

Reference: Environmental Services Division Report No. 2

Subject: LEP Amendment - Open Space

Record No: SU4506 - 3933/12

Author(s): Stephanie Bashford

Executive Summary

Planning Proposal – Open Space 12/2012 Attachment A

A planning proposal is recommended for Council endorsement in order to correct certain mapping anomalies in Local Environmental Plan 2009. These relate either to cartographic errors / historic zoning discrepancies or to unintended consequences of zones approved by Council. As a result, restrictions have been imposed unnecessarily on the future use of community and sporting facilities on Council lands.

Each of the proposed amendments would return the zoning to that intended either under Council's policies in former planning documents or in approved land uses. As an example, a long-standing active recreation park fronting Burns Bay had been had been zoned for that use under LEP 1987 and Draft LEP 2008, but is zoned Environmental Conservation E2 in LEP 2009, so this is proposed to be returned to the more appropriate Public Recreation RE1 zone, as detailed below.

Council is requested to approve the preparation of a planning proposal to the Department of Planning and Infrastructure's Gateway for exhibition approval, in accordance with the maps attached to this report as **AT 1**. Aerial photographs of the sites are provided at **AT 2**.

Background

The preparation of the comprehensive LEP included a review of the zones for open space. These comprise:-

- active recreation parks (formerly zoned Open Space Recreation 6(a) under LEP 1987 - now Public Recreation RE1 under LEP 2009); and
- passive recreation bushland (formerly Bushland 6(b) - now Environmental Conservation E2).

The review identified areas zoned for parks which had remained bushland, and conversely other areas zoned as bushland were assessed as appropriate for parks. This was a fine-tuning exercise along the borders between the two zones. The proportion of open space overall within Lane Cove under Draft LEP 2008 was not affected.

The LEP review also maintained most of the long-standing zonings existing from LEP 1987 or earlier plans.

Discussion

(i) LEP Amendments Proposed

In mapping these areas over the course of two DLEP exhibitions and subsequently, electronic map coding was incorrectly applied to two sites and this is now proposed to be corrected. The open space review also had the unintended consequence of rezoning community and sporting facilities set within natural areas, restricting their potential upgrading. Additionally, some historic discrepancies have been identified, for example where zoning had not been updated to match new subdivision boundaries. The zones of each site under LEP 1987, DLEP 2008, LEP 2009 and this proposed LEP amendment are shown in **AT 3**.

Mapping Errors Post-Exhibition of DLEP 2008

Area 1: Sydney University Rowing Club site: This land was zoned Open Space Recreation 6(a) under LEP 1987 (and Special Uses on a small MSW&DB lot). This policy was continued with the site being zoned Public Recreation RE1 in both of the Draft LEP exhibitions in 2008 (including the Sydney Water lot, as it was required by the Department that infrastructure sites be rezoned to match their surrounding zone).

The land has been used over a considerable time for Sydney University Rowing Club activities, prior to the destruction of the rowing sheds in a fire. It forms the southern half of a park, of which the northern section continues to be correctly zoned as RE1. Car parking is available on hard surface areas, and there are grassed areas as well as vegetation over much of the site, as shown in the aerial photograph.

The E2 zoning was incorrectly applied in finalization of the maps in August 2008 for submission to the Department, and is proposed to be returned to Public Recreation RE1. An RE1 zoning would permit, with consent, a range of land uses not permitted in the E2 Environmental Conservation Zone, including kiosks, mooring pens, recreation facilities and cafes.

Linley Lane, which serves the two sections of the park, had been unzoned as were all roads under LEP 1987. Its zoning would also now be identified as RE1, as under the Standard LEP roads are required to be mapped to the adjacent zoning.

Area 2: Lane Cove West river area: This site comprises two lots: (i) a Council-owned foreshore strip and (ii) the rear part of No.355 Burns Bay Rd, a private residential property which formerly extended to the river until Council purchased the foreshore section.

That Council-owned land should be zoned Environmental Conservation E2 as it forms a contiguous strip of public bushland with the public foreshore to the north and south.

The narrow residue of private land at No. 355 east of Council's property should be zoned Residential R2 as it forms part of the private house lot. This has been the standard approach following other foreshore purchases in that area to date.

Historic Discrepancies or Unintended Land Use Consequences

Area 3: The Tambourine Bay Rowing Shed occupies a small portion of Council land under lease to Macquarie University. It located at the southern end of a bush track adjacent to St Ignatius College. The whole bush track was zoned E2 in the DLEP open space review, but this precludes the rowing club's activities (other than under existing use rights) at the southern end.

- It is intended to rezone to RE1 only that southern end portion, and to retain E2 zone over the majority of the bush track.
- The Environmental Protection zone layer which has applied under both LEP 1987 and LEP 2009 will be retained over the whole lot. This requires Council to consider the impact of any proposed development on the vegetation, topography and distinctive features of the land.

