
Council Meeting

14/12/2016

Item No	9.13
Subject	Planning Proposal – Kingsland Road South, Bexley
Report by	Erika Pawley, Manager Place Outcomes
File	F16/832

Summary

Council has received a Planning Proposal for land identified as the Kingsland Road South site, bounded by Abercorn Street, Kingsland Road South, Stoney Creek Road, Bexley, and Bexley RSL Club. The subject Planning Proposal has the purpose of rezoning the subject site from R2 Low Density Residential zone to B4 Mixed Use zone, and amending relevant development standards under the Rockdale Local Environmental Plan 2011 (RLEP 2011).

The proposal to rezone the subject land provides an opportunity for consistency in the zoning of the entire block of land bounded by Bexley RSL, Abercorn Street, Kingsland Road South and Stoney Creek Road, and would enable Council to consider applications for higher density development (such as shop top housing) within the site.

The proponent has also expressed a desire to pursue development involving hotel accommodation within part of the site in the future. The rezoning of the land would enable future Development Applications to be considered by Council, should the Planning Proposal be supported by Council and the NSW Department of Planning & Environment.

Council Resolution

Minute 2016/096

Resolved by the Administrator

- 1 That Council supports the Planning Proposal for the land bounded by Abercorn Street, Kingsland Road South and Stoney Creek Road, Bexley, as described in this report.
- 2 That Council supports an incentive area of 800m² instead of 600m² for Floor Space Ratio and Height of Building under the relevant provisions of the Rockdale LEP 2011, in accordance with the assessment provided in this report.
- 3 That the Planning Proposal be amended in accordance with this report prior to submission to the Department of Planning and Environment for Gateway determination.
- 4 That Council continues to pursue negotiations with the proponent to develop a Voluntary Planning Agreement.
- 5 That Council publicly exhibits the Planning Proposal and Voluntary Planning Agreement concurrently, in accordance with the Department Planning and Environment's Gateway determination.

Officer Recommendation

- 1 That Council supports the Planning Proposal for the land bounded by Abercorn Street, Kingsland Road South and Stoney Creek Road, Bexley, as described in this report.
 - 2 That Council supports an incentive area of 800m² instead of 600m² for Floor Space Ratio and Height of Building under the relevant provisions of the Rockdale LEP 2011, in accordance with the assessment provided in this report.
 - 3 That the Planning Proposal be amended in accordance with this report prior to submission to the Department of Planning and Environment for Gateway determination.
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Background

Applicant: TPG Town Planning & Urban Design Pty Ltd
Proponent: Mr AC Elliott & Mrs SM Elliott

Allotments subject to the Planning Proposal:

Lot	DP	Address
B	DP363190	8 Stoney Creek Road
A	DP363190	8A Stoney Creek Road
C	DP921789	10 Stoney Creek Road
B	DP921789	12 Stoney Creek Road
A	DP921789	14 Stoney Creek Road
1	DP191076	16 Stoney Creek Road
68	DP667002	18 Stoney Creek Road
1	DP328320	1 Abercorn Street
67	DP654288	3 Abercorn Street
71	DP570149	1 Kingsland Road South
72	DP570149	3 Kingsland Road South
8	Sec 2 DP1878	5 Kingsland Road South
1	DP925706	7 Kingsland Road South
9	DP1078771	9 Kingsland Road South
10	DP925705	11 Kingsland Road South

The properties (described in the table above) incorporate a total land area of approximately 6,913.96 m². It is bounded by Abercorn Street to the North, Kingsland Road South to the East, and Stoney Creek Road to the South. The Forest Inn Hotel is located adjacent to the South-Eastern extent of the site. The site is situated on the Western extent of the Bexley Town Centre. The land is occupied predominantly by various single residential dwellings and associated ancillary structures, while one vacant allotment exists within the site.

The site is currently bounded by land zoned R4 High Density Residential, R2 Low Density Residential, B4 Mixed Use and B1 Neighbourhood Centre, the latter being the land occupied by Bexley RSL. A range of land uses are evident in the immediate locality, ranging from businesses in Bexley Town Centre, residential flat buildings, single dwellings and ancillary structures. Council's public carpark is located beyond Stoney Creek Road, immediately south of the subject site.

