

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Bayside
<b>PPA</b>	Bayside Council
<b>NAME</b>	To rezone the subject site from RE2 Private Recreation to R3 Medium Density Residential and introduce associated development standards (28 dwellings, 0 jobs)
<b>NUMBER</b>	PP_2019_BSIDE_001_00
<b>LEP TO BE AMENDED</b>	Rockdale Local Environment Plan 2011
<b>ADDRESS</b>	119 Barton Street, Monterey
<b>DESCRIPTION</b>	Lot 2 DP 857520
<b>RECEIVED</b>	5 March 2019
<b>FILE NO.</b>	IRF19/1911
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## INTRODUCTION

### Description of planning proposal

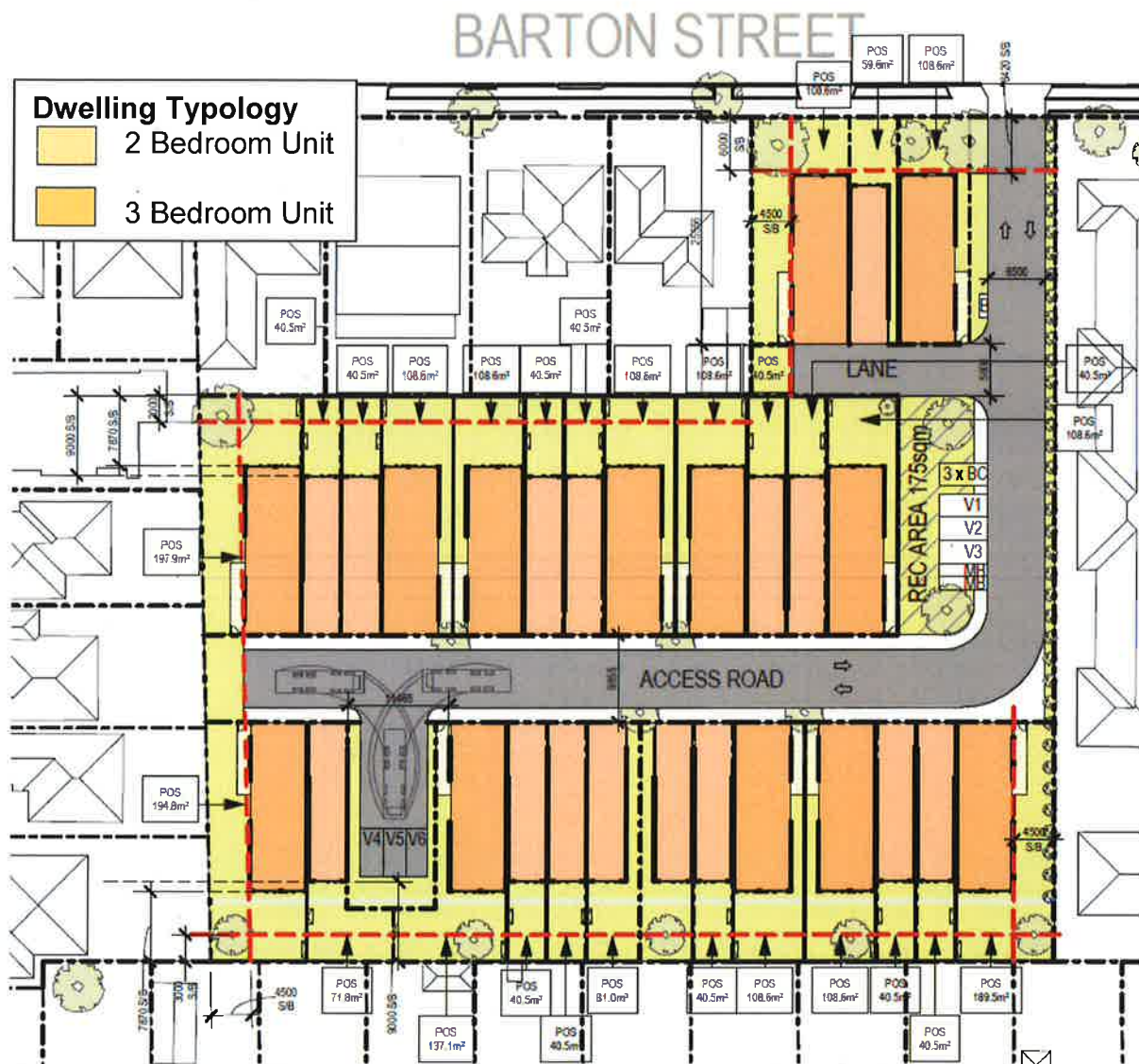
The planning proposal seeks to amend the Rockdale Local Environment Plan 2011 (Rockdale LEP 2011) at 119 Barton Street, Monterey by:

- rezoning the site from RE2 Private Recreation to R3 Medium Density Residential;
- introducing a maximum floor space ratio (FSR) of 0.6:1;
- introducing a maximum height of building of 8.5m; and
- introducing a minimum lot size of 450m<sup>2</sup>.

The planning proposal intends to improve an underused site, enabling residential development opportunities on land near public transport and public open space. The proposal also seeks to support increased housing supply, diversity and affordability through rezoning of the site to R3 Medium Density Residential.

The accompanying schematic design proposes 28 townhouses, with 15 x two bedroom units and 13 x three bedroom units (**Figure 1** over the page).

A Voluntary Planning Agreement (VPA) has been discussed, with a draft VPA being drafted by Council. A VPA for the site has not been executed.



**Figure 1:** Site plan of the proposed townhouse development (Source: Rothelowman Urban Design Report)

## Site description

The site at 119 Barton Street, Monterey is legally described as Lot 2 DP 857520. It is a rectangular battle-axe block with a total area of 7,218m<sup>2</sup> and frontage of approximately 35m to Barton Street.

The site was, according to the planning proposal, formerly used as the Sir Francis Drake Bowling Club (**Figure 2**). This was a registered club but has not been in operation for several years. The site contains two centrally located bowling greens, a single storey clubhouse on the southern boundary, and a car park along the eastern boundary. Access to the site is from Barton Street.





