



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

Date: 10 April 2013

Doc Ref: 17547/13

Ms Juliet Grant,
Director - Sydney Region East,
NSW Department of Planning,
23-33 Bridge St,
SYDNEY NSW 2000
Ms Juliet Grant,

Attention: Mr Andrew Watkins

Dear Ms Grant,

RE: PLANNING PROPOSAL 16: 8-14 MINDARIE STREET, LANE COVE NORTH - REZONING

Council has resolved to submit a planning proposal for 8-14 Mindarie Street, Lane Cove North to the Department requesting Gateway approval to proceed to exhibition.

The planning proposal was prepared by Council in response to public submissions received in relation to the rezoning of the Mowbray Precinct. The submissions requested that the 8-14 Mindarie St properties be rezoned from R4 High Density Residential to E4 Environmental Living on grounds including the amenity of the properties to the south.

Please note that Nos.8—10 Mindarie St are owned by Housing NSW.

Please find attached the Planning Proposal and supporting documentation.

I request that the LEP Panel recommend Gateway determination for LEP 2009 - Planning Proposal No.16 to proceed to public exhibition.

Please feel welcome to contact me on 9911 35612 or at sbashford@lanecove.nsw.gov.au to discuss any matters relating to the submission.

Yours sincerely

per *AM*

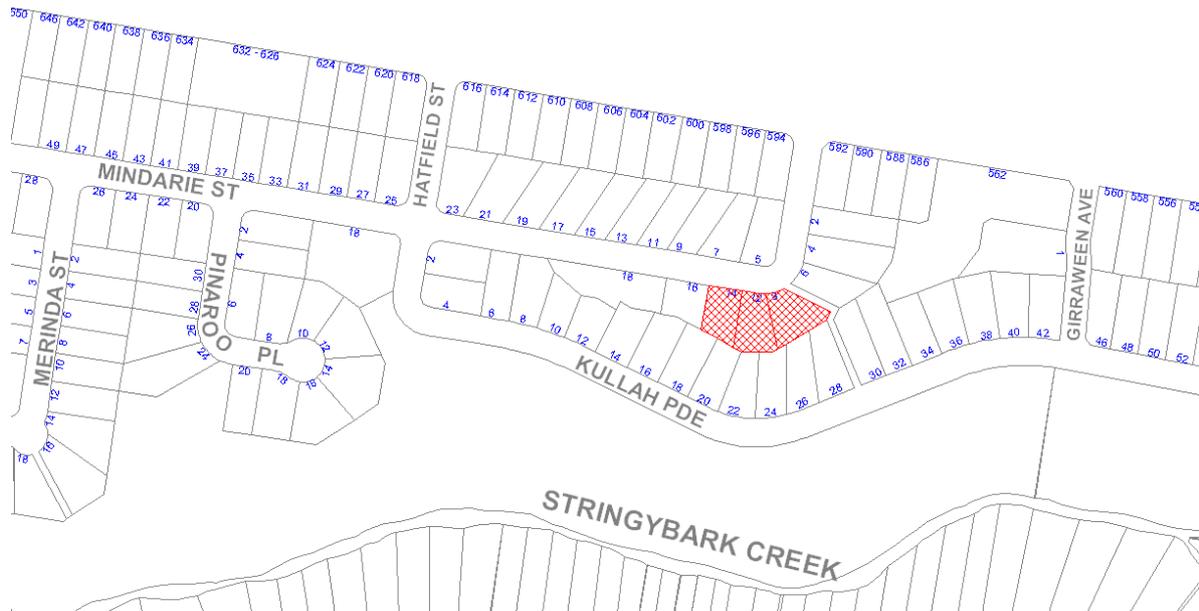
Michael Mason,
Executive Manager – Environmental Services

PLANNING PROPOSAL 16

Lane Cove Local Environmental Plan 2009

Rezoning of 8-14 Mindarie Street, Lane Cove North

Locality and site (cross-hatched)



PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of this 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. Please note that Nos.8—10 Mindarie St are owned by Housing NSW.

Please see the zoning, height, floor space, and lot size maps attached at **AT A**.

This amendment would:-

- Item 1: Rezone the site from R4 High Density Residential to E4 Environmental Living.
- Item 2: Amend the building height limit for the site from 11.5 metres to 9.5 metres.
- Item 3: Amend the maximum permissible floor space ratio for the site from 1.4:1 to 0.5:1.
- Item 4: Change from the current situation, of the site having no minimum lot size under the R4 zoning, to apply a minimum lot size of 550 square metres, making it consistent with the adjoining E4 Environmental Living Zone house lots provision.

