

Rezoning land at Kingsland Road South, Bexley from R2 Low Density Residential to B4 Mixed Use under Rockdale LEP 2011

Proposal Title :	Rezoning land at Kingsland Road South, Bexley from R2 Low Density Residential to B4 Mixed Use under Rockdale LEP 2011		
Proposal Summary :	The planning proposal seeks the following amendments to land bounded by Kingsland Road South, Abercorn Street, Stoney Creek Road and Bexley RSL, Bexley under Rockdale Local Environmental Plan 2011 (RLEP 2011): * rezoning the subject land from R2 Low Density Residential to B4 Mixed use; * increase the current maximum permissible building height from 8.5m to 16m; * introduce a new Building Height Incentive Area including the land, allowing an additional 3m in height where individual lots are greater than 800sqm; * increase the current floor space ratio (FSR) from 0.5:1 to 2.0:1; * introduce a new FSR Incentive Area including the land, allowing an additional 0.5:1 FSR where individual lots are greater than 800 sqm; and * remove the current 450sqm minimum lot size provision.		
PP Number :	PP_2017_BSIDE_004_00	Dop File No :	17/0249

Proposal Details

Date Planning Proposal Received :	20-Feb-2017	LGA covered :	Bayside
Region :	Metro(CBD)	RPA :	Bayside Council
State Electorate :	ROCKDALE	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Kingsland Road South		
Suburb :	Bexley	City :	Sydney
		Postcode :	2207
Land Parcel :	Various allotments fronting Kingsland Road South, Abercorn Street and Stoney Creek Road, Bexley		

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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 170 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 54

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :
If No, comment :

Have there been **No**
meetings or
communications with
registered lobbyists?
If Yes, comment :

Supporting notes

Internal Supporting
Notes : **The planning proposal is the first attempt to facilitate renewal of the Bexley Town Centre, which has experienced retail decline over recent years, being overtaken by other centres, resulting in a drop in tenant investment in revitalisation works.**

The height, FSR and bonus provisions proposed for the proposed B4 Mixed Use zone are commensurate with those currently applying to the surrounding Bexley Town Centre area. The sole difference would be an increase of the area required to be amalgamated to trigger the bonus provisions, from 600sqm to 800sqm, under clause 4.3 Height of Buildings under RLEP 2011. This has been proposed to encourage better site frontages for higher density development.

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The proposed controls are considered to be introducing reasonable bulk and scale onto the subject land, as a logical and consistent extension to that of the adjoining Bexley Town Centre. The building height would be consistent with land immediately east and south-east zoned B4 Mixed Use. The adjoining Bexley RSL immediately to the west, zoned B1 Neighbourhood Centre, has a maximum height of 13m and land north-east zoned R4 High Density Residential has a maximum height of 14.5m applying. These surrounding controls therefore allow for a compatible transition in relation to the proposed height and FSR increases under the planning proposal.

However, while the planning proposal has clear strategic merit, consistency with planning policy has not been satisfactorily demonstrated in relation to certain matters requiring conditioning should the proposal be considered for a Gateway determination.

This particularly applies in relation to Section 117 Directions 1.1 Business and Employment Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 3.5 Development Near Licensed Aerodromes and 4.3 Flood Prone Land.

It is noted that Council has confirmed it owns no land within the area subject to the planning proposal.

External Supporting
Notes :

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 allow renewed mixed use development on the subject land, enabling the expansion of the Bexley Town Centre in a complimentary manner to surrounding mixed use and residential development.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is adequate.**

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

**1.5 Rural Lands
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
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 1—Development Standards
SEPP No 4—Development Without Consent and Miscellaneous
Exempt and Complying Development
SEPP No 6—Number of Storeys in a Building
SEPP No 55—Remediation of Land
SEPP No 65—Design Quality of Residential Flat Development**

SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Affordable Rental Housing) 2009

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

The planning proposal is consistent with relevant State Environmental Planning Policies (SEPPs), particularly:

- * the SEPP 65 Apartment Design Guidelines, by way of the proposed Urban Design Strategy components (eg amalgamation/bonus, height, FSR, permeability controls); and
- * satisfying the Infrastructure SEPP 2007 requirements regarding clause 102 road noise/vibration requirements (which can be addressed at DA stage) and the clause 104 traffic generating development classified road RMS referral thresholds.

The planning proposal is consistent with most of the identified relevant Section 117 Directions. It is recommended that should the proposal proceed to Gateway, it be conditioned to require Council to provide further justification of consistency with certain Directions, as discussed below:

Direction 1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres. A planning proposal must retain existing business zones and floor space, and ensure that proposed new employment areas are in accordance with a strategy approved by the Secretary.

The planning proposal states it is consistent with this Direction because it proposes an increase in residential density directly supporting the existing functions of the Bexley Town Centre. However, this does not address the specific requirements of consistency with this Direction.

It is therefore recommended should the proposal proceed to Gateway determination, a condition be included requiring Council to demonstrate consistency or justified inconsistency with the specific requirements of this Direction, prior to public exhibition, for the Department's approval.