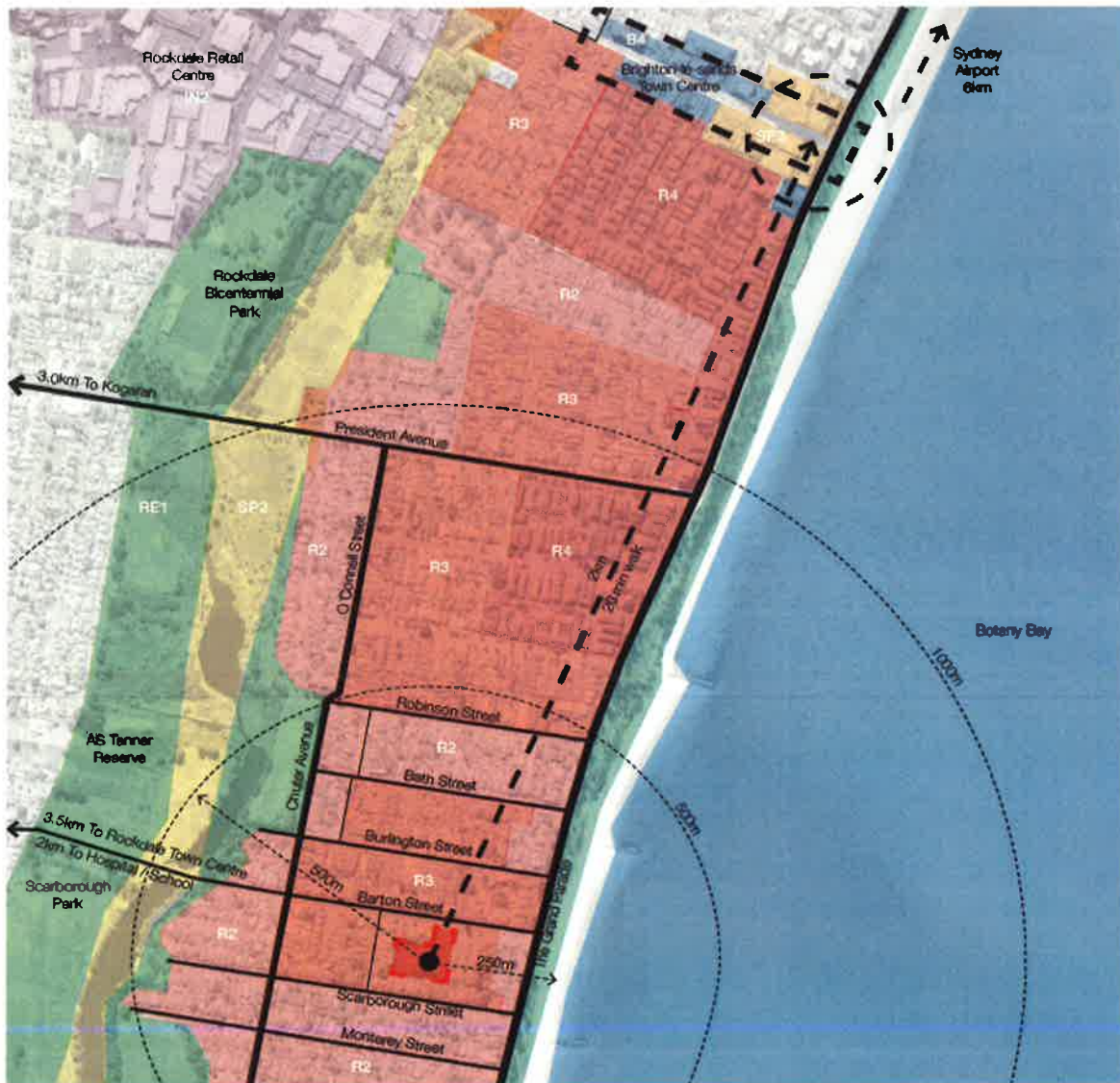
**Figure 2:** Aerial view of subject site outlined in yellow (Source: Nearmaps)

### **Surrounding area**

The site is in the Bayside local government area (**Figure 3**, over the page) and is:

- 1.6km from the Kogarah Health and Education Precinct;
- 150m to the west of Cook Park;
- 400m to the east of Scarborough Park;
- 2km to the south of Brighton-Le-Sands Town Centre;
- 1.4km to the east of the Princes Highway; and
- 2.3km to the east of Kogarah Station.





**Figure 3:** Surrounding Area (Source: Rothelowman Urban Design Report)

The surrounding area is a typical suburban setting, composed of one and two storey low density housing with a handful of medium density developments along Barton Street (Figure 4).