Note: the rest of the Local Government Area allows for an FSR of 0.6:1 on lots less than 550 sq m in the R2 zone, but this does not apply in the Mowbray Precinct's E4 zone, to ensure a consistent scale in a small area.

Aerial photograph with 2-metre contours



PART 2 – EXPLANATION OF THE PROVISIONS

The site is located within the Mowbray Precinct, which is bounded by Mowbray Road, Centennial Avenue, Willandra Street and Batten Reserve/Stringybark Creek.

LEP 2009 had zoned the whole precinct R4 High Density Residential. However, in 2011, a Strategic Review endorsed by the Department and Council proposed that certain properties close to the Reserve's bushland be rezoned back to low density: E4 Environmental Living, principally due to bushfire issues, and this came into effect in January 2013.

Nos. 8-14 Mindarie St were not among the sites identified for low density E4 zoning by the 2011 Strategic Review, remaining R4 High Density Residential, but a more moderate scale was to apply for them than for the rest of the precinct.

High density development elsewhere in the Mowbray precinct is permitted to be four to five storeys in height, with an FSR range of 1.6 – 1.8:1.

Nos. 8-14 Mindarie Street, however, are located on top of an escarpment and as such were considered unsuitable for high density units over 3 storeys. Consequently a height limit of 11.5 metres and FSR 1.4:1 were applied. The current R4 High Density Residential zone at a reduced scale was proposed as a transitional interface between R4 land to the north and E4 land to the south.

However E4 Environmental Living is now being considered as even the current transitional scale may disadvantage the houses downhill.

This Planning Proposal seeks to provide an opportunity for discussion amongst the local community about the most appropriate land use and scale for this site.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

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

Yes.

Council Report: On 19 November 2012, Council resolved that:

“A planning proposal be submitted to the NSW Department of Planning & Infrastructure to enable public exhibition of a draft LEP amendment to rezone 8-14 Mindarie St to Environmental Living E4”.

The Council Minutes and Report for that meeting, providing detailed background to the proposal, are attached at **AT B**.

Mowbray Road Precinct Strategic Review 2011: The Mowbray Road Precinct Master Planning Study had been undertaken by JBA Planning consultants and an accompanying Traffic Study was undertaken by SMEC. The consultants addressed such concerns as bushfire, access, feasibility and overall appropriateness of development. The Strategic Review recommended that the area was suitable to remain R4 High Density Residential, but at a lower scale than the rest of the R4 zone. The Review report and supporting studies were publicly exhibited from 27 January to 23 March 2012 with the site’s zoning R4.

During the public exhibition, Council had received submissions from some of the owners in Kullah Parade to rezone 8-14 Mindarie St as E4 Environmental Living and, following the exhibition, considered rezoning the site to E4. However, as the E4 zoning had not yet been exhibited, when the Precinct as a whole was finalised this site was notified as remaining R4 as under LEP 2009 in the amendment of January 2013.

(During the LEP amendment’s finalisation in late 2012, a petition was received from other owners in the Kullah/ Mindarie block requesting that the E4 zoning proposed to apply over the major part of the block as recommended by JBA, in particular on bushfire grounds, not proceed. Council noted the petition.)

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

The objectives are to balanced amenity between adjacent properties within a block. The planning proposal exhibition would provide an opportunity to consider the range of residents’ views in relation to site constraints and opportunities in a transitional area.

Section B – Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. The Draft Inner North Subregional Strategy provides a residential target of 3,900 new dwellings for Lane Cove. At present there is sufficient zoned land to achieve Council’s dwelling target and maintain a good mix of housing stock. The Mowbray Road precinct is predominantly zoned as R4 High Density Residential with a range of floor space ratios and height controls to achieve a variety of housing stock. The reduction of dwellings for these three properties (currently 2 private houses and 1 NSW Housing house) would be minor.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with the Council's Community Strategic Plan and is relevant to the following goals:

- *Housing*

"To promote a range of sustainable housing options in response to changing demographics".

The retention of the complete E4 block, in a precinct of predominantly high density zoning, will provide a continuation of detached family housing near the Mowbray Public School.

- *Consultation*

"To foster meaningful community involvement in planning and decision-making".

This Planning Proposal would give the local community the opportunity to determine the most appropriate land use for the site.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Yes. The proposal is consistent with relevant state environmental planning policies. Please see Appendix A.

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

The Planning Proposal is consistent with Section 117 Directions. Details of applicable Directions are at Appendix B. The following Ministerial Directions are of particular relevance:

Direction 3.1 – Residential Zones

While the Planning Proposal seeks to rezone an area of R4 High Density Residential to E4 Environmental Living, the overall effect on residential growth will be minor, affecting approximately 30 dwellings. The JBA Master Planning Study states that the recommended total dwellings for the entire Mowbray Road Precinct is to be 1,200 net new dwellings based on current development applications for the area.

