

Planning proposal to amend the planning controls for 64-68 The Grand Parade, Brighton Le Sands under Rockdale Local Environmental Plan 2011 (27 dwellings, 24 jobs)

Proposal Title : **Planning proposal to amend the planning controls for 64-68 The Grand Parade, Brighton Le Sands under Rockdale Local Environmental Plan 2011 (27 dwellings, 24 jobs)**

Proposal Summary : **The planning proposal seeks to amend Rockdale Local Environmental Plan 2011 (RLEP 2011) in relation to 64-68 The Grand Parade, Brighton Le Sands by:**
*** increasing the maximum building height from 13m to 36m (10 storeys);**
*** increasing the floor space ratio from 1:1 to 4:1; and**
*** applying clause 6.14 Design excellence.**

PP Number : **PP_2017_BSIDE_006_00** Dop File No : **17/05154**

Proposal Details

Date Planning Proposal Received : **30-Mar-2017** LGA covered : **Bayside**

Region : **Metro(CBD)** RPA : **Bayside Council**

State Electorate : **ROCKDALE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :	64 The Grand Parade		
Suburb :	Brighton Le Sands	City :	Sydney
Land Parcel :	Lot 8, DP 33420		Postcode : 2216
Street :	65 The Grand Parade		
Suburb :	Brighton Le Sands	City :	Sydney
Land Parcel :	Lot 9, DP 651072		Postcode : 2216
Street :	66 The Grand Parade		
Suburb :	Brighton Le Sands	City :	Sydney
Land Parcel :	Lot 10, DP 662061		Postcode : 2216
Street :	67 The Grand Parade		
Suburb :	Brighton Le Sands	City :	Sydney
Land Parcel :	Lot 11, DP 654651		Postcode : 2216
Street :	Lot 1 The Grand Parade		
Suburb :	Brighton Le Sands	City :	Sydney
Land Parcel :	Lot 1, DP 798421		Postcode : 2216

Planning proposal to amend the planning controls for 64-68 The Grand Parade, Brighton Le Sands under Rockdale Local Environmental Plan 2011 (27 dwellings, 24 jobs)

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Martin Cooper**
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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 27 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 24

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **The site is currently zoned B4 Mixed Use. There are no proposed changes to the zoning. The planning proposal seeks to amend the height and FSR controls applying to the subject land from 13m to 36m (10 storeys) and from 1:1 to 4:1 respectively. This would facilitate the intensification of a prime corner site within the Brighton Le Sands Centre for a mixed use development, creating additional dwellings and jobs close to public transport and other services.**

Potential amenity impacts from the scale of the proposed intensification of the subject land

Planning proposal to amend the planning controls for 64-68 The Grand Parade, Brighton Le Sands under Rockdale Local Environmental Plan 2011 (27 dwellings, 24 jobs)

will be ameliorated by the application of the Clause 6.14 Design Excellence of Rockdale Local Environmental Plan 2011 (RLEP 2011).

The planning proposal is supported because it:

- * is generally consistent with State planning policy;
- * enables the development of a landmark building, providing a transition between the high density commercial Novotel site to the south and high density residential development to the north;
- * enables adaptive reuse of existing local heritage listed buildings;
- * provides economic and community benefits through 27 additional dwellings and 24 new jobs, within walking distance of the Brighton Le Sands Centre and bus services to Rockdale Station; and
- * contributes to the renewal of the Brighton Le Sands Centre, in a vibrant mixed use precinct.

External Supporting Notes :

Council supports the planning proposal to amend the height to 36m (10 storeys) and floor space ratio to 4:1 applying to 64-68 The Grand Parade, Brighton Le Sands. The planning proposal will enable the redevelopment of a corner site within the Brighton Le Sands Centre, creating additional dwellings and jobs close to public transport and other services.

The planning proposal also seeks to mitigate potential amenity impacts associated with redevelopment of the site land by applying Clause 6.14 Design Excellence provision of Rockdale Local Environmental Plan 2011.

Council has requested delegation of the Minister's plan making functions under section 59 of the Environmental Planning and Assessment Act 1979 (EP&A Act), which is considered appropriate in this instance.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The objective of the planning proposal is to amend maximum permissible height of buildings and FSR controls pertaining to the site to enable:

- a) The development of a landmark building incorporating adaptive reuse of existing heritage structures.
- b) A transition in building height between existing high density commercial development south of the subject site (Novotel building) and existing high density residential development north of the subject site.
- c) A more active streetscape through active ground floor uses enabled by an increase in the permissible scale of development.
- d) Increased housing supply and choice within the walking catchment of the Brighton-Le-Sands commercial centre through mixed use development.
- e) A site of scale, character and form to complement surrounding urban qualities and likely future development as outlined in the Rockdale LEP 2011 design guidelines.
- f) A development which follows the Design Excellence Criteria outlined within Clause 6.14 of the RLEP 2011.

