

30 September 2009
Our Ref: 38474/2009

Mr Neil McGaffin,
Executive Director - Planning Operations,
Department of Planning,
23-33 Bridge St,
SYDNEY NSW 2000

Dear Mr McGaffin,

DRAFT LANE COVE LEP – MOWBRAY ROAD PRECINCT

Thank you for your time in the past week in discussing issues in relation to the Draft Lane Cove Local Environmental Plan (DLEP 2008). We write with great concern regarding one matter raised – the potential rezoning and scale of three precincts for high density residential development in the vicinity of Mowbray Road. Any recommendation supporting this would be premature in the absence of thorough consideration of the many relevant issues.

The three precincts are: (i) Mindarie Precinct (ii) Kullah Precinct and (iii) Gordon Precinct, as shown at **AT1**.

Council resolved on 4 August 2008 to rezone only the Mindarie Precinct to High Density Residential R4 and Council's position remains unchanged. That precinct was agreed to as a compromise to provide for a reasonable level of Housing NSW's needs. The low-medium density residential areas of Kullah Parade and Gordon Crescent, adjacent to Stringybark Reserve, are not required to satisfy the Metropolitan Strategy or Housing NSW.

Council requests your response on the following questions.

1. Is the Department intending to increase Lane Cove's residential target beyond the 3,900 new dwellings under the Draft Inner North Subregional Strategy?

The DLEP was submitted in late-2008, with the Department of Planning's agreement to it being a Stage 1 LEP providing 2,700 dwellings by 2021. Council included only the Mindarie Precinct at High Density Residential R4, with FSR 1.5:1 and maximum height 18 metres.

If the Department of Planning continues to support the rezoning of all areas west of Centennial Avenue between Mowbray Road and Stringybark Creek Reserve to High Density R4 at FSR 2:1, as required in its section 65 certificate of June 2008 – that is, including the Kullah and Gordon Precincts - the total provision would be 4,420 new dwellings, that is, 520 (13%) in excess of the full 25-year target of 3,900 (**AT 2**). This would be unacceptable to the Lane Cove community.

The SJB study's preferred Option 3 uses a floor space ratio of 1.6:1, resulting in 1,392 additional dwellings (Council's nett figure is 1,140, deducting existing dwellings). If the 1.6:1 were applied to all three precincts, it would provide 3,928, meeting Lane Cove's entire 25 year target. The Lane Cove community should, however, be allowed the opportunity to discuss the location of these final numbers, rather than them being imposed by the Department, in the absence of relevant studies, including traffic capacity assessment requiring the Roads and Traffic Authority's concurrence.

If the rezoning is to proceed, despite the area's distance from infrastructure, Council's FSR of 1.5:1 is evidently viable and should remain, in particular if a bonus floor space of between 0.2 – 0.5:1 is to be added under the Affordable Housing SEPP. The exhibited FSR of 2:1 is excessive and unnecessary, and is not based on any evident planning study or principles for the area.

(Note: All Council and Housing numbers above assume a dwelling size of 100m².)

2. Has the Department of Housing demonstrated any need to rezone areas other than the Mindarie Precinct?

The Department of Housing's submission of 4 April 2008, in the first DLEP exhibition, stated: "The Mindarie Precinct (including properties in Merinda St, Mowbray St and Pinaroo Pl) contains a number of social housing sites... Housing NSW would like to reiterate that a R4 High Density zone should be considered" (**AT 3**).

The Department of Planning's requirement to exhibit the entire area west of Centennial Avenue did not therefore result from Housing's needs, but rather Planning's view that, as advised in Planning's letter to Council of 15 July 2008, Mowbray Road would be a suitable development area for affordable housing.

The study of March 2009 prepared by SJB for Housing NSW, "Assessment of Viability of Planning Controls for North Lane Cove Precinct" indicates that Housing NSW's objective is to retain only 10% of the total units developed, being approximately 120 new units (apart from the existing units to be retained).

Those 120 units could be accommodated in the Mindarie precinct alone without further rezoning, still allowing for Housing's "salt and peppering" policy to mix the elderly with other age groups in the precinct's new units. They should, however, be located on Mowbray Road rather than, as SJB proposes, downhill in Willandra and Hatfield Streets with a steeper topography.

