

Planning Proposal

Rockdale Local Environmental Plan 2011

64-68 The Grand Parade

Brighton-Le-Sands

The logo for Bayside Council, featuring the words "Bayside" and "Council" in white, stacked vertically, inside a teal square.

**Bayside
Council**

February 2017

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Version 1	October 2015
Version 2	February 2017

Background

Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed amendment to *Rockdale Local Environmental Plan (LEP) 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment guides, including *A Guide to Preparing Local Environment Plans* and *A Guide to Preparing Planning Proposals*.

Background

This Planning Proposal applies to allotments (hereafter referred to as 'the site'):

- Lot 8 in DP 33420 (64 The Grand Parade, Brighton-Le-Sands);
- Lot 9 in DP651072 (65 The Grand Parade, Brighton-Le-Sands);
- Lot 10 DP662061 (66 The Grand Parade, Brighton-Le-Sands);
- Lot11 DP654651 (67 The Grand Parade, Brighton-Le-Sands); and
- Lot 1 DP 798421 (68 The Grand Parade, Brighton-Le-Sands).

The site is approximately 1085sqm in size and currently occupied by a row of 5 heritage listed (Item No. 1174, RLEP 2011) 2 storey terraces. While substantially intact, the existing condition of the terraces is varied. The terraces have undergone varying degrees of alteration to fabric and finishes as outlined in the *Heritage Impact Statement* forming part of this application (Weir Philips 2015).

The existing controls pertaining to the site are as follows:

- Floor Space Ratio: N – 1:1.
- Height of Buildings: N1 – 13 metres.
- Land Use Zoning: B4 – Mixed Use.

Council Resolution

At the Rockdale Council meeting on 16 March 2016, the planning proposal was approved.

Councillors adopted the proponent's recommendation of a maximum height limit of 36m and a FSR of 4:1 as opposed to the Officer's recommendation of a maximum height limit of 28 metres and FSR of 3:1, additional height and bulk could be achieved through design excellence.

There was discussion at the meeting between the Councillors that the site is a landmark site, because of its visibility from Sydney International Airport. The additional bulk and scale was considered appropriate, subject to the development satisfying Council's design excellence criteria.

While these development sites are not within the same visual catchment of 64-68 The Grand Parade they were not considered landmark sites and it would be unreasonable to place the same controls on the subject site. It must also be noted that recent approvals relied upon Clause 4.6 variations to accommodate lift overruns, which would be very difficult should height incentives be placed on this site.

In summary:

- This site will be subject to Bayside Council's Design Excellence Clause, which will ensure the highest standard of architectural, urban and landscape design.
- Additional height will accommodate 3.1 metre floor to ceiling heights and lift overrun.
- It is critical that when determining the FSR that maximum envelopes are utilised incorporating incentives and bonuses associated with design excellence.

The Urban Design Principles that informed this proposal can be found in the corresponding Urban Design Report are based on the Urban Design Principles for in Appendix 3 of the Apartment Design Guide.

The rationale of this Planning Proposal is to:

- Enable the development of a landmark building incorporating adaptive reuse of existing heritage structures.
- Enable 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.
- Encourage a more active streetscape through active ground floor uses enabled by an increase in the permissible scale of development.
- Provide increased housing supply and choice within the walking catchment of the Brighton-Le-Sands commercial centre through mixed use development.
- Transform the existing character of the site through innovative design guided by design excellence criteria outlined in Clause 6.14 of the Rockdale LEP 2011.

Part 1 - Objectives or Intended Outcomes

This Planning Proposal applies to the site:

- Lot 8 in DP 33420 (64 The Grand Parade, Brighton-Le-Sands);
- Lot 9 in DP651072 (65 The Grand Parade, Brighton-Le-Sands);
- Lot 10 DP662061 (66 The Grand Parade, Brighton-Le-Sands);
- Lot11 DP654651 (67 The Grand Parade, Brighton-Le-Sands); and
- Lot 1 DP 798421 (68 The Grand Parade, Brighton-Le-Sands).

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) Create a development which follows the Design Excellence Criteria outlined within Clause 6.14 of the Rockdale LEP 2011.

Part 2 - Explanation of Provisions

The proposed outcomes will be achieved through amending the Rockdale Local Environment Plan 2011 mapping, shown in Part 4 of the proposal.

The portion of Princess Street adjacent with the same land use zoning (B4 Mixed Use) is also proposed to be amended with Height and FSR in accordance with the site as a matter of 'housekeeping' to maintain continuous zoning.

A Map

The Rockdale LEP 2011 Height of Building Map (Sheet HOB_004), Floor Space Ratio Map (Sheet FSR_004) and Design Excellence Map (Sheet DEX_004) are proposed to be amended as per Table 1 below.

Table 1 – Proposed Map amendments

Map Tile No.	Amendment	Explanation
FSR_004	Lot 8 in DP 33420, Lot 9 in DP 651072, Lot 10 in DP 662061, Lot 11 in DP 654651 and Lot 1 in DP 798421 rezoned X - 4:1.	Enables development within the 1085sqm site with bulk and density consistent with existing residential development north of the site and commercial development south of the site.
HOB_004	Lot 8 in DP 33420, Lot 9 in DP 651072, Lot 10 in DP 662061, Lot 11 in DP 654651 and Lot 1 in DP 798421 rezoned V - 36 metres.	Enables development within the subject site with a transitional height between with existing residential development north of the site and commercial development south of the site.
DEX_004	Lot 8 in DP 33420, Lot 9 in DP 651072, Lot 10 in DP 662061, Lot 11 in DP 654651 and Lot 1 in DP 798421 to be considered under Clause 6.14 – Design Excellence of the Rockdale LEP 2011	Site will undergo a competition to see if design meets the Design Guidelines outlines in Clause 6.14 of the Rockdale LEP 2011. Requires a building that will provide for the desired future character of the area.

B Other Provisions

No amendments are proposed to the written Environmental Planning Instrument.

Part 3 - Justification

A Need for the planning proposal

A1 Is the planning proposal a result of any strategic study or report?

The planning proposal has been prepared in response to a number of strategic studies and reports prepared by Rockdale City Council which suggest a desired future character for the locality substantially different to existing character:

Community Strategic Plan 2013 – 2025 (2013)

The proposed amendments to the Rockdale LEP are consistent with the vision for Rockdale, as outlined within the Community Strategic Plan:

- *“Future growth is likely to occur in the centres of Rockdale, Wollie Creek, Brighton Le Sands, Bexley and Bexley North, which have the most significant opportunities for redevelopment” (p 13).*

Summary

Assessment of key directions within the strategy indicates a desired future character for the locality (including the subject site) substantially different to existing character. The desired future character is summarised as follows:

- Mixed use development;
- Active street frontage;
- Increased residential population in and proximate to town centres; and
- Development of new iconic/landmark buildings in highly visible locations.

The planning controls must be amended to facilitate development consistent with the desired future character.

A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Rockdale Council officers (8 May 2014) confirmed a planning proposal was the most appropriate means of achieving the objectives and intended outcomes. Council officers also confirmed that this proposal should progress separately from any other proposal that may result from investigations currently being undertaken into master planning and public domain works in the Brighton-Le-Sands town centre.

