

Lane Cove LEP 2009 (Amendment No. 19): 302-314 Burns Bay Road, Lane Cove

Proposal Title : **Lane Cove LEP 2009 (Amendment No. 19): 302-314 Burns Bay Road, Lane Cove**

Proposal Summary : **The planning proposal seeks to adjust the zoning, floor space ratio, height and land classification boundaries for 302-314 Burns Bay Road, Lane Cove, in order to be consistent with the alignment of a new road traversing the site.**

PP Number : **PP_2015_LANEC_001_00** Dop File No : **15/08054**

Proposal Details

Date Planning Proposal Received : **16-Apr-2015** 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 : **Spot Rezoning**

Location Details

Street : **302 Burns Bay Road**

Suburb : **Lane Cove West** City : **Sydney** Postcode : **2066**

Land Parcel : **Lot 101 DP 1013285**

Street : **304-314 Burns Bay Road**

Suburb : **Lane Cove West** City : **Sydney** Postcode : **2066**

Land Parcel : **Lot 102 DP 1013285**

Street : **Part of 300C Burns Bay Road**

Suburb : **Lane Cove West** City : **Sydney** Postcode : **2066**

Land Parcel : **Part SP 6522**

DoP Planning Officer Contact Details

Contact Name : **Belinda Morrow**
Contact Number : **0285754124**
Contact Email : **belinda.morrow@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Terry Tredrea**
Contact Number : **0299113580**
Contact Email : **ttredrea@lanecove.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Tim Archer**
Contact Number : **0285754120**
Contact Email : **tim.archer@planning.nsw.gov.au**

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
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 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 :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The overall purpose of the proposed amendment is to facilitate the orderly redevelopment of a disused bowling club as residential flat buildings, public park, community centre and roadway/parking.

In detail, the objectives of this specific planning proposal are to:

- alter the zone boundary between the R4 High Density Residential zone and the RE1 Public Recreation zone on part of 302 & 304-314 Burns Bay Road, to align with the western boundary of the newly constructed road access across the subject site (Note: the relocated boundary for the Zoning map would also apply to the FSR and Height of Buildings maps);
- alter the classification boundary between Operational and Community land, to align with the new road as constructed and to include the new road in operational land.
- rezone a small rectangular parcel of land within 300A, B and C Burns Bay Road from R4 High Density Residential to RE1 Public Recreation as this land will become part of the park, which is soon to be dedicated to Council (Note: Council advises this parcel of land will be classified as Community land, by default).

This is considered to be adequate.

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

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

Comment : The planning proposal seeks to amend the current Zoning, FSR, Height of Building and Land Reclassification maps, and to amend Schedule 4 of Lane Cove LEP 2009 by including specific information for the Table in Schedule 4 (Classification and reclassification of public land).

Draft maps have been provided.

This is considered to be adequate.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

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

Council has stated this planning proposal is essentially an administrative amendment in support of previously approved works, and thus have not identified any s.117 Directions or SEPPs to be relevant.

The proposed amendments relating to the realignment of the road could be described as such, however the planning proposal also contains a rectangular parcel of land (a section of SP 6522) to be rezoned from R4 to RE1.

The following s117 Directions apply to the planning proposal, however were not identified by Council:

Direction 3.1 Residential zones
Direction 3.4 Integrating Land Use and Transport
Direction 6.1 Approval and Referral Requirements
Direction 6.3 Site Specific Provisions

Direction 7.1 Implementation of A Plan for Growing Sydney

Although this proposal appears to be consistent with these Directions, the planning proposal report did not identify or address this Direction.

It is recommended that a condition be included in the Gateway determination requiring Council to revise the planning proposal to ensure that all matters identified in 'A Guide to Preparing Planning Proposals' are adequately addressed, in particular the proposal's consistency with relevant S.117 Directions and SEPPs.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Although the proposal does not appear to be inconsistent with any S.117 Directions or SEPPs, the following will need to be identified and addressed in the planning proposal report prior to public exhibition:

S.117 DIRECTIONS:

Direction 3.1 Residential zones
Direction 3.4 Integrating Land Use and Transport
Direction 6.1 Approval and Referral Requirements
Direction 6.3 Site Specific Provisions
Direction 7.1 Implementation of A Plan for Growing Sydney

SEPPs:

SEPP No 1 - Development Standards
SEPP No 19 - Bushland in Urban Areas
SEPP No 55 - Remediation of Land
SEPP No 65 - Design Quality of Residential Flat Development
SEPP No 70 - Affordable Housing (Revised Scheme)
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Infrastructure 2007)
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Affordable Rental Housing) 2009
SEPP (Sydney Drinking Water Catchment) 2011

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council's Consultation Policy provides for a 6 week exhibition period. The Department considers 28 days (ie 4 weeks) to be sufficient.

As the planning proposal includes a reclassification, a public hearing must be held (under the Local Government Act).

The planning proposal states the objectives seek to align the zoning and classification of the land with the development endorsed in consultation with the community in 2007-2008 (for Council's 'Major Projects Plan 2007-2016'), together with the agreement for dedication of part of SP6522 land as public park.

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 :

Comments in
relation to Principal
LEP :

The Lane Cove LEP 2009 was gazetted in February 2010.

