

Lane Cove Housekeeping Amendment 2016

Proposal Title : **Lane Cove Housekeeping Amendment 2016**

Proposal Summary : **This housekeeping planning proposal proposes a number of amendments to the Lane Cove LEP 2009 clauses and maps. It provides an opportunity to update the Lane Cove Local Environmental Plan 2009 (LEP) to reflect the concerns of the community.**

PP Number : **PP_2016_LANEC_003_00**

Dop File No : **16/08236**

Proposal Details

Date Planning
Proposal Received : **09-Jun-2016**

LGA covered : **Lane Cove**

Region : **Metro(CBD)**

RPA : **Lane Cove Municipal Council**

State Electorate : **LANE COVE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Multiple Lots across entire LGA**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Christopher Pelcz**

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DoP Project Manager Contact Details

Contact Name : **Sandy Chappel**

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting
Notes :

All amendments are detailed in the attached Table 1, which includes Council's justification and the Department's comment. The planning proposal is generally supported because it updates the Lane Cove LEP 2009 in a manner consistent with the NSW strategic planning framework.

DELEGATION OF PLAN MAKING FUNCTIONS

Lane Cove Council is seeking delegation to carry out functions of the Greater Sydney Commission under section 59 of the Environmental Planning and Assessment Act 1979 to progress this planning proposal. Council has addressed the Department's Evaluation criteria for the delegation of plan making functions. Delegation is considered appropriate.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

Council states that the intended outcome of the planning proposal is to amend Lane Cove LEP 2009 to incorporate Council resolutions made with respect to Lane Cove LEP 2009.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The proposed amendments are described in detail in the attached Table 1.

The amendments SUPPORTED involve:

Zones/ precincts:

- Zone R4 land use table: adding 'restaurants or cafes' as permissible with consent.
- Floor space ratio maps - FSR_001, FSR_004: correcting minor mapping errors.
- Height of buildings maps - HOB_001, HOB_004: correcting minor mapping errors.

Sites:

- a) Heritage amendments
 - 87-93 Longueville Road, Lane Cove
 - 73 Arabella Street, Longueville
 - 44 College Road South, Riverview
 - 13/15/16 Kingslangley Road, Greenwich
 - 62 Northwood Road, Northwood
- b) Minor map amendments
 - 40A Cope Street, Lane Cove
 - 3 Dunois Street, Longueville

Heritage:

- various amendments relating to deletion of heritage items from Schedule 5 Environmental Heritage and Heritage Maps - HER_001, HER_002, HER_004.

Clauses:

- Cl. 6.1(6) Acid sulphate soils: clarifying when development consent is required.

The amendments SUPPORTED subject to variation/ further action involve:

Zones/ precincts:

- Zone IN2 light industrial zone: including 'animal boarding or training establishment, medical centre, vehicle repair station and vehicle body repair workshop' as permissible with consent.
- Land Reservation acquisition map - LRA_002: including a portion of various lots on the map.
- Environmental protection land Map - CL1_001: including a portion of one lot on the map.

Clauses:

- Cl.4.1 Minimum subdivision lot size: adopting the subclause prohibiting the subdivision of land where a dual occupancy is proposed or erected;
- Cl.4.3(1) Height of Buildings: refining clause objectives.
- Cl.4.4(2B) Floor Space Ratio: adopting the subclause and clarifying when the area of an access handle is not to be included in the lot size for the purpose of floor space ratio calculation.
- Cl.5.3(2) Development near zone boundaries: adopting the clause and clarifying where this clause applies.

Sites:

- b) Amendments to Land Reservation Acquisition Map
 - 3A/5A/7 Dettmann Avenue, Longueville
 - 41 Stuart Street, Longueville
- c) Amendment to Environmental Protection Land Map
 - 14 Gay Street, Lane Cove North

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

4.1 Acid Sulfate Soils

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

N/A

e) List any other matters that need to be considered :

Section 117 Directions:

2.3 Heritage Conservation

The planning proposal is inconsistent with this Direction as it proposes to remove five local heritage items from the Lane Cove LEP 2009 Heritage Maps. However, this inconsistency is justified as the local heritage items have been demolished.

7.1 Implementation of A Plan for Growing Sydney

The consistency of the planning proposal with this direction is addressed under "Consistency with Strategic Planning Framework" later in this report.

The planning proposal is consistent with all other relevant Section 117 Directions.