B Relationship to strategic planning framework

B1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the A Plan for Growing Sydney and exhibited draft strategies)?

A Plan for Growing Sydney (2015)

The proposed amendments to the Rockdale LEP 2011 are consistent with *A Plan for Growing Sydney*:

GOAL 1: A competitive economy with world-class services and transport

GROW STRATEGIC CENTRES – PROVIDING MORE JOBS CLOSER TO HOME

Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity.

Increased maximum permissible FSR and height of buildings enables the development of the subject site, located adjacent to and within the walking catchment of the established Brighton-Le-Sands commercial centre, highly visible to passengers of aircraft on approach to/departure from Sydney Airport's north-south runways. Mixed use redevelopment of the subject site (incorporating adaptive reuse) creates increased housing choice and supply proximate to existing employment opportunities. This creates increased employment opportunities proximate to existing high density residential areas north and west of the subject site.

GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles

ACCELERATE URBAN RENEWAL ACROSS SYDNEY – PROVIDING HOMES CLOSER TO JOBS

Use the Greater Sydney Commission (once established) to support council-led urban infill projects.

Increased maximum permissible FSR and height of buildings creates increased employment and housing choice and supply opportunities within a landmark mixed use development (incorporating adaptive reuse of existing heritage structures) proximate to an existing commercial centre south of the site and high density residential area north and west of the site.

GOAL 3: A great place to live with communities that are strong, healthy and well connected

REVITALISE EXISTING SUBURBS

Support urban renewal by directing local infrastructure to centres where there is growth.

- Existing social and community infrastructure need not be expanded in response to the proposed amendment to planning controls.
- Existing social and community infrastructure can be supported by developer contributions as part of any future Development Application compliant with proposed FSR and height of building controls.

GOAL 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

PROTECT OUR NATURAL ENVIRONMENT AND BIODIVERSITY

- The proposed amendment to planning controls to the Rockdale LEP 2011 will not impact the natural environment and biodiversity of the established urbanised area.
- As part of the Development Application process, future development of the subject site in compliance with amended planning controls should address impacts to proximate natural environment and biodiversity areas (as zoned within the LEP).

Sydney Central Draft District Plan (2016)

The Sydney Central Draft District Plan has identified priorities and actions for the District with goals to create a productive, liveable and sustainable city.

Brighton-le-sands has been identified as a local centre in close proximity to the strategic centre located at Sydney Airport. This allows the centre to be a part of the reshaping of Sydney through the following priority actions for the Central District:

Plan for demographic change

With housing populations expected to rise within the district, it is important to provide options within local centres to allow for accommodation close to employment opportunities within the local centre and strategic centres in close proximity. These new housing options should also provide a high level of amenity for residents and be of a high standard of design excellence.

Enrich unique places and connections

Provides a development which will be assessed under a high level of design excellence within the established local centre of Brighton-le-sands providing increased housing stock in area with strong pedestrian and bicycle connections along the promenade, beach and parks. The site will create an identifiable building along a key road within the centre.

B2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Rockdale City Community Strategic Plan

Council's Vision is: One Community, Many Cultures, Endless Opportunity. The blueprint for the Rockdale community for 2025 is to be achieved through strategic community outcomes:

- **Outcome 1** – Rockdale is a welcoming and creative City with active, healthy and safe communities.
- **Outcome 2** – Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
- **Outcome 3** – Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning.
- **Outcome 4** – Rockdale is a City with engaged communities, effective leadership and access to decision making.

Table 2 below identifies how the Planning Proposal is consistent with the community outcomes.

Table 2 – Consistency with Rockdale City Community Strategic Plan

Outcome	Objective	Strategy	Consistency
1	1.1 Our community's health and wellbeing will increase.	1.1.1 Build a healthy community where people of all ages and abilities can enjoy an environment free of public health risk.	The proposed amendment enables development with a high level of amenity to residents derived from outlook to Botany Bay and proximity to services in Brighton-Le-Sands. A Preliminary Site Contamination Investigation has found low potential for contamination (CSTS 2014)
		1.1.2 Work with the community and increase the cleanliness of Rockdale City.	The proposed amendment enables development which contributes to the cleanliness of Rockdale City through increased opportunities for passive surveillance and improved on-site waste management.
		1.1.3 Build a healthy community with people of all ages and abilities.	The proposed amendment enables development with an appropriate proportion of adaptable units and an apartment mix to suit the housing needs of a variety of people in proximity to services, including the St George Hospital located 3.4 kilometres drive from the subject site.

		1.1.4 Improve the access and effectiveness of services and facilities available to all members of the community to encourage active living to improve health and wellbeing.	The proposed amendment enables development proximate to a variety of retail, medical and educational services, recreational and employment opportunities.
	1.2 Our community feels safe in their homes, workplace and in public spaces.	1.2.1 Work with partners and the community to identify and address community safety issues.	Development complying with controls proposed as part of this planning proposal will achieve the objective through increased opportunities for casual surveillance.
	1.3 Our community is welcoming and inclusive and celebrates its cultural diversity and community harmony.	1.3.1 Ensure we value and support our Aboriginal and Torres Strait Islander communities.	N/A
		1.3.2 Build a welcoming and empowered community that embraces cultural diversity.	N/A
		1.3.4 Build a vibrant and exciting City that reflects the range of cultures, entertainment, events and networks that contribute to the wellbeing of its community.	Proposed increase to height and density will encourage a mixed use development adding to vibrancy of Brighton-Le-Sands.
	1.4 Our City has quality and accessible services, community and recreational facilities.	1.4.1 Ensure that community buildings and facilities are designed, delivered and maintained in a manner that is sustainable and reflects the needs of the community.	The impact of the proposed amendment is not substantial enough to trigger a need for new community facilities.
		1.4.2 Provide parks, reserves and recreation areas which reflect the qualities of the City's social and environmental needs.	The subject site is proximate to a network of open space along the Botany Bay foreshore. The proposed amendment will encourage restoration of heritage items which will improve the streetscape character.
		1.4.3 Ensure equitable and affordable access to services and facilities for our established and	The proposed amendment enables development with an appropriate proportion of adaptable units and an apartment mix to suit the

		emerging communities.	housing needs of a variety of people in proximity to a variety of retail, medical and educational services, recreational and employment opportunities.
2	2.1 Our City protects and enhances our natural environment including our beaches, waterways, bushland and foreshore areas	2.1.1 Protect, preserve and promote the City's natural resources.	There is to be no impact on the City's natural resources as a consequence of the proposed amendment.
		2.1.2 Demonstrate leadership in responding to climate change through action and adaptation.	The proposed amendment to the LEP enables redevelopment of the subject site employing sustainable design practices, including adaptive reuse of the existing heritage terraces.
	2.2 Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice	2.2.1 Ensure planning enables the provision of quality affordable housing.	The proposed amendment to the LEP enables redevelopment of the subject site such that it incorporates measures that ensure housing affordability, including compliance with the Apartment Design Guide.
		2.2.2 Promote high quality, well designed and sustainable development and places that enhances the City.	The proposed amendment to the LEP enables the redevelopment of the subject site such that it is consistent with the desired future character, including the development of a landmark building within a highly visible location on the Botany Bay foreshore.
	2.3 Our community will demonstrate leadership in maximising efficient use of resources and minimising waste	2.3.1 Ensure waste minimisation to reduce the impact on the environment.	The proposed amendment to the LEP enables redevelopment of the subject site employing sustainable design practices, including adaptive reuse of the existing heritage terraces.
		2.3.2 Ensure Council increases its efficient use of resources.	The proposed amendment enables development with greater height and density within the site, implementing the principle of economies of scale with respect to waste collection, etc.
	2.4 Our City will value and protect our heritage	2.4.1 Ensure that Rockdale's natural and built heritage and history is respected, protected and well maintained reflecting the rich and diverse past of both Aboriginal and European settlement	Future redevelopment of the subject site should incorporate the adaptive reuse of the existing heritage terraces located on site.