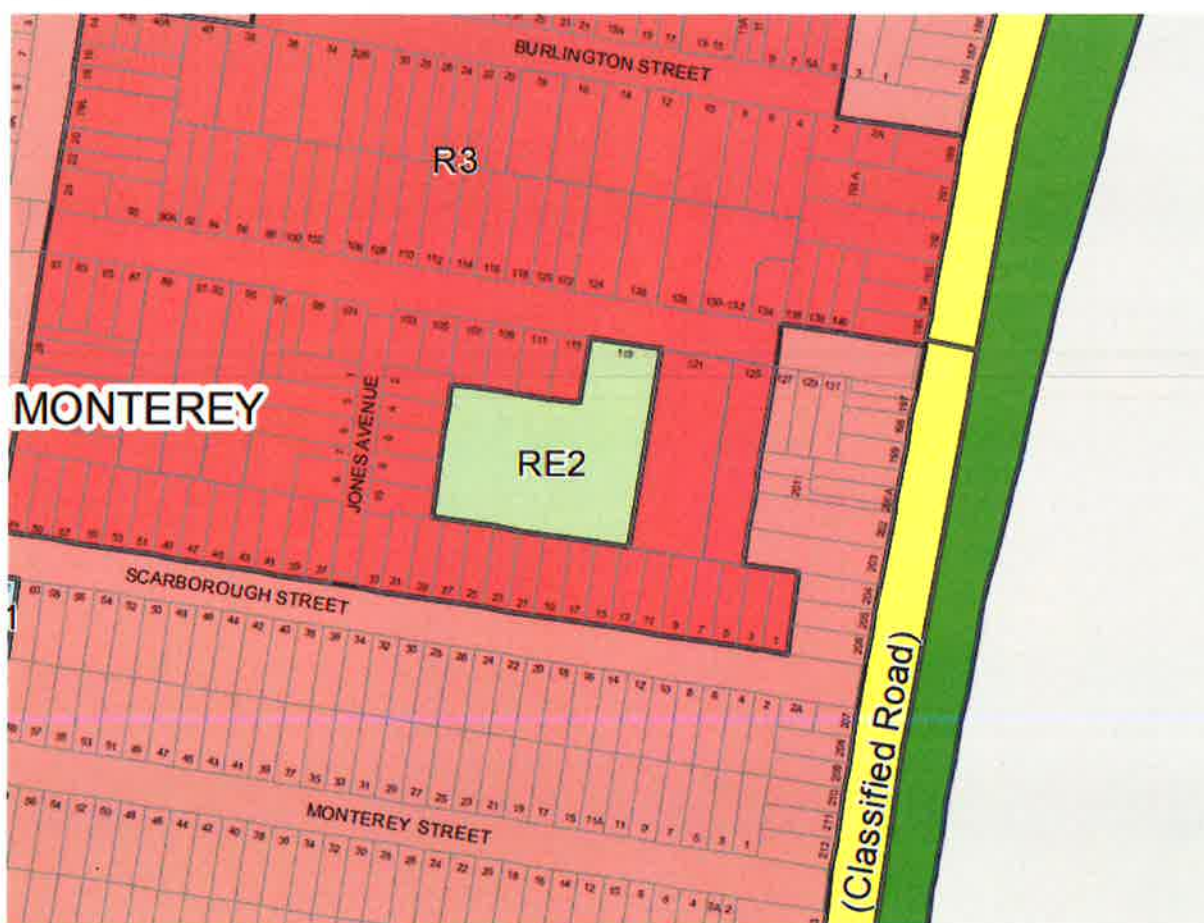
**Figure 4:** Photo from site visit of Barton Street surrounding the subject site.

### Current planning provisions

The site is zoned RE2 Private Recreation under the Rockdale LEP 2011. The site is shown as being affected by Class 4 acid sulfate soils. It is not subject to any other development standards.

The site does not contain any heritage-listed items and there are no heritage items in the immediate vicinity of the site.

The current zoning map applicable to the subject site is provided below (Figure 5).



**Figure 5:** Current land zoning map (Source: Rockdale LEP 2011)

The surrounding area is zoned R3 Medium Density Residential with a FSR of 0.6:1, a building height of 8.5m and a minimum lot size of 450m<sup>2</sup>.

### Background

- 14 August 2017 – planning proposal lodged with Council.
- 1 May 2018 – Planning Proposal reported to the Bayside Local Planning Panel where it was recommended to proceed.
- 13 June 2018 – Planning Proposal was reported to the Council who resolved to defer the matter.
- 11 July 2018 – Planning Proposal was reported to the Council who resolved to not support the planning proposal.
- 27 August 2018 – Rezoning Review was lodged with the Department.

- 8 November 2018 – the Eastern City Planning Panel recommended that the planning proposal proceed to the Department for a Gateway determination.
- 18 February 2019 – Council confirmed that they accept the planning proposal authority role for the planning proposal.
- 5 March 2019 – the planning proposal was lodged with the Department.
- 7 March 2019 – the planning proposal was deemed adequate to assess for a Gateway determination.

### **Summary of recommendation**

It is recommended that the proposal proceed subject to conditions because:

- it is consistent with the Greater Sydney Region Plan, the Eastern City District Plan and the relevant section 9.1 Ministerial Directions and state environmental planning policies;
- it increases housing choice and diversity in keeping with the existing residential character of the area;
- the site has good access to existing infrastructure;
- the bulk and scale of the proposal is consistent with the surrounding area and the desired future character of the locality;
- the proposed planning controls will achieve a building envelope cognisant of the adjoining residential amenity; and
- it would have minimal environmental, social and economic impacts.

## **PROPOSAL**

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### **Objectives or intended outcomes**

The stated intended outcomes within the planning proposal prepared by Council are to:

- accommodate high quality residential development cognisant of surrounding dwellings amenity;
- provide housing supply and diversity in an existing residential area which will improve housing affordability;
- provide housing choice in an area where there is an aging population;
- provide housing in an existing residential area near established centres with existing infrastructure and public transport connects;
- provide an opportunity to revitalise an existing suburb through redevelopment of a disused facility; and
- encourage healthy communities through the provision of communal open space, sustainable design and end of journey facilities that encourage cycling in this relatively flat area.

### **Explanation of provisions**

The intent of the proposal is to amend the Rockdale LEP 2011 are as follows:

- rezone the site from RE2 Private Recreation to R3 Medium Density Residential;
- introduce a maximum FSR of 0.6:1;
- introduce a maximum building height of 8.5m; and
- introduce a minimum 450m<sup>2</sup> minimum lot size for subdivision.

The proposed amendments only involve amending the relevant LEP maps. The proposal will not introduce any additional local provisions, additional permitted uses or other site-specific clauses. These amendments are consistent with the intended outcomes of the planning proposal.

The proposed rezoning and introduction of the associated development standards are consistent with the neighbouring land. This will facilitate future development of the site which can be consistent with surrounding land uses, bulk, scale and building heights. This will ensure that any environmental impacts are minor, with development occurring that can be in keeping with the current and future desired character of the locality.

There is no site specific amendment to the Rockdale DCP 2011 proposed as part of this planning proposal.

### **Mapping**

The planning proposal does require changes to the current Rockdale LEP 2011 mapping. Amendments are required to the following map sheets:

- Land Zoning Map Sheet\_005;
- Height of Building Map Sheet\_005;
- Floor Space Ratio Map Sheet\_005; and
- Lot Size Map Sheet\_005.

Examples of the amended zoning, height of building, lot size and floor space ratio maps are included in the planning proposal. These maps are found in **Figures 6 to 9** on pages 8 and 9.



