

Lane Cove LEP 2009 - Rezone 1-5 Birdwood Avenue to B4 Mixed Use.

Proposal Title : **Lane Cove LEP 2009 - Rezone 1-5 Birdwood Avenue to B4 Mixed Use.**

Proposal Summary : **This planning proposal seeks to amend 1-5 Birdwood Avenue from B2 Local Centre to B4 Mixed Use under the Lane Cove LEP 2009.**

PP Number : **PP_2013_LANEC_002_00** Dop File No : **13/05288**

Proposal Details

Date Planning Proposal Received : **08-Mar-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 : **1-5 Birdwood Avenue**

Suburb : **Lane Cove** City : **Sydney** Postcode : **2066**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Tharani Yoganathan**

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RPA Contact Details

Contact Name : **Stephanie Bashford**

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DoP Project Manager Contact Details

Contact Name : **Juliet Grant**

Contact Number : **0292286113**

Contact Email : **juliet.grant@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Metro Inner North subregion** Consistent with Strategy : **Yes**

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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) : 44
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Infrastructure's Code of Conduct has been complied with. Sydney Region East has not met with or communicated with any lobbyist in relation to this planning proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The proposed amendment to rezone 1-5 Birdwood Avenue, Lane Cove B4 Mixed Use is supported because it will assist in providing financially viable redevelopment opportunities for Lane Cove Club. The B4 Mixed Use zone will also be compatible with surrounding zones.**

It is noted that the dwellings estimate is approximate at this stage, as Lane Cove Club has not submitted a finalised proposal for the site.

External Supporting Notes : **Lane Cove Council has accepted the Minister's offer to delegate his plan-making functions under the EP&A Act. Council is seeking delegation to carry out the Minister's functions under section 59 of the EP&A Act to progress this planning proposal. The relevant evaluation criteria are attached to this proposal.**

Council advises that they support this planning proposal for the following reasons:

- to allow Lane Cove Club the opportunity to redevelop the site with the flexibility to include shops or not.**
- to facilitate the economic use and development of the Club's land while ensuring their financial viability.**
- to give them the opportunity to amalgamate with the adjoining sites at 7-9 Birdwood Avenue, which are also zoned B4 Mixed Use.**

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives states that the planning proposal's purpose is to rezone 1-5 Birdwood Avenue from B2 Local Centre to B4 Mixed Use.**

This amendment seeks to give Lane Cove Club more land use options by rezoning the site to B4 Mixed Use. This will facilitate more financially viable redevelopment for the site.

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

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is adequate.**

The planning proposal will amend Lane Cove LEP 2009 by amending the:

- Lane Zoning Map to zone the subject site B4 Mixed Use.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

3.3 Home Occupations

3.4 Integrating Land Use and Transport

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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 4—Development Without Consent and Miscellaneous
Exempt and Complying Development**

SEPP No 19—Bushland in Urban Areas

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

SREP (Sydney Harbour Catchment) 2005

SREP No. 18 - Public Transport Corridor

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

There are no other matters which will need to be considered for this proposal.

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

If No, explain :

Direction 1.1 Business and Industrial Zone

The planning proposal seeks to alter the business zone from B2 Local Centre to B4 Mixed Use. The primary difference between these zones is that B4 Mixed Use also allows hotel and motel accommodation, residential flat buildings, multi dwelling houses, and tourist and visitor accommodation.

The proposal is considered to be inconsistent with section 117 Direction 1.1 as it potentially reduces the floor space area for employment uses by introducing land uses that are solely residential (residential flat buildings and multi dwelling houses).

Council has indicated that Lane Cove Club is considering the option of not developing retail or business premises on the entire ground floor, as would occur if the site remains B2 Local Centre and is developed for shop top housing. If Lane Cove Club decides to pursue residential development, it would result in a retail or business premises floor space loss of 1,000 sqm. This equates to a loss of 87 jobs $\{(1000\text{sqm} \times 2.5[\text{fsr}]/20\text{sqm}) \times 0.3(\text{discount})\}$.

This possible loss of retail space and jobs is considered minor because the site is not well located for a retail land use as it is on the edge of the Lane Cove Town Centre and removed from the existing retail strip. The site is surrounded by dwelling houses, residential flat buildings and a car park. Further to this, the subject site adjoins sites

zoned B4 Mixed Use.

