

### Planning Proposal to rezone 7 Ellamatta Avenue, Mosman from SP2 Infrastructure to R2 Low Density Residential

|                    |                                                                                                                                                                     |               |          |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|
| Proposal Title :   | Planning Proposal to rezone 7 Ellamatta Avenue, Mosman from SP2 Infrastructure to R2 Low Density Residential                                                        |               |          |
| Proposal Summary : | Planning proposal to rezone land at 7 Ellamatta Avenue, Mosman (Lot 11 DP 875220) from SP2 Infrastructure (Health Services Facility) to R2 Low Density Residential. |               |          |
| PP Number :        | PP_2013_MOSMA_002_00                                                                                                                                                | Dop File No : | 13/17603 |

#### Proposal Details

|                                   |                    |                      |                          |
|-----------------------------------|--------------------|----------------------|--------------------------|
| Date Planning Proposal Received : | 17-Oct-2013        | LGA covered :        | Mosman                   |
| Region :                          | Sydney Region East | RPA :                | Mosman Municipal Council |
| State Electorate :                | NORTH SHORE        | Section of the Act : | 55 - Planning Proposal   |
| LEP Type :                        | Spot Rezoning      |                      |                          |

#### Location Details

|               |                    |            |        |
|---------------|--------------------|------------|--------|
| Street :      | 7 Ellamatta Avenue |            |        |
| Suburb :      | Mosman             | City :     | Sydney |
|               |                    | Postcode : | 2088   |
| Land Parcel : | Lot 11 DP 875220   |            |        |

#### 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 :   | Joe Vertel                 |
| Contact Number : | 0299784214                 |
| Contact Email :  | J.Vertel@mosman.nsw.gov.au |

#### DoP Project Manager Contact Details

|                  |                                   |
|------------------|-----------------------------------|
| Contact Name :   | Sandy Shewell                     |
| Contact Number : | 0285754115                        |
| Contact Email :  | sandy.shewell@planning.nsw.gov.au |

#### Land Release Data

|                                    |                             |                            |     |
|------------------------------------|-----------------------------|----------------------------|-----|
| Growth Centre :                    | N/A                         | Release Area Name :        | N/A |
| Regional / Sub Regional Strategy : | Metro Inner North subregion | Consistent with Strategy : | Yes |

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|                        |   |                                                      |     |
|------------------------|---|------------------------------------------------------|-----|
| 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) :                  | 1   |
| 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 : **The planning proposal arises as the property on site was sold by the NSW Health Services Corporation to a private land owner, who wishes to renovate the property for residential purposes.**

**The proposed zoning, building height limit, floor space ratio (FSR) and minimum lot size maps are considered appropriate as they are consistent with the surrounding context.**

**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.**

External Supporting Notes : **Council supports this planning proposal because:**  
**- the site is no longer required by the NSW Department of Health;**  
**- the site has been sold to a purchaser who intends to use the property for residential purposes; and**  
**- the planning controls proposed for the site are consistent with the surrounding low density residential area.**

**Adequacy Assessment**

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

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

Comment : **The objective of this planning proposal is to enable the former Mosman Day Centre at 7 Ellamatta Avenue to be used for the purpose of a dwelling house.**

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

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

Comment : **The explanation of provisions is considered adequate.**

**The planning proposal will amend the Mosman LEP 2012 in the following way:**  
**- amend the land zoning map from SP2 Infrastructure to R2 Low Density Residential;**  
**- amend the height of buildings map to include a maximum height limit of 8.5m for the site;**

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- amend the FSR map to include a maximum FSR of 0.5:1 for the site (subject to Clause 4.4A); and
- amend the lot size map to include a minimum lot size of 700sqm for the site.

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

**2.3 Heritage Conservation**

**3.1 Residential Zones**

**3.3 Home Occupations**

**3.4 Integrating Land Use and Transport**

**6.1 Approval and Referral Requirements**

**6.2 Reserving Land for Public Purposes**

**6.3 Site Specific Provisions**

**7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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

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

d) Which SEPPs have the RPA identified?

**SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development**

**SEPP No 6—Number of Storeys in a Building**

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

**SEPP No 33—Hazardous and Offensive Development**

**SEPP No 55—Remediation of Land**

**SEPP (Building Sustainability Index: BASIX) 2004**

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

**SREP (Sydney Harbour Catchment) 2005**

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

**1. Section 117 direction - 6.2 Reserving Land for Public Purposes**

This direction is applicable in that a planning proposal must not alter an existing zone for public purposes without the approval of the Director General. The planning proposal proposes to rezone land reserved for a public purpose (health infrastructure) to residential. The Department considers the inconsistency to be of minor significance because NSW Department of Health sold the site after the closure of Mosman Day Centre in 2012. The Department considers the proposed rezoning appropriate as the site is no longer required by a public authority and the proposed zone is consistent with surrounding land uses.