	2.5 Our community will be able to get around and connect with a range of effective linkages across the City and beyond	2.5.1 Ensure that the City's transport networks and infrastructure are well planned, integrated and maintained.	N/A
		2.5.2 Ensure sustainable current and future transport needs of the community providing access to services and facilities and enabling active living.	The proposed amendment encourages the intensification of development within walking distance of the Brighton-Le-Sands commercial centre.
		2.5.3 Ensure the City has access to wireless technology and opportunities to enhance a digital economy.	N/A
3	3.1 Our City offers a diverse range of education and lifelong learning opportunities	3.1.1 Ensure access to life long learning so that our community can maximise its potential.	The land to which the planning proposal applies is approximately within 3 kilometres of a number of educational institutions, including Kogarah Public School, Kogarah High School, St George Girls High School, James Cook Boys Technology High School and St George TAFE.
	3.2 Our city comprises a thriving and robust economy with diverse industry and employment	3.2.1 Develop effective partnerships to build a prosperous economy.	The proposed amendment to the LEP enables redevelopment of the subject site such that incorporates a retail/commercial component to create increased employment opportunities proximate to an established centre and a large residential population.
		3.2.2 Identify and enhance opportunities for diverse employment and income generation through business growth and investment.	Future development compliant with the proposed amendment to the LEP should achieve the objective through the provision of a retail/commercial component.
	3.3 Our City has vibrant town centres that provide a range of services and experiences for our residents, workers and visitors	3.3.1 Ensure Town Centres are improved on a rolling program.	There is a strategy to review Brighton-Le-Sands in progress however it is in a preliminary stage.
		3.3.2 Provide a strategic approach to tourism.	The proposed amendment to the LEP enables the redevelopment of the subject site such that it incorporates a landmark development.

4	4.1 Rockdale City's citizens are enabled, encouraged and able to participate in planning and decision making that affects the city	4.1.1 Council engages the community in decision making, planning and delivery of outcomes	The Planning Proposal, by way of exhibition, encourages public involvement.
		4.1.2 Build a sound partnership between council and the community and other stakeholders	The Planning Proposal, by way of exhibition, encourages public involvement.
	4.2 Increase understanding and value of democratic processes and role of elected representatives	4.2.1 Ensure high level of Council representation exists to adequately advocate and lobby on issues relevant to the City and the community	N/A
		4.3 Rockdale City Council ensures and implements an effective governance framework for the delivery and management of its services and infrastructure	N/A
	4.4 Rockdale City Council ensures transparent and effective human resource, financial, asset and risk management	4.4.1 Ensure that Council has effective and efficient financial planning and management that ensures a sustainable future for the community	N/A
		4.4.2 Ensure effective planning and management of Council's assets to meet current and future community needs	N/A
		4.4.3 Ensure Council undertakes effective risk management planning and processes	N/A
		4.4.4 Ensure that Council has a capable and motivated workforce committed to excellence in customer service and service delivery	N/A

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) Master Plan.

B3 Is the planning proposal consistent with applicable state environmental planning policies?

Consistency with the State Environmental Planning Policies is assessed in Table 3 below:

Table 3 - Consistency with State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
1	Development Standards	(Repealed by <i>RLEP 2011</i>)
4	Development Without Consent and Miscellaneous Exempt and Complying Development	(Clause 6 and Parts 3 and 4 repealed by <i>RLEP 2011</i>) Remainder N/A
6	Number of Storeys in a Building	Repealed
14	Coastal Wetlands	N/A
15	Rural Landsharing Communities	N/A
19	Bushland in Urban Areas	N/A: there is no bushland in the vicinity of the site.
21	Caravan Parks	N/A
22	Shops and Commercial Premises	Repealed
26	Littoral Rainforests	N/A
29	Western Sydney Recreation Area	N/A
30	Intensive Aquaculture	N/A
32	Urban Consolidation (Redevelopment of Urban Land)	YES: - The increase in development standards will facilitate the orderly development of multi-storey housing appropriate to the locality. Development of the subject site will contribute to an increase in residential dwellings within Brighton-Le-Sands. - The location of the subject area is close to a range of employment opportunities, leisure and recreational spaces, whilst having good access to existing transit routes. - The subject site is not of environmental significance.
33	Hazardous and Offensive Development	N/A
36	Manufactured Home Estates	N/A
39	Spit Island Bird Habitat	N/A
41	Casino Entertainment Complex	Repealed
44	Koala Habitat Protection	N/A
47	Moore Park Showground	N/A
50	Canal Estate Development	N/A
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A

55	Remediation of Land	YES: Cl. 6 Contamination and remediation to be considered in zoning or rezoning proposal of the SEPP states: (1) <i>In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:</i> (a) <i>The planning authority has considered whether the land is contaminated, and</i> (b) <i>if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i> (c) <i>if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.</i> Response: • A preliminary contamination and groundwater assessment has been prepared for this site by Compaction & Soil Testing Services Pty Ltd (2014). • The assessment indicated that the subject site has low potential for soil contamination. • The site may be impacted by groundwater, which will need to be mitigated during deep excavation in the construction period, which should be addressed in the Development Application stage. • The site may be impacted by acid sulphate soils when excavating deeper than four metres, which should be addressed in the Development Application stage.
59	Central Western Sydney Regional Open Space and Residential	N/A
60	Exempt and Complying Development	(Repealed by <i>RLEP 2011</i>)
62	Sustainable Aquaculture	N/A
64	Advertising and Signage	N/A
65	Design Quality of Residential Apartment Development	YES: • The proposed amendments to the Rockdale LEP enable the development of a mixed use development within the subject site. • The design of future building will address the principles of the SEPP and address the requirements of the Apartment Design Guide at the Development Application stage. • Compliance with SEPP 65 requirements raises the design quality of residential apartment development through the application of a series of design principles.

