

James Hansen

Lane Cove North

### **Mowbray Road, Lane Cove North, Affordable Housing**

SSD-71687208

I emphatically oppose the proposed development at 618-624 Mowbray Rd & 25-29 Mindarie Street Lane Cove North. The development application is entirely inadequate, missing vital information about the strategic planning context for the precinct and generally doesn't address the environmental and social impact of the development on the local community.

The NSW Government is also the applicant and consent authority for this development, this conflict of interest is indefensible and untenable. This application should be immediately referred to the Independent Planning Commission to have any appearance of procedural fairness.

### **Background**

In February 2010, the NSW Department of Planning rezoned the Mowbray Precinct for high density residential development. At the time of the rezoning the NSW Government agency NSW Land and Housing Corporation was the largest landowner in the precinct, with the rezoning delivering a windfall gain to the State Government. Following concerns raised by the community, Lane Cove Council, and the NSW Rural Fire Service, a review of the rezoning was undertaken by The Department of Planning and Infrastructure and Lane Cove Council in 2011. This review included a master planning study prepared by JBA consulting, a traffic study prepared by SMEC Australia, and a strategic review report prepared by the Department and Council.

The strategic review found the rezoning did not align with the planning principles in the Metropolitan Plan, which recommended high density residential development should be located in town centres and larger centres. The report noted the Mowbray Precinct only contains a small lower-order neighbourhood centre, however a concession was made that under the R4 zoning, a new centre may be created to provide additional services and amenities to support a higher density precinct (p11).

In response to the review, local residents and Willoughby City Council raised concerns about the need for shops and community facilities within the precinct to support the growing population. Lane Cove Council noted this was a matter of importance for the Section 94 Plan review, and noted these issues had been expressed in previous Council resolutions (Ordinary Council Meeting 16 April 2012). However, in 2013 the updated section 94 Plan made no provision for the recommended neighbourhood centre and made no reference to the need for additional community services within the precinct. Since 2011 Lane Cove Council, the Department of Planning, and NSW Land and Housing Corporation have taken no action to deliver the recommendations of the precinct masterplan or the rezoning study. The rezoning of this land was biased by government interest, not compliant with the Sydney Region Plan, and had no viable mechanism to ensure the delivery of the infrastructure and services recommended at the time of rezoning.

In 2015 a retail premises was demolished at 536 Mowbray Road West for the construction of a new apartment building, reducing the retail spaces in the area from three shops to just two. To date, the precinct rezoning has resulted in a net loss of retail space within the area.

The precinct masterplan suggested the neighbourhood centre could be located at the corner of Mowbray Road West and Willandra Street (p31), a site also owned by Homes NSW. However this location is outside the precinct, it is beyond the walking catchment for most residents, has difficult terrain with uneven footpaths and missing street crossings, and is not part of the R4 zoned area. Because this site is located in the R3 transition area, it is unsuitable for high density development, so a neighbourhood centre at this location will never be commercially viable. In 2021 the community identified 25-29 Mindarie Street as a potential site for a neighbourhood centre. This site is considered the best location given its central location within the precinct, its location opposite Mindarie Park, the need to redevelop the aging housing assets on the site, its R4 zoning, and its ownership by the NSW Government. This location has many benefits, providing a central and accessible location, has much better street amenity, provides passive surveillance to Mindarie Park (and vice-versa), has accessible footpaths (with pedestrian safety improvements already approved by Council), and avoids the dangerous and uncomfortable high-speed road environment on Mowbray Road. This is the best and last location for a neighbourhood centre, this opportunity should not be missed.

NSW Land and Housing have been aware of the need for a neighbourhood centre in this precinct since the time of the rezoning and have continuously ignored their responsibility to support this outcome for many years. In 2021 Lane Cove Council wrote to NSW Land and Housing Corporation to explore this opportunity on Mindarie Street, however they refused to work with Council.

In response to concerns raised by residents, the now NSW Housing Minister, The Hon. Rose Jackson, visited the site at 25-29 Mindarie Street on 8 November 2021 and 23 March 2023 and made an election commitment to provide shops and services at this site as part of any future redevelopment. This election commitment has been ignored by Homes NSW, and letters to the Minister's office have been redirected to Homes NSW who have refused to address the issue.

