

Lane Cove LEP 2009 Amendment No 17 - 266 Longueville Road: Rezoning, new floor space ratio, new building height control and reclassification from 'community' to 'operational' land.

Proposal Title : Lane Cove LEP 2009 Amendment No 17 - 266 Longueville Road: Rezoning, new floor space ratio, new building height control and reclassification from 'community' to 'operational' land.

Proposal Summary :

1. Rezoning part of the site (to the west of existing E2 zoned land) from RE1 (Public Recreation) to R4 (High Density Residential);
2. Addition of a Floor Space Ratio (FSR) of 1.1:1 for the land to be rezoned R4;
3. Addition of building height control of RL 65.5 for the land to be rezoned R4.
4. Reclassification of the land to be rezoned R4 from 'Community' to 'Operational'

The planning proposal seeks to facilitate the development of this Council-owned site for the purposes of residential development, predominantly seniors living development.

PP Number : PP_2013_LANEC_003_00 **Dop File No :** 13/09193

Proposal Details

Date Planning Proposal Received :	29-May-2013	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 :	Spot Rezoning		

Location Details

Street :	266 Longueville Road		
Suburb :	Lane Cove	City :	Sydney
		Postcode :	2066
Land Parcel :	Lot 1 DP 321353, Lot 1 DP 91655, Part Lot 322 DP 1102537		

DoP Planning Officer Contact Details

Contact Name : Andrew Watkins
Contact Number : 0292286225
Contact Email : andrew.watkins@planning.nsw.gov.au

RPA Contact Details

Contact Name : Chris Pelcz
Contact Number : 0299113516
Contact Email : cpelcz@lanecove.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Sandy Shewell
Contact Number : 0292286436
Contact Email : sandy.shewell@planning.nsw.gov.au

Lane Cove LEP 2009 Amendment No 17 - 266 Longueville Road: Rezoning, new floor space ratio, new building height control and reclassification from 'community' to 'operational' land.

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner North subregion	Consistent with Strategy :	Yes
MDP Number :	N/A	Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	65
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 :	The planning proposal is supported because: - it will contribute to meeting the need for residential accommodation, particularly for increasing numbers of seniors; - the site is located in a suitable location between two existing and adjoining parcels of R4-zoned land; - there is a significant amount of existing RE1-zoned land in the vicinity. Furthermore, a public park is proposed to be created as part of the future development and part of the proceeds from the development will be used to enhance open space in other areas; - it will have minimal impact on the surrounding environment and local community due to the proposed controls limiting proposed buildings to 2-3 storeys at the Longueville Road frontage and 6-7 storeys at the rear in response to the downward slope of the site; - it is consistent with Council's strategic plans referred to in "Need for planning proposal" below.
External Supporting Notes :	Council supports this planning proposal because: - the land is identified as surplus to Council's open space requirements; - it will contribute to meeting the need for residential accommodation, particularly for Lane Cove's ageing population identified by Council's Community Strategic Plan 2025 and Major Projects Plan 2007-2016; - it will be financially beneficial to Council and therefore to the community by way of the proceeds from the development being used to enhance open space in other areas; - the density proposed is consistent with that of other retirement centres and with adjacent residential flat buildings.

Adequacy Assessment

Lane Cove LEP 2009 Amendment No 17 - 266 Longueville Road: Rezoning, new floor space ratio, new building height control and reclassification from 'community' to 'operational' land.

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

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

Comment : **The objectives are stated as follows:**

- To alter the zoning of the part of the site to the west of the E2 zoned land, from RE1 to R4 to allow development for residential purposes, including seniors housing;
- To change the classification of this part of the site from 'Community' to 'Operational'.
- To have FSR and Building height controls applying to this part of the site.

This is considered adequate.

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

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

Comment : **The planning proposal explains that an amendment will need to be made to the current Zoning, FSR and Height of Buildings maps, and to Schedule 4 of 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 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

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

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

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 19—Bushland in Urban Areas

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SREP (Sydney Harbour Catchment) 2005

SEPP (Affordable Rental Housing) 2009

Lane Cove LEP 2009 Amendment No 17 - 266 Longueville Road: Rezoning, new floor space ratio, new building height control and reclassification from 'community' to 'operational' land.

