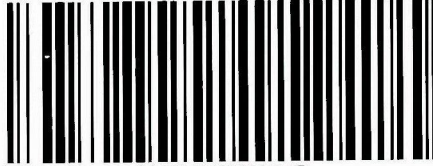




MC



PCU003873

Mosman COUNCIL

24 March 2010

NSW Department of Planning
Sydney Region East
GPO Box 39
SYDNEY NSW 2001

Attention: Tharani Yoganathan

Department of Planning
Received
29 MAR 2010
Scanning Room

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Dear Ms Tharani,

Re: Application for Site Compatibility Certificate - Mosman Police Station - 96A Bradleys Head Road, Mosman

I refer to your letter received by Council on 8 March 2010 regarding the above matter.

Council supports the adaptive re-use of the heritage listed Police Station but considers that issue of the Site Compatibility Certificate in the terms requested in the application would be unsatisfactory. I have attached comments and supporting information separately.

Should you wish to discuss this matter, please contact Council's Strategic Planner – Joe Vertel on 9978 4172.

Yours faithfully,

V H R MAY
GENERAL MANAGER

Per:

(John Carmichael, Director Environment and Planning)

Proud to be Mosman
Protecting our Heritage
Planning our Future
Involving our Community

96A BRADLEYS HEAD ROAD SITE COMPATIBILITY CERTIFICATE SUBMISSION MOSMAN COUNCIL

Council's response to the Site Compatibility Certificate (SCC) Application by United Group Services (UGL) dated 14 February, 2010 and the supporting documentation is outlined in the comments and queries below:

1. Council has worked closely with UGL as the owner's representative in an effort to ensure the future use of the subject site that recognises the heritage values of the former Police station building and its curtilage (including the area which has been used for over 60 years as a public park). This led to the preparation of a draft Conservation Management Framework (CMF) for the site. Council's staff have awaited confirmation from the owner that the content of the draft CMF is acceptable prior to submitting it to Council for adoption. This has not occurred to date but in light of it forming the basis for the current submission a report will be submitted to the next Council meeting for consideration of the CMF.
2. The site is referred to in the SCC application as Lot 1 DP 781262 which is referred to as 96 Bradleys Head Road but is known in Council's records as 96A Bradleys Head Road.
3. It is noted that a SCC may be issued having regard to the zoning of adjacent land. The list provided in the application is incomplete as it fails to include the land immediately to the north of the site (Lot 20 DP 907691 known as Hampshire Park) which is zoned 6(a) Public Recreation pursuant to Mosman Local Environmental Plan 1998 (MLEP1998). See attached MLEP1998 map extract.
4. The SCC application refers to only part of the site which is described in the report of Planning Ingenuity Pty Ltd (pg.1) as "proposed Lot 2 in the subdivision of Lot 1 in DP 781262". The UGL letter accompanying the application goes on to state: "Part of the original site is being used as a park and it is intended to retain this portion of the site with the Land and Property Management."
5. A Development Application (DA 8.2010.64.1) for subdivision of the site into two (2) allotments is currently on public exhibition. The DA documentation states: "Lot 1 is to be declared to be Crown land and added to the adjoining land that was Dedicated for Public Recreation on the 28th July 1900 and placed under Councils control by Gazette of 25th August 1900". The site plans accompanying the SCC application and the DA show different boundary dimensions on the respective plans for the proposed lots. See attached copy of the DA application plan.
6. If a SCC is to be issued as requested it is not clear on what basis this would occur given the need for development consent for the subdivision and the inconsistency of the plans.
7. The desired outcome identified in the draft CMF "...would be that a portion of the park land was retained for public use but at the same time taking into account the need for the building to sit comfortably within its garden setting." The curtilage identified under the draft CMF would accord with the proposed subdivision

identified in the DA plans provided the land is identified for a public recreation use and the zoning of proposed Lot 1 supports this.

