?**

Yes: See Appendix A below.

- (4) **Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Yes: See Appendix B below.

C. Environmental, social and economic impact.

- (1) **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. None of these categories relates to the subject lands.

- (2) **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. The proposed additional heritage items confirm long-standing uses of the sites.

- (3) **How has the planning proposal adequately addressed any social and economic effects?**

Yes – under the LEP, property owners may still submit development applications to alter properties to balance heritage conservation with achievement of modern lifestyles.

D. State and Commonwealth interests.

- (1) **Is there adequate public infrastructure for the planning proposal?**

Yes. There is no change from the existing usage.

- (2) **What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination).**

This would be addressed following consultation in accordance with Gateway approval.

4. Details of the community consultation that is to be undertaken on the planning proposal. [Act s. 55(2)(e)]

This would be in accordance with Gateway approval.

Appendix A

State Environmental Planning Policies – Consistency

- re Gateway Question 3B(3)

The proposal is consistent with the State Environmental Planning Policies.

- State Environmental Planning Policy No 1—Development Standards
- State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
- State Environmental Planning Policy No 6—Number of Storeys in a Building
- State Environmental Planning Policy No 14—Coastal Wetlands
- State Environmental Planning Policy No 15—Rural Landsharing Communities
- State Environmental Planning Policy No 19—Bushland in Urban Areas
- State Environmental Planning Policy No 21—Caravan Parks
- State Environmental Planning Policy No 22—Shops and Commercial Premises
- State Environmental Planning Policy No 26—Littoral Rainforests
- State Environmental Planning Policy No 29—Western Sydney Recreation Area
- State Environmental Planning Policy No 30—Intensive Agriculture
- State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)
- State Environmental Planning Policy No 33—Hazardous and Offensive Development
- State Environmental Planning Policy No 36—Manufactured Home Estates
- State Environmental Planning Policy No 39—Spit Island Bird Habitat
- State Environmental Planning Policy No 41—Casino Entertainment Complex
- State Environmental Planning Policy No 44—Koala Habitat Protection
- State Environmental Planning Policy No 47—Moore Park Showground
- State Environmental Planning Policy No 50—Canal Estate Development
- State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas
- State Environmental Planning Policy No 53—Metropolitan Residential Development
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential
- State Environmental Planning Policy No 60—Exempt and Complying Development
- State Environmental Planning Policy No 62—Sustainable Aquaculture
- State Environmental Planning Policy No 64—Advertising and Signage
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
- State Environmental Planning Policy No 71—Coastal Protection
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007
- State Environmental Planning Policy (Kurnell Peninsula) 1989
- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy (Temporary Structures) 2007
- State Environmental Planning Policy (Urban Renewal) 2010
- State Environmental Planning Policy (Western Sydney Employment Area) 2009
- State Environmental Planning Policy (Western Sydney Parklands) 2009

Appendix B

Section 117 Directions – Consistency

- re Gateway Question 3B(4)

S. 117 Direction: Objectives	Comment
1.1 Business and Industrial Zones (1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Not relevant.
1.2 Rural Zones	Not applicable to Lane Cove.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable to Lane Cove.
1.4 Oyster Aquaculture	Not applicable to Lane Cove.
1.5 Rural Lands	Not applicable to Lane Cove.
2.1 Environment Protection Zones (1) The objective of this direction is to protect and conserve environmentally sensitive areas.	Not relevant.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation (2) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent. The proposal increases the overall number of heritage items in Lane Cove.
2.4 Recreation Vehicle Areas	Not applicable to Lane Cove.
3.1 Residential Zones (1) The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Consistent.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable to Lane Cove.

3.3 Home Occupations (3) The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Not relevant.
3.4 Integrating Land Use and Transport (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	Not relevant.
3.5 Development Near Licensed Aerodromes	Not applicable to Lane Cove.
3.6 Shooting Ranges	Not applicable to Lane Cove.
4.1 Acid Sulfate Soils (1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Not relevant.
4.2 Mine Subsidence and Unstable Land	Not applicable to Lane Cove.

4.3 Flood Prone Land (1) The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Not relevant.
4.4 Planning for Bushfire Protection (1) The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	One site - the child care centre in Area 9 - is a SFPP under s.100B(1)(b) of the Rural Fires Act 1997: Special Fire Protection Purposes. This provides that the Commissioner may issue a bush fire safety authority for development of bush fire prone land for a SFPP i.e. any redevelopment of this site would be referred to the Rural Fire Service under S.79BA of the Environmental Planning & Assessment Act. Three other sites – Tambourine Bay Rowing Club (Area 3), the Blackman Park tennis courts cottage (Area 4) and Greenwich Scout Hall (Area 8) are not SFPPs, but in discussion with Council the RFS has indicated that these would be expected also to be referred to the RFS under S.79BA. The other seven sites are not within bushfire prone land.
5.1 Implementation of Regional Strategies	Not applicable to Lane Cove.
5.2 Sydney Drinking Water Catchment	Not applicable to Lane Cove.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Lane Cove.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Lane Cove.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable to Lane Cove.

6.1 Local plan making: Approval and Referral Requirements (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Not relevant.
6.2 Reserving Land for Public Purposes (4) The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Not relevant.
6.3 Site Specific Provisions (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls	Consistent.
7.1 Implementation of the Metropolitan Plan for Sydney 2036 (1) The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	Not affected. The zoning amendments are editing matters to confirm long-standing uses of the sites.