

Draft Lane Cove Local Environmental Plan 2009 Amendments (21 May 2020)

Amendment 1

Insert into Land Use Table for Zone R4 High Density Residential

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a high concentration of housing with good access to transport, services and facilities.
- To ensure that the existing amenity of residences in the neighbourhood is respected.
- To avoid the isolation of sites resulting from site amalgamation.
- To ensure that landscaping is maintained and enhanced as a major element in the residential environment.

2 Permitted without consent

Nil

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Exhibition homes; Group homes; Home businesses; Home industries; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; [Recreation areas](#); Residential flat buildings; Respite day care centres; Roads; Shop top housing; Signage

4 Prohibited

Any development not specified in item 2 or 3

Amendment 2

Insert the following into LEP Clause 4.6 (8)

4.6 Exceptions to development standards

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) clause 4.1A,
 - (cb) clause 6.10.

Amendment 3

Insert the following into LEP Clause 5.1

5.1 Land acquisition within certain zones

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <u>National Parks and Wildlife Act 1974</u>
Zone E2 Environmental Conservation and marked "Local open space"	Council
Zone E2 Environmental Conservation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone R4 High Density Residential and marked "Local road"	Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Amendment 4

Insert the following new LEP clause:-

6.10 Incentives for Development in St Leonards South Area

- (1) The objective of this clause is to provide incentives for additional residential development on certain land in St Leonards South that provides:-
 - (a) a high quality of landscaping,
 - (b) where appropriate, open space, multi-purpose facilities, key worker housing, and efficient pedestrian and traffic circulation,
 - (c) to ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets, and
 - (d) to promote development that accommodates the needs of a range of household sizes.

- (2) This clause applies to the land identified as “St Leonards South Area” on the St Leonards South Precinct Incentive Floor Space Ratio Map and St Leonards South Precinct Incentive Height of Buildings Map.

- (3) The consent authority may approve development with a building height and floor space ratio that does not exceed the building height and floor space ratio identified on the St Leonards South Precinct Incentive Height of Buildings Map and the St Leonards South Precinct Incentive Floor Space Ratio Map, but only if the consent authority is satisfied that:
 - (a) All lots within each of the Areas identified on the St Leonards South Precinct Incentive Floor Space Ratio Map and described in Column 1 of the Table are amalgamated; and
 - (b) The minimum site area shown for each of the Areas in Column 2 of the Table is achieved; and
 - (c) the resulting development provides all of the outcomes shown for each of the Areas in Column 3; and
 - (d) The resulting floor space ratio does not exceed the maximum floor space ratio shown for each of the Areas identified on the St Leonards South Precinct Incentive Floor Space Ratio Map; and
 - (e) The resulting height does not exceed the maximum height of buildings shown for each of the Areas identified on the St Leonards South Precinct Incentive Height of Buildings Map.

Column 1	Column 2	Column 3
Area identified on the <u>St Leonards South Precinct Incentive Floor Space Ratio Map</u>	Minimum site area	Outcomes
Area 1	3,000 m ²	a.) Approximately 900sqm of open space; b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i> ; c.) component of Key Worker Housing; and

		d.) Consolidate into a single lot.
Area 2	2,000 m ²	a.) Approximately 400sqm of open space; b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i> ; c.) component of Key Worker Housing; and d.) Consolidate into a single lot.
Area 3	1,600 m ²	a.) component of Key Worker Housing; b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i> ; and c.) Consolidate into a single lot.
Area 4	1,500 m ²	a.) component of Key Worker Housing; b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i> ; and c.) Consolidate into a single lot.
Area 5	2,200 m ²	a.) A multi-purpose facility of 600 sqm minimum at ground floor level; b.) With direct connection to an outdoor play space of 450sqm; c.) A 15m wide, path linking Canberra Avenue and Holdsworth Avenue; d.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i> ; and e.) Consolidate into a single lot.
Area 6	2,200 m ²	a.) component of Key Worker Housing; b.) A 15m wide, path linking Canberra Avenue and Holdsworth Avenue; c.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i> ; and d.) Consolidate into a single lot.
Area 7	1,900 m ²	a.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i> ; and b.) Consolidate into a single lot.
Area 8	2,000 m ²	a.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i> ; and b.) Consolidate into a single lot.
Area 9	2,500 m ²	a.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i> ; and b.) Consolidate into a single lot.
Area 10	1,500 m ²	a.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i> ; and b.) Consolidate into a single lot.
Area 11	4,000 m ²	a.) A 6 m wide, path linking Canberra Avenue and Holdsworth Avenue;

		<ul style="list-style-type: none"> b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and c.) Consolidate into a single lot.
Area 12	2,500 m ²	<ul style="list-style-type: none"> a.) Approximately 400sqm of open space; b.) component of Key Worker Housing; c.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and d.) Consolidate into a single lot.
Area 13	1,600 m ²	<ul style="list-style-type: none"> a.) component of Key Worker Housing; b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and c.) Consolidate into a single lot.
Area 14	1,600 m ²	<ul style="list-style-type: none"> a.) component of Key Worker Housing; b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and c.) Consolidate into a single lot.
Area 15	2,000 m ²	<ul style="list-style-type: none"> a.) A 15 m wide, path linking Berry Road and Holdsworth Avenue; b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and c.) Consolidate into a single lot.
Area 16	2,500 m ²	<ul style="list-style-type: none"> a.) A 15 m wide, path linking Berry Road and Holdsworth Avenue; b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and c.) Consolidate into a single lot.
Area 17	2,200 m ²	<ul style="list-style-type: none"> a.) A multi-purpose facility of 600 sqm minimum at ground floor level; b.) With direct connection to an outdoor play space of 450sqm; c.) component of Key Worker Housing; d.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and e.) Consolidate into a single lot.
Area 18	1,500 m ²	<ul style="list-style-type: none"> a.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and b.) Consolidate into a single lot.
Area 19	1,500 m ²	<ul style="list-style-type: none"> a.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and b.) Consolidate into a single lot.
Area 20	5,200 m ²	<ul style="list-style-type: none"> a.) A 6 m wide, path linking Berry Road and Holdsworth Avenue;