8. While it is correct that the site of the Buena Vista Hotel is an adjacent site Council does not consider that its selection is either reasonable or appropriate in the circumstances as the location of the site and the form of the former Police building is more closely related to the residential development which is predominant on both Bradleys Head Road and Prince Albert Street.
9. The use of the 3(a3) Mosman Town Centre zone landuses presents certain issues in relation to the current and future zoning of the site. The objectives of the 3(a3) zone under MLEP1998 relate predominantly to maintenance and conservation of the terraced shopfronts and commercial buildings in Military Road. The accompanying height and floor space controls reflect the style of development characteristic of Military Road and not the Police station site. This is reinforced by the fact that Military Road sites (including the hotel) are in one Heritage Conservation Area (Military Road) while the Police site and the surrounding residential areas are located in the Bradleys Head Road Heritage Conservation Area. These conservation areas rely on distinctly different statements of significance. Similarly, the Military Road Heritage Conservation Area forms the basis for specific business development under a Development Control Plan but these do not cover nor would they be compatible with the future desired use of the site. Similarly, Council's Residential DCP does not apply to the subject site either.
10. The 3(a3) zone under MLEP1998 contains landuses e.g. brothels, car repair stations, clubs, motor showrooms, etc which would be likely to be incompatible with the immediately adjacent residential development and the heritage significance of the site. While it may be possible for Council to discourage such uses their inclusion via the SCC would create expectations from prospective purchasers that cannot, in fact, be met.
11. At the time of receiving its section 65 Certificate to exhibit Draft Mosman Local Environmental Plan 2008 the sale of the Police site had not been identified and was not the subject of a public authority submission to the Draft LEP. Accordingly, it reflected the expectation of an ongoing Police use and the Draft LEP does not include development standards relating to floor space, height, landscaping, etc for this site. This applies under the current MLEP1998, a matter that is accepted in the Planning Ingenuity report (page 19).
12. Of greater concern is the fact that as the Draft LEP 2008 was on exhibition until December 2009 there is the prospect that issue of the SCC will amount to a de facto rezoning without any form of public input or consultation. This could have been addressed earlier had the owner identified the proposed disposal of the site or made a submission to the exhibition of the Draft LEP and should be addressed now through the LEP process.
13. In discussions with the owner's representatives it has been stated that there is no expectation to realise on the site until next financial year. This could allow a late submission to the existing Draft LEP to allow Council to either decide to accept the proposed uses and incorporate them in the comprehensive LEP or to include

it with one of a number of issues arising from submissions which Council may consider need re-exhibition of the entire Draft LEP. In either case it is possible for the owner's disposal schedule to be met.

14. In developing the CMF it was recognised that being a listed heritage item under Council's LEP1998 and the Draft LEP2008 heritage incentives would apply both now and in the future. Council has shown a willingness in the past to use such clauses to facilitate appropriate adaptive reuse of heritage items. Given the significance of the subject site and the existence of the CMF it is considered that this would be the most appropriate means of allowing for both flexibility of use and conservation objectives to be met.
15. Council has just become aware of the existence of an underground petrol tank on the site which raises the issue of potential contamination of the land. Council staff understand that preliminary investigations pursuant to SEPP 55 are underway and consider that any decisions on alternative uses of the site should be withheld until the outcome is known.