(<https://www.facebook.com/watch/?v=576471087778209&rdid>)

(<https://www.facebook.com/ClrKatieLittle/videos/1280966382327839>)

As the precinct is nearing completion and will soon house over 1,500 dwellings and 2,700 residents (JBA Consulting 2011). The recommended neighbourhood centre is still undelivered, and our precinct is lacking the essential social and economic infrastructure we need to build a sense of place and community.

## **Strategic context**

The Environmental Impact Statement prepared by the applicant makes no mention of the precinct masterplan or the Precinct Rezoning Study prepared by the Department of Planning and Lane Cove Council in 2011. Without addressing the findings and recommendations of these plans, which were endorsed by both the Department and Council, the application is incomplete and untenable.

The development of this site without consideration for the planning outcomes established in the precinct masterplan and rezoning review is inconsistent with the strategic objectives of the Greater Sydney Region Plan, the North District Plan, the Community Strategic Plan, and the Local Strategic Planning Statement as outlined in the table below.

<b>Greater Sydney Region Plan</b>	
Objective 5. Benefits of growth realised by collaboration of governments, community and business	The landowner and beneficiary of the precinct rezoning has not collaborated with Council or the community on the development of the required neighbourhood centre.
Objective 6. Services and infrastructure meet communities' changing needs	Without a neighbourhood centre and range of public spaces the precinct is lacking the services and infrastructure the community needs
Objective 7. Communities are healthy, resilient and socially connected	Without local shops, services, and places to socialise the precinct requires vehicle access for essential daily needs, reduces active travel, and reduces social interaction, cohesion, and trust.
Objective 12: Great places that bring people together	Without a neighbourhood centre the community is lacking inclusive 3 <sup>rd</sup> places for the community to meet and socialise outside their homes.
Objective 14. A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	Essential transport infrastructure, such as bus shelters and accessible ramps on the Epping Road pedestrian bridge are still not delivered.
Objective 31: Public open space is accessible, protected and enhanced	The development will unnecessarily overshadow Mindarie Park and create a dangerous overshadowed space behind the building that will reduce the safety and amenity of Mindarie Street and the Mindarie Park playground.
Objective 39. A collaborative approach to city planning	The applicant has made no effort to collaborate with Council or the community on the delivery of the required neighbourhood centre since the rezoning review in 2011.
<b>North District Plan</b>	
Planning Priority N1: Planning for a city supported by infrastructure	The infrastructure planned for the precinct has been ignored by the applicant since the rezoning of their land in 2010.
Planning Priority N2. Working through collaboration	The applicant has refused to collaborate with Council and ignored community feedback
Planning Priority N3. Providing services and social infrastructure to meet people's changing needs	The applicant has failed to disclose the services and social infrastructure identified in the precinct masterplan and rezoning review study
Planning Priority N5. Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposed development should have more family friendly housing options, including more two and three bedroom apartments, bathtubs, and cargo bike storage. The developer should also contribute to provide bus shelters.
Planning Priority N6. Creating and renewing great places and local centres	For over a decade the applicant, and largest landowner in the rezoned precinct, has failed to create the public spaces and neighbourhood centre identified in the precinct masterplan.
Planning Priority N12. Delivering integrated land use and transport planning and a 30-minute city	Residents will not have access to weather protected bus shelters on Mowbray Road, and won't have rideable access to the Mowbray Road shared path.
Planning Priority N20. Delivering high quality open space	The development overshadows Mindarie Park and creates an unattractive dead-end alleyway behind the

