

Amendments to Lane Cove LEP 2009 zoning, height and FSR controls, and amendment to Schedule 1 to allow a 400sqm-1000sqm neighbourhood shop.

Proposal Title :	Amendments to Lane Cove LEP 2009 zoning, height and FSR controls, and amendment to Schedule 1 to allow a 400sqm-1000sqm neighbourhood shop.		
Proposal Summary :	The Proposal seeks to provide for mixed use re-development of the site, by way of the following: a) The rezoning of a portion of the site from E2 (Environmental Conservation) to B1 (Neighbourhood Centre); b) The rezoning of a portion of the site from R4 (High Density Residential) to B1 (Neighbourhood Centre); c) Amend current LEP FSR controls for the site from 1:1 (B1 zone) and 0.8:1 (R4 zone) to a maximum of 2.25:1 across the whole site; d) Amend current LEP height controls from 9.5m (B1 zone) and 12m (R4 zone) to 18m for the whole site, and; e) Amend Schedule 1 (Additional Permitted Uses) of the LEP to allow a neighbourhood shop on the site of between 400sqm and 1000sqm.		
PP Number :	PP_2013_LANEC_001_00	Dop File No :	13/01146

Planning Team Recommendation

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

- S.117 directions :
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.4 Planning for Bushfire Protection
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : The Planning Proposal should be supported, and Council be given the Director-General's delegation. The Planning Proposal should proceed with the following conditions:

1. Council is to comply with the requirements of clause 28 of State Environmental Planning Policy No. 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 consultation requirements below.
2. Council is to provide a heritage impact assessment addressing any potential heritage impacts (including impacts on aboriginal heritage) and ensure that the study is publicly exhibited with the Planning Proposal in accordance with the consultation requirements below.
3. Council is to prepare the necessary proposed zoning, floor space ratios and height of building maps in accordance with the Standard Technical Requirements for LEP Maps (DP&I, November 2012), and correct the proposed zoning map to indicate zoning of adjoining and nearby land is consistent with the gazetted Lane Cove LEP 2009. Council is to ensure that these maps are exhibited with the Planning Proposal in accordance with the consultation requirements below.
4. 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/assessment reports must be made

Amendments to Lane Cove LEP 2009 zoning, height and FSR controls, and amendment to Schedule 1 to allow a 400sqm-1000sqm neighbourhood shop.

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 material that must be made publicly available as identified in the current A Guide to Preparing LEPs (DP&I).

5. 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
- 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.

6. 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.

7. The timeframe for completing the LEP is 12 months from week following the date of the Gateway Determination.

Supporting Reasons :

Delegations:

Council has confirmed its intention to exercise the Department's delegations relating to the finalisation of LEPs, and has formally requested that Council be permitted to exercise delegation for this Planning Proposal and that Council be permitted to sub-delegate the plan-making responsibility to the General Manager.

Council has submitted a completed 'Evaluation criteria for the issuing of an Authorisation', the responses to which have been assessed and agreed by the Regional Team. Furthermore, the Planning Proposal is considered a matter of local planning significance.

Therefore, it is recommended that Council be permitted to exercise this delegation.

Panel Recommendation

Recommendation Date : 14-Feb-2013

Gateway Recommendation : Passed with Conditions

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Council's proposed provision to limit the size of neighbourhood shops from 400sqm to 1,000sqm through the use of additional permitted uses is not supported and should be removed from the planning proposal. Council is to amend Clause 5.4 Controls relating to miscellaneous permissible uses in its LEP to limit the retail floor area of neighbourhood shops. Council is also to use a maximum limit only, rather than including a range. Council is to amend this planning proposal to reflect the above approach prior to proceeding to public exhibition.
2. Prior to undertaking public exhibition, Council is to amend the existing and proposed land zoning maps, to correctly zone land to the north of the subject site, which is shown on the maps as R2 Low Density Residential to its correct zoning under Lane Cove LEP 2009, being RE1 Public Recreation.

Amendments to Lane Cove LEP 2009 zoning, height and FSR controls, and amendment to Schedule 1 to allow a 400sqm-1000sqm neighbourhood shop.

3. Prior to undertaking public exhibition, Council is to amend the planning proposal to include further information on the proposal's impact on heritage items, including its impact on Aboriginal heritage items.

4. Prior to undertaking public exhibition, Council is to amend the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the A Guide to Preparing Planning Proposals. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.

5. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning. This report is to be included as part of the public exhibition material.

6. 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 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 (Department of Planning and Infrastructure 2012).

7. 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
- 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.

8. 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).

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

Signature:



Printed Name:

Neil McGaffin

Date:

4.3.13.