The estimated number of units which would be reduced by this planning proposal is based on a development application for 9-13 Mindarie Street (almost directly opposite 8-14 Mindarie Street). The land is zoned R4 with an FSR of 1.6:1 and a height limit of 14.5 metres (4 storeys). With an area of 1,840 m², the planning controls resulted in 9-13 Mindarie Street only producing 32 apartments.

Given that the total area of 8-14 Mindarie St is smaller, at 1,757 m², and the planning controls are relatively reduced, with an FSR of 1.4:1 and a height limit of 11.5 metres (3 storeys), fewer than 32 apartments would be achievable on the site.

Given that the Mowbray Precinct would continue to provide planning controls allowing for significant growth and a diversity and variety of housing choice, the Planning Proposal is considered to be satisfactory in relation to this Direction.

Direction 3.4 – Integrating Land Use and Transport

The Planning Proposal is consistent with this Direction.

Direction 4.4 – Planning for Bushfire Protection

The Planning Proposal is consistent with this Direction.

Section C – Environmental, social and economic impact.

7. 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. The proposed zoning boundary adjustments will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats as this is a developed urban area.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other known environmental effects that could arise from the Planning Proposal.

9. How has the planning proposal adequately addressed any social and economic effects?

There is a social consistency to having all the properties within on block the same in housing form. It creates a complete block of family housing within walking distance of a public school.

In economic terms, the Planning Proposal would reinstate low density zoning as has been applied to the site for several decades. However the owners' past submissions indicate that they request a similar economic footing as exists for the properties opposite on the northern side of Mindarie St i.e. the potential to develop high density residential, although at a lesser scale.

Section D – State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

There are no significant public infrastructure costs associated with the Planning Proposal.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

To be advised after exhibition.

PART 4 – MAPPING

Draft Land Zoning, Height of Building, Floor Space Ratio and Minimum Lot Size Maps are attached to this Planning Proposal in AT A. A full set of maps compliant with the NSW Mapping

Guidelines is also available, in preparation for an exhibition, and can be provided now if the Department requests it.

PART 5 – COMMUNITY CONSULTATION

Dependent on the Department’s advice. Council’s Consultation Policy provides for a six-week exhibition period.

PART 6 – PROJECT TIMELINE: Indicative

Stage	Completion Date
Commencement date of Gateway	Late-August 2013
Completion of required technical information	September 2013
Government agency consultation	September - October 2013
Commencement and completion dates for public exhibition	September 2013
Dates for public hearing	Not expected
Consideration of submissions	21 October 2013
Consideration of a proposal post exhibition	21 October 2013
Date of submission to the Department to finalise the LEP	Not applicable (use of delegation)
Anticipated date RPA will make the plan (if delegated)	21 October 2013
Anticipated date RPA will forward to the Department for notification	Early December 2013

Appendix A

State Environmental Planning Policies – Consistency

- re Gateway Question 3B(3)

SEPPs	Consistency
State Environmental Planning Policy No 1—Development Standards	SEPP 1 does not apply.
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	SEPP 4 does not apply.
State Environmental Planning Policy No 6—Number of storeys in a building	Two-storey houses are permitted in the DCP.
State Environmental Planning Policy No 19—Bushland in Urban Areas	The proposal will not result in the removal of any bushland on the site.
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	Consistent.
State Environmental Planning Policy No 55—Remediation of Land	Consistent.
State Environmental Planning Policy No 64—Advertising and Signage	SEPP 64 does not apply.
State Environmental Planning Policy (BASIX) 2004	Consistent.
State Environmental Planning Policy (Infrastructure) 2007	The planning proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP.

Appendix B

Section 117 Directions – Consistency

- re Gateway Question 3B(4) The link to S.117 Directions in full is at:-

<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=VUtdGWadrvE%3d&tabid=248&language=en-AU>

Direction	Consistency
Employment and Resources	
1.1 Business and Industrial zones	N/A
1.2 Rural zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
Environment and Heritage	
2.1 Environment Protection Zones	Does not apply as 8-14 Mindarie St is not an environmentally sensitive area and is not zoned for the purposes of environmental protection or conservation.