	building that will be poorly maintained and invite antisocial behaviour.
<b>Liveable Lane Cove 2035 Community Strategic Plan</b>	
1.1 To encourage a sense of belonging and connection within the Lane Cove Community.	The precinct is lacking an identifiable 'place' in the precinct that creates a sense of belonging and community connection. As the principal beneficiary of the precinct rezoning the applicant should be delivering the neighbourhood centre at this site.
1.2 To encourage and facilitate active and healthy lifestyles at all life stages.	Without a neighbourhood centre the community is less able to walk and bike to local amenities and services.
1.6 To increase feelings of personal safety.	The Lane Cove North social housing estates have a long history of inviting anti-social behaviour into the area. The proposed development, with its overshadowed dead-end alleyway will reduce the safety and security in the precinct.
1.6 To ensure Lane Cove is a safe place to live and enjoy community life.	The lack of a neighbourhood centre and the unsafe form of the proposed development will detract from the safety and enjoyment of the neighbourhood.
2.3 To ensure assets and infrastructure cater for increased population growth, are well maintained and support sustainable living across all demographics.	The public spaces in the precinct cater to only limited needs, there is a significant list of missing infrastructure, such as bike paths, bus shelters, and pedestrian crossings. Social housing estates also have a history of poorly maintained buildings and landscapes.
2.3 To ensure the creation of healthy and liveable neighbourhoods, town centres, and suburbs, which support people to be healthy and well.	Without a neighbourhood centre and range of public spaces the community is more isolated, car dependant, and disengaged from their neighbours.
2.4 To encourage active transport options that minimise adverse environmental and social impacts.	The incomplete bike network and lack of local destinations makes active travel less attractive.
5.1 To encourage the community to shop locally	The applicant has failed to deliver the neighbourhood centre that would provide local shops
<b>Local Strategic Planning Statement</b>	
Planning Priority 4 - Facilitate socially connected communities and enhance our cultural identity.	The precinct is lacking an identifiable 'place' in the precinct that creates a sense of belonging and community connection.
Planning Priority 6 - Create and renew public spaces and facilities to improve our community's quality of life	The proposed development will overshadow Mindarie Park and fails to deliver the neighbourhood centre and public spaces the community needs.
Planning Priority 7 - Facilitate location of a diverse range of retail, commercial and industrial businesses in Lane Cove.	Without the required neighbourhood centre the development is unable to support well located businesses.
Planning Priority 9 - Support shopping precincts to enable local shopping.	Without a neighbourhood centre the community is unable to shop locally.

## Built Form and Urban Design

The design and form of the proposed development poorly addresses Mindarie Street and the intersection of Mindarie Street and Hatfield Street. Mindarie Street is the main central avenue of the precinct and a key pedestrian route. The proposed building height and form

poorly addresses Mindarie Street, with the proposed open space behind the building creating a gap in the urban form and a building that towers over the Mindarie Park playground.

Figure 36 shows the extent to which the proposed development is out of context on Mindarie Street. There is clearly a gap in the streetscape between the proposed development and the neighbouring properties. The building is isolated from its context and detracts from the vibrancy of the playground and active public spaces opposite. The building also has little or no articulation or architectural features at the corner of Hatfield and Mindarie Street. This is an important junction and place in the precinct, it is the main crossroads and confluence of walking routes at the bottom of the hill that enter the park. This corner deserves much greater attention to detail and placemaking than the bland square box proposed by the applicant.



Figure 36 from the EIS

The height of the building also towers above the Mindarie Street playground, which has been obscured from the photo. The EIS clearly shows overshadowing of the playground in winter, however the EIS states the “overshadowing impact to Mindarie Park is not considered unreasonable as it does not affect any of the key recreation spaces and playground areas of the park”. (EIS p73). This is not correct, the diagrams clearly show the development will overshadow the western end of the children’s playground. Overshadowing the playground is unacceptable. There is no evidence the applicant has considered lowering the building height or increasing the setbacks to the upper floor(s) to reduce these impacts.

The L-shaped form of the building also creates an overshadowed dead-end open space area at the rear of the property on Mindarie Street. These private open spaces are completely unnecessary, we have a public park across the road and the development has a rooftop terrace. These private open spaces in social housing estates have a history of being poorly maintained, see other properties in the precinct, and have numerous CPTED issues that invite antisocial behaviour. A dark overshadowed empty space behind a social housing block is a stupid and dangerous design outcome that is totally unacceptable. The L-shape form of the development should be rejected and this dangerous open space should be removed from the design.