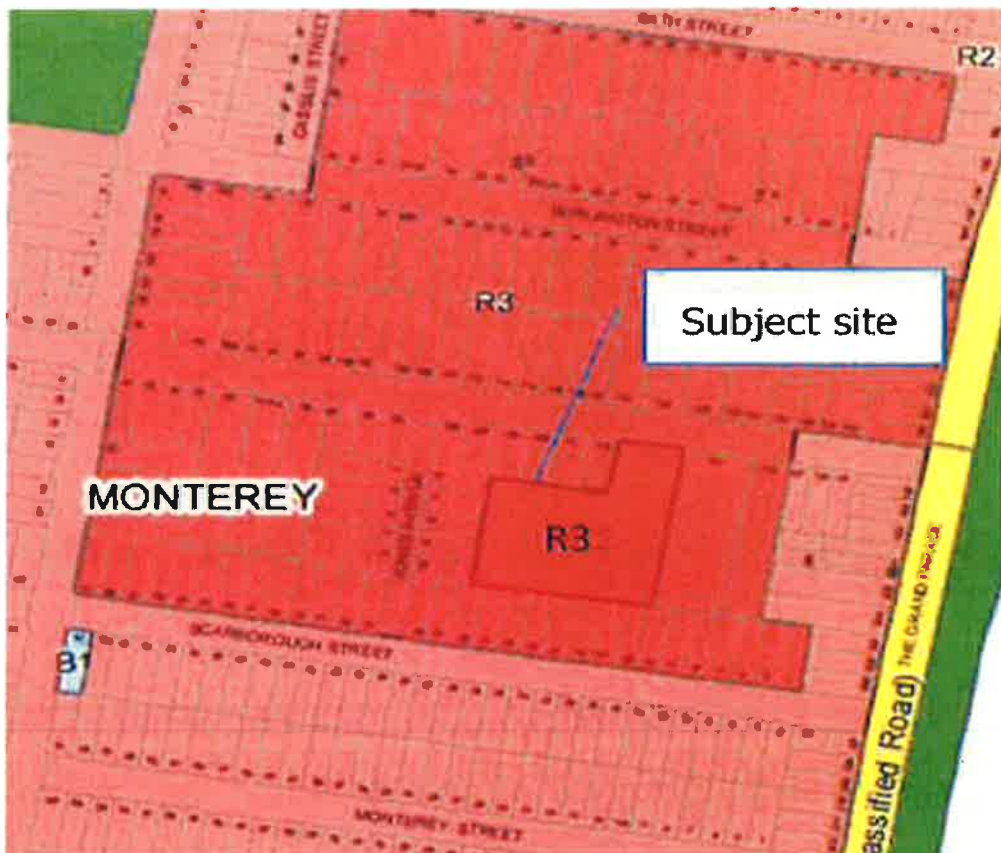


Figure 6: Proposed zoning map (Source: Planning Proposal)