2.2 Coastal Protection	N/A
2.3 Heritage Conservation	Does not apply as no items of environmental heritage are located on the site or the adjoining area.
2.4 Recreation Vehicle Areas	N/A
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>While the Planning Proposal seeks to rezone an area of R4 High Density Residential to E4 Environmental Living, the overall effect on residential growth will be minor, affecting approximately 30 dwellings. The JBA Master Planning Study states that the recommended total dwellings for the entire Mowbray Road Precinct is to be 1,200 net new dwellings based on current development applications for the area.</p> <p>The estimated number of units which would be reduced by this planning proposal is based on a development application for 9-13 Mindarie Street (almost directly opposite 8-14 Mindarie Street). The land is zoned R4 with an FSR of 1.6:1 and a height limit of 14.5 metres (4 storeys). With an area of 1,840 m², the planning controls resulted in 9-13 Mindarie Street only producing 32 apartments.</p> <p>Given that the total area of 8-14 Mindarie St is smaller, at 1,757 m², and the planning controls are relatively reduced, with an FSR of 1.4:1 and a height limit of 11.5 metres (3 storeys), fewer than 32 apartments would be achievable on the site.</p> <p>The Mowbray Precinct would continue to provide planning controls allowing for significant growth and a diversity and variety of housing choice.</p>
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	Consistent. Given that the precinct will be predominantly used for residential flats, there will only be a minor reduction in the number of flats using the area's bus transport.
3.5 Development Near Licensed Aerodromes	N/A
Hazard and Risk	
4.1 Acid Sulfate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	Consistent. The controls in this planning proposal do not contravene the <i>Planning for Bushfire Protection 2006</i> standards. The use of 8-14 Mindarie St as dwelling houses is not considered to be an inappropriate development in a hazardous area as identified in the JBA Master Planning Study. The site already has an APZ at the rear of the properties.
Regional Planning	
5.1 Implementation of Regional Strategies	N/A
5.2 Sydney Drinking Water Catchment	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A

5.5, 6 & 7 Revoked	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A
Local Plan Making	
6.1 Local plan making: Approval and Referral Requirements	Consistent. The planning proposal does not contain provisions requiring concurrence, consultation or referral of a Minister or public authority.
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	N/A
Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Consistent. The planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Attachments

Attachment A: Zoning, Height, Floor Space Ratio and Lot Size Maps

Attachment B: Council Report and Minutes dated 19 November 2012

Departmental Attachment 1: Information Checklist

Departmental Attachment 4: Evaluation Criteria for the Delegation of Plan Making Functions