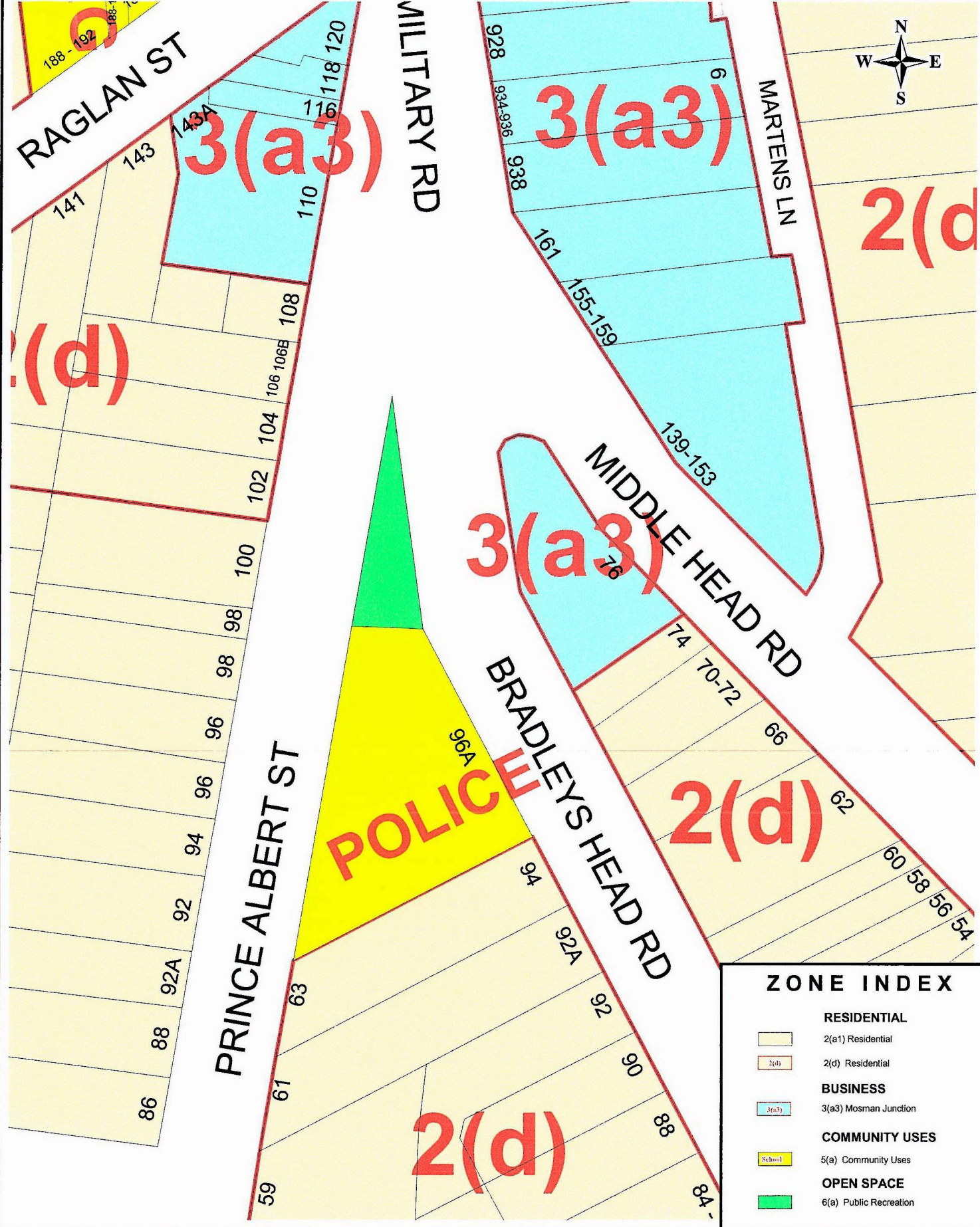
CONCLUSION

With the above in mind it is Council's submission that a Site Compatibility Certificate based on landuses under the 3(a3) zone under MLEP1998 should not be approved. Instead the appropriate current permissible landuse should relate to the immediately adjoining 2(d) Residential zone under MLEP1998. Any other uses may be considered based on the Conservation incentives clauses (clause 38 MLEP1998) and (clause 5.10.10 of the Draft LEP2008). This is consistent with the development approach identified in the Conservation Management Framework and will ensure the appropriate adaptive reuse of the site.

Alternatively, the issue of the zoning of the site should be the subject of a submission to the exhibited Draft LEP 2008 and dealt with through that means.

If the Department of Planning determines nevertheless to issue the SCC based on the 3(a3) landuses these should be supplemented, at least until there is an amending LEP, to include the development standards applying to the adjoining Residential 2(d) land. That is a height limit of 8.5 metres and floor space ratio of 0.7:1. These, when considered in conjunction with the CMF would provide for reasonable built floorspace on the site.