State Environmental Planning Policies (SEPPs):

The planning proposal is consistent with all relevant State Environmental Planning Policies.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal contains mapping which reflects the intent of the planning proposal. All maps are to be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Lane Cove Council has identified a 6 week exhibition period, however, 28 days is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2010**

Comments in relation to Principal LEP : **Lane Cove LEP 2009 was notified on 19 February 2010.**

Assessment Criteria

Need for planning proposal : **The planning proposal is needed to update the Lane Cove LEP 2009 to reflect the resolutions of the LEP Review 2016.**

All amendments are detailed in the attached Table 1, which includes Council justification

and Department comment.

Council has requested that one amendment be DEFERRED from the current planning proposal:
- reduce FSR 0.6:1 to FSR 0.5:1 for various sites in Zone R2 Low Density Residential.

Consistency with strategic planning framework :

A Plan for Growing Sydney:

The planning proposal is generally consistent with the directions and actions of A Plan for Growing Sydney (the Plan). The proposal aims to update certain controls and mapping amendments to reflect the current issues in the area.

Lane Cove Council's Community Strategic Plan:

The planning proposal is consistent with Council's Community Strategic Plan.

Environmental social economic impacts :

Environmental:

The planning proposal will add part of the site onto the Environmental Protection Map as recommended by the Council's Open Space and Urban Services Division and the Lane Cove Bushland Management Advisory Committee. This site is identified as an integral part of the Upper Stringybark Reserve which has ecological and aesthetic value, and has an Endangered Ecological Community - Sydney Turpentine Ironbark Forest.

Social / Economic:

The planning proposal will not have any adverse social or economic effects.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
Covering letter to Department .pdf	Proposal Covering Letter	No
1 - Planning Proposal 24 - LEP Review 2016.docx	Proposal	No
3 - Proposed Amendments (Attachment B).docx	Proposal	No
LEP PP24 Environment Proposed Map 1.pdf	Map	No
LEP PP24 FSR Proposed Map 1.pdf	Map	No
LEP PP24 FSR Proposed Map 4.pdf	Map	No
LEP PP24 Height Proposed Map 1.pdf	Map	No
LEP PP24 Height Proposed Map 4.pdf	Map	No
LEP PP24 Heritage Proposed Map 1.pdf	Map	No
LEP PP24 Heritage Proposed Map 2.pdf	Map	No
LEP PP24 Heritage Proposed Map 4.pdf	Map	No
LEP PP24 Land Reservation Proposed Map 2.pdf	Map	No
4 - Information Checklist (Attachment C.1).docx	Proposal	No
5 - Evaluation Criteria for the Delegation of Plan Making Functions (Attachment C.2).docx	Proposal	No
Table 1 - Department Assessment of proposed amendments .docx	Study	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 4.1 Acid Sulfate Soils
 - 6.2 Reserving Land for Public Purposes
 - 7.1 Implementation of A Plan for Growing Sydney

Additional Information : The planning proposal is supported subject to the following conditions:

1. Community consultation is required under sections 56(2) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available as identified in the current Guide to Preparing LEPs.

Council is to consult directly with land owners at 3A, 5A and 7 Dettmann Avenue, Longueville and 41 Stuart Street, Lane Cove North regarding the proposed inclusion of the western portion of these properties on the Land Reservation Acquisition Map.

2. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the EP&A Act.

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

3. Prior to undertaking public exhibition, the planning proposal is to be updated to:

- a) justify the need and suitability of the proposed additional uses in Zone IN2 Light Industrial;
- b) justify the proposal to include the southern portion of 14 Gay Street, Lane Cove North, on the Environmental Protection Land Map;
- c) revise the proposal to amend clause 4.1 Minimum subdivision lot size, to remove the subclause excluding the use of cl.4.6 to subdivide dual occupancies;
- d) remove the proposal to reduce FSR 0.6:1 to FSR 0.5:1 for various sites in Zone R2 Low

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Density Residential;

e) revise the proposal to amend clause 4.3 Height of buildings (1) (a) and (b), to achieve a more balanced height objective in relation to the impacts of new development on existing properties.

f) revise the proposal to amend clause 4.4 Floor space ratio, to clarify the land use zones to which subclause (2B) will apply; and

g) revise the proposal to insert model clause 5.3, to clarify the land use zones to which subclause (2) will apply.

4. All maps are to be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

6. The timeframe for completing the LEP is 6 months from the week following the date of the gateway determination.

7. Council's request for plan making delegations in respect of this planning proposal is supported.

Supporting Reasons :

The amendments SUPPORTED by the Department are supported because they:

1. are consistent with Council's own strategic plans and the NSW strategic planning framework; and

2. make minor changes, correct errors and update the Lane Cove LEP 2009 in line with recent Council studies and resolutions.

Signature:



Printed Name:

KAREN ARTIS TRONG

Date:

7/7/16