Direction 3.1 Residential zones

The objectives of this Direction are to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise the impact of residential development on the environment and resource lands. A planning proposal must broaden the choice of building types/locations, make efficient use of resources, reduce land consumption and be of good design. In addition, it must not reduce the permissible residential density of land unless justified by a study or regional or subregional strategy or be of minor significance.

The planning proposal states it is consistent because it will provide for increased housing densities adjacent to an existing town centre, encouraging housing that will be in keeping with the considerations of the Direction. However, there is no specific discussion in the planning proposal to support these statements and this information does not address the specific requirements of consistency with this Direction.

It is therefore recommended should the proposal proceed to Gateway determination, a condition be included requiring Council to demonstrate consistency or justified inconsistency with the specific requirements of this Direction, prior to public exhibition, for the Department's approval.

Direction 3.5 Development near licensed aerodromes

The objectives of this Direction are to ensure effective/safe aerodrome operations, particularly regarding development constituting obstructions or hazards, and that development for human occupation between the 20-25 ANEF contours includes

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appropriate noise mitigation measures. The relevant planning authority is required to consult with the Commonwealth and obtain any necessary approvals prior to public exhibition regarding the Airport's obstacle limitation surface (OLS) requirements. It also sets out the necessary requirements for development types and various ANEF contours. Any inconsistencies require justification through approved studies, State-level planning strategies or the proposal being judged as being of minor significance.

The planning proposal does not include an assessment of consistency with this Direction, despite noting Sydney Airport Corporation (SACL) classifies Bexley as a zone with strict height limits, being located under the Airport's flight path, and development proposals require the approval of SACL and the Department of Infrastructure and Regional Development (DIRD).

Section 1.11 of the Urban Design Strategy forming part of the planning proposal states that the incentive heights and FSR for the existing Bexley Town Centre B4 Mixed Use zone have been tested and confirmed with SACL and DIRD, however, no evidence of this has been provided.

It is therefore recommended should the proposal proceed to Gateway determination, a condition be included requiring Council to demonstrate consistency or justified inconsistency with the specific requirements of this Direction, prior to public exhibition, for the Department's approval.

Direction 4.3 Flood prone land

The objectives of this Direction are to ensure development is consistent with the NSW Flood Prone Land Policy and Flood Plain Development Manual 2005. It applies when a planning proposal creates, removes or alters a zone or provision affecting flood prone land. A planning proposal may be inconsistent with this Direction if the Secretary can be satisfied that it is consistent with the above documents or the inconsistencies are of minor significance.

The planning proposal states that a small section of land within the planning proposal area is identified as being within a flood planning area, but this is not identified or mapped. Primarily on account of its size, which is also not defined, the planning proposal concludes any further consideration can be left up to the development application (DA) stage, but can be supplied for the Secretary's satisfaction if required.

It is therefore recommended should the proposal proceed to Gateway determination, a condition be included requiring Council to demonstrate consistency or justified inconsistency with the specific requirements of this Direction, prior to public exhibition, for the Department's approval.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Refer to section e)above.**

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 and for community consultation.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 12 month completion timeframe. While not specified in the submission, Council later advised that it usually requires a 28 day exhibition period for such proposals, which is considered appropriate.**

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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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Rockdale Local Environmental Plan 2011 was notified on 5 December 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal would allow the application of a consistent B4 Mixed Use zoning over the subject land, enabling Council to consider applications for extending the Bexley Town Centre through higher density development, including commercial and shop top housing uses.**

Consistency with strategic planning framework :

A Plan for Growing Sydney
The planning proposal is consistent with A Plan for Growing Sydney, particularly in relation to the following Goals:

1. A competitive economy with world-class services and transport;
2. A city of housing choice, with homes that meet our needs and lifestyles;
3. A great place to live, with communities that are strong, healthy and well-connected; and
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Draft Central District Plan
While the planning proposal has not addressed consistency with the draft Central Plan, the planning proposal is considered to be consistent with its objectives and actions. However, should the planning proposal proceed to Gateway, it is recommended that a condition be included requiring it to be amended to include an assessment of consistency with the draft Central District Plan, for public exhibition purposes.

Local strategic policies
The planning proposal has also been informed by the following Council strategic studies and plans, which informed the controls introduced by the Rockdale comprehensive LEP 2011:

- * Community Strategic Plan 2013-2015
- * Rockdale City Urban Strategy 2010
- * Capacity Analysis and Built Form Study 2010.

These documents generally envision concentrating population, jobs and development around the LGA's local centres and villages, in keeping with sustainable transport opportunities.

Environmental social economic impacts : **Environmental impact**
Given the highly urbanised context of the subject land, there is little likelihood of any adverse effects on any threatened species, populations, ecological communities or their

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habitats as a result of the proposal.

The proposed increases in the height, FSR and bonus controls will increase the bulk and scale of future development on the subject land. It is noted that these controls are essentially identical to those applied to other B4 land in the LGA, particularly within the existing Bexley Town Centre. The appropriateness of these proposed controls to the subject land, particularly in relation to managing transitions with the surrounding area and over-shadowing, have been demonstrated by the proposal's Urban Design Strategy.