		<p>b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and</p> <p>c.) Consolidate into a single lot.</p>
Area 21	4,500 m ²	<p>a.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and</p> <p>b.) Consolidate into a single lot.</p>
Area 22	4,600 m ²	<p>a.) A 12m wide road linking Berry Road and Park Road;</p> <p>b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and</p> <p>c.) Consolidate into a single lot.</p>
Area 23	6,800 m ²	<p>a.) A 12m wide road linking Berry Road and Park Road;</p> <p>b.) achieves design excellence as stated in clause 6.11 of <i>Lane Cove Local Environmental Plan 2009</i>; and</p> <p>c.) Consolidate into a single lot.</p>

- (4) The consent authority must not consent to development on land to which this clause applies unless conditions are imposed by the consent authority to the effect that a right of foot way and public positive covenant will be registered, before the date of issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that:
- (a) The Area identified in Column 1 of the Table has a right of foot way over the land that authorises the Council and every person authorised by the Council, to go, pass and repass on foot at all times and for all purposes, without motor vehicles to and from the land comprised within the Area identified in Column 1 of the Table or any such part thereof; and
 - (b) The land comprised within the Area identified in Column 1 of the Table is maintained, repaired and insured by the landowners in a manner consistent with the St Leonards South Landscape Master Plan.
- (5) The consent authority must not grant development consent to development unless the applicant enters into satisfactory arrangements with the Council in regard to the provision of Key Worker Housing as specified in this clause.
- (6) The consent authority must not grant development consent to development unless the applicant enters into satisfactory arrangements with the Council in regard to the provision of Multi-purpose facilities as specified in this clause.
- (7) Development consent must not be granted to development to which this clause applies unless each Area (as shown in the *St Leonards South Precinct Incentive Floor Space Ratio Map*) provides:
- (a) A minimum of 20% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are self-contained studio dwellings or one-bedroom dwellings, or both, and

- (b) A minimum of 20% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are 2 bedroom dwellings, and
- (c) A minimum of 20% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are 3 or more bedroom dwellings.

Amendment 5

Insert the following new LEP clause:-

6.11 Design excellence in St Leonards South

- (1) The objective of this clause is to ensure that development in St Leonards South:
 - (a) exhibits design excellence, and
 - (b) delivers the highest standard of architectural, urban and landscape design.
- (2) This clause applies to the land identified as “St Leonards South Area” on the St Leonards South Precinct Incentive Floor Space Ratio Map and St Leonards South Precinct Incentive Height of Buildings Map.
- (3) Development consent must not be granted to 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 be satisfied that the development is consistent with the requirements of –
 - (a) Clause 6.10, and
 - (b) the St Leonards South Landscape Master Plan, including:
 - (i) the quality and integration of landscape design,
 - (ii) the configuration and design of communal access and communal recreation areas, and
 - (iii) to incorporate exemplary and innovative treatments and to promote an effective social atmosphere.
- (5) In addition to subclause (4), when considering whether the development exhibits design excellence, the consent authority must also have regard to all of the following matters—
 - (a) whether the development will achieve a high standard of architectural, landscape and urban design (including in the materials used and in detailing appropriate to the location, building type and surrounding buildings),
 - (b) the requirements of the Lane Cove Development Control Plan,
 - (c) whether it will significantly improve the quality and amenity of the public domain, this includes consideration of:
 - (i) achieving appropriate interfaces at ground level between the development and the public domain,
 - (ii) the form and external appearance of the proposed development, and ground level detailing.
 - (d) how the development addresses the following contextual matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) any detrimental impacts on view corridors,
 - (iv) protection and enhancement of the natural topography and vegetation including trees, escarpments or other significant natural features,
 - (v) whether the development contributes to the provision of a network of green spaces, natural systems and semi-natural systems, including parks, waterways, bushland and private gardens that are strategically planned, designed and managed to support a good quality of life in an urban environment,
 - (vi) heritage issues and streetscape constraints,

- (vii) 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.
 - (e) whether the development achieves transit-oriented design principles and measures, these include:
 - (i) the need to ensure direct, efficient and safe pedestrian and cycle access to nearby transit nodes,
 - (ii) whether the development will reinforce the public transport interchange as the focal point of movement for the area and facilitate the ease of such movement,
 - (iii) enhancement of pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network.
 - (f) the achievement of the principles of ecologically sustainable development, in particular:
 - (i) whether a high standard of ecologically sustainable design is achieved. This includes low-energy, passive design, water and energy efficiency, permeability of surfaces and water sensitive urban design,
 - (ii) Consideration of environmental impacts such as minimised overshadowing, reflectivity, noise and wind effects; and appropriate natural ventilation, visual and acoustic privacy, safety and security.
 - (g) how the development addresses the following building design matters:
 - (i) bulk, massing and modulation of buildings particularly if the development is likely to overshadow public open spaces,
 - (ii) street frontage heights.
- (6) In deciding whether to grant development consent to the development application, the consent authority is to take into account any advice given by the Lane Cove Design Review Panel.