10065/13

**Planning Proposal 16: 8-14 MIndarie Street
Lane Cove LEP 2009
Maps**

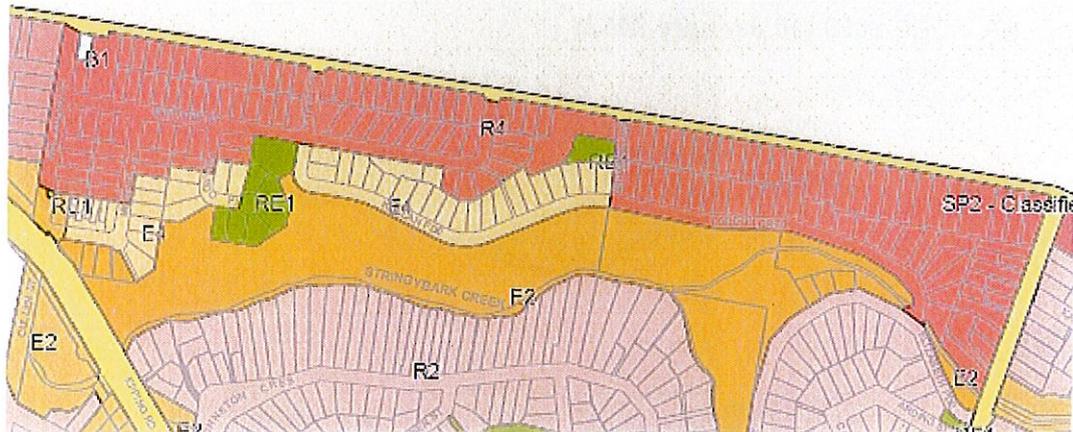
1. Zoning

Legend

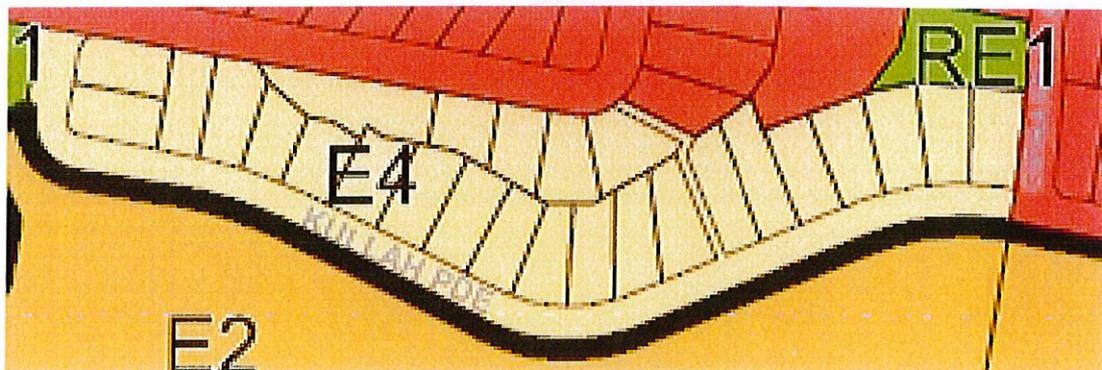
Zoning

- B1** Neighbourhood Centre
- B2** Local Centre
- E2** Environmental Conservation
- E4** Environmental Living
- IN2** Light Industrial
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- RE1** Public Recreation
- SP2** Infrastructure

Current Zoning – LEP 2009 (18 January 2013)



Proposed Zoning



2. Floor Space Ratio

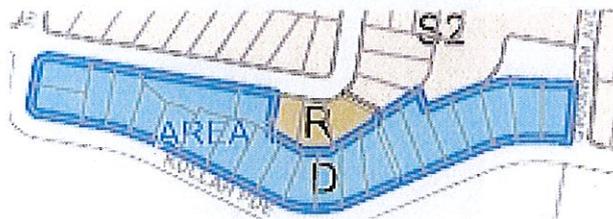
Legend

Floor Space Ratio Map -
Sheet FSR_001

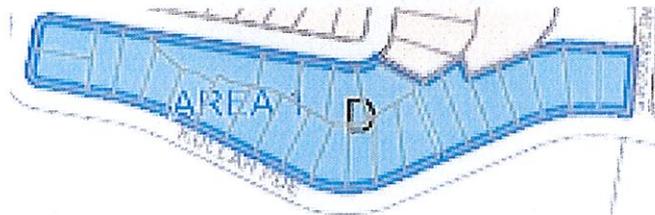
Maximum Floor Space Ratio (n:1)

D	0.5
F	0.6
H	0.7
J	0.8
N	1.0
O	1.1
P	1.2
R	1.4
S1	1.5
S2	1.6

Current FSR – LEP 2009 (18 January 2013)



Proposed FSR



3. Height

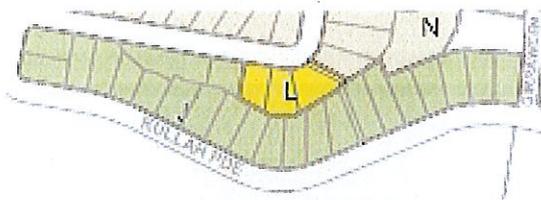
Legend

Height Of Building Map - Sheet HOB_001

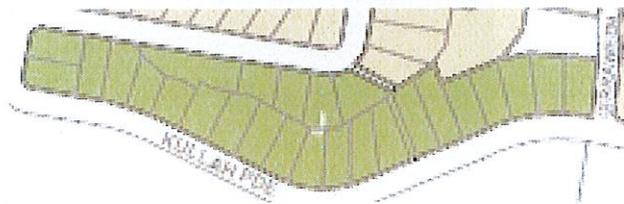
Maximum Building Height (m)

J	9.5
L	11.5
M	12
N	14.5
O	15
P1	17.5

Current Height – LEP 2009 (18 January 2013)



Proposed height



4. Lot Size

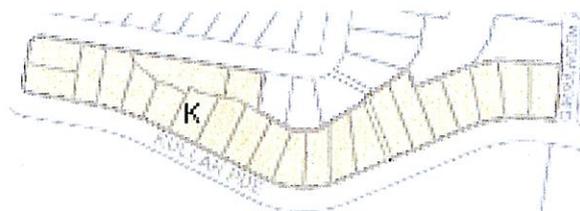
Legend

Lot Size Map - Sheet LSZ_001

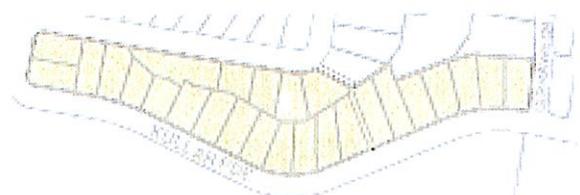
Minimum Lot Size (sq m)

K	550
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Current Lot Size – LEP 2009 (18 January 2013)



Proposed Lot Size



AT. 3

PLANNING PROPOSAL: 8-14 MINDARIE ST, LANE COVE NORTH

284 **RESOLVED** on the motion of Councillors Gold and Strassberg that:-

1. A planning proposal be submitted to the NSW Department of Planning & Infrastructure to enable public exhibition of a draft LEP amendment to rezone 8-14 Mindarie St to Environmental Living E4.
2. The owners of these properties be notified in writing of Council's Decision.