The PTC traffic and parking assessment concluded that with appropriate amalgamations, provision of up to 169 car parking spaces (based on a 'worst case' maximum 169 room hotel development), would have minimal impact on the local road network. Any future development application would also require detailed investigation of any traffic and access implications.

The subject land has frontages to Stoney Creek and Forest Roads, which are both State roads. While the Traffic Study concludes the surrounding intersections provide sufficient capacity to accommodate the additional traffic, RMS should be consulted in relation to the proposal.

Economic and social impacts

The planning proposal is likely to have a positive economic impact on Bexley Town Centre through the proposed increase of retail and commercial floor space and additional dwellings contributing to broader dwelling supply.

The planning proposal does not provide a clear discussion of likely dwelling and employment outcomes. This is because it was initially based around the adjoining hotel site and two other sites held in common ownership (even mapping these and discussing them in the documentation). However, Council later received other landowner interest in the wider precinct.

Council subsequently clarified that the likely outcome was 95 to 170 dwellings, depending on their type and mix (95 being purely residential, 170 being wholly motel development).

Council also separately advised the proposal could provide an estimated 18 ground floor retail tenancies of approximately 70sqm, generating about 3 jobs each, resulting in a possible total of 54 employees.

Maximising infill development potential of the subject land, leveraging on the proposed height and FSR bonus provisions, would therefore provide opportunities to revitalise existing facilities and stimulate contemporary changes to the Town Centre, including:

- * efficient and effective use of infill land;
- * contribute to easing housing affordability;
- * providing homes closer to jobs and infrastructure; and
- * increased retail expenditure due to increased population, valued at approximately \$1.7M.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d)	Department of Education and Communities Transport for NSW - Roads and Maritime Services		

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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
Cover Letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Proposal	Yes
Planning Proposal - Part 1.pdf	Proposal	Yes
Planning Proposal - Part 2.pdf	Proposal	Yes
Planning Proposal - Part 3.pdf	Proposal	Yes
Planning Proposal - Part 4.pdf	Proposal	Yes
Planning Proposal - Part 5.pdf	Proposal	Yes
Planning Proposal - Part 6.pdf	Proposal	Yes
Planning Proposal - Part 7.pdf	Proposal	Yes
Appendix A - Proposed Amendment to Land Zoning Map.pdf	Proposal	Yes
Appendix B - Proposed Amendment to Height of Building Map.pdf	Proposal	Yes
Appendix C - Proposed Amendment to Floor Space Ratio Map.pdf	Proposal	Yes
Appendix D.1 - Urban Design Strategy - Part 1.pdf	Proposal	Yes
Appendix D.2 - Urban Design Strategy - Part 2.pdf	Proposal	Yes
Appendix D.3 - Urban Design Strategy - Part 3.pdf	Proposal	Yes
Appendix D.4 - Urban Design Strategy - Part 4.pdf	Proposal	Yes
Appendix D.5 - Urban Design Strategy - Part 5.pdf	Proposal	Yes
Appendix D.6 - Urban Design Strategy - Part 6.pdf	Proposal	Yes
Appendix D.7 - Urban Design Strategy - Part 7.pdf	Proposal	Yes
Appendix E.1 - Site and Precinct Analysis Diagram - Part 1.pdf	Proposal	Yes
Appendix E.2 - Site and Precinct Analysis Diagram - Part 2.pdf	Proposal	Yes
Appendix F.1 - Traffic and Parking Assessment - Part 1.pdf	Proposal	Yes
Appendix F.2 - Traffic and Parking Assessment - Part 2.pdf	Proposal	Yes
Appendix F.3 - Traffic and Parking Assessment - Part 3.pdf	Proposal	Yes
Appendix G - Economic Analysis.pdf	Proposal	Yes
Appendix H and Addendum - Part 1.pdf	Proposal	Yes

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Appendix H and Addendum - Part 2.pdf	Proposal	Yes
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Planning Team Recommendation

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

S.117 directions:

- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information :

It is recommended that the planning proposal proceeds, subject to:

1. Prior to public exhibition, the planning proposal is to be updated to include:
 - a) an assessment of consistency with:
 - the draft Central District Plan; and
 - b) section 117 direction 1.1 Business and industrial zones
 - c) section 117 Direction 3.1 Residential zones
 - d) section 117 Direction 3.5 Development Near Licensed Aerodromes
 - e) section 117 Direction 4.3 Flood prone land.
2. The planning proposal is to be exhibited for 28 days.
3. The timeframe for completing the LEP is 12 months;
4. A Public hearing is not required to be held about this matter.
5. The plan making function be delegated to Council.

Supporting Reasons :

The planning proposal is supported because it:

- * is generally consistent with State planning policy;
- * demonstrated the site is suitable and will not adversely affect the existing Bexley centre;
- * will foster community and economic benefits by increasing population and providing an orderly and economic expansion of the residential and commercial components of the Bexley Town Centre; and
- * facilitate renewal through well designed mixed use buildings in a vibrant mixed use precinct of a complementary scale, form and design to the surrounding town centre and residential context, taking advantage of good nearby road and rail transport facilities.

Signature:



Printed Name:

MARTIN COOPER

Date:

8/03/2017