The SJB study appears to have been undertaken to assess the viability of the Department of Planning's proposal, rather than for Housing's needs. Although this study was not commissioned for the Department of Planning, it is the only one presented to Council to date as the State government's proposal for the Mindarie and Kullah Precincts (with no study of the Gordon Precinct). Several matters indicate that the study does not have the depth required of an urban design analysis which should be undertaken before future rezoning is determined.

3. As affordable housing needs will be met closer to centres under the DLEP, is there any rationale for rezoning the Kullah and Gordon Precincts to High Density R4?

The Department of Planning has not determined any target for affordable housing numbers in Lane Cove. The SJB study does not estimate a proportion of affordable housing units to be included in the private units, or indicate a mechanism to implement their provision.

The SJB study states: "HNSW will strategically acquire sites along Mowbray Road to facilitate the creation of development sites" (page 24). It does not intend however to locate any public housing there (**AT 4** - Figure 17). Housing NSW appears to be acting as a development agency for an area identified by the Department of Planning as a development area for affordable housing.

With the introduction of the Affordable Housing SEPP in August 2009, however, the proposal to rezone the Mowbray area for affordable housing becomes redundant, since affordable housing will be encouraged by FSR bonuses throughout flats zones already proposed in Council's DLEP in more appropriate locations around the Lane Cove Town Centre/ bus interchange. There is now no need to target a specific additional area in Lane Cove North.

SJB states that: "The retained interest of Housing NSW is to be around 10%" (page 21) out of its proposed 1,392 dwellings. The entire rationale for rezoning the area to assist public housing is very limited. Council suggests that only the Mindarie Precinct needs to be rezoned to provide this scale of public housing.

4. On what basis has the Department of Planning proposed the R4 zoning and FSR 2:1?

The area west of Centennial Avenue was required then to be exhibited at R4 by the Department of Planning, rather than at Housing's request. Council requests the basis for this requirement.

Housing's subsequent SJB study states: "In reality, the precinct will be developed... to accommodate the objectives of the Sydney Metropolitan Strategy, including, increasing housing densities close to town centres and... increasing housing choice for the ageing and changing population" (page 22). The SJB study is not a thorough planning study justifying this decision, being a limited financial document only. It has provided no substantive social analysis, demographic projections etc.

Under the DLEP, the Metropolitan Strategy - including 1 bedroom and studio units to meet the needs of young and elderly people - can be more sustainably fulfilled around the Town Centre in Stage 1 (DLEP 2008)

Amendments Map), with potential for areas including the St Leonards Specialised Centre to complete the Stage 2 target.

The SJB proposal would actually decrease housing choice, by reducing townhouse land in an area which Lane Cove rezoned for medium density in 1999 due to a shortfall of this affordable form of family housing close to Mowbray Public School. The DLEP's R3 zoning should be retained along Mowbray Road above Kullah Parade.

There is no social benefit in SJB's proposal that: "HNSW will strategically acquire sites along Mowbray Road to facilitate the creation of development sites" (7.11, page 24). It does not intend to locate any public housing there (Figure 17, page 24).

5. Why would the Department of Planning support the location of affordable and aged housing - for the lowest socio-economic and car ownership groups - in the LGA's furthest location from shops, transport and services?