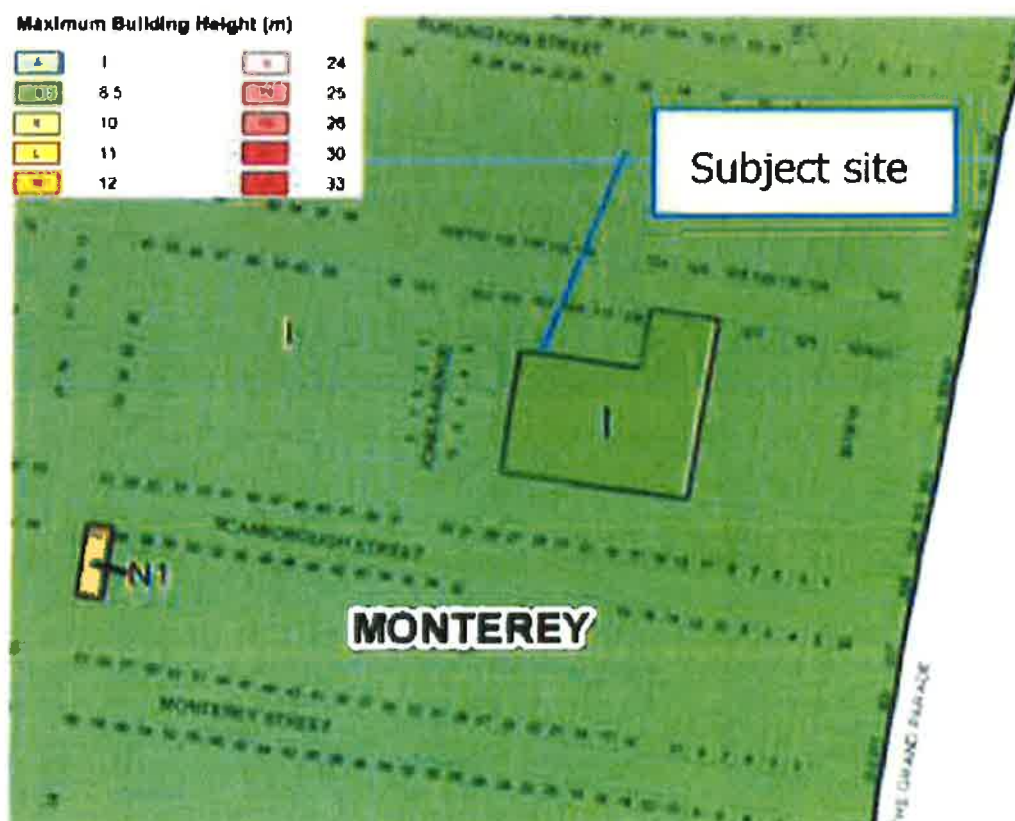
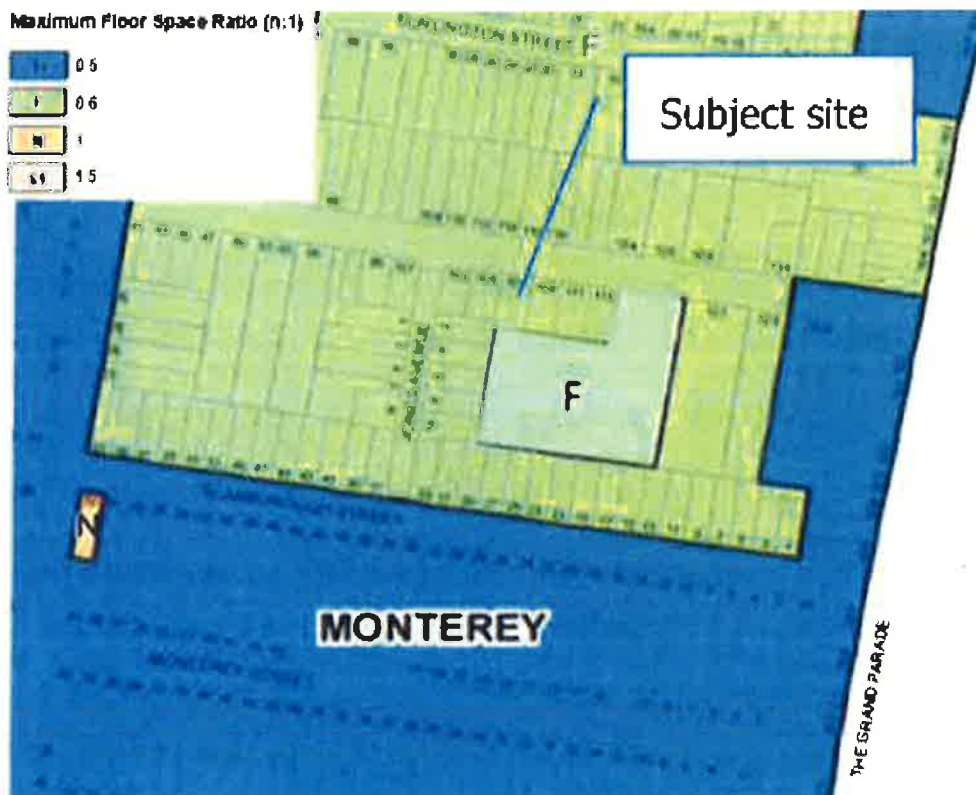
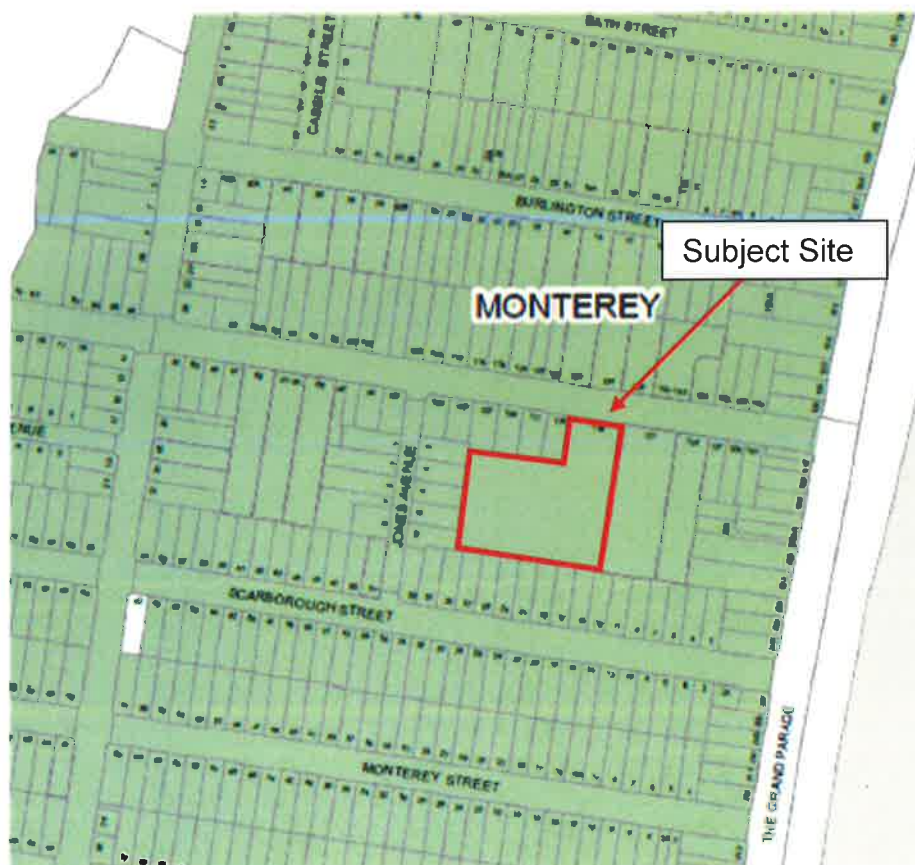


Figure 7: Proposed height of building map (Source: Planning Proposal)





**Figure 8:** Proposed floor space ratio map (Source: Planning Proposal)



**Figure 9:** Proposed minimum lot size map (Source: Planning Proposal)

## **NEED FOR THE PLANNING PROPOSAL**

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In preparing this planning proposal, Council considered whether the planning proposal was the result of a strategic study or report and whether the proposal was the best result of achieving the stated objectives and outcome.

### Is the planning proposal a result of any strategic study or report?

Council have stated that the planning proposal was not the result of a strategic study or report. Despite this, the planning proposal seeks to more broadly implement the goals, actions and objectives of the adopted region, district and local Council plans.

### Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The subject site is current zoned RE2 Private Recreation. This is a restrictive land use zone that seeks to:

- enable land to be used for private open space or recreational purposes;
- provide a range of recreational settings and activities and compatible land uses; and
- protect and enhance the natural environment for recreational purposes.

This zone does not permit residential accommodation and as such the objectives of this planning proposal, to deliver housing on the site, cannot be achieved through the existing zoning. The site is also currently underutilised in its current state and is not being used for recreational purposes. Therefore, the planning proposal is the best means to achieve the stated outcomes and objectives.

## **STRATEGIC ASSESSMENT**

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### **State**

#### Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released *Greater Sydney Region Plan*, which aims to coordinate and manage Sydney's growth. The plan contains objectives for the region over the next 40 years and informs the actions and directions of the district plans.

The Greater Sydney Region Plan sets out four goals:

1. Infrastructure and collaboration: securing 'a city supported by infrastructure' and 'a collaborative city';
2. Liveability: achieving 'a city for people', 'housing the city' and 'a city of green places';
3. Productivity: creating 'a well-connected city' and 'jobs and skills for the city'; and
4. Sustainability: delivering 'a city in its landscape', 'an efficient city' and 'a resilient city'.

