

8-14 Mindarie Street, Lane Cove North - rezoning, height, FSR and minimum lot size amendments

Proposal Title :	8-14 Mindarie Street, Lane Cove North - rezoning, height, FSR and minimum lot size amendments		
Proposal Summary :	Amend Lane Cove Local Environmental Plan 2009 planning controls for 8-14 Mindarie Street, Lane Cove North (three sites): 1: rezone the sites from R4 High Density Residential to E4 Environmental Living, 2: amend the building height limit for the sites from 11.5 metres to 9.5 metres, 3: amend the maximum permissible floor space ratio for the sites from 1.4:1 to 0.5:1, and 4: apply a minimum lot size of 550 square metres.		
PP Number :	PP_2013_LANEC_004_00	Dop File No :	13/10693

Proposal Details

Date Planning Proposal Received :	12-Sep-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 :	8-10 Mindarie Street		
Suburb :	Lane Cove North	City :	Sydney
Land Parcel :		Postcode :	2066
Street :	12 Mindarie Street		
Suburb :	Lane Cove North	City :	Sydney
Land Parcel :		Postcode :	2066
Street :	14 Mindarie Street		
Suburb :	Lane Cove North	City :	Sydney
Land Parcel :		Postcode :	2066

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DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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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 : **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 : **SITE AND LOCATION**
The planning proposal applies to three sites at 8-14 Mindarie Street, Lane Cove (the subject site) which are located in the Mowbray Road precinct (the precinct). The precinct consists of land bounded by Mowbray Road, Centennial Avenue, Willandra Street and Batten Reserve.

The subject site is located on the southern side of Mindarie Street, in a curve in the road which is part of an escarpment. One of the sites, No 8-10 contains an attached, single storey dual occupancy and is owned by the Land and Housing Corporation and the two

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remaining sites (Nos 12 and 14) each contain single storey residential dwellings. The dwellings sit below street level due to topography. Adjoining them to the south are one and two storey residential dwellings, along Kullah Parade.

PRECINCT HISTORY

Lane Cove Local Environmental Plan 2009 (LEP 2009) zoned the majority of the precinct R4 High Density Residential (including the subject sites). In March 2011, Council submitted a planning proposal to down zone the precinct to a mixture of E4 Environmental Living, R2 Low Density Residential and R3 Medium Density Residential and reduce the floor space ratio (FSR) and height standards. Council sought this down zoning because it did not agree with the R4 High Density Residential zoning applied to the precinct as part of LEP 2009. The Department did not support this planning proposal.

In May 2011, the Department and Council commissioned JBA Planning to undertake a strategic review of the precinct focusing on its development potential and taking into account identified development and environmental constraints.

The JBA Planning report recommended (among other things):

- restricting development to low density residential in the area affected by low to medium bushfire risk and retaining the high density residential zone in the northern part of the precinct (which included 8-14 Mindarie Street); and
- height and FSR amendments.

In recognition of the location of 8-14 Mindarie Street (being on an escarpment and in a transition area between high and low density residential controls), the JBA report recommended the subject site maintain the R4 High Density Residential zoning but the FSR and height limit controls be amended to reflect the sites' location. A FSR of 1.4:1 and a height limit of 11.5m (3 storeys) was recommended. Higher density residential controls to the north consisted of a FSR of 1.6:1 and a height limit of 14.5m (4 storeys) and low density residential controls to the south and west consisted of a FSR of 0.5:1 and a height limit of 9.5m (2 storeys).

LEP 2009 AMENDMENT NO 7

In December 2011, Council submitted a planning proposal to the Department (Amendment No 7), predominantly in line with the JBA report recommendations. Amendment No 7 received 75 submissions. The key issues raised in submissions included amenity, bushfire, character, consultation, density, FSR and height controls, open space, traffic and parking, and zoning. Of those submissions, 12 objected to the zoning and planning controls for 8-14 Mindarie Street and one supported the proposal. The objectors, mainly from Kullah Parade, supported a down zoning to E4 Environmental Living to be consistent with the zoning of their properties. Concern was also raised with regard to overshadowing, overlooking and noise that could result from the development of 3 storey residential flat buildings. The one submission in support of the planning proposal was from 14 Mindarie Street (subject of this planning proposal).

Due to the objection to the zoning and planning controls for 8-14 Mindarie Street, as part of Amendment No 7, Council requested a post-exhibition change to rezone the subject site E4 Environmental Living. The Department did not support the post-exhibition change and advised Council to lodge a subsequent planning proposal should Council wish to pursue this.

Amendment No 7 was made in January 2013. The subject site was zoned R4 High Density Residential with a FSR of 1.4:1 and a height limit of 11.5m. These are the current zoning and controls.

CURRENT PLANNING PROPOSAL

Council now seeks to amend the zoning and controls for the subject site and proposes:

- a zoning of E4 Environmental Living,
- a FSR of 0.5:1,

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- a height limit of 9.5 metres and
- a minimum lot size of 550 square metres.

Although these proposed controls would make the subject site consistent with the sites to the south and west, the planning proposal is not supported because:

1. it is inconsistent with recent strategic planning studies for the precinct, namely the Mowbray Road Precinct - Strategic Review Report prepared by the Department of Planning and Infrastructure, dated November 2011 which is supported by the Mowbray Road Precinct - Master Planning Study prepared by JBA Planning dated December 2011,
2. the current zoning and built form controls for 8-10 Mindarie Street will not adversely impact on surrounding properties, and
3. it affects land owned by Land and Housing Corporation (8-10 Mindarie Street), whose views are unknown.

