



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 : **jB250912**

Proposal Details

Date Planning Proposal Received : **09-Nov-2011** LGA covered : **Lane Cove**

Region : **Sydney Region East** RPA : **Lane Cove Municipal Council**

State Electorate : **LANE COVE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Emily Marriott-Brittan**
Contact Number : **0292286358**
Contact Email : **emily.marriott-brittan@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Stephanie Bashford**
Contact Number : **0299113600**
Contact Email : **sbashford@lanecove.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**
Regional / Sub Regional Strategy : **Metro Inner North subregion** Consistent with Strategy : **Yes**

Addition of Road Closures to Schedule 2, Exempt Development

MDP Number : _____ Date of Release : _____
Area of Release (Ha) : _____ Type of Release (eg Residential / Employment land) : _____
No. of Lots : 0 No. of Dwellings (where relevant) : 0
Gross Floor Area : 0 No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : _____

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

If Yes, comment : _____

Supporting notes

Internal Supporting Notes : **Council seeks to insert "subdivision of a Closed Road" as exempt development under Lane Cove LEP 2009 to avoid the need to lodge development applications for these uses.**

External Supporting Notes : _____

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **Council's stated objectives for the planning proposal are:**

- permit "subdivision of a Closed Road" as exempt development
- reduce the need for a development application therefore allowing Council staff and resources to be reallocated to other areas.
- maintain community consultation as required under the Roads Act 1993 for road closures.
- encourage exempt development where the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) and the State Environmental Planning Policy No 60—Exempt and Complying Development do not currently cover "subdivision of a Closed Road" as exempt development.

The statement of objectives is considered to be adequate.

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

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal explains the provisions as follows:**

1. An amendment to the Lane Cove Local Environmental Plan 2009, Schedule 2 exempt development to permit:

Addition of Road Closures to Schedule 2, Exempt Development

- "the subdivision of a Closed Road"

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

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified? **SEPP (Exempt and Complying Development Codes) 2008**

e) List any other matters that need to be considered : **- The Codes SEPP or the State Environmental Planning Policy No 60—Exempt and Complying Development do not currently cover "subdivision of a Closed Road" as exempt development.**

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Not required**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to publicly exhibit the planning proposal for 6 weeks.**

Given the minor nature of this proposal, it is recommended that the planning proposal be exhibited for no longer than 14 days (if the proposal were to proceed through the Gateway).

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 : **May 2012**

Comments in relation to Principal LEP :

Lane Cove LEP 2009 was gazetted on 19 February 2010.

According to Council, this planning proposal to add the "subdivision of a Closed Road" under Schedule 2 exempt development is required to remove the need to lodge a development application for subdivision to allow this use.

It should be noted that the "subdivision of a Closed Road" should be limited to "Operational land" and not include "Community land".

Assessment Criteria

Need for planning proposal :

The planning proposal has been put forward to enable Council to no longer require a development application for the "subdivision of a Closed Road". Instead the words "subdivision of a Closed Road" will be added to Schedule 2, exempt development under the Lane Cove LEP 2009.

Factors in the 'need' for the planning proposal include:

- 1) The Codes SEPP and the State Environmental Planning Policy No 60—Exempt and Complying Development do not currently permit "subdivision of a Closed Road" and as a result Council are proposing to include this development type as exempt development under Schedule 2 of the Lane Cove LEP 2009.
- 2) Allowing "subdivision of a Closed Road" as exempt development will achieve the objective of reducing duplication of Council resources in terms of staff time, advertising costs and of community time, by not having to prepare and respond to duplicated exhibitions for both a development application and a road closure.
- 3) As a safeguard for public accountability Council advise that under the Roads Act 1993, when a road is closed public consultation is required. So the removal of the development application process and its consultation process is counterbalanced by the consultation requirements under the Roads Act 1993. The public are informed of any road closure in the Lane Cove Local Government Area.

Consistency with strategic planning framework :

The planning proposal does not affect the strategic planning framework.
The purpose of the proposal is to streamline the approvals process by removing the need to obtain development consent.

Environmental social economic impacts :

Environmental Impacts:
The Lane Cove LEP 2009 states that exempt development:
(a) Must be of minimal environmental impact; and
(b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the Threatened Species Conservation Act 1995).
The "subdivision of a Closed Road" is considered minor and of no environmental impact therefore qualifying as exempt development, and meeting the requirements of both (a) and (b) above.

Social and Economic Impacts:
The proposal will achieve the objective of reducing duplication of Council resources in terms of staff time, advertising costs and community time, by not having to prepare and respond to duplicated public exhibitions for both a development application and a road closure.

Conclusion:
The planning proposal is considered to have merit but there is concern over the following:
- Council has not specified that the "subdivision of a Closed Road" relates only to "Operational land" and will not affect land classified as "Community land".

Option for Council to consider:

Addition of Road Closures to Schedule 2, Exempt Development

1)

- Request that Council make it clear that the "subdivision of a Closed Road" will not relate to Community Land.

- Request that Council reduce the exhibition period of the planning proposal to fourteen (14) days.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Department of Transport - Roadas and Traffic Authority**

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

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

If no, provide reasons : **As exempt development for the "subdivision of a Closed Road" is covered by neither the Codes SEPP or the State Environmental Planning Policy No 60—Exempt and Complying Development, it is considered that the planning proposal has merit and should proceed to Gateway.**

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 :

Documents

<u>Document File Name</u>	<u>DocumentType Name</u>	<u>Is Public</u>
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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"

Addition of Road Closures to Schedule 2, Exempt Development

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.

Signature:



Printed Name:

SUSAN SKY

Date:

8 Dec 2011