Area 4: Blackman Park house: No.3 Lloyd Rees Drive to the south of the roadway is occupied by public tennis courts and a Council-owned house which is currently a residential tenancy. The lot has, both in LEP 1987 and LEP 2009, been predominantly zoned for recreation, but with the south-eastern corner where the house is situated zoned as bushland.

It is proposed that the E2 corner be rezoned to RE1 for consistency with the lot as a whole and to allow for flexible options in planning the future of the land occupied by the house.

Area 5: The North Shore Rowing Club is partially located on Council's foreshore within Aquatic Park, although it is predominantly located over reclaimed land controlled by the NSW Roads and Maritime. The DLEP aimed to zone the Park RE1 over the active recreational areas, which also

include to the east the Lane Cove 12 Foot Skiff Club and the Sea Scouts clubhouses, and E2 over sensitive bushland at the western end.

The boundary between the RE1 and E2 zones is proposed to be slightly realigned to ensure that the North Shore Rowing Club is within the active RE1 zone.

Area 6: No. 3 Dunois St was included in DLEP 2008 and LEP 2009 with the RE1 zone applying east along the foreshore. This automatically replicated the inaccurate Open Space Recreation 6(a) from LEP 1987. It is a residential house lot and should be corrected to Low Density Residential R2.

Area 7: Coronation View Point, listed on Council's Heritage Register, comprises four lots. The eastern-most lot was incorrectly zoned Residential R4 under LEP 2009 in continuation of the LEP 1987's flats zoning of Residential 2(c). This should be corrected to Public Recreation RE1 to reflect its use as a park (as shown in the attached aerial photograph) and for consistency with the remainder of the park's zoning.

Area 8: The Greenwich Scout Hall is located between Greendale St and Eastview St in bushland zoned E2. To allow for the hall's upgrading if required, it is proposed to rezone to RE1 a small arc of land approximately bounded by the two footpaths linking the hall to those streets.

Area 9: Council's Possums Corner child care centre is located on Mowbray Rd at the western end of the industrial area. The site is predominantly zoned Light Industrial IN2, in which child care centres are permissible. However the E2 zone covering bushland along Epping Road incorrectly extends across a southern portion of the site. It is proposed to zone the entire child care site to IN2.

Area 10: Manns Point: This is a strip of foreshore vegetated land at the eastern tip of Manns Point Reserve. Although it has a road to the lookout, it is predominantly bushland and is appropriate to be included in the adjacent E2 area. Under the LEP 1987, the area as a whole was Bushland 6(a). Roads are permissible in the E2 zone.

Each of the proposed amendments would return the zoning to that intended either under Council's clearly stated policies in former planning documents and/or in approved land uses.

(ii) Community Land Management Plan Amendments Proposed

The Community Land Management Plan categorises lands in Council's ownership or management as general community use, parks, sportsgrounds and/or natural areas. Three of the sites are categorized only as natural areas, and therefore require amendment of this Plan to parks. The objectives for "parks" include: "To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities".

- Area 3: Tambourine Bay Rowing Shed
- Area 8: The Greenwich Scout Hall

The addition of the parks category to these two sites would make them consistent with the parks category of the other comparable sites including Aquatic Park site, Burns Bay rowing club site and Blackman Park house site.

- Area 6: No. 3 Dunois St

This residential house lot should be deleted from the Community Land Management Plan.

Conclusion

This planning proposal is intended to correct mapping anomalies in Local Environmental Plan 2009 in order to ensure that the LEP is consistent with long-standing policies of Council. It would also update the Community Land Management Plan to reflect existing uses.

Council is requested to endorse the preparation by staff of a planning proposal to the Department of

Planning and Infrastructure's Gateway for exhibition approval, in accordance with the zoning maps attached to this report as AT1, and updating the Community Land Management Plan.

RECOMMENDATION

That Council:-

1. Submit a planning proposal to correct mapping anomalies in LEP 2009 as identified in the maps attached at AT1 to this Report.
2. Update the Community Land Management Plan to (i) categorise Areas 3 and 8 as "park" and (ii) delete Area 6, to reflect existing uses.



Michael Mason
Executive Manager
Environmental Services Division

ATTACHMENTS:

AT-1 View	Proposed zones under LEP 2009	9 Pages
AT-2 View	Aerial Photographs	5 Pages
AT-3 View	Zones Table under various Plans	1 Page

ENVIRONMENTAL SERVICES DIVISION REPORT NO. 2

SUBJECT: LEP AMENDMENT - OPEN SPACE

25 **RESOLVED** on the motion of Councillors Longbottom and Forrest that Council:-

1. Submit a planning proposal to correct mapping anomalies in LEP 2009 as identified in the maps attached at **AT-1** to the Report; and
2. Update the Community Land Management Plan to (i) categorise Areas 3 and 8 as "park" and (ii) delete Area 6, to reflect existing uses.

For the Motion were Councillors Bennison, Brooks-Horn, Forrest, Gaffney, Longbottom, Mcilroy, and Smith (Total 7).

Against the Motion was Nil (Total 0).