70	Affordable Housing (Revised Schemes)	YES: To be addressed at the Development Application stage if affordable housing is proposed.
71	Coastal Protection	N/A
	(Affordable Rental Housing) 2009	YES: To be addressed at the Development Application stage if affordable housing is proposed.
	(Building Sustainability Index: BASIX) 2004	YES: To be addressed at the Development Application stage.
	(Exempt and Complying Development Codes) 2008	YES: The proposed amendment does not alter the provision of this SEPP.
	(Housing for Seniors or People with a Disability) 2004	YES: The proposed amendment does not alter the provision of this SEPP.
	(Infrastructure) 2007	YES: The subject site has primary frontage to The Grand Parade, identified as a classified road as per the Schedule of Classified Roads and Unclassified Regional Roads (Gazetted Road No. 194, RMS). Future development of the subject site should ensure that achieves the specific objectives and conditions of Cl. 101 Development with frontage to classified road of the SEPP.
	(Kosciuszko National park Alpine Resorts) 2007	N/A
	(Kurnell Peninsula) 1989	N/A
	(Major Development) 2005	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	N/A
	(Penrith Lakes Scheme) 1989	N/A
	(Rural Lands) 2008	N/A
	(Sydney Drinking Water Catchment) 2011	N/A
	(Sydney Region Growth Centres) 2006	N/A
	(Temporary Structures) 2007	N/A
	(Urban Renewal) 2010	N/A
	(Western Sydney Employment Area) 2009	N/A
	(Western Sydney Parklands) 2009	N/A

B4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

See Table 4 below which reviews the consistency with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

Table 4 - Consistency with applicable Ministerial Directions

1. Employment and Resources

No.	Title	Consistency with Planning Proposal
1.1	Business and Industrial Zones	YES. <i>The objectives of this direction are to:</i> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. The site is zoned B4 Mixed Use and will remain unchanged from its current zoning. The proposed development will provide both residential accommodation and employment opportunities following the objectives of the B4 zone. The development allows for an adaptive reuse of the heritage buildings providing employment opportunities within the local centre of Brighton-le-sands and the Sydney Airport, a strategic centre identified in the Draft Central District Plan.
1.2	Rural Zones	N/A. The site is not located within an existing or proposed rural zone.
1.3	Mining, Petroleum Production & Extractive Industries	N/A. This planning proposal has not effect on: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
1.4	Oyster Aquaculture	N/A. The site is not located near or will have any effect on a Priority Oyster Aquaculture Area.
1.5	Rural Lands	N/A. The site is not located within an existing or proposed rural or environment protection zone. State Environmental Planning Policy (Rural Lands) 2008 does not apply to the site.

2. Environment and Heritage

No.	Title	Consistency with Planning Proposal
2.1	Environmental Protection Zones	N/A. This is a brownfield development and is unlikely to impact on environmentally sensitive areas.
2.2	Coastal Protection	N/A. The site is not in a coastal zone, as defined in the Coastal Protection Act 1979.
2.3	Heritage Conservation	YES. <i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i> A Heritage Impact Statement was produced by Weir Phillips Heritage outlining how the proposed development proposes minimal impacts on the heritage items on site.

		The Saywell Terraces will remain on site and it is proposed they will be adaptively reused and upgraded from their current state.
2.4	Recreation Vehicle Areas	N/A. The site is not proposed to be developed for the purpose of a recreation vehicle area.

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	YES. <i>The objectives of this direction are:</i> (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. This proposal will increase the potential residential density and provide a variety of housing stock for the area allowing for a greater variety of residents. RLEP 2011 Cl 6.12 will apply and require site to be serviced. The development will be a brownfield development, on a site currently used for residential development reducing the impact on environment and resource lands.
3.2	Caravan Parks and Manufactured Home Estates	N/A. A caravan park is not proposed for this site.
3.3	Home Occupations	YES. <i>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</i> It will be possible for low-impact small business to be carried out in dwelling houses.
3.4	Integrating land use and Transport	YES. <i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. The site is located within the Brighton-le-sands Town Centre. It will provide increased employment opportunities within the town centre. The site is also located close to employment opportunities in the Sydney Airport strategic centre and other employment hubs

		including Hurstville and the CBD. The site is located a ten minute bus ride or bike ride to Rockdale Station. Parking is also available around the station.
3.5	Development near Licensed Aerodromes	YES. The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. The site is located between the 20 and 25 ANEF contours. Mitigation techniques will be addressed at the Development Application stage.
3.6	Shooting ranges	N/A. The site is not located adjacent to an existing shooting range.

4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	YES. <i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i> The site is classified as Class 4 Acid Sulfate Soils in the RLEP 2011. A contamination report has been prepared by Compaction & Soil Testing Services Pty Ltd (2014).
4.2	Mine Subsidence and Unstable Land	N/A. The site has not been identified as unstable or potentially subject to mine subsidence.
4.3	Flood Prone Land	N/A. The site is not classified as flood prone land in the RLEP 2011.
4.4	Planning for Bushfire Protection	N/A. The site is not identified on a bush fire prone land map.

5. Regional Planning

No.	Title	Consistency with Planning Proposal
5.1	Implementation of Regional Strategies	N/A. The site is not located in a regional area, it is located in the Metropolitan Sydney Area.
5.2	Sydney Drinking Water Catchments	N/A. Rockdale Council is not identified as a local government area where this Direction applies.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A. Rockdale Council is not identified as a local government area where this Direction applies.

5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A Rockdale Council is not identified as a local government area where this Direction applies.
5.5	Development on the vicinity of Ellalong...	(Revoked)
5.6	Sydney to Canberra Corridor	(Revoked)
5.7	Central Coast	(Revoked)
5.8	Second Sydney Airport: Badgerys Creek	N/A. Rockdale Council is not identified as a local government area where this Direction applies.
5.9	North West Rail Link Corridor Strategy	N/A. Rockdale Council is not identified as a local government area where this Direction applies.

6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	YES. <i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i> The planning proposal has minimised the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. The site is not identified as designated development.
6.2	Reserving land for Public Purposes	YES. <i>The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i> The planning proposal does not alter existing zonings or reservations of land.
6.3	Site Specific Provisions	YES. <i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i> The planning proposal does not propose a rezoning of the site as the site will remain B4 Mixed Use. There are no development standards or requirements in addition to those already contained in the principal environmental planning instrument proposed for the site.

7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal
7.1	Implementation of A Plan for Growing Sydney	YES. <i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>



The planning proposal is consistent with A Plan for Growing Sydney and provides reasoning behind how it achieves the overall intent of the plan.

C Environmental, social and economic impact

The cumulative impact of the increased population will support the local and wider community and maintain the vibrancy and vitality of Brighton-Le-Sands.

C1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal seeks the amendment of planning controls pertaining to an urban area within the Rockdale LGA and will not adversely affecting critical habitat or threatened species, populations or ecological communities, or their habitats.

C2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Amenity:

The proposed amendments to the Rockdale LEP will have no substantial impact on amenity to adjoining land uses or the public domain.

Future development compliant with proposed amendment will ensure that:

- Any amenity impacts to adjoining development and/or the public domain is minimised as part of the design process.
- An acceptable level of internal amenity is achieved through compliance with the Apartment Design Guide.

A height plane for the site and surrounding buildings is illustrated in Figure 1. Shadow diagrams are analysed in Figures 2 – 4.

These diagrams demonstrate the impact of the additional height does not have an unreasonable impact on the Novotel. Shadow diagrams include key times for winter and summer solstice as well as autumn equinox.