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

Is an explanation of provisions provided? Yes

Comment :

To achieve the objectives of the planning proposal, the following amendments to RLEP 2011 are sought:

- * increasing the maximum building height from 13m to 36m (10 storeys);
- * increasing the floor space ratio from 1:1 to 4:1; and
- * applying clause 6.14 Design excellence.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP No 71—Coastal Protection

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

SEPPs

The proposal is considered to be consistent with the relevant SEPPs and deemed SEPPs.

Section 117 Directions

The planning proposal is considered to be consistent with the identified relevant Section 117 Directions, except for the following:

Direction 4.1 Acid Sulfate soils

The planning proposal seeks to intensify land use on land identified as Class 4 Acid Sulfate Soils, as identified on the Acid sulfate soils Map in RLEP 2011 (Sheet ASS_005). The Secretary needs to be satisfied that the inconsistency is either justified by a study or is of minor significance.

The planning proposal states that consistency with this Direction is justified as the proposal is supported by a preliminary contamination and groundwater assessment report prepared by Compaction and Soil Testing Services Pty Ltd (2014). The report concludes that the site is within an area of low probability of containing acid sulfate soils at depths greater than 3m and that a dewatering management plan would be required for any proposed excavation. The requirement of a dewatering management plan to mitigate the impact of any identified acid sulfate soils can be addressed at the development application stage. In addition, any future development application for the site must satisfy the provisions of Clause 6.1 Acid sulfate soils of RLEP 2011.

It is agreed that the inconsistency with this Direction is considered of minor significance because the impact of any identified acid sulfate soils can be addressed at the development application stage. As part of the Gateway determination, Council will be required to consult with the Office of Environment and Heritage in regards to the acid sulfate soils. The provisions of Clause 6.1 Acid sulfate soils of RLEP 2011 will apply to any future development application for the site.

Planning proposal to amend the planning controls for 64-68 The Grand Parade, Brighton Le Sands under Rockdale Local Environmental Plan 2011 (27 dwellings, 24 jobs)

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping includes relevant map extracts identifying the current and proposed provisions, which are adequate to identify the subject land for community consultation.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 28 day exhibition period, which is supported.**

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 : **It is considered that generally sufficient detail has been provided.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Rockdale Local Environmental Plan was made in 2011.**

Assessment Criteria

Need for planning proposal : **The intended outcome of the proposal can only be achieved through the amendment of Rockdale LEP 2011.**

Planning proposal to amend the planning controls for 64-68 The Grand Parade, Brighton Le Sands under Rockdale Local Environmental Plan 2011 (27 dwellings, 24 jobs)

Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

The subject land is located within the Central Subregion, south of the Global Economic Corridor, close to Sydney Airport, Rockdale and Kogarah Centres. Key priorities for this subregion are to accelerate housing supply, choice and affordability, and build great places to live.

The planning proposal is consistent with A Plan for Growing Sydney, particularly by assisting the following directions:

- 2.1 Accelerate housing supply across Sydney: the proposal assists action 2.1.1 Accelerate housing supply and local housing choices, by providing 27 more dwellings and 24 jobs, in a Centre close to public transport;
- 2.3 Improve housing choice to suit different needs and lifestyles: additional residential floor space will improve housing choice;
- 3.3 Create healthy build environments: the proposal provides additional residential density within walking and cycling distance of shops, schools and local parks, and community facility enhancement opportunities from developer contributions; and
- 4.3 Manage the impacts of development on the environment: by increasing housing and commercial development without adverse environmental impacts, including adaptive reuse of local heritage items.

DRAFT SYDNEY CENTRAL DISTRICT PLAN

The planning proposal is consistent with the draft Plan by assisting with the implementation of its Productivity, Liveability and Sustainability priorities. These include:

- * LP 2 Delivery housing diversity: by providing 27 additional dwellings;
- * LP 3 Facilitate delivery of safe and healthy places: (see 3.3 above); and
- * LP 13 Conserve and enhance environmental heritage: (see 4.3 above).