The EIS includes a U-shaped option for the built form that would “maximise potential height and FSR” of the development. This option would provide a continuous built form along Mindarie Street, integrating the development with the neighbouring properties and creating a more cohesive and consistent urban form. The U-shaped option also demonstrates the potential for the site to provide the much needed retail space on Mindarie Street. The extra floor space could provide retail spaces at ground level, and reduce the height of the building

to reduce or eliminate overshadowing impacts on Mindarie Park. This option would impact some mature trees on the site, however the shadowing of the park, and the social and amenity loss of not having a well-located neighbourhood centre, will endure for generations and far exceed the loss of a few trees that can be replaced.

The impact of this development on our built environment will be enduring for decades, perhaps centuries. The lack of consideration given to the overshadowing of Mindarie Park, the negative impact on the streetscape of Mindarie Street, the lack of architectural detail at the intersection of Hatfield and Mindarie Street, and the opportunity for ground level activation with retail and shop top housing needs to be better addressed and assessed by the applicant. The proposed form and urban design is unacceptable.

### **Traffic and transport**

I have no major concerns with traffic and congestion in the area, however, I note that the upgrade of the intersection at Mowbray Road and Centennial Avenue identified at the time of rezoning has still not commenced. The proposed upgrade is largely unnecessary, widening the intersection to move more traffic to the next intersection, which already queue back to this intersection, provides no benefit to people driving, walking or cycling. However, pedestrian and cyclist safety could be improved with a right turn signal at this intersection. Today, without a right turn signal there is no pedestrian lead time, and dangerous vehicle-pedestrian conflicts happen all the time. Without this essential safety improvement, we should not approve this development and put more people in potential harm. Safety improvements should be completed at this intersection before any development consent is granted.

The EIS characterisation of Mowbray Road as a “State Road” and “four-lane arterial” is not correct. Mowbray Road (Road Number 7055) is an unclassified regional road and has only two general traffic lanes.

Mowbray Road has only one bus stop with a shelter for westbound buses to Macquarie Park and Sydney Olympic Park. Given the low parking rates proposed within the development and high needs of the social housing community there should be a condition for the developer to provide a bus shelter at the Hatfield Street bus stop.

Bus access could also be improved if there were accessible ramps on the Epping Road pedestrian bridge. This need was identified many years ago, even before the precinct rezoning, however accessible ramps have still not been provided.

The pedestrian network is generally well connected, however there is a dangerous gap in the network on Centennial Avenue, and the footpath widths do not comply with the TfNSW walking space guidelines. The key pedestrian desire line between Lane Cove North and the Lane Cove Village crosses Centennial Avenue at Elizabeth Parade. Crossing this four lane 60km/h road near side streets and bus movements is very dangerous. A pedestrian crossing facility should be provided in this area before any further development is approved. The TfNSW walking space guide recommends a footpath width of 2.3m in high-density residential areas. As a condition of consent the narrow footpaths on Mindarie Street should be widened to 2.3m.

There are also a number of critical missing cycling links. Five years after the concrete was poured on the Mowbray Road shared path, the path is still incomplete, missing signs and

paint that make it legal to use. Future residents will be unable to access the Mowbray Road shared path as Hatfield Street is too steep and has too much traffic for inexperienced riders. The Hatfield Street footpath should be widened to 2.5m to provide a shared path between the development, Mindarie Park, and the Mowbray Road shared path. There is also a small gap in the cycling network between Willandra Street and the mid-block crossing near the school entry. This route provides access to the Epping Road cycleway. A safer and more direct link to the Epping Road cycleway could be provided via the Epping Road pedestrian bridge if ramps were provided, or a shared path constructed on the northern side of Epping Road between Merinda Street and Johnson Crescent. A contribution should be made to Willoughby Council and Lane Cove Council to resolve these missing links.

To accommodate the needs of families and people with limited mobility the bicycle storage areas within the development should have designated areas to accommodate oversized bikes, such as cargo bikes and trikes. The E-Bike parking area should also have security fencing and two security gates to keep bikes safe and avoid entrapment.

