



New South Wales

Lane Cove Local Environmental Plan 2009 (Amendment No 25)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

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1 Name of Plan

This Plan is *Lane Cove Local Environmental Plan 2009 (Amendment No 25)*.

2 Commencement

This Plan commences on 1 November 2020 and is required to be published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land to which *Lane Cove Local Environmental Plan 2009* applies, including certain land in St Leonards.

4 Maps

The maps adopted by *Lane Cove Local Environmental Plan 2009* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Lane Cove Local Environmental Plan 2009

[1] Land Use Table

Insert “Recreation areas;” in alphabetical order in item 3 of Zone R4 High Density Residential.

[2] Clause 4.6 Exceptions to development standards

Insert after clause 4.6(8)(ca)—

(cb) Part 7, except clauses 7.1(4)(e) and 7.2.

[3] Clause 5.1 Land acquisition within certain zones

Insert in appropriate order in the table to clause 5.1(2)—

Zone R4 High Density Residential and marked “Local road” Council

[4] Part 6, heading

Insert “—generally” after “provisions”.

[5] Part 7

Insert after Part 6—

Part 7 Additional local provisions—St Leonards South Area

7.1 Development on land in St Leonards South Area

- (1) The objective of this clause is to promote, by providing building height and floor space incentives, residential development within the St Leonards South Area that provides for—
 - (a) community facilities, open space, including communal open space, and high quality landscaped areas, and
 - (b) efficient pedestrian and traffic circulation, and
 - (c) a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets, including by providing affordable housing, and
 - (d) the amalgamation of lots to prevent the fragmentation or isolation of land.
- (2) This clause applies to development that involves the erection of 1 or more new buildings for the purposes of residential flat buildings on land within the St Leonards South Area.
- (3) Despite clauses 4.3 and 4.4, the consent authority may consent to development on land to which this clause applies that will result in a building with either or both of the following—
 - (a) a building height that does not exceed the increased building height identified on the Incentive Height of Buildings Map,
 - (b) a floor space ratio that does not exceed the increased floor space ratio identified on the Incentive Floor Space Ratio Map.

- (4) Development consent must not be granted under this clause unless the consent authority is satisfied that—
- (a) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be studio or 1 bedroom dwellings, or both, and
 - (b) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 2 bedroom dwellings, and
 - (c) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 3 or more bedroom dwellings, and
 - (d) the development will provide appropriate building setbacks to facilitate communal open space between buildings, and
 - (e) the development will comply with the requirements of clause 7.2 in relation to the minimum site area of the development, and
 - (f) the development will, if applicable, comply with the requirements of clause 7.3 in relation to the minimum number of dwellings that will be used for the purposes of affordable housing, and
 - (g) the development will, if applicable, comply with the requirements of clause 7.4 in relation to the minimum area that will be used for the purposes of recreation areas and community facilities, and
 - (h) the development will, if applicable, comply with the requirements of clause 7.5 in relation to the provision of pedestrian links and roads.
- (5) In this Part—
- (a) a reference to a numbered Area means an Area as identified on the Key Sites Map, and
 - (b) for the purposes of the definition of **affordable housing** in the Act, a household is taken to be a very low income household, low income household or moderate income household if the household meets the requirements of clause 6(1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

7.2 Minimum site area requirements

For the purposes of clause 7.1(4)(e), the minimum site area for development on land to which clause 7.1 applies is the area specified in the table to this clause.

