



New South Wales

Lane Cove Local Environmental Plan 2009 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

The Greater Sydney Commission makes the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

CRAIG DALLI, ACTING GENERAL MANAGER, LANE COVE COUNCIL
As delegate for the Greater Sydney Commission

Lane Cove Local Environmental Plan 2009 (Amendment No 24)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Lane Cove Local Environmental Plan 2009 (Amendment No 24)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Lane Cove Local Environmental Plan 2009* applies.

4 Maps

The maps adopted by *Lane Cove Local Environmental Plan 2009* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.

Schedule 1 Amendment of Lane Cove Local Environmental Plan 2009

[1] Clause 1.8A Savings provisions relating to development applications

Insert after clause 1.8A (5):

- (6) To avoid doubt, *Lane Cove Local Environmental Plan 2009 (Amendment No 24)* applies to the determination of a development application made (but not finally determined) before the commencement of that Plan.

[2] Land Use Table

Insert “Restaurants or cafes;” in alphabetical order in item 3 of the matter relating to Zone R4 High Density Residential.

[3] Land Use Table, Zone IN2 Light Industrial

Insert “Medical centres;”, “Vehicle body repair workshops;” and “Vehicle repair stations;” in alphabetical order in item 3.

[4] Clause 4.1A

Insert after clause 4.1AA:

4.1A Subdivision of dual occupancies

Despite any other provision of this Plan, development consent must not be granted to the subdivision of land on which a dual occupancy is erected or proposed to be erected if the subdivision would result in the dwellings that comprise the dual occupancy being located on separate lots.

[5] Clause 4.3 Height of buildings

Omit clause 4.3 (1) (a)–(c). Insert instead:

- (a) to ensure development allows for reasonable solar access to existing buildings and public areas,
- (b) to ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable,
- (c) to seek alternative design solutions in order to maximise the potential sunlight for the public domain,
- (d) to relate development to topography.

[6] Clause 4.5 Calculation of floor space ratio and site area

Insert after clause 4.5 (6):

(6A) Battle-axe lots or other lots with access handles

If a lot is a battle-axe lot or other lot with an access handle and is in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential or Zone E4 Environmental Living, the area of the access handle is not to be included when calculating the site area.

[7] Clause 4.6 Exceptions to development standards

Insert after clause 4.6 (8) (c):

- (ca) clause 4.1A.

[8] Clause 5.3

Omit the clause. Insert instead:

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 15 metres.
- (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (aa) land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone IN2 Light Industrial, Zone IN4 Working Waterfront, Zone SP2 Infrastructure or Zone E4 Environmental Living, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

[9] Clause 6.1 Acid sulfate soils

Omit clause 6.1 (6) (a). Insert instead:

- (a) the works involve the disturbance of less than 1 tonne of soil, and

[10] Schedule 5 Environmental heritage

Omit the matter relating to item nos I89, I90, I91, I93, I168, I228, I293 and I317 from Part 1.