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

Council also identifies SEPP (State and Regional Development) 2011 as relevant.

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

If No, explain :

Direction 4.4 Planning for Bushfire Protection

The Direction requires the relevant planning authority to consult the Rural Fire Service following the Gateway Determination. A requirement for Council, as the relevant planning authority, to consult the Rural Fire Service is recommended as a condition of the Gateway Determination.

Direction 6.2 Reserving Land for Public Purposes

The Direction requires that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or nominated officer).

Whilst the planning proposal would reduce the area of land currently zoned RE1 Public Recreation, and is therefore inconsistent with this Direction, Council proposes to offset any immediate loss with the construction of a new "Recreation Facility in the vicinity", as required by its Major Projects Plan.

In these circumstances, the inconsistency with this Direction is considered justified.

State Environmental Planning Policies (SEPPs):

Council has provided an assessment of the planning proposal's consistency with relevant SEPPs (see Table 3, pages 39 and 40 of the planning proposal)

It is considered that the planning proposal is consistent with the applicable identified SEPPs, with the exception of SEPP 55 - Remediation of Land.

The planning proposal contains a Geotechnical Report which concludes that the site could present a risk to human health due to the presence of lead and polyaromatic hydrocarbons (PAHs). The Geotechnical Report includes a contamination assessment which states that there is no evidence of the site being used for potentially polluting or contaminating uses. However, the report concludes that there is a potential risk to human health, from the presence of polyaromatic hydrocarbons and lead. This is likely to be as a result of imported fill on the site and the use of weedkillers in the maintenance of the former bowling greens.

The SEPP requires a preliminary investigation of the land to be carried out in accordance with the contaminated land guidelines. Council's consultant, SMEC, has prepared a contamination assessment which is considered sufficient to comply with the requirements of SEPP55. Council has advised that it is agreeable to the preparation of a Remediation Action Plan, should the Gateway require it. Council has also advised that, on the basis of the contamination assessment, it is satisfied that the land can be remediated if necessary, and will be suitable for its proposed use.

The inconsistency is therefore considered justified.

It is recommended that a condition requiring compliance with the SEPP is included in the Determination (see Planning Team Recommendation).

Lane Cove LEP 2009 Amendment No 17 - 266 Longueville Road: Rezoning, new floor space ratio, new building height control and reclassification from 'community' to 'operational' land.

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 Plan provides for formal exhibition for 6 weeks.**

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

The planning proposal also states that Council has already conducted the first of a series of community consultation workshops.

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 western portion of the site, which is the portion of the site to be rezoned, has been identified as being surplus open space land. The need for the proposal has arisen out of Council's long term plans for its surplus land holdings.

The planning proposal refers to a number of Council's strategic documents. The following are of particular relevance:

Lane Cove Social Plan 2010-2014:

Identifies that the number of "older seniors" is increasing within the LGA, and as such, Council should identify land suitable for "affordable and accessible self-care units, close to Lane Cove villages."

Community Strategic Plan 2025:

Acknowledges the need for more density and focuses on an ageing population, smaller household sizes, socially sustainable housing choice and more consideration of adaptable and accessible housing.

Disability Action Plan 2007-2012

Aims to "establish accessible, effective and non-discriminatory facilities and services in the

Lane Cove Area."

Major Projects Strategic Plan 2007-2016:

Identifies the upper part of the site as being suitable for residential units including the provision of aged care housing, adaptable housing or housing designed to include over-55 living.

Consistency with strategic planning framework :

1. The planning proposal is consistent with the objectives of the NSW State Plan, Metropolitan Plan for Sydney 2036, draft Metropolitan Strategy for Sydney to 2031 and the draft Inner North Subregional Strategy.

The site is located in an area that is served by bus routes connecting to the Lane Cove Village Centre (approximately 600m - 700m north of the site), Greenwich Wharf and Sydney CBD. It has good access to open space and the Northwood local centre (which is currently the subject of a planning proposal to provide for mixed use development including residential and 'neighbourhood' services).

The development of the site will provide an additional 60-70 dwellings (approximately) with access to existing services, which will contribute towards meeting INSS housing targets and accommodating the housing needs of Sydney's increasing population and variety of household types and sizes.