The planning proposal is consistent with all other applicable section 117 directions.

**2. State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)**

The planning proposal is accompanied by a Stage 1 contamination assessment, dated 26 September 2013, that confirms the site is suitable for residential development.

The planning proposal is consistent with all other applicable SEPPs.

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment :

**Council has provided existing and proposed maps. The maps include zoning, FSR, height of buildings, and lot size maps.**

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### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 14 day exhibition period for the planning proposal.**

**The Department considers this is appropriate as the proposal is considered to be low impact.**

**A project timeline of the planning proposal contains an estimated time frame of 3 months for the plan to be made (February 2014). This is considered adequate.**

### 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? **Yes**

If No, comment :

### Proposal Assessment

#### Principal LEP:

Due Date : **February 2012**

Comments in relation to Principal LEP : **The Mosman LEP 2012 commenced on 1 February 2012.**

#### Assessment Criteria

Need for planning proposal : **There is a need for this planning proposal because the site is no longer being used by the NSW Department of Health and has recently been sold. The new land owner intends to use the existing property for residential purposes, however the current SP2 Infrastructure (Health Services Facilities) zoning does not permit the building to be used for a dwelling house.**

**The site is located approximately 410m south-east of Mosman Junction, which is classified as a local centre. In addition, the site is located approximately 70m from bus services to the City, Spit Junction, Balmoral and Mosman ferry wharf.**

**Rezoning the land to R2 Low Density Residential is considered the most appropriate way to achieve the intended outcome. The proposed zoning is consistent with surrounding land uses.**

Consistency with strategic planning framework : **Providing an additional dwelling close to services, open space and public transport is considered to be consistent with the strategic objectives set out in the Sydney Metropolitan Strategy, draft Metropolitan Strategy and draft Inner North Sub-regional Strategy.**

**The planning proposal is consistent with the Mosman Community Strategic Plan.**

Environmental social economic impacts : **1. Environmental  
The subject land does not contain critical habitats or threatened species, populations or ecological communities.**

**The contamination assessment accompanying the planning proposal indicates the site**

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does not have a recorded history of any contamination activity taking place. The report concludes that the site is suitable for rezoning and residential use in accordance with SEPP 55.

**2. Heritage**

The site does not contain a heritage item, however it is located within a heritage conservation area identified in the Mosman LEP 2012. Locally listed heritage items (houses) are located immediately to the south, east and west of the site. The proposal will provide for an adaptive re-use of the existing building on site in a manner that is compatible with surrounding land uses. The Department considers there would be no adverse heritage impacts associated with the rezoning.

**3. Social and Economic**

Health services previously provided at the site have been relocated to St. Luke's Church, Mosman and the Seniors Centre at Council. The Department considers there would be no significant social and economic impacts arising from the planning proposal.

**Assessment Process**

Proposal type : **Minor** Community Consultation Period : **14 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 |
|-----------------------------------------|--------------------------|-----------|
| 1-Covering letter.pdf                   | Proposal Covering Letter | Yes       |
| Contamination Report.pdf                | Proposal                 | Yes       |
| Planning Proposal - 7 Ellamatta Ave.pdf | Proposal                 | Yes       |
| Current Maps.pdf                        | Map                      | Yes       |

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|                   |     |     |
|-------------------|-----|-----|
| Proposed Maps.pdf | Map | Yes |
| Site.pdf          | Map | Yes |

**Planning Team Recommendation**

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

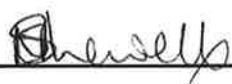
S.117 directions:      **2.3 Heritage Conservation**  
                                  **3.1 Residential Zones**  
                                  **3.3 Home Occupations**  
                                  **3.4 Integrating Land Use and Transport**  
                                  **6.1 Approval and Referral Requirements**  
                                  **6.2 Reserving Land for Public Purposes**  
                                  **6.3 Site Specific Provisions**  
                                  **7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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 period of 14 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 into the matter by any person or body under section 56(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act).**
- 4. The Director General considers the inconsistency with section 117 Direction 6.2 - Reserving Land for Public Purposes to be of minor significance.**
- 5. A written authorisation to exercise delegation under section 59 of the EP&A Act is issued to Council in relation to the planning proposal.**

Supporting Reasons :      **The planning proposal should be supported for the following reasons:**  
                                  - the rezoning for residential purposes is compatible with the surrounding R2 Low Density Residential zone;  
                                  - the proposed FSR, height of buildings, and minimum lot size maps are consistent with the surrounding context; and  
                                  - it is in a suitable location in close proximity to public transport, a local centre and public open space.

Signature:



Printed Name:

Sandy Shewell

Date:

3.12.13