The issue of any SCC should not preceed the determination of DA 8.2010.64.1 for subdivision of the site.



ZONE INDEX

- RESIDENTIAL**
 - 2(a1) Residential
 - 2(d) Residential
- BUSINESS**
 - 3(a3) Mosman Junction
- COMMUNITY USES**
 - 5(a) Community Uses
- OPEN SPACE**
 - 6(a) Public Recreation

DISCLAIMER

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Drawn by EM January 2010
Q:\Jobs2010\96ABradleysHdZoning

MOSMAN LEP 1998 ZONING AROUND 96A BRADLEYS HEAD ROAD



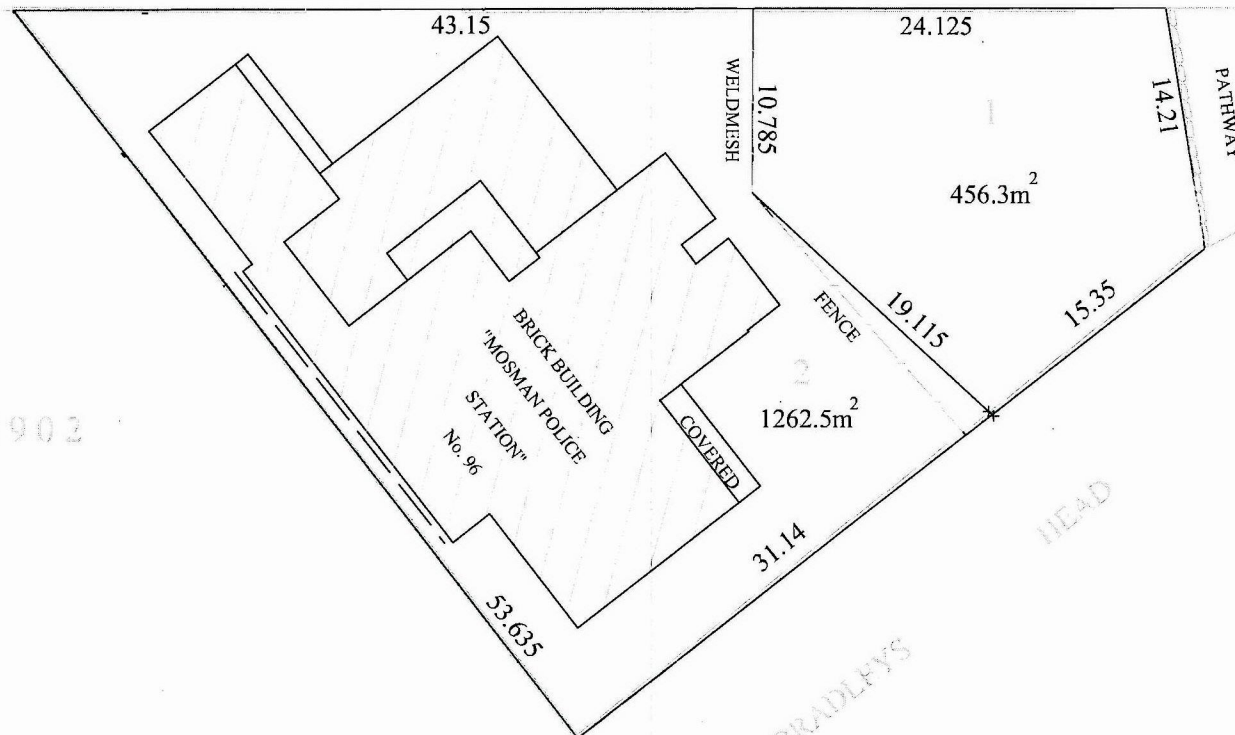
Mosman Municipal Council

PLAN OF
PROPOSED SUBDIVISION
OF LOT 1 IN D.P. 781262



PRINCE ALBERT STREET

S. P. 32902



NOTE: DIMENSIONS SUBJECT TO FINAL SURVEY

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