| Column 1 | Column 2 |
|----------|---------------------|
| Area 1 | 3,000 square metres |
| Area 2 | 2,000 square metres |
| Area 3 | 1,600 square metres |
| Area 4 | 1,500 square metres |
| Area 5 | 2,200 square metres |
| Area 6 | 2,200 square metres |
| Area 7 | 1,900 square metres |
| Area 8 | 2,000 square metres |
| Area 9 | 2,500 square metres |

| Column 1 | Column 2 |
|----------|---------------------|
| Area 10 | 1,500 square metres |
| Area 11 | 4,000 square metres |
| Area 12 | 2,500 square metres |
| Area 13 | 1,600 square metres |
| Area 14 | 1,600 square metres |
| Area 15 | 2,000 square metres |
| Area 16 | 2,500 square metres |
| Area 17 | 2,200 square metres |
| Area 18 | 1,500 square metres |
| Area 19 | 1,500 square metres |
| Area 20 | 5,200 square metres |
| Area 21 | 4,500 square metres |
| Area 22 | 4,600 square metres |
| Area 23 | 6,800 square metres |

7.3 Minimum affordable housing requirements

For the purposes of clause 7.1(4)(f), the following is the minimum number of dwellings required to be used for the purposes of affordable housing in development on land to which clause 7.1 applies—

- (a) for Area 1—14 dwellings,
- (b) for Area 2, Area 3 or Area 4—7 dwellings,
- (c) for Area 6, Area 12 or Area 14—2 dwellings,
- (d) for Area 13 or Area 17—1 dwelling.

7.4 Minimum recreation area and community facility requirements

For the purposes of clause 7.1(4)(g), the following requirements apply to development on land to which clause 7.1 applies—

- (a) for Area 1—at least 900 square metres will be used for the purposes of recreation areas,
- (b) for Area 2 or Area 12—at least 400 square metres will be used for the purposes of recreation areas,
- (c) for Area 5 or Area 17—
 - (i) at least 450 square metres will be used for the purposes of a recreation area, and
 - (ii) at least 600 square metres will be used for the purposes of a community facility, and
 - (iii) the recreation area will be adjacent to the community facility.

7.5 Requirements for pedestrian links and roads

For the purposes of clause 7.1(4)(h), the following publicly accessible pedestrian links and roads are required to be provided for development on land to which clause 7.1 applies —

- (a) for Area 5 or Area 6—a 15 metre wide pedestrian link through the land to enable a connection between Holdsworth Avenue and Canberra Avenue,
- (b) for Area 11—a 6 metre wide pedestrian link through the land to connect Holdsworth Avenue and Canberra Avenue,
- (c) for Area 15 or Area 16—a 15 metre wide pedestrian link through the land to enable a connection between Berry Road and Holdsworth Avenue,
- (d) for Area 20—a 6 metre wide pedestrian link through the land to connect Berry Road and Holdsworth Avenue,
- (e) for Area 22 or Area 23—a 12 metre wide road through the land to connect Park Road and Berry Road.

7.6 Design excellence—St Leonards South Area

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to land within the St Leonards South Area.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development protects and enhances the natural topography and vegetation including trees or other significant natural features,
 - (d) whether the development detrimentally impacts on view corridors,
 - (e) whether the development achieves transit-oriented design principles, including the need to ensure direct, efficient and safe pedestrian and cycle access to nearby transit nodes,
 - (f) the requirements of the *Lane Cove Development Control Plan*,
 - (g) how the development addresses the following matters—
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

- (x) the impact on, and any proposed improvements to, the public domain,
 - (xi) the configuration and design of publicly accessible spaces and private spaces on the site.
- (5) In this clause—
- Lane Cove Development Control Plan*** means the *Lane Cove Development Control Plan*, as in force at the commencement of *Lane Cove Local Environmental Plan 2009 (Amendment No 25)*.

[6] Dictionary

Insert in alphabetical order—

Incentive Floor Space Ratio Map means the Lane Cove Local Environmental Plan 2009 Incentive Floor Space Ratio Map.

Incentive Height of Buildings Map means the Lane Cove Local Environmental Plan 2009 Incentive Height of Buildings Map.

Key Sites Map means the Lane Cove Local Environmental Plan 2009 Key Sites Map.

St Leonards South Area means the land identified within the range of “Area 1” to “Area 23”, inclusive, on the Key Sites Map.