

[Agenda Report](#)

Council Resolution Item

Action is required from the Council Meeting on **02 November 2010** as per the Resolution outlined below.



Planning Proposal - 5 Mandolong Road (EP)

EP/198

Planning Proposal - 5 Mandolong Road (EP)

MOSPLAN REF:

03.02

REPORT BY:

Strategic Planner, Kate Ingram

SUMMARY

Report on planning proposal to change zoning of 5 Mandolong Road from residential to business, and to apply development standards equal to those of the adjacent business area.

OFFICER'S RECOMMENDATION

The Manager Urban Planning recommends:

That Council submit the planning proposal for 5 Mandolong Road to the Department of Planning seeking a Gateway determination.

COUNCIL RESOLUTION

Motion Menzies/Halloran

That the Officer's Recommendation be adopted.

CARRIED UNANIMOUSLY

REPORT

5 Mandolong Road adjoins 1-3 Mandolong Road on the corner of Mandolong and Military Roads. It contains a 4 storey (3 habitable storeys above parking) redbrick 1960s flat building containing 9 one bedroom units. It is zoned 2(e) Residential under Mosman LEP 1998 and was proposed to be zoned R3 Medium Density Residential under the exhibited draft Mosman LEP 2008 (DMLEP).

During the public exhibition of the DMLEP 2008, a submission was received from the owners of 5 Mandolong Road which argued for extending the B2 Local Centre to 5 Mandolong Road. The owners had recently purchased both sites and wanted to develop them as a consolidated mixed residential and retail development.

On 4 May 2010, following a report on the public exhibition of the DMLEP, Council resolved to amend the zoning of the 5 Mandolong Road site from R3 Medium Density to B2 Local Centre, and to apply the development standards equal to the B2 Local Centre at 1-3 Mandolong Road to the 5 Mandolong Road site. On 7 July it was further resolved to submit an amending planning proposal to the Department of Planning to effect these changes.

Under the new gateway plan making process, prescribed in sections 55-57 of the Environmental Planning and Assessment Act 1979, a Council wishing to make a new Local Environmental Plan (LEP) or amend an existing LEP must submit a planning proposal to the Department of Planning. This must detail:

- The intended outcomes of an amendment or LEP;
- An explanation of the provisions which are to be included in the amendment or LEP;
- The justification for the amendment or LEP, and
- Details of the community consultation that is to be undertaken before the proposed amendment or LEP are made.

The Minister would then review the planning proposal and decide:

- Whether the matter should proceed, with or without variation;
- Whether the matter should be resubmitted for any reason including for further studies;
- The extent of community consultation required before the instrument is amended or made; and
- Whether any consultation is required with State or Commonwealth public authorities.

Development Application 8.2009.408.1, for the demolition of existing structures and construction of a mixed use retail and residential development at 1-3 and 5 Mandolong Road was considered in a delegated report on 3 May 2010 and refused. A subsequent s.82A Review was considered by Council on 19 October 2010 which resolved to approve the application subject to conditions.

Despite this approval, it is still considered appropriate to submit a planning proposal to change the zoning of 5 Mandolong Road to business to accord with the adjoining business properties and apply the applicable development standards to the site.

The benefits of making this change would include:

- Resolving an historical anomaly in the zoning pattern;
- Providing more flexibility in future use including residential and business potential;
- Consolidating the business centre; and
- Ensuring the development site has consistent zoning and development standards.

The proposal is consistent with Council's prior decisions on the matter and the recent development approval and completing the planning proposal is the next step.

Recommendation endorsed by Director Environment and Planning.