The construction site is located directly opposite a primary school, and the Mowbray Road shared path is busy with children walking, cycling, and scooting to school. For the safety of these children the Construction Traffic Management Plan should prohibit heavy vehicle movements during school drop off and pick up times.

## **Social impact**

While the development of social housing may benefit a minority of people that need access to affordable housing, the development also has significant social impacts on the broader Lane Cove North community. Given this is the last development site within the precinct the social impacts are significant.

This high-density precinct has very limited third spaces for the community to meet and socialise outside their homes. Without a recognisable neighbourhood centre there is no identifiable “place” in the Mowbray Precinct. While Mindarie Park is a great community asset, a playground doesn’t create an inclusive public space for people of all ages, and only provides a limited range of social activities. Residents have said they feel uncomfortable in the park with so many children, some say they feel like a paedophile and unwelcome in the park. We need a range of public spaces to provide places for a range of social activity that allows people to gather and build community, trust and social cohesion. This is particularly important in a community that has so many social housing residents with a diverse background and different socio-economic status. I think this is a key reason there is so much distrust and community opposition to this development, there is a noticeable lack of public spaces for our community to meet and build social connections with their neighbours.

Developing a neighbourhood centre at this site is a critical element to creating a liveable neighbourhood and healthy community. The applicant has been well aware of the need for a neighbourhood centre within the precinct since the time their properties were rezoned, yet they have done nothing to support this outcome. The site is zoned R4, which the rezoning review recognised allows uses that support a neighbourhood centre, such as neighbourhood shops; restaurants or cafes, and community facilities. This is now the last site, and the best located site, to provide these much needed social spaces.

The applicant has suggested that “including retail spaces would compromise the ability to provide quality homes for those in need.” This is not correct as the proposed development is

well within the limitations of the planning controls (EIS page 20). They have also suggested “retail generates increased traffic, which could jeopardise community safety.” This is not correct, there is no evidence that a small number of retail spaces would generate any significant vehicle traffic, and no evidence that our streets would become more dangerous with any additional vehicle trips in the area. In fact, allowing the community to shop locally would likely reduce vehicle traffic, and traffic calming, including pedestrian crossings and speed humps have recently been approved for the intersection of Mindarie Street and Hatfield street.

The existing two small shops only have a café and specialist deli, this does not provide “essential services” for the community as stated in the EIS. The specialty deli only has a very small selection of expensive specialty products, we can’t even buy milk and bread. These facilities are totally inadequate for a precinct with 1,500 homes and 2,700 residents. The precinct rezoning has resulted in a net loss of commercial space, with a retail premises at 536 Mowbray Road West being demolished and replaced with an apartment building in 2015. The NSW Government has a responsibility to replace the retail spaces they have removed from the precinct and build a suitable neighbourhood centre as recommended in the precinct masterplan.

Another important aspect of the social impact of the development is its proximity to Mowbray Public School and Mindarie Park. These significant social infrastructure assets should be more accessible to young families, however the proposed development is missing critical features that would be attractive to families. There should be more two and three bedroom apartments, particularly for the affordable housing tenants. This site provides a unique opportunity to provide more housing for young families. To use this site for single bedroom apartments is a lost opportunity for the community. The apartments also don’t have bathtubs, which makes them less attractive and functional for young families.

The social and economic impact assessment also doesn’t recognise the economic benefits of local shops and the opportunity this would provide for ongoing local employment, business investment and social cohesion (EIS p17). This is another missed opportunity for investment and business development in our area.

A retail component in this development would allow residents to shop locally, create public spaces that encourage a sense of belonging, identity and connection, support walking and healthy lifestyles, increase passive surveillance and security, and cater to the needs of the growing population, particularly our social housing residents that are less mobile. This development is clearly not in the public interest and should not be approved.

## **Safety and security**

Our neighbourhood has several social housing properties and our experience with these residents has not been positive. I have witnessed residents from our neighbouring social housing estate stealing property from our building and vandalising my bicycle. We also often experience anti-social behaviour including abusive language, drunkenness, and drug use in public places, garbage dumping, and poorly maintained properties. To suggest social housing provides a social benefit is not our lived experience.

