

11 Cowdroy Avenue, Cammeray

Proposal Title : **11 Cowdroy Avenue, Cammeray**

Proposal Summary : **The planning proposal as submitted seeks to facilitate separate residential use of an existing three storey studio building at the rear of 11 Cowdroy Avenue, Cammeray.**

This proposal was subject to a Pre-Gateway Review (PGR_2015_NORTH_002_00).

PP Number : **PP_2016_NORTH_003_00**

Dop File No : **16/14737**

Proposal Details

Date Planning : **11-Nov-2016**

Proposal Received :

LGA covered :

North Sydney

Region : **Metro(CBD)**

RPA :

North Sydney Council

State Electorate : **WILLOUGHBY**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **11 Cowdroy Avenue**

Suburb : **Cammeray**

City : **NSW**

Postcode : **2062**

Land Parcel : **Lot 62 DP8933**

DoP Planning Officer Contact Details

Contact Name : **Yolande Miller**

Contact Number : **0292746500**

Contact Email : **yolande.miller@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Katerina Pikoulas**

Contact Number : **0299368100**

Contact Email : **Katerina.Pikoulas@northsydney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Sandy Chappel**

Contact Number : **0292746591**

Contact Email : **sandy.chappel@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

11 Cowdroy Avenue, Cammeray

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

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 :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives states the aim of the proposal is to allow for the existing design studio addition at 11 Cowdroy Avenue, Cammeray (the site) to be used for affordable housing residential purposes.**

This planning proposal is an outcome of a Pre-Gateway Review where it was determined that the proposal be updated to apply to the site and neighbouring properties to the west (that is, east of Stratford Street).

In light of the above, it is recommended the statement of objectives is revised by way of reference to facilitating separate residential use of the existing three storey building at the rear of 11 Cowdroy Avenue, Cammeray as well as rezoning the site and properties to the west (i.e. east of Stratford Street) from E4 Environmental Living to R2 Low Density Residential to more appropriately reflect the existing built form within the area.

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

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

Comment : **The planning proposal discusses 3 options to achieve the objective or intended outcome of the proposal, notably:**

- 1) Extending the R2 Zone from the neighbouring property to 11 Cowdroy Avenue**
- 2) Making dual occupancies permissible in the existing E4 zone**
- 3) Making dual occupancies permissible on the subject property.**

In light of the proposal's Pre-Gateway Review, it is recommended the explanation of provisions is updated in accordance with the Gateway determination conditions.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

7.1 Implementation of A Plan for Growing Sydney

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 (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 :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The planning proposal will need to be updated to include maps which clearly show both the relevant existing and proposed controls for the site. Maps are to be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps (November 2015).

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal anticipates a public exhibition period of 28 days.

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 :

The planning proposal and supporting information is considered adequate for the purposes of the Department's assessment.

Proposal Assessment

Principal LEP:

Due Date : **August 2013**

Comments in relation to Principal LEP :

North Sydney Local Environmental Plan 2013 was notified on 2 August 2013 and commenced 42 days later on 13 September 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal is not a result of any strategic planning or study.

The proposal has been developed in response to the change in the landowner's work structure. The landowner no longer operates his practice from the design studio and is seeking to facilitate its separate residential use.

The planning proposal was subject to a Pre-Gateway Review. On 17 November 2015, Council confirmed in writing that the request to prepare a planning proposal was not supported. This prompted the applicant to submit a Pre-Gateway Review application request.

As part of the Pre-Gateway Review process, the Department sought independent advice from the Sydney East Joint Regional Planning Panel (the Panel) who, on 29 June 2016, unanimously recommended the proposed instrument should be submitted for Gateway determination.

In making its recommendation, the Panel considered that:

- an R2 Low Density Residential zone is more appropriate for the site and adjoining land to the west (that is, east of Stratford Street); and
- the proposed Schedule 1 request to allow detached dual occupancies on the site would be inappropriate simply to make permissible what is currently an unauthorised use.