ROCKDALE CITY COMMUNITY STRATEGIC PLAN 2013-2025

The planning proposal is consistent with the Rockdale Community Strategic plan, (as demonstrated in detail in Table 2 of the planning proposal), particularly as it envisions future growth in locations including Brighton Le Sands.

BRIGHTON LE SANDS MASTERPLAN

Stage 1 (Parking) of Council's Brighton-Le-Sands Masterplan has been made publically available. The proposed amendment to the Rockdale LEP is consistent with the Stage 1 (Parking) Masterplan.

Environmental social economic impacts :

Environmental impacts

The proposal is unlikely to have any adverse environmental impacts on any critical habitat or threatened species, populations or ecological communities and their habitats, given the highly developed nature of the subject land. As previously noted in this report, acid sulfate soils and management of groundwater can be suitably addressed at the DA stage.

In relation to built form and scale, the planning proposal is supported by a detailed Urban Design Report by AE Design Partnership, which concludes the proposal (especially after deletion of the earlier cantilever over the heritage terraces) is appropriate to the surrounding environment, because it is:

- * consistent with the SEPP 65 Apartment Design guidelines with respect to such corner sites;
- * conforms to the transition in building height along the Grand Parade and Princess Street;
- * providing reasonable year-round solar access of surrounding areas, including the Novotel; and
- * does not result in view loss from the public domain.

In addition, the Urban Design Study states the proposal has urban design merit and is in the public interest because it:

- * improves the vibrancy and vitality of the area by providing a landmark building, adding to its tourist appeal;
- * enables adaptive reuse of the 5 heritage buildings (Saywell Terraces) and does

Planning proposal to amend the planning controls for 64-68 The Grand Parade, Brighton Le Sands under Rockdale Local Environmental Plan 2011 (27 dwellings, 24 jobs)

not detract from nearby local heritage items (being street trees along Princess Street, and linear open space east of The Grand Parade); and
 * provides an appropriate car parking solution.

The Department agrees that the proposal is unlikely to have any adverse impact upon the built environment, as it enables adaptive reuse of the 5 heritage buildings whilst improving the vibrancy and vitality of a landmark site.

Social and economic impacts

It is agreed that proposal is not anticipated to have any adverse social or economic impacts, nor is it likely to create any additional demand on existing public infrastructure.

The proposal would have the following positive social and economic impacts:

- * providing 27 dwellings and 24 jobs close to public transport, infrastructure and other services, contributing to the LGA's dwelling target under the draft Central District Plan;
- * making more efficient use of urban in-fill land, easing pressure on other areas; and
- * contributing to the revitalisation of Brighton Le Sands, together with conserving the heritage buildings along The Grand Parade.

Assessment Process

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

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

Public Authority **Office of Environment and Heritage**
 Consultation - 56(2)(d) **Transport for NSW - Roads and Maritime Services**

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
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Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal - 64-68 The Grand Parade .pdf	Proposal	Yes
64-68 The Grand Parade - Urban Design Report.pdf	Proposal	Yes
Traffic Report.pdf	Proposal	Yes
Contamination Report.pdf	Proposal	Yes
Heritage Impact Statement.pdf	Proposal	Yes
Arboriculture Assessment Report.pdf	Proposal	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 3.5 Development Near Licensed Aerodromes
 - 4.1 Acid Sulfate Soils
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of A Plan for Growing Sydney

Additional Information : It is recommended the planning proposal proceeds subject to the following conditions:

1. Consultation is required with:
 - * Office of Environment and Heritage;
 - * Transport for NSW - Roads and Maritime Services;
 - * Sydney Airport Authority;
 - * Civil Aviation Safety Authority; and
 - * Commonwealth Department of Infrastructure and Regional Development.
2. The planning proposal must be made publicly available for a minimum of 28 days.
3. The timeframe for completing the LEP is 9 months.
4. A public hearing is not required.

Supporting Reasons : The planning proposal is supported because it:

- * is generally consistent with State planning policy;
- * enables the development of a landmark building, providing a transition between the high density commercial Novotel site to the south and high density residential development to the north;
- * enables adaptive reuse of existing local heritage listed buildings;
- * would provide economic and community benefits by providing 27 additional dwellings and 24 new jobs, within walking distance of the Brighton Le Sands Centre and bus services to Rockdale Station; and
- * contributes to the renewal of the Brighton Le Sands Centre in a vibrant mixed use precinct.

Signature:

Printed Name:

MARTIN COOPER

Date:

28/04/2017