2. The planning proposal is consistent with Council's own strategic plans referred to under 'Need for planning proposal', above.

Environmental social economic impacts :

1. Environmental impacts:

An assessment of the site's flora, fauna and fungi has been carried out and indicates that the development of the western part of the site (the Longueville Road side) will not impact upon any threatened species, populations or ecological communities. The bulk of vegetation located on the part of the site to be developed comprises almost entirely of exotic species.

The assessment confirms that any off-site impacts such as a reduction in food sources for the Powerful Owl and Grey Headed Flying Foxes can be reduced and offset by a number of stated measures such as choosing suitable plant species for landscaping works. These can be managed through the development application process.

The planning proposal has considered geotechnical constraints, potential contamination issues, flora and fauna and bushfire affectation.

The planning proposal has highlighted potential contamination issues outside of the main development area. Therefore, it is recommended that the relevant planning authority comply with the requirements of State Environmental Planning Policy 55 - Remediation of Land.

2. Social and economic impacts:

Council has identified the site as surplus to its open space requirements in that only limited recreational use of the site has taken place in recent years. Despite the resulting loss of approximately 1 hectare of open space, there are a number of existing public parks, reserves and playgrounds within 500m of the site, covering an area of approximately 37.5 hectares. Furthermore, the planning proposal states that it is proposed to establish a public park in the north western triangle of the site, linking Longueville Road with a public walkway to be provided through the site and linking to Lane Cove Country Club.

The site as a whole covers approximately 1.5 hectares and Council advises that the development of the land will be "financially beneficial to Council" and that any profit gained from the development would be used for the enhancement and further development of Council assets for community use.

Lane Cove LEP 2009 Amendment No 17 - 266 Longueville Road: Rezoning, new floor space ratio, new building height control and reclassification from 'community' to 'operational' land.

The proposed rezoning to R4 will enable a contribution towards meeting the demand for residential accommodation arising from Sydney's increasing and changing population, with potential to broaden the range of housing stock in the LGA. The R4 zone would also facilitate uses such as neighbourhood shops, child care centres and community facilities, contributing to meeting the needs of existing and incoming residents.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority Consultation - s56(2)(d) : **Sydney Metropolitan Catchment Management Authority
Office of Environment and Heritage
Fire and Rescue NSW
Department of Health and Ageing
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water
Adjoining LGAs**

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. :

Other - provide details below

If Other, provide reasons :

1. Contamination Investigation/Assessment:

The Geotechnical Report concludes that the eastern part of the site could present a potential risk to human health due to the presence of lead and polycyclic aromatic hydrocarbons (PAHs) at concentrations exceeding health-based safety criteria. The Report does not specify particular remediation measures.

2. Traffic Impact Assessment:

Council has provided a "Traffic Assessment Statement" (TAS) which concludes that the site and its context appear to have the ability to accommodate the small amount of traffic generated from the rezoning proposal, and that its location and proximity to an existing signalised junction makes it suitable for a more dense development.

However, Council's resolution of 15 April 2013 included that an independent traffic assessment be undertaken following Gateway approval but prior to exhibition, taking into account the traffic impacts of the site and proposals and developments in the precinct generally, which the submitted TAS does not do.

Council's contact officer has confirmed Council's intention to carry out this further traffic assessment.

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 :

Lane Cove LEP 2009 Amendment No 17 - 266 Longueville Road: Rezoning, new floor space ratio, new building height control and reclassification from 'community' to 'operational' land.