The Lane Cove LEP 2009 meets the job target of 6500 additional jobs for the LGA. The inconsistency with the direction is considered to be of minor significance.

The proposal is considered to be consistent with all other s117 directions.

The proposal is considered to be consistent with all SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps provided include:**

- site context map
- existing zoning map
- proposed zoning map

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to exhibit the planning proposal for six weeks. A minimum of 14 days for public exhibition will be recommended as this is a low impact proposal.**

Project Time Line.

The planning proposal contains an estimated project time line for completion within 4 months. The time line is considered to be unrealistic and a 6 month timeframe is more appropriate. This means the planning proposal will be completed in September 2013.

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 : **The planning proposal provides adequate information for the following:**

1. objectives and intended outcomes.
2. explanation of the provisions.
3. justification for the proposal.
4. community consultation.
5. project time line
6. evaluation criteria for delegation

Delegation of plan making functions is considered to be appropriate in this instance, as the proposal is consistent with relevant strategic planning instruments.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Lane Cove LEP was notified in 2009. The planning proposal is considered to be consistent with the standard instrument.**

Assessment Criteria

Need for planning proposal :	At present, the Department of Planning and Infrastructure is finalising a separate planning proposal for 1-5 Birdwood Avenue, Lane Cove to amend the FSR from 2.1:1 to 2.5:1. In addition to the above planning proposal, Council has requested another amendment to the planning controls for this site because Lane Cove Club wants greater financially viable redevelopment opportunities. The site is currently zoned B2 Local Centre which does not allow residential flat buildings and multi dwelling houses. This proposal seeks to rezone the site to B4 Mixed Use which permits these land uses. Rezoning this site from B2 Local Centre to B4 Mixed Use will provide the Club with more options and development potential for the site.
Consistency with strategic planning framework :	The planning proposal is consistent with the Draft Inner North Subregional Strategy and the Metropolitan Strategy. The Draft Inner North Subregional Strategy identifies Lane Cove as a Town Centre. However, because this site is on the periphery of the Town Centre, the rezoning is not considered to be inconsistent with the Town Centre status identified in the Strategy. The proposal is consistent with Council's strategic documents: Council's Cultural Action Plan and Lane Cove Social Plan.
Environmental social economic impacts :	The rezoning will not have an adverse environmental, social or economic impact.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
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Timeframe to make LEP :	6 Month	Delegation :	RPA
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Public Authority Consultation - 56(2)(d)

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. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal 15 2013 - LEPAmendment to ~ 5 Birdwood Ave (Lane Cove Club) to B4 Mixed Use.doc	Proposal	Yes
Scanned letter to Department.pdf	Proposal Covering Letter	Yes
Attachment F Aerial Photograph - Site Context.doc	Photograph	Yes
Attachment A - Draft LEP	Map	Yes
mapsRezoning1-5BirdwoodAve_SiteIdentification.pdf		
Attachment B - Draft LEP	Map	Yes
mapsRezoning1-5BirdwoodAve_Current.pdf		
Attachment C - Draft LEP mapsRezoning 1-5 BirdwoodAve - Replacement 2013 Feb.pdf	Map	Yes
Attachment E - Draft LandRezoning Map for Public 1-5 Birdwood Ave.pdf	Map	Yes
AT 4 - Evaluation Criteria forthe Delegation of Plan Making Functions.doc	Proposal	Yes
AT 1 - Information Checklist.doc	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended the Planning Proposal proceed subject to the following conditions:**
 (1) The Planning Proposal be exhibited for at least 14 days.
 (2) The Planning Proposal be completed within six months of the Gateway Determination.
 (3) No consultation is required with public authorities.
 (4) A public hearing is not required to be held into the matter by any person or body under section 56(2) of the EP&A Act.
 (5) An Authorisation to exercise delegation to make the plan be issued to the Council for this planning proposal

Supporting Reasons : **The Planning Proposal should be approved for the following reasons:**
 1) It is considered that the proposed changes are suitable given the site location and supporting infrastructure.
 2) It is considered that the proposal will have minimal impacts on the surrounding environment.
 3) It is considered that the change in zoning will increase the viability of the redevelopment of the site.
 4) The inconsistency with the s117 direction 1.1 Business and Industrial Zones is justifiably inconsistent.
 5) Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of Council's delegation is supported.

Signature:



Printed Name:

Sandy Shewell

Date:

15.3.13