**PLANNING PROPOSAL 24 – LEP REVIEW 2016**

| **Item No.**  | **Proposed Change** | **Current wording/ mapping etc under LCLEP 2009** | **Instrument/ map change** | **Council justification** | **Department comment** | **Supported/ Not supported** |
| --- | --- | --- | --- | --- | --- | --- |
| **1**  | **Zone R4 High Density Residential land use table** Include Restaurants or cafes as permissible with consent. | Currently not permitted  | Instrument  | To clarify that these uses are permissible to add to local amenity in high density areas.  | The amendment as proposed by Council, to include Restaurants or cafes as permissible with consent in Zone R4 High Density Residential is supported.This use is consistent with the objectives of the zone.  | **Supported** |
| **2** | **Zone IN2 Light Industrial Zone land use table** Include animal boarding or training establishment, medical centre, vehicle repair station and vehicle body repair workshop as permissible with consent.   | Currently not permitted  | Instrument  | To ensure services meet the needs of the workforce (approx. 7000 employees) in the Lane Cove West industrial area.  | The amendment as proposed by Council, is supported by the Department subject to further information from Council to justify the need and suitability of the proposed additional uses in Zone IN2 Light Industrial.  | **Supported subject to further justification from Council.**  |
| **3** | **Amend Cl. 4.1 Minimum Subdivision lot size (4B)** as follows: (a) Despite any other provision of this Plan, development consent must not be granted to a development application for the subdivision of land on which development for the purpose of dual occupancy is erected or is proposed to be erected if the subdivision would result in each of the dwellings that comprise the dual occupancy being located on separate lots.”(b) Subdivision of dual occupancies is to be excluded from the use of cl.4.6. | New subclause  | Instrument  | It is understood that definition of ‘dual occupancy’ in the SI LEP refers to 2 attached or detached dwellings on one lot of land. It does not include subdivision of the land. The aim of this amendment is to clarify this situation for the purpose of a DA.  | The amendment as proposed by Council, is supported by the Department subject to variation. (4B) (a) is effectively a prohibition clause. As a result (4B) (b) is not required.  | **Supported with Variation**  |
| **4** | **Amend Cl. 4.3 Height of Buildings (1):** The objectives of this clause are as follows: 1. To ~~minimise any overshadowing, loss of privacy~~ maintain satisfactory solar access to existing buildings and public areas, and have regard to privacy and visual impacts of development on neighbouring properties, particularly where zones meet, and
2. ~~To maximise sunlight for the public domain, and~~

~~(c)~~ (b) To relate development to topography. |  | Instrument  | Council is seeking a more practical and realistic height objective in relation to overshadowing, loss of privacy and the visual impact of development on neighbouring properties, especially in an area of transition to higher density. | The amendment as proposed by Council, to amend the objective of Cl. 4.3 is not supported. The revised wording strongly favours new development at the expense of its impact on existing properties. Council is required to strengthen the proposed amendment in relation to amenity and overshadowing impacts of new development on existing properties.  | **Supported with Variation**  |
| **5.**  | **Amend Cl. 4.4 Floor Space Ratio (2B)** as follows:If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in the lot size for the purpose of floor space ratio calculation.  | New subclause  | Instrument  | Council ‘s aim is to ensure a house is built in better proportion to a lot and neighbouring lots by only including the developable area in the FSR calculation.Willoughby LEP 2012 has a similar provision for Zone R2 Low Density Residential and Zone E4 Environmental Living.  | The amendment as proposed by Council, to amend Cl. 4.4 is partially supported. Following clarification from Council, Cl. (2B) is intended to apply to the E4 Environmental Living, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential Zones. Cl. (2B) should read as follows: **If a lot is a battle-axe lot or other lot with an access handle in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential and Zone E4 Environmental Living the area of the access handle is not to be included in the lot size for the purpose of floor space ratio calculation.**  | **Supported with Variation** |
| **6**.  | **Adopt Cl. 5.3 of the SI LEP** with subclause (2) to read as follows:This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is *15 metres.* | New clause | Instrument  | Council’s aim is to cover a potential situation where a development in Zone B4 may seek to develop a laneway in the adjacent Zone B3, with part of the new building over the laneway.  | The amendment as proposed by Council, to adopt Cl. 5.3 (2) of the SI LEP is partially supported. Following clarification from Council, Cl. 5.3 (2) is intended to apply to land between Zone B3 Commercial Core and Zone B4 Mixed Use. Cl. 5.3 of the SI LEP should be adopted in its entirety with subclause (2) to read as follows:**This clause applies to so much of any land that is within the relevant distance of a boundary between Zone B3 Commercial Core and Zone B4 Mixed Use. The relevant distance is 15 metres.** | **Supported with Variation** |
|  **7** | **Amend Cl. 6.1 Acid Sulphate Soils (6) of the SI LEP** as follows: Despite subclause (2), development consent is not required under this clause to carry out any works if:1. a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, ~~or~~ and

