

Amend the objectives for R2 Low Density zone, clauses 4.3 and 4.4, and introduce new local clauses

Proposal Title : **Amend the objectives for R2 Low Density zone, clauses 4.3 and 4.4, and introduce new local clauses**

Proposal Summary : **The planning proposal seeks to amend Mosman Local Environmental Plan 2012 (MLEP 2012) by amending the objectives for R2 Low Density Residential zone, clause 4.3 Height of Buildings, and clause 4.4 Floor Space Ratio. It also seeks to introduce new local clauses for wall height, number of storeys and landscaping.**

PP Number : **PP_2014_MOSMA_002_00** Dop File No : **14/06620**

Proposal Details

Date Planning Proposal Received : **07-Apr-2014** LGA covered : **Mosman**

Region : **Sydney Region East** RPA : **Mosman Municipal Council**

State Electorate : **NORTH SHORE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Applies to relevant land specified in the clause**

DoP Planning Officer Contact Details

Contact Name : **Nava Sedghi**

Contact Number : **0285754117**

Contact Email : **nava.sedghi@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Kelly Lynch**

Contact Number : **0299784058**

Contact Email : **K.Lynch@mosman.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

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

Amend the objectives for R2 Low Density zone, clauses 4.3 and 4.4, and introduce new local clauses

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
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 :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : The proposed controls existed in the former Mosman Local Environmental Plan 1998, however were not translated into MLEP 2012. This was because at that time Planning and Infrastructure considered that the controls were inconsistent with the Standard Instrument.

Council has subsequently noted objectives and clauses relating to wall height, number of storeys and landscaped area have been included in other comprehensive LEPs, including North Sydney, Hunters Hill and Leichhardt. Refer to Appendix B for a detailed list.

DELEGATION OF PLAN MAKING FUNCTIONS

Mosman Council has accepted the Minister's offer to delegate his plan-making functions under the Environmental Planning and Assessment Act 1979 (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. Council has provided Attachment 4 - Evaluation criteria for the delegation of plan making functions. Delegation is considered appropriate.

External Supporting Notes : Council supports this planning proposal for the following reasons:
 - the amendments will strengthen and provide consistency between objectives for the R2 zone, height of buildings and floor space ratio clauses in the MLEP 2012;
 - introducing new local clauses for wall height, number of storeys and landscaped area will allow a translation of controls contained in the former LEP; and
 - it will achieve housing that is compatible with the desired future character, maintains residential amenity and provides sufficient landscaping.

Adequacy Assessment

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

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

Comment : The objectives of the planning proposal are to:
 - strengthen and provide consistency between objectives for the R2 Low Density Residential zone, height of buildings and floor space ratio clauses in MLEP 2012; and
 - achieve a scale of development which is consistent with the desired future character in residential zones; and
 - maintain and enhance the landscape character of Mosman by requiring landscaping sites in conjunction with development in residential zones.

Amend the objectives for R2 Low Density zone, clauses 4.3 and 4.4, and introduce new local clauses

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

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

Comment :

AMENDMENTS TO OBJECTIVES

Council has provided an explanation for the proposed amendments to the objectives for the R2 Low Density Residential zone, clause 4.3 Height of buildings and clause 4.4 Floor space ratio. The proposed amendments are considered minor and do not alter the intent of the objectives. The amendments will achieve consistency between the objectives of the R2 zone, clause 4.3 and clause 4.4. In addition, the proposed amendments will strengthen the intent of the objectives. The Agency considers the explanation of provisions is adequate. Refer to the table on page 3 of the planning proposal for the proposed amendments.

ADDITIONAL LOCAL CLAUSES

Council propose to include objectives and planning controls from Mosman development control plan 2012 (MDCP 2012) in MLEP 2012. An explanation of the new clauses is provided below.

1. Wall height and number of storeys

Objectives O1, O2 and O3, and planning controls P1 contained in Part 4.2 Siting and scale of MDCP 2012 are proposed to be included in MLEP 2012. Refer to Appendix A of the planning proposal.

Minor wording changes would be made to the objectives for consistency with objectives for the R2 zone, height of buildings and floor space ratio clauses. The planning controls would be carried across into MLEP 2012 without change. In addition, it is proposed to include the definition of wall height contained in the MDCP 2012 in the new clause because this term is not defined in the Standard Instrument.

Council state the proposed clause would achieve housing that is compatible with the desired future character of the area and maintains residential amenity. The Agency considers the proposed clause achieves the intent of the objectives for the R2 zone, clause 4.3 Height of buildings and clause 4.4 Floor space ratio in MLEP 2012.

2. Landscaped area

Objectives O1, O2 and O3 and planning controls P1 contained in Part 4.4 Landscaping in MDCP 2012 are proposed to be included in MLEP 2012. Refer to Appendix A of the planning proposal.