For the Motion were Councillors Brooks-Horn, Palmer, Brent, Cheong, Gold, Hutchens, Karpin, Strassberg and Bennison (Total 9).
Against the Motion was Nil (Total 0).

Ordinary Council Meeting 19 November 2012
PLANNING PROPOSAL: 8-14 MINDARIE ST, LANE COVE NORTH

Subject: Planning Proposal: 8-14 Mindarie St, Lane Cove North
Record No: SU1446 - 58223/12
Division: Environmental Services Division
Author(s): Stephanie Bashford

Executive Summary

Following a Strategic Review of the Mowbray Precinct in 2011 and exhibition of zoning changes earlier this year, Council considered public submissions and requested the Department of Planning and Infrastructure in April this year to rezone properties in Kullah Pde and part of Mindarie St to Environmental Living E4. Council had also proposed that Nos. 8-14 Mindarie St, located within the northern side of the block, be included in the Environmental Living E4 zoning. The Department advised in September, however, that this would require a separate planning proposal to enable exhibition. In October, Council resolved to discuss the proposal at a workshop, which was held in early November, at which it was decided that a report to Council on the proposal should be prepared.

This report recommends that a planning proposal for the potential rezoning of 8-14 Mindarie St now be submitted to the Department to enable community consideration of the planning factors and interrelationship between these three and the other properties within the block, having regard to the topographical and other factors involved in the area and relevant amenity considerations.

Background

Council exhibited the Draft LEP in July 2008 with the entire Mowbray Precinct zoned High Density Residential R4, as required by the Department of Planning and Infrastructure. In August 2008, following consideration of submissions during the exhibition, Council submitted the DLEP to the Department. Council requested that the LEP be finalised with high density zoning only over the western third of the precinct, with the majority of the precinct to be zoned low density (houses) and medium density (townhouses), as per Council's earlier preference. However in February 2010, the LEP (known as LEP 2009) was finalised by the Department with the whole precinct zoned High Density Residential R4, as exhibited.

As development applications were submitted in the following year, the NSW Rural Fire Service expressed concerns about endorsing the DA's in the absence of precinct-wide traffic studies. Consequently a Strategic Review was undertaken with independent consultants preparing a Master Planning Study and Traffic Study, endorsed by the Department and Council, in December 2011. Public exhibition of the draft LEP took place from 27 January to 23 March 2012 and on 16 April 2012, Council adopted certain amendments post-exhibition, including:-

- (i) To retain the current high density R4 zoning for 46-60 Gordon Crescent and 15 Centennial Avenue, rather than low density as proposed by the consultants, and
- (ii) To rezone 8-14 Mindarie Street from high density to low density.

The revised Planning Proposal was submitted to the Department on 30 April. On 28 September 2012, the Department advised that it intended to finalise the LEP but that it had rejected the post exhibition amendments. Following further discussions with the Department they subsequently agree to allow two of the three post exhibition amendments, with the only one not agreed being 8 - 14 Mindarie Street. The Department also stated that *"Council can address its major post-exhibition changes through the preparation of a further planning proposal"*.

On 16 October 2012, Council agreed to request that the Department finalise the LEP as adopted on 16 April 2012, with the exception that 8-14 Mindarie St which would remain High Density R4 as

exhibited. Council also resolved that "Consideration of the proposal to rezone 8-14 Mindarie St to Environmental Living E4 from Residential R4 be deferred to a workshop to consider further options." A further planning proposal will now be prepared for Council to consider the matter.

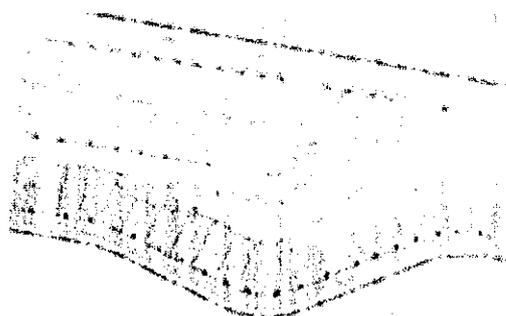
A letter (provided to Councillors separately) was received from the owners of No.14 Mindarie St on 23 October 2012 requesting that these three (3) properties remain R4, on grounds including that they are not in a bushfire zone and were recommended for R4 in the Strategic Review. A workshop was held for Councillors on 5 November, at which it was agreed that a report should be submitted to Council regarding a planning proposal for this potential LEP amendment.