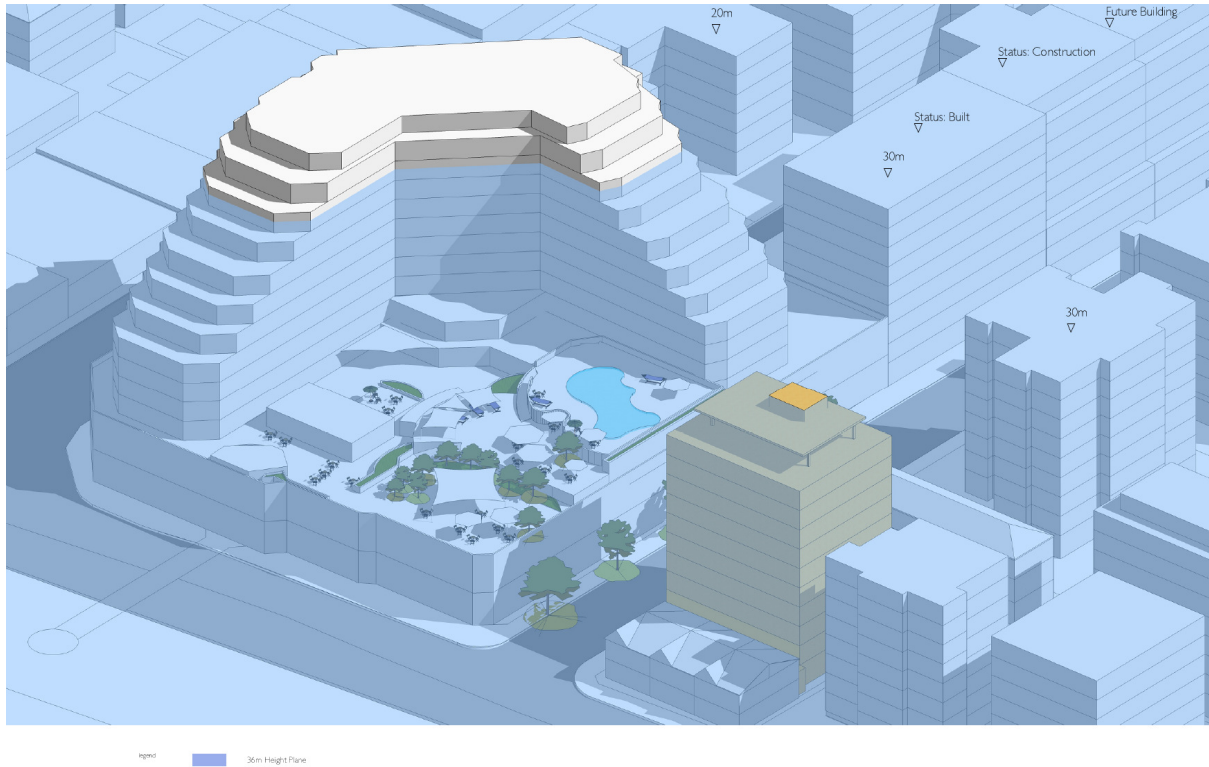


Figure 1: 36 metre height plan from bird's eye view.

Winter Solstice:

- Additional impact from height occurs between 9am and 12pm with the most impact occurring between 9am and 10am.
- 10am is the only time overshadowing partially covers the sun decks.
- Reasonable solar access is achieved for communal open space between 9am – 3pm.

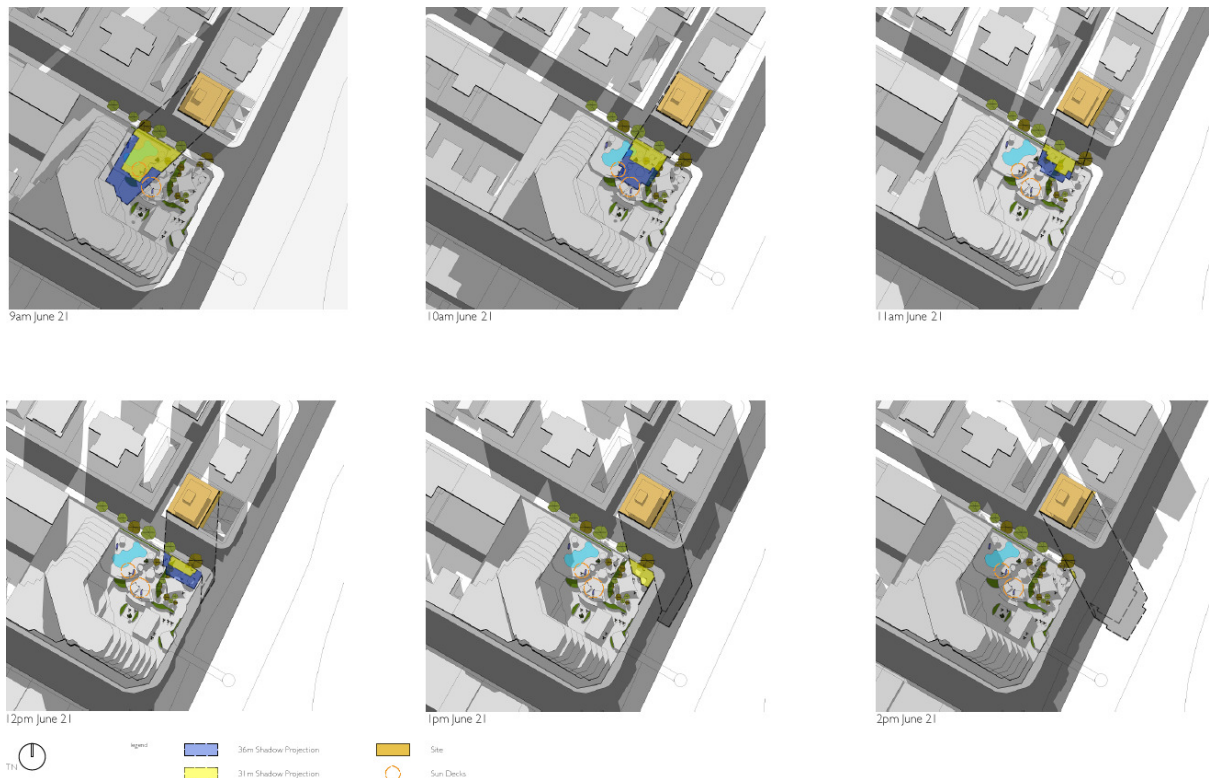


Figure 2: Winter Solstice

Summer Solstice:

- Overshadowing does not fall on key outdoor spaces at any of the peak times of the day.
- Additional overshadowing caused by increased height falls onto Princess Street and The Grand Parade.
- Reasonable solar access is achieved for communal open space between 9am – 3pm.