- As the SJB study says, senior owners wish to remain in their community (page 7) – this is not achieved by housing them at the furthest corner of the LGA away from the town centre's community focal point. The SJB study correctly says that: "Housing for older people needs to be well located in relation to services, facilities and transport as well as accessible for those with mobility problems"(page 7). For these reasons, the Mowbray Precinct is poorly located, due to its isolation from shops and facilities and steep topography.
- By contrast, the DLEP's growth around the Town Centre would provide for accessible/ adaptable housing in locations which have all been selected on sustainability criteria including wheelchair-accessible paths.
- The location is unsuitable for low-income earners, who have the lowest rate of car ownership, so that targeting these groups for housing in the furthest corner of the LGA from facilities is poor social planning. The elderly in particular have difficulty in coping with transport and will be discouraged from making the effort to attend medical services, although they have the highest need for these, and their physical difficulty in reaching them should be minimized with housing being located near the centre.
- Housing's plan to "salt and pepper" aged residents throughout the new developments would further reduce social contacts within the similar age group.
- Furthermore, we would contend that flats are not a desirable dwelling form for most families. The existing single dwellings or townhouses are clearly more suitable for families. Instead of small dwellings (studios or one-bedroom units), it would be more suitable to develop family-sized public housing apartments (two- or three-bedrooms) close to Mowbray Public School if the precinct is to contain residential flat buildings.
- We would like some clear assurances from Housing NSW that members of our community currently living in Housing NSW dwellings in the precinct will be able to remain in the precinct continuously, to minimize disruption for the social connections (eg, school attendance).
- The reasonable expectation of private property owners in the area is that it would be slowly upgraded but remain low density, in contrast to areas that are close to the Town Centre. The detached housing stock in Kullah Parade and Gordon Crescent is in many cases less than 5 years old.

6. Is there any reason why the Department would not uphold its principle of locating growth close to infrastructure, by initiating a study of the area's facilities and services prior to considering rezoning this area?

Transport and Traffic

- It should be noted that the Ministry of Transport, in its submission on the DLEP of 16 May 2008 expressed concern "about the lack of adequate assessment and justification for these proposed rezonings, particularly in regard to the implications for accessibility and availability of public transport. The proposed rezoning to medium and high density residential of sites along Mowbray Road is of particular concern in this regard... These sites are considered to be located away from Council's identified sites and services and their upzoning has the potential to create adverse transport impacts. Accordingly, the proposal would appear to be inconsistent with the intent of the Section 117 Direction 3.4 – Integrating Land Use and Transport policy".
- It would be advantageous for the State Government to focus growth around the existing bus interchange at the Lane Cove Town Centre, as submitted in DLEP 2008, rather than be committed to increasing bus services in the LGA's most distant point along Mowbray Road.
- The addition of 2,200 new dwellings (nett, after existing homes deducted, in the three Mowbray precincts at FSR 2:1) would result in 1,100 morning peak hour car trips. Rezoning for this should not

occur in the absence of traffic analysis conducted with the RTA and the adjacent Willoughby LGA with which this road forms a boundary.

- The proximity of the area to Epping Road has been over-emphasised as the rationale for increasing density here. Other than in the south-west corner, the walking distance is over 800 metres to the Kullah precinct, and gradients are steep in most directions. Moreover, the pedestrian link to Epping Road is circuitous, through bushy vegetation and steep in some parts and importantly lacks any casual surveillance. This link to Epping Road is likely to be unsuitable for the elderly, school children and anyone outside daylight hours. Given poor access to transport, creating a high-density, high car ownership community among the 90% private units would contradict sustainability principles.
- There is no bus link from Mowbray Road to the Lane Cove Town Centre.
- The typical steep gradients in the area are unsuitable for the elderly. (For comparison, gradients of 1 in 12-14 are the maximum for wheelchairs or electric scooters.)

i. Gordon Crescent up to Mowbray Road:	1 in 8
ii. Kullah Parade up to Mowbray Road:	1 in 9
iii. Epping Rd bus stop up to Willandra/ Mindarie Sts intersection:	1 in 10

Shops

- The SJB study wrongly states that: "Of the six Neighbourhood Centres located within the LGA, the Mowbray Road West Neighbourhood Centre is the most strategically located. It has access to the Epping Road public transport corridor that provides high levels of inter-regional transport access". In fact there is no Mowbray Road West Neighbourhood Centre.
- The half dozen existing shops on Mowbray Road are very limited (one has closed down) dispersed from each other on both sides of Mowbray Road at a total distance of 1.2km, in two separate LGAs and on only a locally-managed regional road. There is no direct access to Epping Road, despite SJB's statement.
- The Draft Inner North Subregional Strategy (page 41) recommends the following distances for centres:-
 - Town Centres: 800 metres – but the Lane Cove Town Centre is 1.4km from the Mowbray area
 - Villages: 600 metres – but the Lane Cove West shops (the closest) is 1.5km.
 - Major Centres: 1 kilometre – but Chatswood is 3km walking distance away.