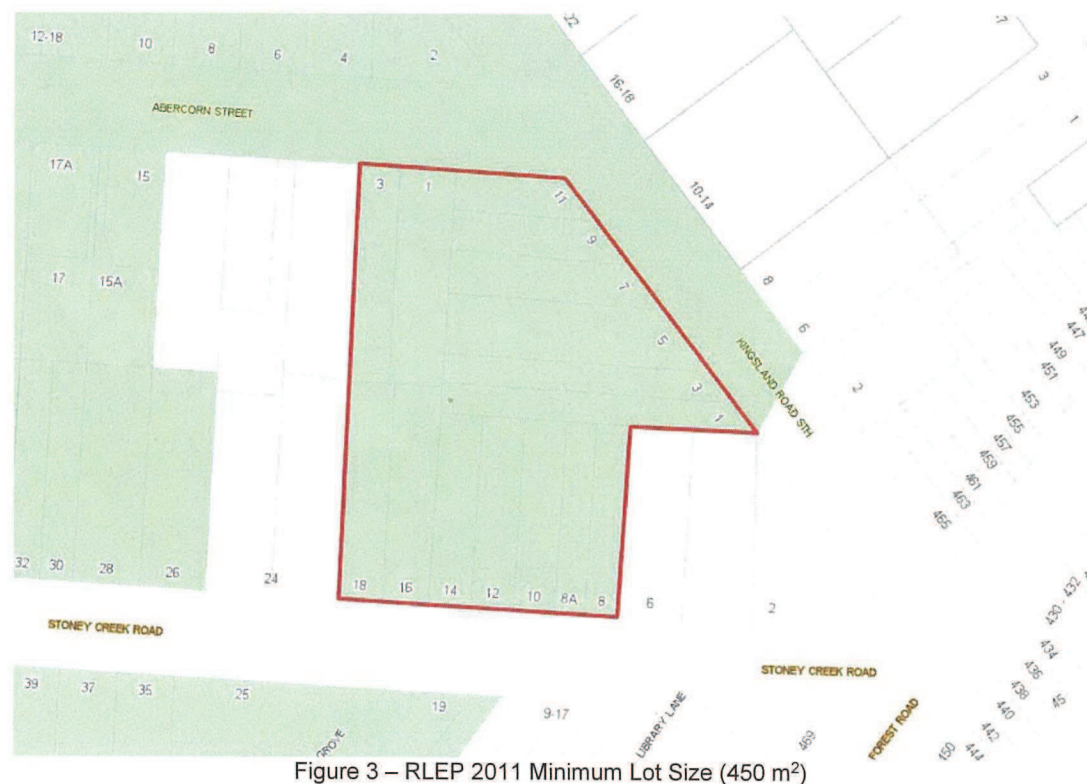
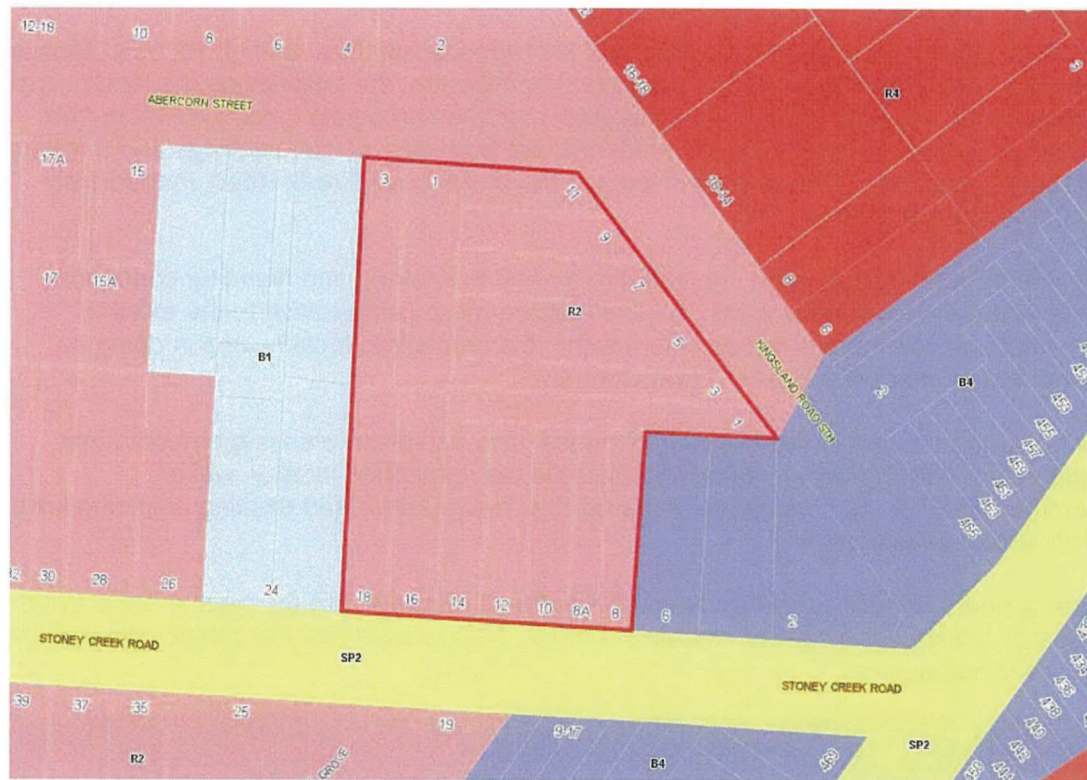
A Planning Proposal has been submitted to amend the zoning and planning controls to enable future improvements within the site that are more comparative to the existing residential and commercial development within the immediate locality, and in doing so, expand and enhance the Bexley Town Centre.