External Supporting Notes :

On 19 November 2012, Council resolved to prepare a planning proposal that would rezone 8-14 Mindarie from R4 High Density Residential to E4 Environmental Living.

As part of LEP 2009 (Amendment No 7), which was made in January 2013, Council sought to zone the sites E4 Environmental Living as a post-exhibition change. The down zoning was supported by a number of public submissions to Amendment No 7 but not by the Department.

The down zoning did not occur and now Council seeks a planning proposal to enable community consideration of the proposal.

Council has sought plan making delegations in respect of this planning proposal.

Adequacy Assessment

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

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

Comment : The purpose of the planning proposal is to amend the Lane Cove Local Environmental Plan 2009 planning controls for 8-14 Mindarie Street, Lane Cove North from high density to low density residential.

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

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

Comment : The amendment proposes to:

- 1: rezone the sites from R4 High Density Residential to E4 Environmental Living,
- 2: amend the building height limit for the sites from 11.5 metres to 9.5 metres,
- 3: amend the maximum permissible floor space ratio for the sites from 1.4:1 to 0.5:1, and
- 4: apply a minimum lot size of 550 square metres.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **3.1 Residential Zones**

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

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

The planning proposal is inconsistent with S117 Direction 3.1 Residential Zones, because it would result in a loss of housing potential across the subject site (approximately 30 dwellings). However, the inconsistency is considered minor because Lane Cove LGA is predicted to meet its housing target under the draft Inner North Subregional Strategy and this minor non-compliance would not affect that target.

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

The planning proposal is inconsistent with the Mowbray Road Precinct - Strategic Review Report prepared by the Department of Planning and Infrastructure, dated November 2011 which is supported by the Mowbray Road Precinct - Master Planning Study prepared by JBA Planning dated December 2011.

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment :

Council has advised mapping in accordance with the NSW Mapping Guidelines can be supplied as requested. Should the proposal be supported at the gateway, a condition can be included that adequate maps are prepared prior to public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

Council proposes a 6 week exhibition period.

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? No

If No, comment :

The planning proposal is not supported because there is no justified need for the down zoning and it is inconsistent with strategic planning studies applicable to the area.

Proposal Assessment

Principal LEP:

Due Date : February 2010

Comments in relation to Principal LEP :

LEP 2009 as made in February 2010 zoned the sites R4 High Density Residential with a floor space ratio of 2.1:1 and a height limit of 12m.

Assessment Criteria

Need for planning proposal :

Council has submitted the planning proposal to allow community consideration of the proposal. The proposal is a result of submissions received objecting to the current zoning and floor space ratio and height controls made for the subject site under LEP 2009 (Amendment No 7).

The current zoning and planning controls for the subject site are as a result of a strategic planning review and they are considered appropriate for the site. Council has not adequately justified the need for the planning proposal.

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Consistency with strategic planning framework :

The planning proposal is inconsistent with the Mowbray Road Precinct - Strategic Review Report prepared by the Department of Planning and Infrastructure, dated November 2011 which is supported by the Mowbray Road Precinct - Master Planning Study prepared by JBA Planning dated December 2011.

Environmental social economic impacts :

The planning proposal will not result in any adverse social or economic environmental impacts.

Assessment Process

Proposal type : Precinct Community Consultation Period : 28 Days

Timeframe to make LEP : 9 months Delegation : RPA

Public Authority Consultation - 56(2) (d) : Family and Community Services - Housing NSW

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? No

If no, provide reasons : The planning proposal is inconsistent with the Mowbray Road Precinct - Strategic Review Report prepared by the Department of Planning and Infrastructure, dated November 2011 which is supported by the Mowbray Road Precinct - Master Planning Study prepared by JBA Planning dated December 2011.

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

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
8-14 Mindarie St Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : Not Recommended

S.117 directions: 3.1 Residential Zones

Additional Information : The planning proposal is not supported because:

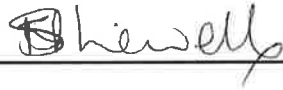
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1. it is inconsistent with recent strategic planning studies for the precinct, namely the Mowbray Road Precinct - Strategic Review Report prepared by the Department of Planning and Infrastructure, dated November 2011 which is supported by the Mowbray Road Precinct - Master Planning Study prepared by JBA Planning dated December 2011,
2. the current zoning and built form controls for 8-10 Mindarie Street will not adversely impact on surrounding properties, and
3. it affects land owned by Land and Housing Corporation (8-10 Mindarie Street), whose views are unknown.

Supporting Reasons :

The strategic planning studies investigated the precinct thoroughly and proposed site specific controls for the subject site. It is considered development permissible under the current controls would not result in buildings that would adversely impact dwellings to the south, at the bottom of the escarpment, along Kullah Parade. The size of the lots within the subject site and the size and depth of the lots along Kullah Parade mean adequate setbacks can be achieved that would maintain the amenity for the properties along Kullah Parade.

Signature:



Printed Name:

Sandy Shewell

Date:

23.9.13