Community facilities

- The SJB study states that this non-existent centre would "provide much needed services to the local community". In practice, though, the study indicates that flats would replace the only two shops (including a café) at 652 Mowbray Rd. Council requests that if rezoning proceeds it should be conditional on Housing NSW, as "being instrumental in driving the development" (page 24), providing a neighbourhood shops centre of appropriate scale to the residential population they plan to expand and additionally a community hall.
- As the public housing there is largely family homes, the future elderly residents would be brought in from other areas, cutting off their existing social network. The elderly need to be located near the established centre where they can more readily "watch life go by" at the plaza, do some shopping, and use the services such as the library, community centre. Social isolation is an extensive issue for the elderly and we are firmly against locating such a vulnerable section of the population in such a poorly connected area. A satellite community centre – though none has been identified for here - would be a costly and inferior duplication of the Town Centre's community services resources.

7. Has the Department any reason to lower the quality of the natural environment and landscape quality adjacent to Stringybark Creek Reserve?

- There has been extensive work in recent years to preserve the balance of the bushland and water quality with adjacent urban uses. The containment of weed infestation and erosion at pipe outlets at the Creek due to stormwater runoff would be worsened by extensive additional hard surface. Excavation of bushland for pipe augmentation would also have a high impact for some years after construction.
- The Lane Cove LGA is characterized by its native vegetation. The subject locality has a tranquil feel and much of it enjoys views over Stringybark Creek Reserve and the surrounding bushland area. It will not be possible to maintain this valued vegetated character to the north while increasing the density so radically.
- The Kullah and Gordon Precincts in particular contribute to the valley's landscaping and visual catchment. The substantial trees in private rear gardens which remained after development would be hidden from view from the valley if six-storey flats were built. The flats' new residents would benefit from a bushland outlook at the expense of the existing homes opposite which maintain the bushland in the Environmental Protection zone over their properties.

- Destruction of the Green Web should be avoided – this is the vegetation on private properties which links with public open space to maintain a continuous ecosystem for an area. A significant loss of vegetation during redevelopment would be unavoidable.
- The study's "urban design principles" include: "Rationalise the location of public reserves on Stringybark Creek Reserve": This Reserve is Council-owned and it is not relevant or appropriate for Housing NSW to seek involvement in its management.
- The SJB study states that an urban design principle will be to: "Provide 6 metre setback street zones for the retention of large, mature trees". In fact, as shown in the aerial photograph at AT 1 and confirmed by Council's trees officer, the significant trees are principally located in the rear gardens of properties and would be threatened by residential flats development. Landscaping is another issue in which the SJB study requires "ground-truthing" before planning decisions are made for the area.
- In Kullah Parade, below, private houses are nestled below the tree line and the needless replacement of these with 5-6 storey flats would be destructive planning.



Photograph 1: Mowbray Ridge and Kullah Precinct viewed from the south (No.55 Johnston Crescent)

7. **On what basis would the Department require an FSR of 2:1 in the isolated Mowbray area, given the proven economic viability of lower scale developments in centre locations?**

Residential flats

The exhibited scale of FSR 2:1 is excessive:-



Photograph 2: No.1 Duntroon Avenue

- Duntroon Avenue (above), within 400 metres of St Leonards station, is viable at higher property values than the Mowbray area, has controls developed with the Department of Planning and is completing construction at FSR 1.73:1 and height average 18 metres. Duntroon Avenue's scale

is the maximum acceptable adjacent to the bushland reserve, and should *only* be permitted in the western area of the Mindarie Precinct. It is inappropriate for the Kullah and Gordon Precincts' linear configuration and higher visibility extending along the side of the valley.

- At 1A Centennial Avenue (corner of Mowbray Road) flats were completed recently at FSR of 0.88:1.
- The independent valuer, Hill PDA, affirmed that FSR of 1.5:1 was viable for these precincts.
- Housing NSW's preferred Option3 for 1,392 units is based on FSR 1.6:1.