Discussion

The site's location and topography are indicated below:-

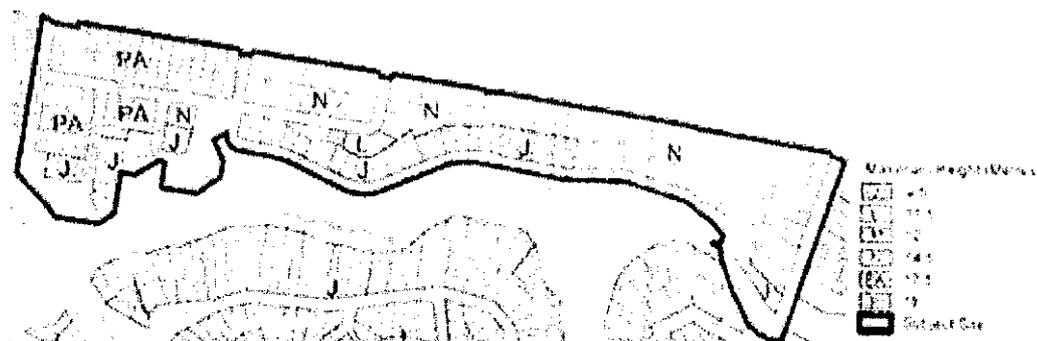


The Asset Protection Zone identified in the Strategic Review over the site is shown below:-



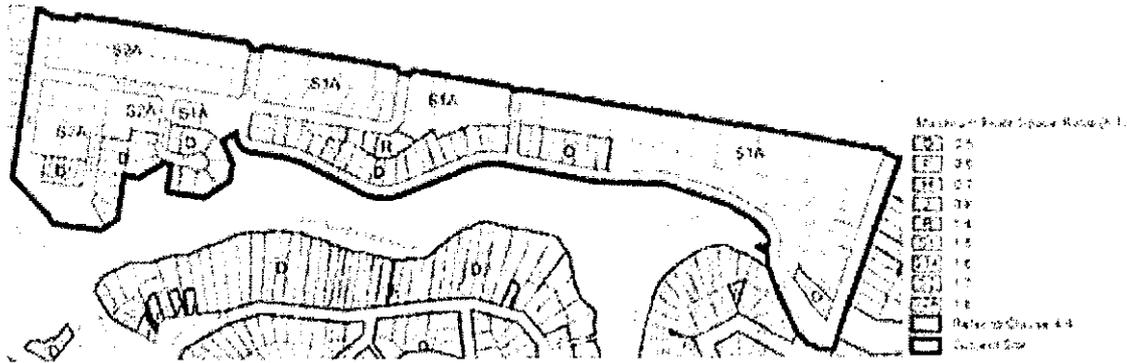
In considering whether to support a draft LEP amendment to rezone 8-14 Mindarie St to E4, Council should take into account that, if the three lots remain high density R4, JBA recommends that they should have a reduced scale compared with the other R4 zones in the Precinct, as shown below. The height recommended for 8-14 Mindarie by JBA Planning in the Strategic Review was a maximum of 11.5 metres (3 storeys). This was a moderation of the 14.5 metres (4 storeys) proposed for the R4 zone to the north.

Exhibited height - 11.5 metres



The floor space ratio recommended and exhibited was FSR 1.4:1, similarly less than the FSR 1.6:1 for the R4 zone to the north.

Exhibited scale - FSR 1.4:1



It is recommended, nevertheless, that a planning proposal be put forward for the Environmental Living E4 zoning to be exhibited to enable community discussion. This would provide an opportunity for detailed testing of building design options and their implications for shadowing, visual impact etc taking into account the topography and other site constraints.

Exhibition submissions had been received from residents concerned in particular about overshadowing, overlooking and noise. The issues which would be investigated and considered within a planning proposal include:-

- Consistency of zoning within one block: Rezoning Nos 8-14 Mindarie St to Environmental Living E4 would provide a low density zone for the whole block, surrounded by streets and a walkway on all sides. The subdivision pattern would otherwise contain an "island" of apartments in a predominantly low density zone. The R4 zone would extend in a more regular linear band, approximately 70 metres deep, along the southern side of Mowbray Rd.
- Kullah Pde properties are restricted to remaining low density E4 due to the Asset Protection Zone (APZ) constraint, but would otherwise have high density R4 abutting their rear boundary with 8-14 Mindarie St.
- There is a significant difference in topography along the interface between the two zones - approximately 18 metres rise between Kullah Pde and Mindarie St.
- Nos.8-14 are relatively shallow sites, so that there is only a limited area for site-specific DCP setbacks to protect the amenity of houses below.
- The Bushfire Protection Assessment by JBA's consultant, EcoLogical Australia, identified the APZ as covering the Kullah-Mindarie block up to the boundary of Nos.8-14 Mindarie St. Consequently the houses downhill of 8-14 Mindarie St would be limited in the designs available for redevelopment in response to apartments built to their north.