To achieve these goals and directions, the plan proposes 40 objectives, with 15 associated actions. Objectives relevant to this planning proposal include:

- Objective 4: Infrastructure use is optimised;

- Objective 10: Greater housing supply;
- Objective 11: Housing is more diverse and affordable; and
- Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities

The planning proposal is consistent with the above objectives as it would:

- optimise the use of infrastructure by rezoning a disused bowling club to facilitate residential development in an existing urban area;
- provide building setbacks that are sympathetic to adjoining dwellings;
- provide housing choice, supply and diversity by rezoning a disused bowling club to facilitate medium density development; and
- providing housing near existing public transport infrastructure.

## **District**

### Eastern City District Plan

The *Eastern City District Plan*, released in March 2018, identifies 22 planning priorities and associated actions that are important to achieving a liveable, productive and sustainable future for the district, including the alignment of infrastructure with growth.

This planning proposal is consistent with the following planning priorities of the plan:

- Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport;
- Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city; and

This planning proposal is consistent with the relevant objectives in the district plan as it would:

- make use of a site that has good access to existing infrastructure;
- provide building setbacks that are sympathetic to adjoining dwellings;
- provide housing choice, supply and diversity by rezoning a disused bowling club to facilitate medium density development.

Planning Priority E18: Delivering high quality open space – of the District Plan seeks to facilitate the delivery of public open spaces to enhance the character, health and lifestyles of the community. This includes ensuring people in urban neighbourhoods can walk to public open spaces. The subject planning proposal is consistent with this objective as it seeks to rezone private open space to medium density residential land near existing public open spaces. The site is within 150m of Cook Park and 400m of Scarborough Park.

## **Local**

### Bayside 2030 – Community Strategic Plan 2018-2030

The documentation provides an assessment of the planning proposal's consistency with the relevant planning priorities set out in the Bayside 2030 – Community Strategic Plan 2018-2030. The documentation states that the



planning proposal broadly aligns with the strategic directions of the community strategic plan because:

- it will contribute to an increase in housing supply, making housing more affordable;
- it will provide residential development that is within 30 minutes of employment centres accessed by public transport; and
- the subject site is close to the Kogarah Health and Education Precinct.

## **Section 9.1 Ministerial Directions**

The proposal is consistent with the application of the following relevant directions:

### **3.1 Residential Zones**

The planning proposal seeks to amend the zoning of the site from RE2 Private Recreation to R3 Medium Density Residential under the Rockdale LEP 2011. This amendment will permit residential land uses, such as multi dwelling housing and attached dwellings on the site. This will encourage a greater variety and choice of housing types close to existing facilities and services.

### **3.4 Integrating Land Use and Transport**

This Direction seeks to ensure development is appropriately located to improve access and transport choice and reduce car dependency. The site is suitably located to utilise existing public transport services within walking distance of the site. Bus services along the Grand Parade provide connections to further transport connections, jobs and employment that will assist in reducing reliance on private car usage.

### **4.1 Acid Sulphate Soils**

The planning proposal impacts on land identified with Acid Sulfate Soil (ASS) risk Class 4. The contamination assessment considers ASS and states that the proposal in its current form, proposing at grade construction, will not impact either ASS or the water table. The Rockdale LEP 2011 also contains existing provisions to ensure the consideration of ASS during development assessment. This information is adequate and can be further addressed as part of a development application.

## **State environmental planning policies (SEPPs)**

The proposal is consistent with the application of the following relevant SEPPs:

- SEPP No 55 – Remediation of Land;
- SEPP (Building Sustainability Index: BASIX) 2004;
- SEPP (Affordable Rental Housing) 2009;
- SEPP (Educational Establishments and Child Care Facilities) 2017;
- SEPP (Housing for Seniors or People with a Disability) 2004;
- SEPP (Coastal Management) 2018; and
- SEPP (Exempt and Complying Development Codes) 2008.

## SEPP No.55 – Remediation of Land

Clause 6 of SEPP 55 requires the planning authority to be satisfied that the land is suitable, or can be made suitable, for all the uses permissible in the zone. The planning proposal included a Contamination Report prepared by Martens Consulting Engineers dated March 2018. Testing has been undertaken on the site and recommended the preparation of a remediation action plan to remediate the contamination found on site. However, the report considered that the site can be made suitable for residential development. The preparation of the remediation action plan can be considered as part of the development application process.

## SEPP (Coastal Management) 2018

A portion of the site is identified as being within the coastal use area map, which requires consideration of Clause 14 in the SEPP. The proposal will not result in any adverse impacts on foreshore areas as specified in this clause. The proposal is also not likely to increase coastal hazards. This can be further considered as part of a development application.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

The proposal will allow for positive social and economic effects given that:

- it will increase housing supply and diversity in an established residential area;
- it will provide housing that can utilise existing infrastructure; and
- revitalise a disused former bowling club.

### **Environmental**

The site is occupied by a former bowling club and does not contain any known critical habitat or threatened species, populations or ecological communities or habitats.

### Streetscape and Character

Barton Street has a mix of single and double storey dwellings, with some townhouse developments near the site. The Rockdale DCP 2011 requires dwellings to be consistent with the existing streetscape and character but does not include a local character statement. The planning proposal seeks to rezone and introduce development standards which are consistent with neighbouring land, which will ensure development is in keeping with the current and future desired character of the locality

Finally, as the development proposal is situated on a battle-axe lot, streetscape impacts are likely to be minimal, with any issues capable of being resolved at the development application stage.

### Bulk and Scale

The accompanying schematic design proposes 28 two storey townhouses with a GFA of 4,330sq.m. This equates to the maximum proposed FSR of 0.6:1. This equates to each townhouse having a maximum potential GFA of 155sq.m. The table below provides a density comparison with surrounding townhouse developments. The concept design has a density consistent with surrounding townhouse developments.