Assessment Criteria

Need for planning
proposal :

The proposed development on the subject site has been endorsed under Lane Cove Council's 'Major Projects Plan 2007-2016' and subsequently confirmed in LEP 2009 and made the subject of Part C of 'Lane Cove Development Control Plan 2010 - Locality 1 - Burns Bay Road'. The development of the subject site includes rezoning for residential flat buildings in an R4 High Density Residential zone, plus parkland, community centre and access roadway in an RE1 Public Recreation zone.

The genesis of this planning proposal is the construction of a previous indicative road, which has enabled the exact boundaries of zoning, height, floor space ratio and reclassification to be finalised.

The rezoning of a rectangular piece of land to the south east of the site is the result of a proposal to dedicate this land to Council in return for parking rights elsewhere.

Consistency with
strategic planning
framework :

The planning proposal primarily seeks to realign a zoning and associated height, floor space ratio and reclassification boundary due to the construction of a previous indicative road. The strategic merits of this proposal were previously considered and gazetted in Lane Cove LEP 2009, with the current proposal being essentially a clarification of boundaries.

The proposed rezoning of a rectangular piece of land (from R4 High Density Residential to RE1 Public Recreation) to the south east of the park is a result of a proposed dedication of this land to Council. The rezoning to RE1 is a logical decision, and will result in an extension to the park at this location.

Environmental social
economic impacts :

The proposed amendments will help facilitate the orderly redevelopment of a disused bowling club as residential flat buildings, public park, community centre and roadway/parking. This proposal was previously consulted upon and later gazetted in the Lane Cove LEP 2009.

Assessment Process

Proposal type :

Routine

Community Consultation
Period :

28 Days

Timeframe to make
LEP :

9 months

Delegation :

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

Lane Cove LEP 2009 (Amendment No. 19): 302-314 Burns Bay Road, Lane Cove

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 :

Documents

Document File Name	DocumentType Name	Is Public
Covering Letter Requesting Gateway-15 04 15.pdf	Proposal Covering Letter	No
PLANNING PROPOSAL 19 _314 Burns Bay Rd_Minor Rezoning and Reclassification January 2014(2).pdf	Proposal	No
AT-1 SITE IDENTIFICATION AERIAL CONTEXT.pdf	Map	No
AT-2 REPORT 304-314 Burns Bay Road - New Road and Related matters.pdf	Proposal	No
AT-3 MINUTES FROM ORDINARY COUNCIL MEETING 19 MAY 2014.pdf	Proposal	No
AT-4 RESOLUTION 304 DATED 17 NOVEMBER 2014.pdf	Proposal	No
AT-5 Govt Gazette 47 21 Nov 2014 - acquisition of 296 Burns Bay Rd.pdf	Proposal	No
AT-6 Zoning Current 302-314 Burns Bay Rd.pdf	Map	No
AT-7 Zoning Proposed 302-314 Burns Bay Rd.pdf	Map	No
AT-8 FSR Current 302-314 Burns Bay Rd.pdf	Map	No
AT-9 FSR Proposed 302-314 Burns Bay Rd.pdf	Map	No
AT-10 HOB Current 302-314 Burns Bay Rd.pdf	Map	No
AT-11 HOB Proposed 302-314 Burns Bay Rd.pdf	Map	No
AT-12 Classification Current 302-314 Burns Bay Rd.pdf	Map	No
AT-13 Classification Proposed at 302 - 314 Burns Bay Rd.pdf	Map	No
AT-14 Council signed Deed of Agreement with Tuta Properties re public road 304-314 Burns Bay Road.pdf	Proposal	No
AT-15 Changed Areas in Sqm.pdf	Map	No
AT-16 Subdivision Plan.pdf	Map	No
AT-17 REPORT Road Closure for Part lot 101 DP 1013285 Behind 296 Burns Bay Road.doc	Proposal	No
AT-18 Minutes Ordinary Council Meeting 13 October 2014 7 00pm.doc	Proposal	No
AT-20 Evaluation Criteria for the Delegation of Plan Making Functions (Attachment 4).doc	Proposal	No
AT-19 INFORMATION CHECKLIST for 302-314 Burns Bay Road.doc	Proposal	No

Planning Team Recommendation

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

S.117 directions:

Additional Information : Delegation of this planning proposal is not permitted, nor requested by Council, in this instance because, as Council advises, interests (easements) will be changed. Consequently the Governor's approval is required.

The planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to revise the planning proposal to ensure that all matters identified in 'A Guide to Preparing Planning Proposals' are adequately addressed, in particular the proposal's consistency with relevant S.117 Directions and SEPPs.

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 must be made publicly available for a minimum of 28 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 5.5.2 of 'A Guide to Preparing LEPs (Planning & Infrastructure 2013).

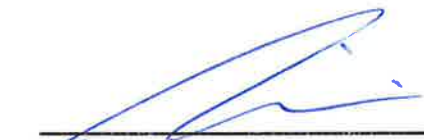
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal is supported because:
- the majority of the proposal involves the alteration of existing zone and reclassification boundaries, due to the construction of an indicative road that was considered in a previous approved proposal.
- the proposed rezoning to RE1 of the rectangular land to be dedicated to Council as part of the park is a sensible outcome.

Signature:

Printed Name:


W. Williamson

Date:

20/5/2015

