

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

Proposal Details

Date Planning Proposal Received :	30-Jan-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 :	274 & 274A Longueville Road		
Suburb :	Lane Cove	City :	Postcode :
Land Parcel :	Lots 1 and 2 DP 857133		
Street :	4-16 Northwood Road		
Suburb :	Lane Cove	City :	Postcode :
Land Parcel :	Lot1 DP 663462, Lot 4 DP 321048, Lots A, B, C, D and G DP 307899, Lots 1-2 DP 445348		

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

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

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 :		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 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 Department of Planning and Infrastructure's Code of Practice in relation to communications and lobbyists has been complied with. Sydney Region East has not met with any lobbyists in relation to this proposal, nor has the the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning the proposal.**

Initially, submitted maps were inadequate (should have been in colour), and a timeline (as per the Guide to Preparing Planning Proposals) was not provided. Council were contacted and the necessary maps and timeline were received by the Department (25 January and 29 January respectively).

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

30 Jan 2013: Received written request for completion of this proposed LEP amendment to be delegated to Council's General Manager.

31 Jan 2013: Council advised regarding missing pages from the submitted traffic assessment report. Council provided missing pages on 1 Feb 2013.

4 Feb 2013: Council advised of missing pages from Economic Impact Assessment, and missing pages received same day.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives is considered adequate:

- to facilitate the future redevelopment of the site as a new mixed-use precinct;
- to enable the complete revitalisation of the site to better reflect its modern context and desired future character as well as that of the Northwood locality as a neighbourhood centre;
- to standardise the zoning across the site; and
- to increase density to initiate a process of redevelopment in the locality.

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

Is an explanation of provisions provided? Yes

Comment : The Planning Proposal explains the provisions as follows:

- (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) amending the FSR map to reflect a maximum possible FSR of 2.25:1 for the site;
- (d) amending the Height of Building map to reflect a maximum possible building height of 18m for the site;
- (e) amendment of Schedule 1 to allow a neighbourhood shop to exceed the current 400sqm limit, up to a maximum of 1000sqm.

Indicative current LEP 2009 and proposed Zoning, FSR and Height of Buildings maps have been provided (received 25 January 2013).

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

- 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

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

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 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

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

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

If No, explain :

SEPP 65 - Design Quality of Residential Flat Buildings:

The Planning Proposal is inconsistent with Clause 28 as it does not provide any provision for residential flat development to be consistent with the SEPP's design quality principles and the Residential Flat Design Code (DoP).

Therefore, such a provision is recommended to be required as a condition of the Gateway Determination.

SEPP 55 - Remediation of Land:

The Planning proposal is considered inconsistent with the SEPP, as a preliminary contamination investigation report has not been prepared.

The Planning Proposal advises that any contamination issues arising from the current petrol station use on part of the site would be addressed at the DA stage. For this reason, the inconsistency is considered to be justified as of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps provided are considered inadequate.

Whilst the submitted proposed (and current) Zoning, FSR and Height of Buildings maps clearly indicate the proposed amendments to LEP 2009, they do not strictly comply with the Standard Technical Requirements for LEP Maps (DP&I, November 2012). Therefore, it is necessary to require Council to exhibit proposed Zoning, FSR and Height of Buildings maps that are fully compliant with the Standard Technical Requirements for LEP Maps, as a condition of the Gateway Determination.

The submitted proposed Zoning Map indicates the incorrect zoning of a parcel of land outside and to the north of the site. This should be corrected by Council before it is exhibited. A condition to ensure relevant maps show correct zoning etc of adjoining and nearby land is included in the recommendation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Planning Proposal states that consultation would be by way of public notice in local newspapers and on Lane Cove Council's website and/or that of the DP&I, in addition to adjoining landowners being notified in writing.

The Planning Proposal also states that "it is anticipated" the proponents would carry out additional consultation "using established methods set out and recommended by Lane Cove Council." These are not clear, but the Gateway Determination can specify consultation requirements.

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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 :

Note: In the original submission, a number of required items were missing and so the PP was incomplete when originally lodged. These items have now been received.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Lane Cove LEP 2009 was notified in February 2010.**

Assessment Criteria

Need for planning proposal :

The Planning Proposal indicates that it is a result of Lane Cove DCP 2009 which identifies the Northwood precinct areas as "fragmented" with no strong sense of place and little activation of street frontages. The DCP suggests that residential development of up to 4 storeys could be permitted in this area, but LEP 2009 does not reflect this. LEP 2009 includes an FSR of 1:1 and a 9.5m height control (in the B1-zoned land); and an FSR of 0.8:1 and a 12.5m height control (in the R4-zoned land), effectively limiting development to 3 storeys.

The Planning Proposal would:

- contribute to implementing the desired outcomes of the draft INSS, including delivery of more housing with good access to shops, recreation, transport and open space; and**
- contribute to the implementation of the DCP, facilitating a greater activation of street frontages and generally creating a sense of place that does not currently exist.**

Therefore, the proposed controls for the precinct should be supported as they will assist Council in achieving greater development potential consistent with the affordable housing objectives of the INSS and its DCP 2009.

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

Consistency with strategic planning framework :

1. Metropolitan Plan for Sydney 2036 (Metro Plan) and draft Inner North Subregional Strategy (INSS):

For the Metro Plan -

Action B1.1 acknowledges that centres can grow and change over time to provide additional housing, employment and services, and development will occur within the walking catchments of centres. LEPs will be used to provide the mechanism for the desired growth.

Comment:

With the exception of the two residential lots at its northern end, the site is located in the Northwood Neighbourhood Centre (identified by Lane Cove DCP 2009). The Planning Proposal would allow the centre to change and grow, facilitating additional housing, employment and services, as well as improved amenity.

Action B1.3 aims to locate 80% of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport.

Comment:

The site is within an existing identified centre, and is located in close proximity to Sydney Buses routes 253 and 254, providing access to St Leonards and Artarmon railway stations.

For the INSS -

The INSS identifies 6,500 additional jobs and 3,900 new dwellings would be required for the Lane Cove LGA by 2031. Action C1.3.1 requires Inner North councils to plan for sufficient zoned land to accommodate their LGA housing targets through Principal LEPs.

Comment:

The rezoning of the identified portions of the site and the amendments to FSR and height controls would facilitate a significant contribution towards meeting the INSS housing targets.

Action C2.1.2 requires Councils to ensure that the majority of new dwellings are located in strategic and local centres; and Action C2.3.2 requires the provision of a range of residential zones to cater for changing housing needs.

Comment:

The site is within an existing identified centre and the Planning Proposal would facilitate opportunities for residential development to accommodate the housing needs of Sydney's increasing population and variety of household types and sizes.

Action C3.1.1 seeks to encourage improvement and appropriate renewal of local centres.

Comment:

The Planning Proposal would facilitate an opportunity to improve and renew the centre by the creation of a sense of place, improvements to amenity, the provision of new housing and a variety of other land uses to meet the day to day needs of the local population.

Therefore, the Planning Proposal is consistent with the above Metro Plan and INSS Actions as it would:

- result in change and growth of an existing centre, providing additional housing and amenities/services;
- contribute to meeting INSS housing targets, and to meeting changing housing needs;
- contribute to meeting INSS employment targets (construction and on-going retail opportunities);
- result in development within walking catchment of a centre;
- be located in close proximity to public transport; and
- have the potential to improve and renew an existing centre.

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2. Local strategic Plans:

The Planning Proposal is considered consistent with the Draft Lane Cove Community Strategic Plan, the Lane Cove Social Plan (2005), the Lane Cove Cultural Plan (2004) and the Lane Cove Sustainability Plan.

3. Section 117 Directions:

1.1 Business and Industrial Zones

The Planning Proposal is considered consistent with this Direction as it involves increasing the current FSR and height controls, but does not involve any change to the current B1 zoning, other than the extension of it. The proposed increases in FSR and height controls will allow an intensification of business use and an increase in commercial and retail floorspace, potentially providing an increase in employment opportunities.

2.1 Environment Protection Zones:

The Planning Proposal is inconsistent with this Direction, as it does not include provisions that facilitate the protection and conservation of environmentally sensitive areas. The submitted Ecology Assessment (EA) concludes there are no threatened plants on the site or within the adjoining open space reserve, and where not covered by concrete, the site is infested with exotic weeds. The EA also concludes that the land is not environmentally sensitive. Therefore, the inconsistency is justified.

3.1 Residential Zones

The Planning Proposal is considered to be consistent with this Direction, as it will encourage the provision of housing and housing choice in accordance with the requirements and objectives of the Direction.

3.4 Integrating Land Use and Transport

The Planning Proposal is considered to be consistent with this Direction due to the site's accessible location, enabling it to achieve the objectives of this Direction.

4.4 Planning for Bushfire Protection

The Planning Proposal is considered to be consistent with this Direction as it facilitates an appropriate Asset Protection Zone (APZ) providing bushfire protection to adjoining properties, which is currently lacking. The submitted Ecological Assessment concludes that any post-LEP amendment development could be constructed in accordance with current ecological and bushfire legislation, and the Planning Proposal complies with all necessary bushfire requirements.

6.1 Approval and Referral Requirements

The Planning Proposal is considered consistent with this Direction as it is not intended to provide any additional approval or referral requirements as specified in the Direction.

6.3 Site Specific Provisions

The Planning Proposal is considered to be consistent with this Direction, as it is not proposing any unnecessarily restrictive site-specific planning controls. Whilst the Planning Proposal seeks to amend Schedule 1 of the LEP, this site-specific provision is not restrictive, as it would allow an increase in the provision of retail floorspace from the current maximum of 400sqm up to a maximum of 1,000sqm.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The Planning Proposal is considered to be consistent with the Direction, as discussed in relation to the proposal's consistency with the Metro Plan and INSS above.

Environmental social
economic impacts :

1. Environmental Impacts:

a) Critical habitats:

Given the largely developed state of the site, it is unlikely the Proposal will adversely affect critical habitats, threatened species, populations or ecological communities or their habitats. The submitted Ecology Assessment confirms that the proposed development would result in a positive ecological outcome.

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b) Flood-related issues:

The site is not located in close proximity to an existing watercourse and is shown as outside of an area of riparian land on Council's Environmental Protection/Foreshore Building Line/Riparian Land Map.

c) Contamination:

Refer to the proposal's consistency with SEPP 55 above.

d) Traffic generation:

The Planning Proposal includes a supportive Traffic Assessment and a letter from NSW Roads and Maritime Services (RMS). The Traffic Assessment advises that the impacts associated with the proposal, including impacts upon nearby intersections, are considered moderate and manageable. The RMS letter confirms "in principle agreement" to the construction and signalisation of a fourth leg of the Kenneth Street/Northwood Road intersection, subject to certain technical requirements to be met at the DA stage.

e) Land Use/Amenity conflicts:

It is likely that the amenity of future occupiers of residential development on the site will be of a reasonable standard. However, there may be potential for adverse impacts upon neighbouring/nearby residential properties, such as overshadowing. Such impacts will need to be addressed at the DA stage, and are unlikely to be significant.

f) Heritage

The Planning Proposal does not refer to any heritage impacts. Given that there could be potential for heritage (aboriginal) impacts within the E2 zoned land, a heritage impact assessment should be carried out, as a condition of the Gateway Determination.

2. Economic impacts:

Impact on existing nearby centres:

An Economic Impact Assessment (EIA) and a Northwood Centre Analysis (NCA) have been provided with the Planning Proposal, and justify the provision of a medium sized supermarket. The NCA states that the presence of a medium sized supermarket at the site will improve the level of supermarket convenience for the LGA without impact upon Council's established retail hierarchy, and which will not compromise the economic viability of the Lane Cove town centre.

3. Social Impacts:

The rezoning of the site would enable a contribution towards meeting the demand for residential accommodation resulting from Sydney's increasing population, with potential to broaden the range of housing stock in the LGA. With an appropriate level and mix of commercial, residential and community uses permissible on the site, there will be potential to provide for the day to day needs of both any incoming population and the existing local population. The Planning Proposal would also facilitate improvements to the level of activity and amenity of the site and the surrounding area.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 Month	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	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		

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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. :

Heritage

Other - provide details below

If Other, provide reasons :

Contamination Investigation/Assessment:

As a petrol service station is currently located on the site, the land could potentially be contaminated. The Planning Proposal indicates that such an investigation could be carried out if required.

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
Council request for delegation.pdf	Proposal Covering Letter	No
49196 12 Northwood Centre Economic Feasibility Study, Jumar.pdf	Study	No
64118 12 Covering letter to Department for Northwood planni.pdf	Proposal Covering Letter	No
Planning Proposal - 4-16 Northwood Road 274 and 274a Longuev.pdf	Proposal	No
PR108802-01-005a Northwood LEP - Proposed Floor Space Ratio Map - Final for Panel Feb 2013.pdf	Map	No
PR108802-01-005a Northwood LEP - Proposed Height of Buildings Map - Final for Panel Feb 2013.pdf	Map	No
PR108802-01-005a Northwood LEP - Proposed Zoning Map - Final for Panel Feb 2013.pdf	Map	No
Planning Proposal - Appendix B.pdf	Study	No
Planning Proposal - Appendix C (part 1).pdf	Study	No
Planning Proposal - Appendix C (part 2).pdf	Study	No
Planning Proposal - Appendix C (part 3).pdf	Study	No
Planning Proposal - Appendix C (part 4).pdf	Study	No
Planning Proposal - Appendix D.pdf	Study	No
Planning Proposal - Appendix E - Traffic Assessment in full recd 1 Feb 2013.pdf	Study	No
Planning Proposal - Appendix F.pdf	Study	No
Planning Proposal - Appendix F - Missing pages rec'd..pdf	Study	No
Planning Proposal - Appendix G.pdf	Study	No
Planning Proposal - Appendix H.pdf	Study	No
Planning Proposal - Appendix I.pdf	Drawing	No

Planning Team Recommendation

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

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 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.**

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

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.

Signature:



Printed Name:

Megan Hollingsworth

Date:

8/2/2013