Townhouse Development	Density of townhouse (a townhouse per m <sup>2</sup> of site area)
89 Barton Street	271m <sup>2</sup> per unit
93-95 Barton Street	271m <sup>2</sup> per unit
119 Barton Street (the subject site)	257m <sup>2</sup> per unit
123 Baton Street	250m <sup>2</sup> per unit

The urban design report includes 3D massing diagrams showing the indicative two storey envelopes in the context of existing adjoining dwellings (Figures 9 and 10). The proposed design does constitute an increase in bulk and scale over the existing bowling club, the proposed development standards are consistent with the surrounding residential land.

For development on battle-axe lots, the Rockdale DCP 2011 requires a minimum 4.5m building setback from the rear boundary of the front allotment. To further reduce bulk and scale impacts, the schematic design proposes staggered 7.7m to 9m rear setbacks along the northern and southern boundaries and 4.5m side setbacks along the eastern and western boundary.

The bulk and scale of the proposal is satisfactory for the purposes of the planning proposal and can be further addressed at the DA stage.



**Figure 9:** 3D Massing of Dwellings viewed from the north east (Source: Rothelowman Urban Design Report)



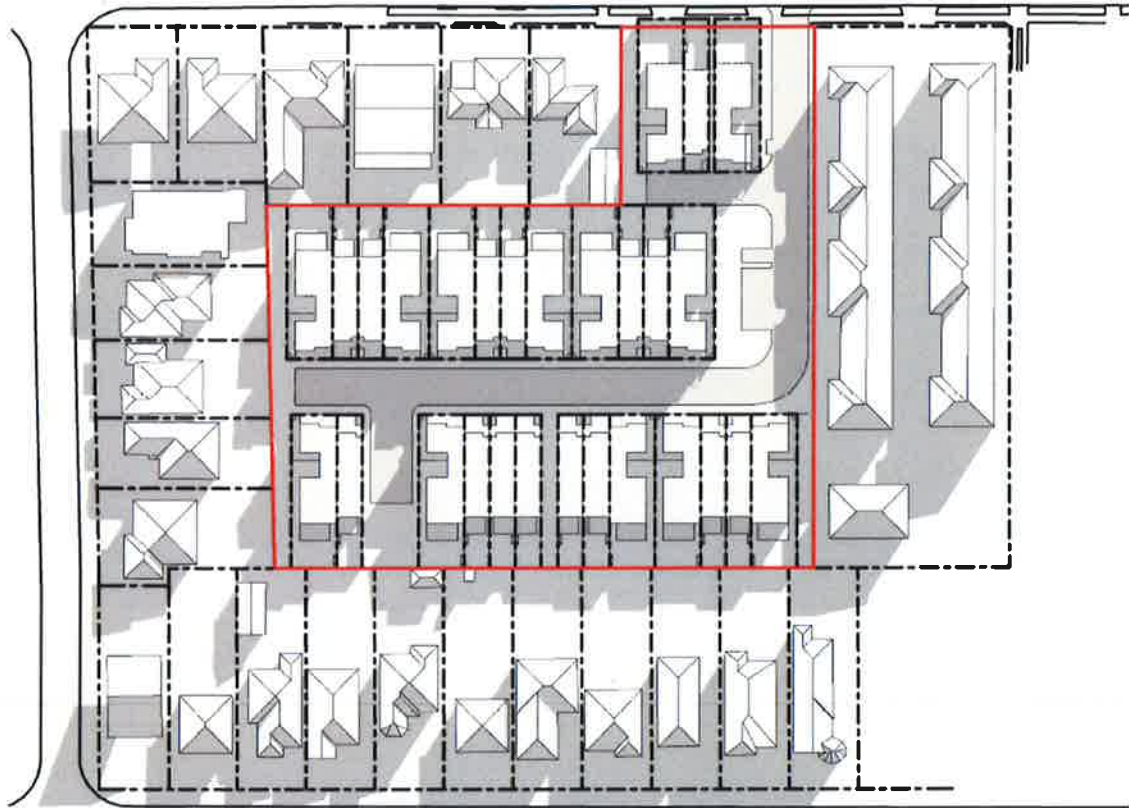


**Figure 10:** 3D Massing of Dwellings viewed from the south west (*Source: Rothelowman Urban Design Report*)

#### Overshadowing Impacts

The Rockdale DCP 2011 requires a minimum 3 hours of direct solar access for 50% of the private open space in mid-winter for all low and medium density developments. The urban design report submitted with the planning proposal provides three solar access diagrams based on the indicative building envelopes. The shadow diagrams have been provided for 9am, 12pm and 3pm on 21 June as required by the Rockdale DCP 2011 (**Figures 11 to 13**).

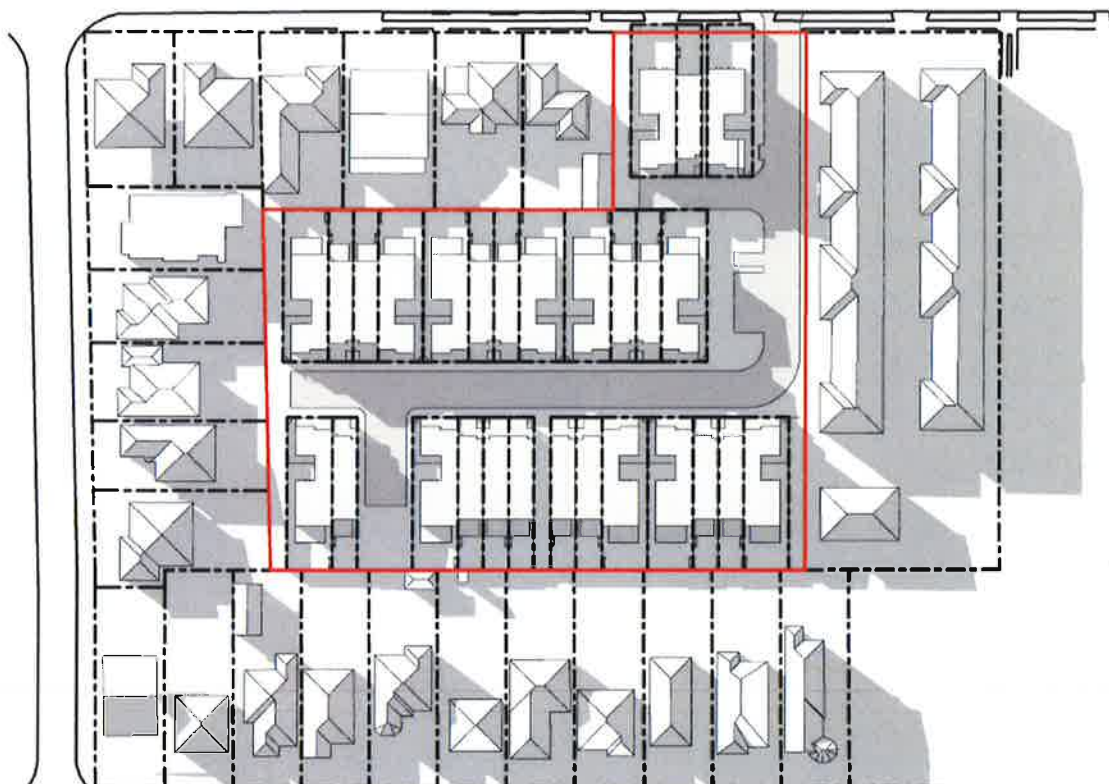
The proposed building envelopes do result in additional overshadowing impacts on the private open space of adjoining dwellings compared with the existing bowling clubhouse on the site. Despite this additional impact, the adjoining private open spaces can still achieve the minimum solar access requirements under the Rockdale DCP 2011. This is satisfactory for the purposes of the planning proposal. Overshadowing impacts can be further assessed and satisfactorily addressed as part of a development application.