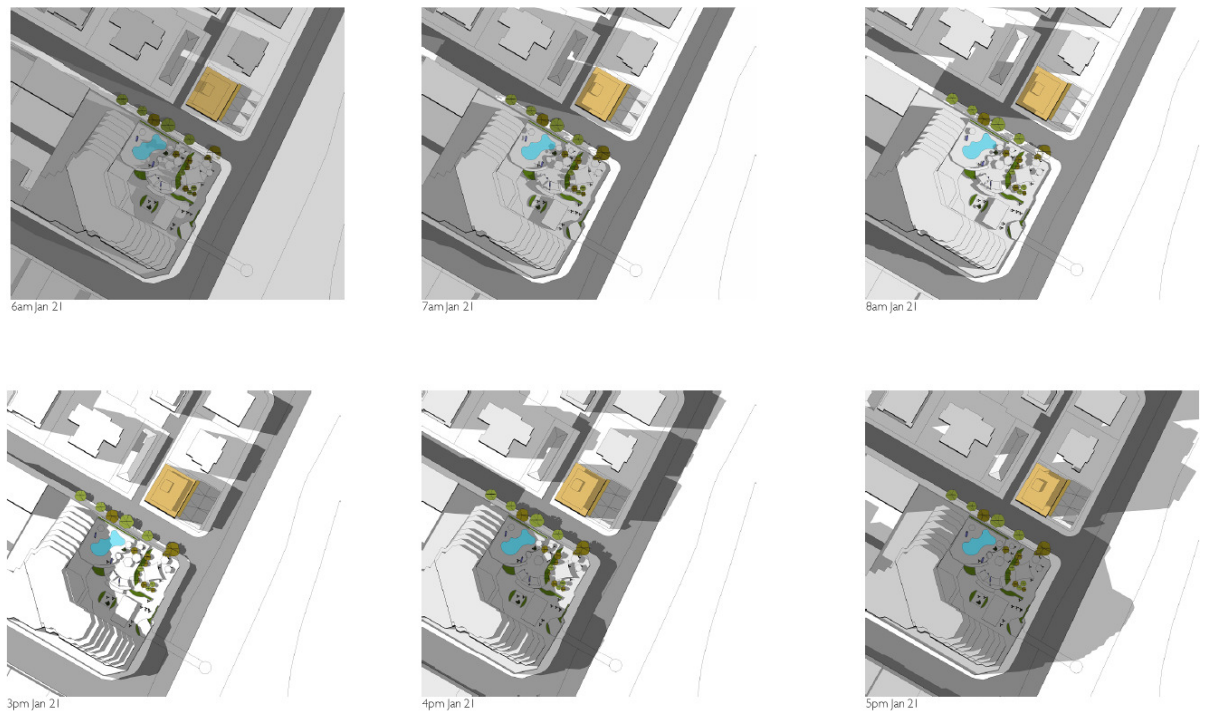


Figure 3: Summer Solstice

Autumn Equinox:

- Additional impact from height occurs between 7am and 11am with the most impact occurring between 8am and 9am.
- Reasonable solar access is achieved for communal open space between 9am – 3pm.

The additional height does not have any unreasonable impact on the key outdoor spaces of the Novotel podium during mid-winter solstice and autumn equinox and minimal additional impact occurring on during the summer solstice.



Figure 4: Autumn Equinox

Desired Future Character:

Based on strategic documents from Council and NSW Planning, the desired future character of the area includes:

- Landmark buildings to improve the visibility of Brighton Le Sands for aircrafts landing/taking off from Sydney Airport's Main North-South Runway;
- Building footprint occupying the entirety of lots in B4 Mixed Use and SP3 Tourist Zones;
- Active street frontages with development incorporating retail/commercial uses and serviced apartments;
- Increase in building height along the western side of The Grand Parade; and
- Responding to the heritage character of the locality including adaptive reuse and restoration of the Saywell terraces.

Heritage:

There are 5 terrace houses on the subject site listed as heritage items under Schedule 5 Part 1 of the Rockdale LEP 2011. The Heritage Impact Statement prepared by Weir Phillips Heritage (2015) concludes that:

"The proposal will have an acceptable impact on the heritage significance of the existing row of terrace houses." (Weir Phillips Heritage, Heritage Impact Statement, p. 55)

The reasons for this conclusion are:

- The proposal provides the incentive and opportunity to restore the terraces.

- A new building can be setback and separated from the principal building form.
- The proposal is consistent with existing development of high density residential buildings and commercial premises.
- The rear wings are substantially altered and would require further alteration to meet DDA and BCA requirements to make suitable for commercial purposes
- The design of the new building can be further developed in later stages to mitigate its impact on the terraces.

A Structural Design Statement has been prepared by Structural Design Solutions confirms that proposed works associated with constructing a building with multiple basements adjacent to the principle building forms:

- *“the basement shoring retention system is outside the existing Heritage buildings an no part of the basement extends below the buildings”(to be retained).*
- *“The retention system will be designed to minimise vibrations during installation and movements in both temporary and permanent conditions”.*
- *The cantilever balcony doesn’t require heritage area access. A temporary system of props and needles will be designed to support framework framing well above the heritage building envelope”.*

Additionally there are 6 Norfolk Island Pines located to the south of the site on Princess Street, Brighton Le Sands. The trees are estimated to be 125 years old. The Arboriculture Assessment prepared by Sydney Arbor Trees (2015) identifies that he proposed construction site is outside the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ).The report concludes that:

“The impact upon the subject trees from the proposed development would appear to be low”
(Sydney Arbor Trees, Arboriculture Assessment, p. 17)

Traffic:

It is proposed that vehicular access can be achieved from Princess Lane. No vehicular access is proposed from Princess Street or The Grand Parade.

According to the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd (2015, p 17);

- *“The proposed development is expected to have a traffic generation potential of approximately 24 vehicles per hour during commuter peak periods”*
- *“There is adequate capacity in the surrounding road network to cater for the traffic generated by the development”*
- *“Preliminary concept plans ... indicate that the required number of car parking spaces, bicycle spaces and motorcycle spaces can ultimately be provided on the site and in accordance with the relevant standards and guidelines, subject to the number of basement levels being excavated”.*

C3 How has the planning proposal adequately addressed any social and economic effects?

On 15 July 2015, the NSW Department of Planning & Environment gave gateway approval for the amendment of planning controls at 16-20 and 22-28 Princess Street, Brighton Le Sands. The amended controls are as follows:

- Land use zoning: B4 Mixed Use (previously R4 High Density Residential).
- Maximum height of buildings: 28 metres (previously part 26.5 metres and part 14.5 metres).
- Maximum floor space ratio: 3:1 (previously part 2:1 and part 1:1).

Similarly to the gateway approved amendments at 16-20 and 22-28 Princess Street, the proposed amendments to 64-68 The Grand Parade facilitate development that will have positive social and economic implications:

- Increased retail/commercial floor space and housing choice and supply within the Brighton Le Sands Village to accommodate increased local worker base and residential population, facilitating:
 - Increased day and night pedestrian activity surrounding the subject site and throughout the Brighton Le Sands centre, improving the vitality and vibrancy of the centre whilst creating additional opportunities for casual surveillance.
 - Increased patronage of existing retail and commercial services, quality public open space and transport links.
- Improved quality of housing stock within the locality by encouraging construction of a building with contemporary design and having internal amenity as required by SEPP 65.
- Increased employment opportunities in the Brighton Le Sands Town Centre proximate to an established high density residential area north and west of the site.
- Increased visual interest along The Grand Parade through:
 - Landmark development highly visible to passengers of aircraft approaching/departing to/from Sydney's north-south runways.
 - Development incorporating adaptive reuse of existing heritage structures;
 - Improved consistency of building height along The Grand Parade; and
 - Ground floor active street frontage.