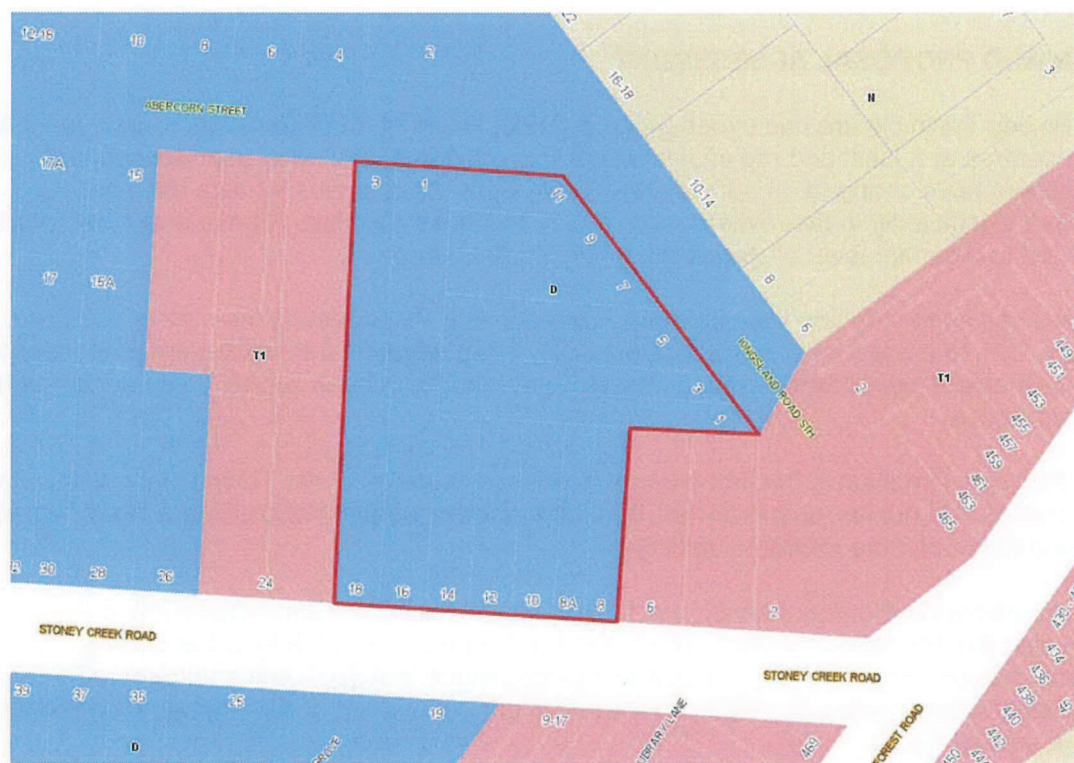
The intended outcome of the Planning Proposal is to achieve a planning outcome that considers the existing density of development in the immediate locality, while accommodating for the constraints of the Bexley Town Centre and existing adjoining lower density urban development.

An aerial photo (Figure 1) and relevant LEP extracts (Figures 2-5) for the site are provided below that describe the current planning controls. Please note that the subject site is shown in thick red line outline.