As previously mentioned, the overshadowed dead-end open space at the rear of the building is unlikely to be well maintained and will invite antisocial behaviour, as these spaces do at all other social housing estates. This space will create a safety risk on Mindarie Street and



reduce the amenity of the Mindarie Park playground. This uninviting dark corner of the building should be removed from the development.

Where social housing is mixed within a commercial development, as they are in the Leah and Pinaroo apartment buildings, our experience has been much more positive. The social housing residents are typically indistinguishable from other residents, and we have not witnessed any anti-social behaviour in or around these properties. These 'Communities Plus' developments provide a far better social and environmental outcome for the community. The strata ownership model creates an incentive for the residents to ensure the building is well maintained and preserves its market value. This cannot be said for the other social housing properties in our area. Homes NSW have a long history of poorly maintained properties and negative impacts on our built environment. Their buildings are in poor condition, their landscaping and gardens are either overgrown or barren. Over many decades the social housing estate delivery model has proven to be ineffective and damaging to the community and built environment. This model of development should be rejected by the assessment panel. If approved without other strata owners the applicant should be made to demonstrate how any income from renting these apartments will be retained by the building and not sequestered off to other properties, as happened with the income created from the rezoning.

### **Contributions and Public Benefit**

There are many infrastructure needs that have still not been delivered by the NSW Government or Lane Cove Council, these include bus shelters, a cycleway along Mowbray Road, traffic signal upgrades at Centennial Ave and Mowbray Road, an accessible footbridge with pram ramps at Epping Road for access to express buses, and public domain improvements that would be part of the proposed neighbourhood centre. The request for exemption from Section 7.11 contributions is entirely unmerited where there is still so much infrastructure missing from the precinct. This request should be emphatically rejected. Homes NSW have made \$ millions from the rezoning of their land, it is only fair that a small portion of that income should be used to contribute to the infrastructure costs the developer has imposed on this community.

### **Engagement**

The core principles of good stakeholder engagement are to engage early, engage often, and engage meaningfully. When proposing such a controversial development that doesn't align with community expectations the applicant should have engaged with the community well before they had progressed their development proposal. The consultation has been a last-minute tick-the-box exercise that has resulted in no changes or meaningful engagement with the community. A State Government agency should be the exemplar of good community engagement, however their communication and engagement with the community can only be characterised as hostile and dismissive.

The applicant's response to concerns about the need for a neighbourhood centre have largely been ignored, only in the EIS have they made any effort to address the issue, which has largely been dismissive and uncooperative. They did suggest in the EIS that "As a landholder, Homes NSW is open to discussions with stakeholders about enhancing access to vital amenities in the future". This may be a reference to their land at 658 Mowbray Rd West which was identified in the masterplan, however this site is zoned R3, it is in a

transition area to lowered density development, is located on the edge of the precinct, is located on a busy main road, and is unlikely to ever be commercially viable to redevelop. There are no guarantees the applicant would ever redevelop this site or redevelop any of their other properties to provide the neighbourhood centre this precinct needs. This response is totally inadequate given the requirement to provide a neighbourhood centre as stated in the rezoning review. As they have stated, the Mindarie Street site is “the last development site within the Mowbray Precinct” (p14) and is thus the last opportunity to provide the required neighbourhood centre in a well-located place.

## **Conclusion**

The history of planning in the Mowbray Precinct, from the questionable rezoning by the State Government, to the subsequent failures of the NSW Government and Lane Cove Council to secure the social and economic infrastructure this community needs, is completely unacceptable. How can a precinct that is home to 2,700 residents have only two small shops, one bus shelter, and an unfinished shared path. This applicant is hiding behind social housing as an excuse to railroad the community, avoid the planning outcomes endorsed in the masterplan, and damage our social and built environment. Their use of social housing to avoid the core principles of the planning system is completely unacceptable. While the Housing Minister remains silent on her election commitment, and there is no mechanism to deliver the neighbourhood centre as planned in the masterplan, this development application should be categorically rejected.