D State and Commonwealth interests

D1 Is there adequate public infrastructure for the planning proposal?

The planning proposal seeks the amendment of planning controls pertaining to the site and does not require increased or improved provision of public infrastructure.

It is not anticipated that improvements to existing public infrastructure are required as the subject site is within an urbanised area. Nevertheless, assessment of infrastructure services should form part of the Development Application process. Developer contributions are payable.

D2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has occurred with State authorities or Commonwealth authorities. Relevant authorities will be consulted as part of the exhibition of this Planning Proposal.

Part 4 – Mapping



Figure 5: Site Context

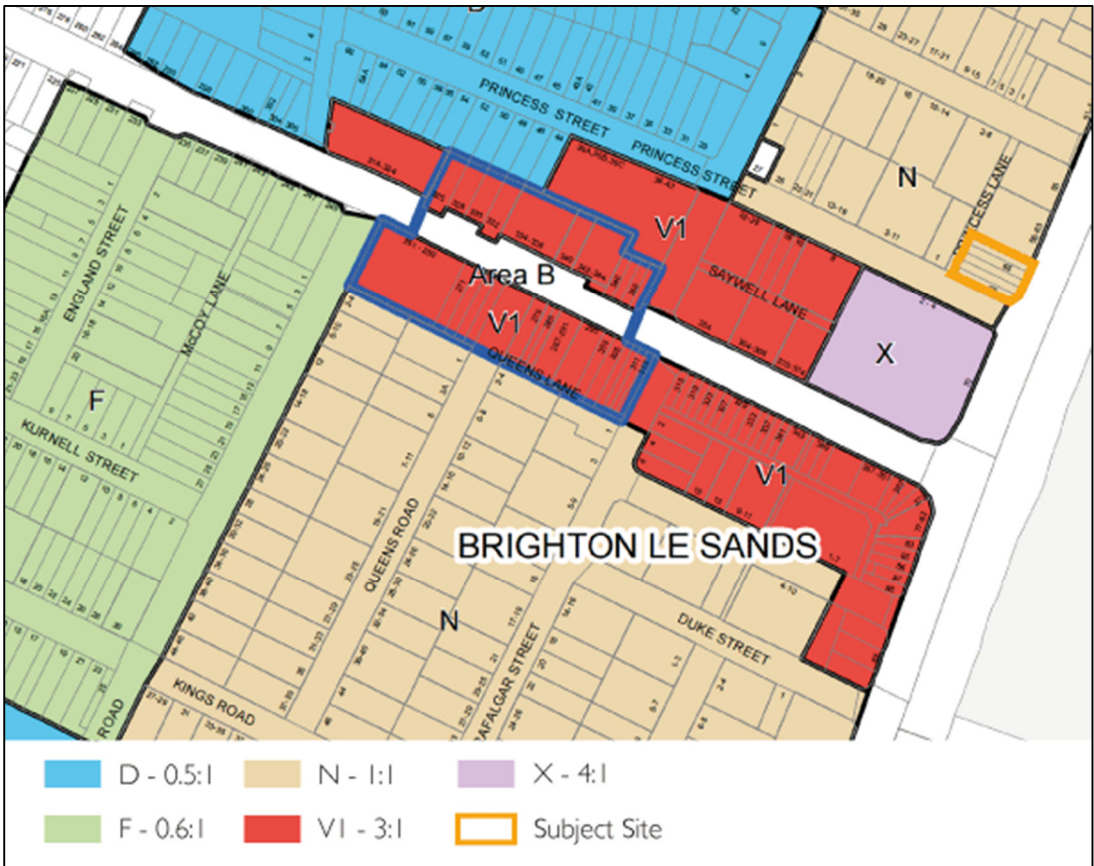


Figure 6: Existing Maximum Floor Space Ratio Map

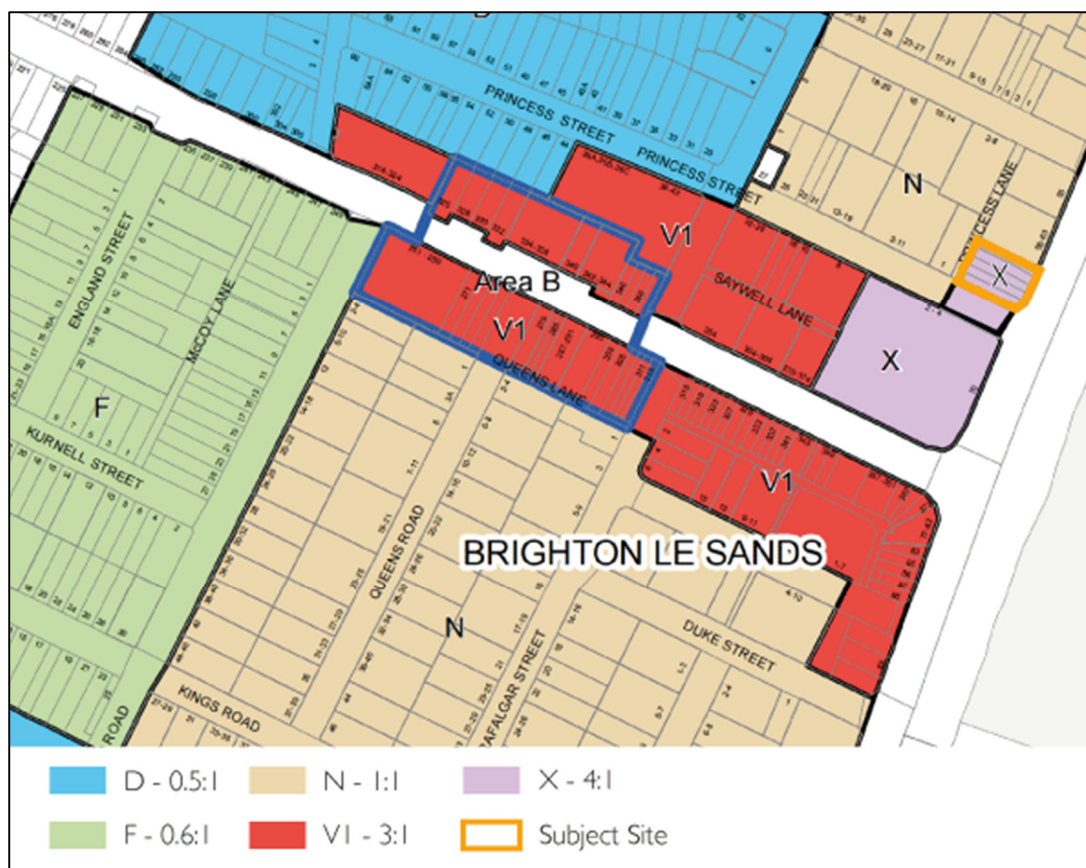


Figure 7: Proposed Maximum Floor Space Ratio Map

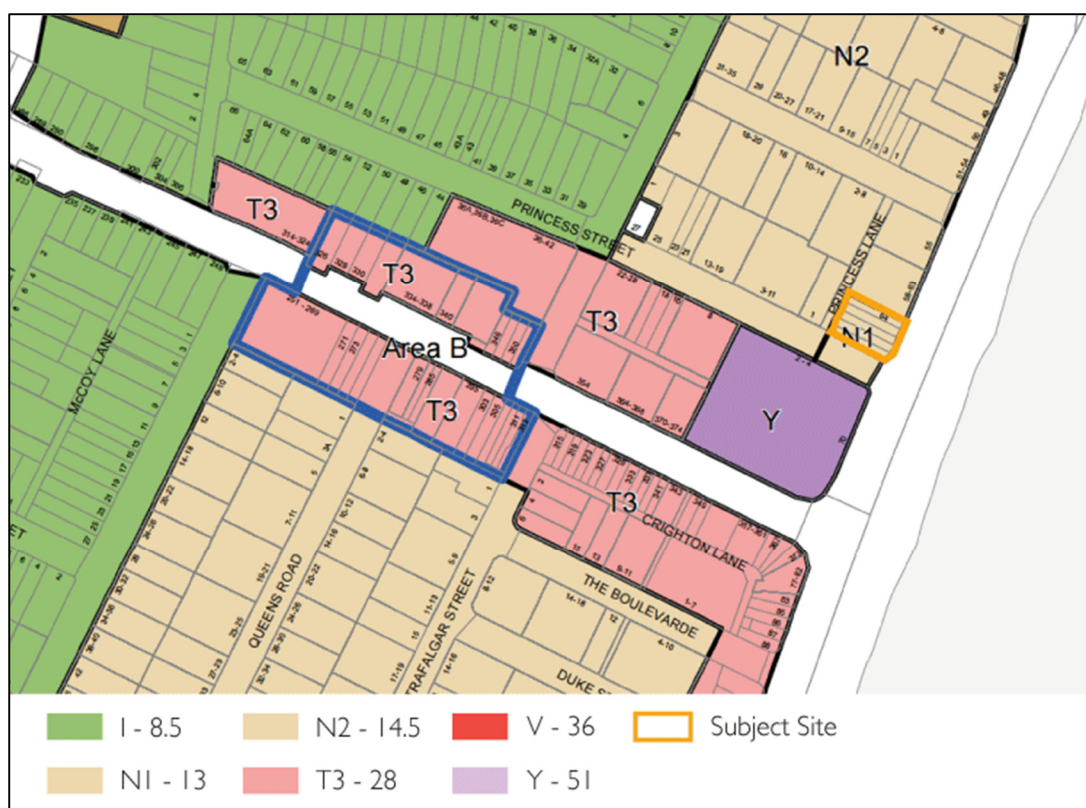


Figure 8: Existing Maximum Building Height Map

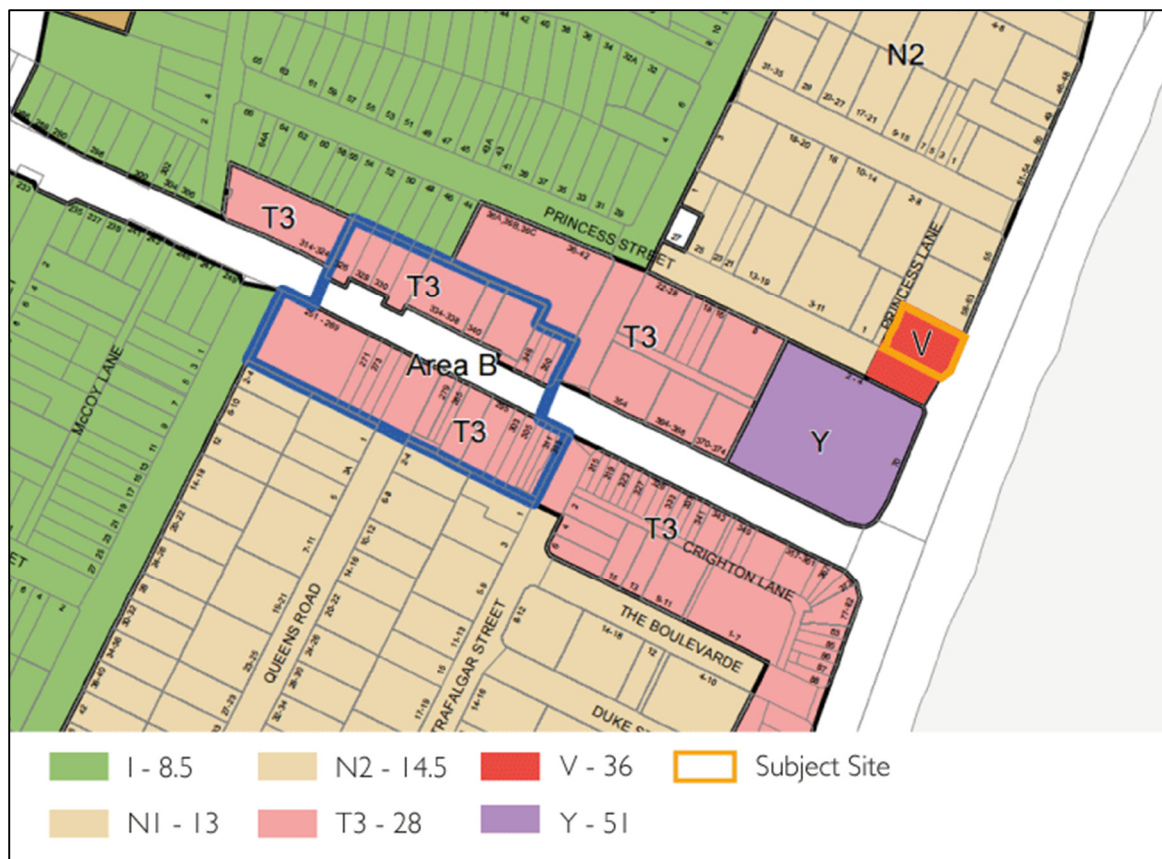


Figure 9: Proposed Maximum Building Height Map



Figure 10: Existing Design Excellence Map



Figure 11: Proposed Design Excellence Map

Part 5 - Community Consultation

In accordance with discussions with Rockdale City Council the following consultation will be:

- Mail-out to adjoining landowners, Newspaper notice and notification on Council website to inform community of proposal.
- Public exhibition period of a minimum 28 days.

Part 6 – Project Timeline

The table below provides a proposed timeframe for the project.

Table— Approximate Project Timeline

Task	Timing
Date of Gateway determination	4-6 weeks after submission to DP&E
Anticipated timeframe for the completion of required technical information	Completed
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 days – to run concurrently with public exhibition period
Commencement and completion dates for public exhibition period	
Dates for public hearing (if required)	Not Applicable at this stage
Timeframe for consideration of submissions	4 weeks
Timeframe for the consideration of a PP following exhibition	6 weeks
Consideration of PP by Council (Council Meeting)	TBA
Date of submission to the department to finalise the LEP	TBA
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	TBA
Anticipated publication date	TBA

Appendix 1 – Supporting Technical Reports

Description	Prepared By
Urban Design Report	ae design partnership
Traffic Report	Varga Traffic Planning
Contamination Report	Compaction & Soil Testing Services
Heritage Impact Statement	Weir Phillips Heritage
Arboriculture Assessment Report	Sydney Arbor Trees
Structural Design Statement	Structural Design Solutions