

Addition of Road Closures to Schedule 2, Exempt Development

Proposal Title : **Addition of Road Closures to Schedule 2, Exempt Development**

Proposal Summary : **Addition of "subdivision of a Closed Road" to Schedule 2, Exempt Development under Lane Cove Local Environmental Plan (LEP) 2009.**

PP Number : **PP_2011_LANEC_005_00** Dop File No : **11/11751**

Planning Team Recommendation

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

S.117 directions :

Additional Information : **It is recommended that:**

- 1. Council confirm that the "subdivision of a Closed Road" will not apply to land classified as "Community land" and only to "Operational land"**
- 2. Further consultation is required with the Roads and Maritime Services**
- 3. The planning proposal is exhibited for 14 days**
- 4. The planning proposal is completed within 6 months**

Supporting Reasons : **- The recommended 6 week consultation is excessive for a minor/routine planning proposal.**

- Part of the planning proposal relates to roads.

Panel Recommendation

Recommendation Date : **15-Dec-2011** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

- 1. Prior to Public exhibition, Council is to confirm that Exempt Development to permit subdivision of a 'closed road' will not apply to land classified as 'community land', and only to land classified as 'operational land' under the Local Government Act 1993. This information is to be included with the exhibition material.**
- 2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).**
- 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
 - Department of Roads & Maritime Authority**

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

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proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. 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 (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Nest McGaffin

Date: _____

23.2.12.