**Figure 11:** Solar Analysis 21 June at 9am (Source: Rothelowman Urban Design Report)



**Figure 12:** Solar Analysis 21 June at 12pm (Source: Rothelowman Urban Design Report)



**Figure 13:** Solar Analysis 21 June at 3pm (Source: Rothelowman Urban Design Report)

### Traffic Impacts

The documentation submitted with the planning proposal included a Traffic Report prepared by Colston Budd Rogers and Kafes Pty Ltd. The traffic report has been prepared from the indicative schematic design accompanying the planning proposal. The schematic design proposes construction of 28 townhouses (15 x two bedroom units and 13 x three bedroom units) with the provision of 47 car parking spaces (41 resident and 6 visitor). This provision of car parking is consistent with the Rockdale DCP 2011 controls which require the parking rates specified in **Figure 14**.

<u>Land use</u>	<u>Vehicle</u>	<u>Bicycle</u>	<u>Motorcycle</u>
Multi-dwelling Housing/ Residential Flat Buildings/Shop-top Housing	<ul style="list-style-type: none"> <li>• 1 space per studio, 1 and 2 bedroom apartments</li> <li>• 2 spaces per 3 bedroom apartments or more</li> <li>• Visitor parking: 1 space per 5 dwellings</li> </ul>	<ul style="list-style-type: none"> <li>• 1 space per 10 dwellings</li> </ul>	<ul style="list-style-type: none"> <li>• 1 space per 15 dwellings</li> </ul>

**Figure 14:** Rockdale DCP 2011 car parking rate (Source: Rockdale DCP 2011)



The traffic report has also provided an assessment of the traffic generating potential the development will have on the local road network. This has been prepared according to the RMS Guide for Traffic Generating Development, with a rate of 0.5 vehicles per hour per unit, the report considers the development would generate 15 trips per hour during weekday peak periods. Where the highest rate of 0.65 used, the development concept would only generate 19 trips per hour during weekday peak periods. The traffic impacts are considered minimal and can be accommodated within the existing road network.

As the traffic impact of the development is minimal, the site does not obtain access from a classified road, is not within 90m of a classified road and the proposed car parking is consistent with Council controls, it is not necessary to consult with RMS or Transport for NSW about the planning proposal.

### **Economic**

The planning proposal will facilitate the delivery of housing choice and diversity. The accompanying development concept proposes 28 multi dwelling housing units. The planning proposal will have the following economic benefits and is considered acceptable as it will:

- Rezone land that facilitates a specific land use which is no longer viable on the site; and
- provide housing choice and diversity in an established residential area close to transport connects.

### **Infrastructure**

The subject site is well serviced by a range of public utilities including electricity, telecommunications, water, sewer and stormwater. It is expected that these services would be upgraded where required by the developer.

## **CONSULTATION**

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### **Community**

The planning proposal states that proposal will be exhibited to the public for a period of 28 days. This timeframe is appropriate and is reflected in the Gateway conditions.

Council, as the planning proposal authority, will be responsible for public consultation. It has been advised that this will include newspaper notification, displays at Council customer service centres, on Council's webpage and written notification to affected and adjoining property owners and occupiers.

### **Agencies**

The planning proposal does not specify any agencies that are to be notified of the proposal.

As the proposed amendment is considered minor in nature, it is not proposed that any agencies be consulted.

## **TIME FRAME**

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Council has included a project timeline but has not specified potential dates for community consultation or the finalisation of the plan. A time frame of 9 months is considered appropriate to finalise this LEP.

This does not prevent the proposal from being finalised sooner.

#### **LOCAL PLAN-MAKING AUTHORITY**

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Council has requested delegation to make the plan. As the planning proposal was originally not supported by the Council, delegation should not be given to Council to make this plan.

#### **CONCLUSION**

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The planning proposal is supported to proceed subject to conditions as:

- it is consistent with the Greater Sydney Region Plan, the Eastern City District Plan and the relevant section 9.1 Ministerial Directions and state environmental planning policies;
- it increases housing choice and diversity in keeping with the existing residential character of the area;
- the site has good access to existing infrastructure;
- the bulk and scale of the proposal is consistent with the surrounding area and the desired future character of the locality;
- the proposed planning controls will achieve a building envelope cognisant of the adjoining residential amenity; and
- it would have minimal environmental, social and economic impacts.

#### **RECOMMENDATION**

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It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal must be made publicly available for a minimum of 28 days.
2. Consultation with public authorities/organisations under section 3.34(2)(d) of the Environmental Planning and Assessment Act 1979 is not required for this planning proposal.
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be the local plan-making authority.



29/5/19

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