Townhouses

The view that townhouses are not in demand or economically viable (page 19) is contradicted by the Affordable Housing SEPP's support for multi-dwelling housing. Additionally, townhouses have, for example, developed in the block immediately west (672-676 Mowbray Road), in a high land value area adjacent to the town centre at 1-3 Sera Street where construction of a townhouse complex is being completed currently, and in several other locations in the past decade.

Housing NSW said in July 2008 that it agreed to a townhouses/ flats mix, and that a masterplan process with Council would assess the appropriate location. In September 2008 Housing NSW at a meeting with the Central Sydney Director affirmed that Council would be involved in a masterplan process. This process has not yet occurred.

8. Data correction

A preliminary step for the planning study required before rezoning is considered is for data to be clarified:-

- a. The exact area and boundaries need to be confirmed: Housing's figure is 86,912m² – Council's figure is 83,433m².
- b. Housing-owned lots are indicated as 49 – Council's records show them as 47
- c. 4 lots zoned Open Space but shown residential in Housing's plan.
- d. SJB's estimate of 1,392 dwellings does not appear to have deducted the existing 194 dwellings.

As Council has not been involved in the planning process these anomalies were not resolved last year before Housing's documents were prepared.

Conclusion

The entire proposal appears to be predicated on Housing NSW in a new role of the developer of affordable housing for the Department of Planning. If this is the formal policy, we request that it be formally stated and masterplanning for the area be undertaken on that basis. The only social policy discussed by either department with Council has been to imply that the rezoning was for public housing. Clarity and transparency is requested rather than superficial overview of the area's potential interest to the development industry. The SJB study states that: "A strategic land acquisition strategy will be adopted... then transferring to developers" (page 24).

The history by which Housing NSW owns properties in the vicinity of Mowbray Road is not sufficient rationale for rezoning the area in the absence of thorough planning studies.

The key principles for the area's planning should be:-

- (i) Rezoning should not be undertaken without a clear strategic purpose – this has not yet been determined, and Council should be involved in determining it with Planning and Housing.
- (ii) The social character and housing mix should be appropriate to the locality.
- (iii) Destruction of the Green Web should be avoided – this is the vegetation on private properties which links with public open space to ensure a continuous ecosystem for an area.
- (iv) Limit rezoning only to extent of achieving Housing NSW's needs.
- (v) The Metropolitan Strategy for Sydney's strategies should be followed.

Council requests that:-

- The maximum be FSR 1.5:1 (allowing also for bonuses under the Affordable Housing SEPP)
- Housing' NSW's 120 units be developed within the Mindarie Precinct only
- The Mindarie Precinct only be rezoned to High Density R4
- The Kullah and Gordon precincts remain low-medium family housing.

Council is receiving numerous inquiries from concerned residents regarding this matter and requests for meetings on this issue.

We respectfully urge you to ensure that the Draft Lane Cove LEP remains in accordance with Council's resolution of 4 August 2008, that is, rezoning only the Mindarie precinct to R4.

Alternatively Council requests that the area's zoning remain unchanged pending the twelve-month LEP review, to enable adequate assessment of the area's future capacity and character, and would welcome the opportunity to discuss any of the above in more detail with you as a matter of urgency.

Yours sincerely



Michael Mason
Executive Manager – Environmental Services Division

Map – Precincts & Housing properties

AT 1

Mowbray Area data spreadsheet

AT 2

AT 3

Chronology

- Department of Housing 2005 requested medium density
- April 2008 – Housing requested high density in the Mindarie precinct only
- June 2008 department of Planning's s.65 certificate required entire area west of Centennial Avenue at High Density Residential R4 with FSR 2;1 and Height 12 metres
- 25 July 2008 – in meeting, Housing agreed with Council's housing mix
- End July 2008 – Housing submission requested high density Mindarie & Kullah Precincts
- 4 August 2008 - Council resolved on R4 for Mindarie only with FSR 1.5:1 and Height 18 metres
- September 2008 – meeting advised Resitech would start work; & Council told it would be involved in Masterplan; Council expressed concern at aged demographic
- March 2009 – Draft plan sent to Council; Council requested joint meeting with Planning & Housing, held 16 4 09
- Council restated on 16 4 09 that it did not support the Kullah rezoning (this was omitted from Housing's minutes - corrected by Council email)
- End April – Housing submission to Planning

