



Ms Stephanie Bashford
Manager Strategic Planning
Lane Cove Council
PO Box 20
LANE COVE NSW 1595

File: 11/11751

Dear Ms Bashford

I refer to the draft planning proposal for exempt development, as submitted to the Department on 24 August 2011 and to emails between the Department and Council.

I am seeking clarification from Council on the intent and purpose of the draft planning proposal. It is unclear exactly what type of development is intended to be included in Schedule 2 of *Lane Cove Local Environmental Plan 2009* (the LEP) as exempt development. It appears the term "road closures", in the explanation of provisions, is intended to refer to subdivision associated with road closures.

Based on the material provided to date, it is my understanding that Council intends to include "subdivision" (as a type of exempt development in the LEP) for the purpose of permanent road closures, in order to facilitate the sale and development of Council owned roads. If this is the case, further justification of the planning proposal would be required to confirm that this type of development would be of minor environmental impact.

In addition to the above, there are a number of additional issues that need to be addressed by Council:

- The extent of the proposed road closures / subdivisions indicating whether it is intended to close whole roads or small parts of roads;
- The legal mechanism or process by which the roads are closed and subdivided;
- The intended outcome of the provision, namely to facilitate the sale and development of the Council owned roads (as indicated in the email on 24 August 2011).

I note that the explanation of provisions section of the planning proposal refers to "filming" and "temporary structures" as exempt development types in Schedule 2 of the LEP. Please be advised that these exempt development types have been removed from the LEP and are now included in the Exempt and Complying Development Codes SEPP.

Council may wish to consider withdrawing the planning proposal until it prepares the above information. Should Council wish to proceed with the planning proposal, I would appreciate an early response to the issues detailed above.

Yours sincerely

Juliet Grant
Regional Director
Sydney Region East