A minimum landscaped area of between 30-50% of the site area would apply to all development on residential zoned land depending on factors such as the development type, zone, location and size of the site. The planning control would be amended to consider small allotments, where a minimum of 25% requirement would apply. The formula and sliding graph contained in the MDCP 2012 would be converted to a numerical standard when translating the planning controls into MLEP 2012.

Council state the proposed clause is necessary because it would contribute to residential amenity and provide sufficient landscaping. In addition, it is particularly important for Mosman's visually significant slopes and foreshores, which have been recognised in MLEP 2012 as a scenic protection area. The Agency considers the proposed clause would help achieve the intent of the objectives set out in clauses 4.3 and 4.4, and particularly the R2 zone which is "to maintain the general dominance of landscape over built form, particularly on harbour foreshores."

Amend the objectives for R2 Low Density zone, clauses 4.3 and 4.4, and introduce new local clauses

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

Drinking Water Catchments Regional Environmental Plan No. 1

SEPP (Affordable Rental Housing) 2009

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

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

The planning proposal is considered consistent with all relevant section 117 directions and State Environmental Planning Policies.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

There are no map changes associated with the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A public exhibition period of 28 days is recommended by Council. This is considered appropriate.

Project Time Line

The planning proposal contains an estimated project time line for completion by September 2014.

The Department considers a 6 month project time line for completion is adequate (October 2014).

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Amend the objectives for R2 Low Density zone, clauses 4.3 and 4.4, and introduce new local clauses

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.

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in relation to Principal LEP : **MLEP 2012 was notified on 9 December 2011 and commenced on 1 February 2012.**

Assessment Criteria

Need for planning proposal : **Council considers there is a need for this planning proposal because:**
- it will strengthen and provide consistency between objectives for the R2 zone, clause 4.3 height of buildings and clause 4.4 Floor space ratio;
- the amendments to the objectives for the R2 zone, clauses 4.3 and 4.4 are relatively minor;
- it will achieve housing that is compatible with the desired future character, maintains residential amenity and provides sufficient landscaping for Mosman local government area; and
- the proposed controls for wall height, number of storeys and landscaped area were included in the previous LEP (MLEP 1998).

Consistency with strategic planning framework : **The proposal is consistent with the objectives of the Metropolitan Plan for Sydney 2036 and draft Metropolitan Strategy for Sydney 2031 in that it will contribute towards achieving good design outcomes for the desired future character of residential areas in Mosman local government area (LGA). In addition, the planning proposal will contribute towards achieving better designed neighbourhoods by requiring minimum landscaped area with residential development.**

The proposal is consistent with the actions of the draft Inner North Subregional Strategy in that it will improve the quality of design of new development by setting out clear objectives and controls for residential areas in Mosman.

Environmental social economic impacts : **Requiring a minimum amount of landscaped area in residential zones will contribute to increased green cover which can improve environmental outcomes such as air quality. The proposed new subclause in 4.4 Floor space ratio will limit excavation of sites and retain natural ground level for the purpose of landscaping and containing stormwater run-off, which will contribute to a better environmental outcome.**

Amend the objectives for R2 Low Density zone, clauses 4.3 and 4.4, and introduce new local clauses

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

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

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council cover letter.pdf	Proposal Covering Letter	Yes
Planning proposal.pdf	Proposal	Yes
Appendix A.pdf	Proposal	Yes
Appendix B.pdf	Proposal	Yes
Appendix C.pdf	Proposal	Yes
Appendix D.pdf	Proposal	Yes
Council report and resolution.pdf	Proposal	Yes
Attachment 4 - Evaluation criteria for the delegation of plan m.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions:

- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.4 Planning for Bushfire Protection**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Amend the objectives for R2 Low Density zone, clauses 4.3 and 4.4, and introduce new local clauses

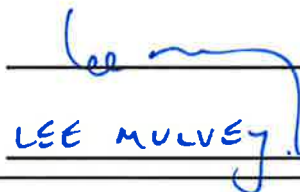
Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

- 1. The planning proposal is to be exhibited for a minimum of 28 days.**
- 2. The planning proposal is to be completed within 6 months from the week following the date of the Gateway determination.**
- 3. A public hearing is not required to be held.**
- 4. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act 1979 is issued to Council in relation to the planning proposal.**

Supporting Reasons : **The planning proposal should be approved for the following reasons:**

- it will provide consistency between objectives for the R2 zone, height of building and floor space ration clauses;**
- it will achieve housing that is compatible with the desired future character for residential areas in Mosman LGA;**
- it will translate controls contained in the MLEP 1998; and**
- 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:

LEE MULVEY

Date:

14/5/14