The Department agreed with the Panel's advice with respect to a zoning change, however also recommended that Schedule 1 be amended to permit with consent 'dual occupancies (detached)', in order to achieve the planning proposal's intended outcome, and noting detached dual occupancies exist on several allotments in close proximity to the site.

Consistency with strategic planning framework :

The proposal is considered to be consistent with relevant objectives and actions identified in A Plan for Growing Sydney (December 2014).

Environmental social economic impacts :

It is not envisaged the planning proposal will have adverse environmental, social or economic impacts.

ENVIRONMENTAL IMPACTS

11 Cowdroy Avenue, Cammeray and the neighbouring properties to the west (i.e. east of Stratford Street) are located in an established residential area primarily comprising single detached dwelling housing, interspersed by residential flat buildings, attached dual occupancies and attached multi-dwelling housing. There are no known critical habitats, threatened species or ecological communities / habitats. The proposed zoning change is unlikely to have any adverse environmental impacts.

The proposed change of use of the existing design studio at the rear of 11 Cowdroy Avenue is unlikely to have any adverse environmental impacts.

SOCIAL & ECONOMIC IMPACTS

Given the design studio is an existing building at the rear of 11 Cowdroy Avenue, Cammeray, the existing and future amenity of the neighbourhood is unlikely to be affected.

Traffic impacts as a result of the planning proposal are considered negligible. In fact use of the design studio building as a separate residential dwelling is likely to result in less traffic impacts compared to the building's operation as a design studio with various clients coming and going.

Assessment Process

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

Timeframe to make LEP : **9 months** Delegation : **Nil**

Public Authority Consultation - s56(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
Cover letter.pdf	Proposal Covering Letter	Yes
Council Officer Report.pdf	Proposal Covering Letter	Yes
Council Resolution - Meeting 24.10.2016.pdf	Proposal Covering Letter	Yes
Planning Proposal - 11 Cowdroy Ave, Cammeray.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
7.1 Implementation of A Plan for Growing Sydney

Additional Information : **The planning proposal is recommended with conditions:**

1. The planning proposal is to be amended to:

(a) revise the statement of objectives and intended outcomes by way of reference to facilitating separate residential use of the existing three storey building at the rear of 11 Cowdroy Avenue, Cammeray and rezoning 11 Cowdroy Avenue and the properties to the west (i.e. east of Stratford Street) from E4 Environmental Living to R2 Low Density Residential to more appropriately reflect the existing built form within the area; and

(b) revise the explanation of provisions to (i) amend North Sydney Local Environmental Plan 2013 Land Zoning Map by rezoning the subject land from E4 Environmental Living to R2 Low Density Residential and (ii) amend Schedule 1 of North Sydney Local Environmental Plan 2013 to permit with consent dual occupancies (detached) for 11 Cowdroy Avenue, Cammeray; and

(c) update the site description/context, including aerial photographs and site photos; and

(d) include maps which clearly show both the relevant existing and proposed controls for the subject land. Maps are to be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps (November 2015).

2. The planning proposal is to be amended in accordance with condition 1 to the satisfaction of the Director, Sydney Region East prior to any consultation with public agencies or any community consultation under section 56 and 57 of the Environmental Planning and Assessment Act 1979 (the Act).

3. Prior to exhibition, the planning proposal is to be revised to demonstrate consistency with the Draft North District Plan, released on 21 November 2016.

4. Community consultation is required under section 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Environment August 2016).

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as it demonstrates broad strategic and site-specific merit. It is considered consistent with objectives and directions under A Plan for Growing Sydney, relevant State Environmental Planning Policies and section 117 Directions.

The proposal seeks to permit the use of the existing design studio building at the rear of 11 Cowdroy Avenue, Cammeray as a separate dwelling on a site that has access to public transport (bus services), open space for passive and active recreation, and is already connected to existing utility infrastructure.

Signature:



Printed Name:

KAREN ARMSTRONG

Date:

30/11/16