Documents

Document File Name	DocumentType Name	Is Public
Letter to Department requesting Gateway Determination.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
PublicDisplayMap.pdf	Map	Yes
REPORT LEP Amendment 266 Longueville Road Planning Proposal.pdf	Proposal	Yes
RESOLUTION LEP Amendment 266 Longueville Road Planning Prop.pdf	Proposal	Yes
Indicative Concept.pdf	Drawing	No
Attachment 1 - Information checklist.doc	Proposal	Yes
Rezoning 266 Longueville Rd_Siteldentification.pdf	Map	Yes
Rezoning 266 Longueville Rd_Current_SHEET FSR_004 Apr2013.pdf	Map	Yes
Rezoning 266 Longueville Rd_Replacement_SHEET FSR_004 Apr201.pdf	Map	Yes
Rezoning 266 Longueville Rd_Current_SHEET HOB_004 Apr2013.pdf	Map	Yes
Rezoning 266 Longueville Rd_Replacement_SHEET HOB_004 Apr201.pdf	Map	Yes
Rezoning 266 Longueville Rd_Current_SHEET LZN_004 Apr2013.pdf	Map	Yes
Rezoning 266 Longueville Rd_Replacement_SHEET LZN_004 Apr201.pdf	Map	Yes
APPENDIX A Site Survey.pdf	Study	Yes
APPENDIX B - Planning Proposal - Ecological Impact Assessmen.pdf	Study	Yes
APPENDIX D - Planning Proposal - Bushfire Review Report.pdf	Study	Yes
APPENDIX E - Planning Proposal - Economic Feasibility Report.pdf	Study	Yes
APPENDIX F - Land Reclassifica.pdf	Study	Yes
APPENDIX G - SMEC Testing Services - Soil classifi.pdf	Study	Yes
APPENDIX H 266 Longueville Road - Planning Proposal - Final.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : Delegation of this planning proposal is not permitted, nor requested by Council, in this instance because, as Council advises, part of an existing covenant will be removed. Consequently the Governor's approval is required.

The planning proposal should proceed subject to the following conditions:

1. Council is to comply with the requirements of clause 28 of State Environmental Planning Policy (SEPP) 65 - Design Quality of Residential Flat Development and ensure that the required provision(s) is/are publicly exhibited with the planning proposal in accordance with the community consultation requirements in the current Guide to Preparing LEPs (DP&I).

2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. Any required site contamination investigation report is to be included as part of the public exhibition material.

3. Council is to prepare the necessary proposed zoning, floor space ratio and height of buildings maps in accordance with the Standard Technical Requirements for LEP Maps (DP&I, November 2012). Council is to ensure that these maps are publicly exhibited with the planning proposal in accordance with the requirements below.

4. Council is to arrange for an independent traffic assessment to be undertaken in accordance with Council's resolution of 15 April 2013. Council is to ensure that this assessment is publicly exhibited with the planning proposal in accordance with the requirements below.

5. Community consultation is required under sections 56(2) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal and all associated studies/assessments and reports must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available as identified in the current Guide to Preparing LEPs (DP&I).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Sydney Metropolitan Catchment Management Authority
- Office of Environment and Heritage
- Fire and Rescue NSW
- Department of Health and Ageing
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the 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.

7. 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.

8 The timeframe for completing the LEP is 9 months from the week following the date of the Gateway Determination.

Supporting Reasons :

The planning proposal is supported because:

- it will contribute to meeting the need for residential accommodation, particularly for increasing numbers of seniors;
- the site is located in a suitable location between two existing and adjoining parcels of R4-zoned land;

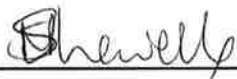
Lane Cove LEP 2009 Amendment No 17 - 266 Longueville Road: Rezoning, new floor space ratio, new building height control and reclassification from 'community' to 'operational' land.

- there is a significant amount of existing RE1-zoned land in the vicinity. Furthermore, a public park is proposed to be created as part of the future development and part of the proceeds from the development will be used to enhance open space in other areas;
- it will have minimal impact on the surrounding environment and local community due to the proposed controls limiting proposed buildings to 2-3 storeys at the Longueville Road frontage and 6-7 storeys at the rear in response to the downward slope of the site;
- it is consistent with Council's strategic plans referred to in "Need for planning proposal" below.

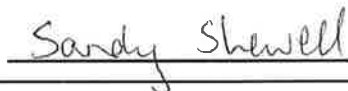
It is assumed that the planning proposal will yield between 60 and 70 apartments. The Council contact officer was unable to confirm potential dwelling numbers, but was agreeable to this range being considered for the purposes of the planning proposal report.

Council has provided an acceptable indicative project timeline, which anticipates Council's LEP finalisation request to be submitted to the Department at the end of October 2013.

Signature:



Printed Name:



Date:

