

Council: LANE COVE COUNCIL - SYDNEY REGION EAST	
Current LEP: LEP 2009 - gazetted 19 February 2010	Proposed LEP: LEP 2009 – Amendment No....
Council ref: 44890/11, 6653/12 & 12053/11	Date: 13 February 2012 & 24 March 2011
Council Resolutions: <i>18 10 10 (ESD Report No.39)</i> 382: That this item [the Pacific/Gatacre precinct] be resubmitted as in Council's DLEP 2008 proposal for FSR 2:1 and Height 25 metres (8 storeys). 370: That 5 Allison Ave be rezoned from High Density Residential R4 to Low Density Residential R2. <i>6 12 10 (ESD Report No.49)</i> 482: Amend the scale of the R4 zone on the north side of Longueville Road (Nos.11-47) to a height to 18 metres and FSR of 2:1, with height of 25 metres and FSR of 2:1 for 2-4 Burley Street.	

Planning proposal based on: NSW Department of Planning, *A Guide to preparing local environmental plans*, July 2009 - Figure 3 – Matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land).

AT 4: Pacific/ Longueville Proposed FSR (updated) 14 2 12

PLANNING PROPOSAL 7/2011: Building scale - Pacific Hwy/ Longueville Rd precinct

Note: Lane Cove Development Control Plan would be updated as appropriate for LEP amendments.

Graphics:

- AT 1: Site context - aerial photograph, street numbers & adjacent council's draft LEP maps (44911/11)
- AT 2: Proposed Height Map (46148/11)
- AT 3: Current Height Map (52031/11)
- AT 4: Proposed Floor Space Ratio Map (6657/12)
- AT 5: Current Floor Space Ratio Map (6659/12)
- AT 6: Proposed Zoning Map (52039/11)
- AT 7: Current Zoning Map (52041/11)
- AT 8: Proposed Lot Size Map (52045/11)
- AT 9: Current Lot Size Map (52045/11)
- AT 10: Hill PDA Lane Cove FSR Study May 2008 (excerpts) (52046/11)

1. A statement of the objectives or intended outcomes of the proposed local environmental plan. [Act s. 55(2)(a)]

When the LEP was notified (gazetted), it contained development standards which were not a typical combination for viable development. The purposes of the proposal are to:-

- correct mapping anomalies between the LEP's current FSR (4.1:1) and inconsistent height (12 metres) in the precincts around the intersection of Pacific Highway and Longueville Road. The proposal would allow for:-
 - 8-storey apartments at the corners of the LGA's "gateway" on Pacific Highway (this approach was supported both by residents in Mafeking Ave and commercial owners, as allowing sunlight between the towers to residences to the south, while modernising the area)
 - 6-storey apartments on the north side of Longueville Rd, to allow for updating ageing flats south of the interface with a medium-density zone in Kara St; shadowing would fall on the roadway (three 1930s blocks are resolved to be removed from the heritage register in a separate planning proposal).

- c) FSR of 2:1 as appropriate on a main road in the context of the Lane Cove Town Centre:-
- retail-commercial (2:1 /shoptop housing 2.5:1)
 - the 1-5 Little Street mixed use zone (2.7:1)
 - Finlayson/Birdwood R4 precinct (1.7:1)
 - the R3 zone in Kara St (0.7:1) and
 - the low density zone in Mafeking, Gatacre and Allison Avenues (0.5:1)
- in Willoughby opposite, the FSRs vary from FSR 1:1 (predominant in the Artarmon industrial area) to 1.7:1 (apartments directly opposite the Pacific/Longueville intersection) - and
- (ii) correct the zoning, scale and lot size for a house at 5 Allison Av to reflect its location within a low density residential precinct as under the former LEP, rather than the Highway's former commercial strip.

Notes: (a) The resolution omitted 49-55 Longueville Rd, where a new bus interchange was recently constructed. (b) The cadastre has been updated relating to RTA property boundary adjustments since the Lane Cove Tunnel's completion.

2. An explanation of the provisions that are to be included in the proposed local environmental plan. [Act s. 55(2)(b)]
(1) Maps

Map	Location	From	To
AT 2 Height of Buildings Map HOB_003	South-eastern side of intersection 3-7 Gatacre Av - Lots 18,17 & 16 DP 1056023 388 Pacific Hwy – Lots 1 & 4 DP 1065751 390-400 Pacific Hwy – Lots 15, 14, 13 & 12 DP 1056023 2-4 Longueville Rd – Lots 10 & 11 DP 1056023 2A - 2B Longueville Rd – Lots 17 & 18 DP 773116	M: 12 metres	T: 25 metres
“	5 Allison Av – Lot 45 DP 11416	M: 12 metres	J: 9.5 metres
“	North-western side of intersection 2-4 Burley St - Lot 9 DP 717596	M: 12 metres	T: 25 metres
“	11-13 Longueville Rd – SP 1318 15-19 Longueville Rd – SP 47560 21-23 Longueville Rd – SP 7955, SP 41802, Lot 10 DP 818824, Lots 17 & 20 DP 808119 25 Longueville Rd – Lot 78 DP 1055896 27, 29 & 31 Longueville Rd – Lots 11,12 & 13 DP 808119 33 Longueville Rd – Lot 2 DP 10302 35 Longueville Rd – SP 57716 37 Longueville Rd – SP 61200 39-43 Longueville Rd – SP 13609 (45 Longueville Rd) = 32 Kara St – Lot 1 DP 864983 47 Longueville Rd - SP 624	M: 12 metres	P:18 metres
“			
AT 4 Floor Space Ratio Map FSR_003	As for Height Map in AT 1, plus:- 378 Pacific Hwy – Lots 3& 6 DP 1065751 and Lot 47 DP 11416 382 Pacific Hwy – Lot 5 DP 1065751 1 Gatacre Av – Lot 46 DP 11416, Lot 1A DP 415448	FSR 4:1	FSR 2:1

	5 Allison Av – Lots 2 & 5 DP 11416	FSR 4:1	FSR 0.5
AT 6 Zoning Map LZN_003	5 Allison Av – Lot 45 DP 11416	High Density Residential R4	Low Density Residential R2
AT 8 Lot Size Map LSZ_003	5 Allison Av – Lot 45 DP 11416	Blank	Yellow (550m2 min.)

(2) Text

No change.

3. Justification for those objectives, outcomes and provisions and the process for their implementation. [Act s. 55(2)(c)]

A. Need for the planning proposal.

(1) Is the planning proposal a result of any strategic study or report?

The Hill PDA Lane Cove FSR Study May 2008 (AT 8) proposed FSR 4:1 for all sites in this proposal. This is assumed to be the basis on which the Department required DLEP 2008 to be exhibited at FSR 4.1:1.

However the report's recommendations were not entirely supported by Council. The FSR for this area was considered excessive in the context of the Town Centre, as shown above in 1(i)(c), and having regard to the underdeveloped state of much of the precinct, for example:-

- several sites contain ageing flats (1930s stock)
- the site at 2-4 Burley St (the RTA's former works depot during Lane Cove Tunnel construction is vacant land other than for sheds
- discussions have been held regarding the RTA site's potential consolidation with 11-13 Longueville Rd (the flats which partially collapsed over the Tunnel).

Consequently the lower FSR of 2:1 is requested, to enable testing of the market with a floor space ratio more compatible with the townhouse zone adjacent, while allowing redevelopment close to the Town Centre - to be subject to a five year review.

(2) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Rather than allow an FSR of 4:1, disproportionate to the locality at present, Council would prefer to apply FSR 2:1 now to be consistent with the local centre, and review the FSR in 5 years time. This scale is aimed to allow for renewal of the ageing, formerly commercial strip on the Highway east of Longueville Rd, and the RTA depot and residential area on Longueville Rd.

The Hill PDA report did not focus on height controls. The exhibited and current LEP height control of 12 metres simply reflects the existing heights, but does not produce a satisfactory urban design with FSR 4:1. It is consequently proposed to increase the height to 18-25 metres to relate it better to the FSR of 2:1 (except for reducing it for the two house sites in Allison Avenue).

(3) Is there a net community benefit?

The community benefit would result from moderating the development scale, to encourage revitalisation of the precinct while protecting the amenity of the adjacent low and medium density zones.

B. Relationship to strategic planning framework.

- (1) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The amendments proposed for LEP 2009 will continue to support the Metropolitan Plan for Sydney 2036's objective of increasing dwelling numbers. The height increase to 6-8 storeys allowing improved views, and its compatible FSR controls of 2:1, is intended to encourage redevelopment for new dwellings. The precinct will have the potential to provide 450 new dwellings net conservatively (based on the Department's 1 per 100m² standard), and more if the density trend in current DAs continues.

Lane Cove is expected to be providing for 4,300 new dwellings, with this area's 450, even if the Mowbray precinct scale is reduced in line with the current Strategic Review – i.e. above the Lane Cove Metro target of 3,900 dwellings for 2031.

It is important also to note the Metro Strategy Objective H1 relating to a sustainable city, integrating equity and liveability. The modification of scale to balance amenity with viability supports of this objective.

- (2) Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Yes – the Community Strategy has the goals of providing concentrated growth of housing around transport and liveable localities.

- (3) Is the planning proposal consistent with applicable state environmental planning policies?**

Yes – see Appendix A.

- (4) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Yes – see Appendix B.

C. Environmental, social and economic impact.

- (1) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No.

- (2) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The environmental benefits would include:-

- Improved sunlight to houses to the south with taller, slimmer apartment towers permitted by the proposed height increase
- Landscaped setbacks due to the smaller footprint with FSR reduced from 4:1 to 2:1
- Reduced vehicle generation with the above FSR reduction.

- (3) How has the planning proposal adequately addressed any social and economic effects?**

- Local residents have supported the proposal due to the amenity improvements in (2).
- Economic viability was supported by commercial owners at FSR 2:1, despite the reduction from 4:1, given that the increased height would permit more saleable apartments with better views and elevation above traffic noise. For residential owners on the north-western side, this should apply also, and although some have requested FSR of 4:1, this is not supported as stated above due to the excessive scale in relation to the surrounding locality. The Hill PDA study's FSRs could be reconsidered in 5 years from now if no redevelopment has occurred at the FSR of 2:1.

D. State and Commonwealth interests.

(1) Is there adequate public infrastructure for the planning proposal?

Yes – an extensive bus transport network and the Lane Cove Town Centre are within 400 metres, with Chatswood and Artarmon stations in proximity.

(2) What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination).

This would be addressed following consultation in accordance with Gateway approval.

4. Details of the community consultation that is to be undertaken on the planning proposal. [Act s. 55(2)(e)]

This would be in accordance with Gateway approval and Council's Consultation Policy.

Appendix A

State Environmental Planning Policies – Consistency

- re Gateway Question 3B(3)

The proposal does not contradict any SEPPs.

- State Environmental Planning Policy No 1—Development Standards
- State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
- State Environmental Planning Policy No 6—Number of Storeys in a Building
- State Environmental Planning Policy No 14—Coastal Wetlands
- State Environmental Planning Policy No 15—Rural Landsharing Communities
- State Environmental Planning Policy No 19—Bushland in Urban Areas
- State Environmental Planning Policy No 21—Caravan Parks
- State Environmental Planning Policy No 22—Shops and Commercial Premises
- State Environmental Planning Policy No 26—Littoral Rainforests
- State Environmental Planning Policy No 29—Western Sydney Recreation Area
- State Environmental Planning Policy No 30—Intensive Agriculture
- State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)
- State Environmental Planning Policy No 33—Hazardous and Offensive Development
- State Environmental Planning Policy No 36—Manufactured Home Estates
- State Environmental Planning Policy No 39—Spit Island Bird Habitat
- State Environmental Planning Policy No 41—Casino Entertainment Complex
- State Environmental Planning Policy No 44—Koala Habitat Protection
- State Environmental Planning Policy No 47—Moore Park Showground
- State Environmental Planning Policy No 50—Canal Estate Development
- State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas
- State Environmental Planning Policy No 53—Metropolitan Residential Development
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential
- State Environmental Planning Policy No 60—Exempt and Complying Development
- State Environmental Planning Policy No 62—Sustainable Aquaculture
- State Environmental Planning Policy No 64—Advertising and Signage
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
- State Environmental Planning Policy No 71—Coastal Protection
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007
- State Environmental Planning Policy (Kurnell Peninsula) 1989
- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy (Temporary Structures) 2007
- State Environmental Planning Policy (Urban Renewal) 2010
- State Environmental Planning Policy (Western Sydney Employment Area) 2009
- State Environmental Planning Policy (Western Sydney Parklands) 2009

Appendix B

Section 117 Directions – Consistency

- re Gateway Question 3B(4)

S. 117 Direction: Objectives	Comment
3.1 Residential Zones “(1) The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.” “5 A planning proposal must...:- (b) not contain provisions which will reduce the permissible residential density of land” unless it is “in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction”.	The height increase to 6-8 storeys allowing improved views, and its compatible FSR controls of 2:1, are intended to encourage redevelopment for new dwellings. The precinct will have the potential to provide 450 new dwellings net conservatively (based on the Department’s 1 per 100m² standard), and more if the density trend in current DAs continues. Lane Cove is expected to be providing for 4,300 new dwellings, with this area’s 450, even if the Mowbray precinct scale is reduced in line with the current Strategic Review – i.e. above the Draft Inner North Subregional Strategy’s Lane Cove target of 3,900 dwellings for 2031. It would be artificial to consider this proposal a “reduction” in residential floor area, as it is rather a correction aimed to provide more realistic controls to promote residential redevelopment of a former commercial zone uphill of low density residential area.
3.4 Integrating Land Use and Transport (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	The proposal supports this Direction. An new bus interchange, an extensive bus transport network and the Lane Cove Town Centre are within 400 metres, with Chatswood and Artarmon stations in proximity.
7.1 Implementation of the Metropolitan Plan for Sydney 2036 (1) The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	The amendments proposed for LEP 2009 will continue to support the Metropolitan Plan for Sydney 2036’s objective of increasing dwelling numbers – please see details in Direction 3.1.