Community Consultation

Statement of Intent

The consultation is designed to provide the community, and specific property owners, with the opportunity to consider the most appropriate zoning and scale for 8-14 Mindarie St relative to other properties within the one block.

Method

Level of Participation	Inform	Consult	Inform	Involve
Form of Participation	Open	Open	Targeted	Targeted
Target Audience	Lane Cove Community and community groups	Lane Cove Community	Property owners in Kullah/ Mindarie block	Property owners in Kullah/ Mindarie block
Proposed Medium	Advertisement, and eNewsletter	Public and website exhibition	Notification letters	Residents meeting
Indicative Timing	December 2012 to January 2013	December 2012 to January 2013	December 2012 to January 2013	December 2012 to January 2013

Conclusion

Nos. 8-14 Mindarie St are currently zoned High Density Residential R4. Their location, to the north and uphill of residential properties proposed to be zoned low density Environmental Living E4, has raised concerns among owners in the vicinity regarding the appropriate zoning for Nos.8-14 to ensure reasonable amenity for their neighbouring properties.

It is recommended that a planning proposal be submitted to the Department for approval to exhibit the draft zoning of these properties to Environmental Living E4, in order to allow community consultation of the relationship of these properties within the Kullah/ Mindarie block, and design testing in relation to shadowing, visual and other impacts.

RECOMMENDATION

That:-

1. A planning proposal be submitted to the NSW Department of Planning & Infrastructure to enable public exhibition of a draft LEP amendment to rezone 8-14 Mindarie St to Environmental Living E4.
2. The owners of these properties be notified in writing of Council's Decision.

Michael Mason
Executive Manager
Environmental Services Division

ATTACHMENTS:

There are no supporting documents for this report.

INFORMATION CHECKLIST

Attachment 1

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Existing site plan (buildings vegetation, roads, etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with relevant sub-regional strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Building mass/block diagram study (changes in building height and FSR)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with Threshold Sustainability Criteria	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Development yield analysis (potential yield of lots, houses, employment generation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site Description/Context			Economic Considerations		
• Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Economic impact assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Site photos/photomontage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic and Transport Considerations			• Employment land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Local traffic and transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Social and Cultural Considerations		
• TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Heritage impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Aboriginal archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Cycle and pedestrian movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Open space management	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Considerations			• European archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Bushfire hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Social and cultural impacts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Acid Sulphate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Stakeholder engagement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Noise impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Infrastructure Considerations		
• Flora and/or fauna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Infrastructure servicing and potential funding arrangements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Soil stability, erosion, sediment, landslip assessment, and subsidence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Miscellaneous/Additional Considerations		
• Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>List any additional studies</i> Mowbray Road Precinct, Lane Cove North - Master Planning Study; Mowbray Road Precinct Strategic Review - Traffic Study.		
• Stormwater management	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
• Flooding	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
• Land/site contamination (SEPP55)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
• Sea level rise	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Lane Cove Council

Name of draft LEP:Rezoning of 8 - 14 Mindarie Street, Lane Cove North.

Address of Land (if applicable):8-10, 12, and 14 Mindarie Street Lane Cove North

Intent of draft LEP:

The purpose of this draft LEP is:

- To rezone 8 - 14 Mindarie Street from R4 High Density Residential to E4 Environmental Living;
- Amend the Building height limit from 11.5 metres to 9.5 metres;
- Reduce the maximum Floor Space Ratio from 1.4:1 to 0.5:1 and
- Apply a minimum lot size of 550 square metres.

Additional Supporting Points/Information: The draft LEP is the result of a Council resolution following the public exhibition and notification of the Mowbray Road precinct amendment. Council resolved to prepare a Planning Proposal to rezone 8 - 14 Mindarie Street to E4 Environmental Living to encourage public discussion about the most appropriate form of land use for the site.

Evaluation criteria for the issuing of an Authorisation	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)				
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NR		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		NR		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NR		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NR		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		NR		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NR		
Is the planning proposal proposed to rectify an anomaly in a classification?		NR		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NR		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		NR		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		NR		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		NR		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		NR		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	Y			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		NR		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NR		

Does the planning proposal create an exception to a mapped development standard?		NR		
Section 73A matters				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).</p>		NR		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.