(b)   b) the works are not likely to lower the watertable. | Amend subclause | Instrument  | Council is seeking to ensure that works are both (i) less than 1 tonne of soil and (ii) not likely to lower the water table. | The amendment as proposed by Council, to amend Cl.6.1 (6) is supported. | **Supported**  |
| **8** | **Delete the following Item from Schedule 5 Environmental Heritage and HER\_001:*** Item 168 (Adjacent to 87 – 93 Longueville Road, Lane Cove)
 | Street Tree Planting | Instrument/ Map | The street trees in front of 87-93 Longueville Rd were the item, but they have since died (and due to a mapping error, they had been located on Birdwood Lane). | The amendment as proposed by Council is supported | **Supported**  |
| **9** | **Delete the following Item from Schedule 5 Environmental Heritage and HER\_002:*** I228 (73 Arabella Street, Longueville)
 | House  | Instrument/ Map | DA approved – demolition  | The amendment as proposed by Council is supported | **Supported** |
| **10** | **Delete the following Item from Schedule 5 Environmental Heritage and HER\_002:*** I317 (44 College Road South, Riverview / Lot 7 DP739156)
 | House | Instrument/ Map | DA approved – demolition  | The amendment as proposed by Council is supported | **Supported** |
| **11** | **Delete the following Items from Schedule 5 Environmental Heritage and HER\_004:*** I89 (13 Kingslangley Road)
* I90 (15 Kingslangley Road)
* I91 (16 Kingslangley Road)
 | House | Instrument/ Map | DA approved – demolition  | The amendment as proposed by Council is supported.  | **Supported** |
| **12** | **Delete the following Item from Schedule 5 Environmental Heritage and HER\_004:*** I293 (62 Northwood Road, Northwood)
 | House and Garden | Instrument/ Map | DA approved – demolition  | The amendment as proposed by Council is supported | **Supported** |
| **13** | **Reduce FSR 0.6:1 to FSR 0.5:1 for various lots in Zone R2 Low Density Residential (FSR\_001; FSR\_002; FSR\_003; FSR\_004)**  | Various properties in Zone R2 Low Density Residential mapped at FSR 0.6:1 while neighbouring properties mapped at FSR 0.5:1 | Map  | Council is seeking to ensure consistent mapping of subdivision patterns in Zone R2 Low Density Residential areas to ensure compatible building bulk and streetscape. **THIS AMENDMENT HAS BEEN DEFERRED BY COUNCIL**   | **DEFERRED**  | **DEFERRED** |
| **14** | **Adjust FSR and Height of Buildings maps (FSR\_001; HOB\_001) for:*** 40A Cope Street, Lane Cove (Lot 120 DP 613223 and Lot 51 DP 862728)
 |  | Map  | Council is seeking to re-align properties boundaries with cadastre | The amendment as proposed by Council is supported | **Supported** |
| **15** | **Add FSR and Height of Buildings labels (FSR\_004; HOB\_004) for** * 3 Dunois Street, Longueville
 |  | Map  | Council is seeking to correct mapping errors for 3 Dunois Street, Longueville.  | The amendment as proposed by Council is supported | **Supported** |
| **16** | **Add western portions of the following lots to Land Reservation Acquisition Map (LRA\_002):** * 3A Dettmann Avenue (part of Lot 4 DP317113)
* 5A Dettmann Avenue (part of Lot 3 DP317113)
* 7 Dettmann Avenue (part of Lot 17 DP2702)
* 41 Stuart Street (Lot 2 DP205722)
 | Properties not currently identified on LRA Map.  | Map  | Council is seeking to add part of properties to the Land Reservation Acquisition Map that have already been zoned E2 Environmental Conservation in anticipation of this occurring.   | The amendment as proposed by Council is supported subject to consultation with affected landowners.  | **Supported subject to consultation with affected land owners**  |
| **17** | **Apply an Environmental Protection (EP) Layer over the southern portion of the following lots on the Environmental Protection Land Map (CL1\_001).** * 14 Gay Street
 | Property not currently identified on the CL Map  | Map | Council’s Open Space & Urban Services Division and the Lane Cove Bushland Management Advisory Committee have identified the site as an integral part of Upper Stringybark Reserve, valuable ecologically and aesthetically. This includes an Endangered Ecological Community – Sydney Turpentine Ironbark Forest. The site is 2,790m2 in total. A developable area of around 1,500m2 would remain. | The amendment as proposed by Council is supported subject to further information from Council to justify applying the EP layer plus consultation with the affected landowner. | **Supported subject to** **further information from Council to justify applying the EP layer plus consultation with the affected land owner.** |