Figure 1 – Aerial Photo of subject site





PLANNING PROPOSAL SUMMARY

The proponent's Planning Proposal seeks the following amendments to the Rockdale Local Environmental Plan 2011:

- Rezone the site from R2 Low Density Residential to B4 Mixed Use zone;
- Increase the Height of Building from 8.5m to a 16.0m building height limit and introduce a new Building Height Incentive Area to include the subject site (allowing an additional 3.0m height where individual lots are greater than 800m²);
- Increase the floor space ratio (FSR) from 0.5:1 to 2.0:1 and introduce a new Floor Space Ratio Incentive Area to include the subject site (allowing an additional 0.5:1 FSR where individual lots are greater than 800m²); and
- Remove the minimum lot size for the subject land.

The following table identifies a comparison of zoning and relevant development standards, based on the existing provisions of the Rockdale LEP 2011 for the site, and the proposed zoning and development standards for the site.

Development Standard	Current	Proposed
Zoning	R2 Low Density	B4 Mixed Use
Height of Building	8.5m	16.0m plus 3.0m incentive
FSR	0.5:1	2:1 plus 0.5 incentive
Minimum Lot Size	450m ²	No minimum lot size

PLANNING PROPOSAL ASSESSMENT

The Bexley Town Centre has experienced a gradual level of retail decline in recent years as other centres at a local and regional level have overtaken it, and retail experiences and behaviours have changed. In addition, the Town Centre's business tenants have not invested significantly in the revitalisation of their business premises. These and other factors have led to a certain level of stagnation in the Town Centre.

Council has seen very few Development Applications (DAs) affecting the core of the Town Centre. DAs that have been lodged have largely been residential development proposals on the north east fringe of Bexley along Forest Road, and have been largely confined to one or two properties.

This Planning Proposal is the first attempt to address renewal of the Town Centre within its core that affects numerous properties. It has the primary purpose of seeking a higher density development outcome for the subject land.

The maximum development envelopes for adjoining sites have been considered in assessing this Planning Proposal. The Planning Proposal acknowledges the existing commercial and higher density residential developments that have been constructed historically in the locality, in proposing a suitable zoning and set of development standards for the subject land.

This Planning Proposal proposes a building height (HOB) and floor space ratio (FSR) (and associated incentive areas) for the subject land that is consistent with existing land zoned B4

Mixed Use, immediately adjoining the subject land. The only difference being that the incentive areas will be 800m² instead of 600m², which will deliver a better development outcome by providing appropriate site frontages for higher density development, as tested through urban design modelling.

The Planning Proposal is not considered to be introducing planning controls that would result in any excessive bulk or scale for its location (within Bexley Town Centre). The building height proposed would be consistent with the land immediately east and south-east of the subject site (zoned B4 Mixed Use). The adjoining Bexley RSL (West of the site) currently maintains a maximum HOB development standard of 13.0 metres, and land north-east of the site zoned R4 High Density Residential has a maximum HOB of 14.5 metres, allowing for a suitable height transition between the subject land and these adjoining sites.

It is considered unnecessary to undertake specific technical environmental investigations to inform the Planning Proposal, given:

- The existing urban zoning of the subject land (R2 Low Density Residential);
- The site is limited in extent and has historically been zoned for residential purposes;
- The changes proposed to zoning and development standards will result in development standards that can permit development outcomes consistent with adjoining land to the immediate South and East of the site, and provide transition with adjoining development on land to the West of the site; and
- Detailed environmental studies would need to support any future Development Application(s) for the site - should the Planning Proposal result in a future amendment to the Rockdale Local Environmental Plan (2011).

Proposed Zoning

The proposed B4 Mixed Use zone is considered to be the most logical zoning outcome for the subject land, given the consistency in zoning with the adjoining Forest Inn site, land beyond Kingsland Road South, Stoney Creek Road and Forest Road, as well as the zoning applying to the Bexley RSL site immediately West of the subject land.

The amendments to zoning for the subject land will provide clear delineation for the Western extent of Bexley Town Centre. The complete rezoning of almost an entire block in one Planning Proposal will ensure that a holistic zoning outcome can be achieved for the entire site at the outset, rather than piecemeal amendments over time.

This approach also contains the B4 Mixed Use zone to an appropriate sized area within the western extent of the Bexley Town Centre, and surrounds this part of the site with opportunities for high density living.

Proposed Height of Building (HOB) & Incentive Area

The proposed application of the 16.0 metre building height limit and 3.0m height incentive area is considered to be appropriate for the subject site when considering the adjoining height limits and incentive area to the East and South of the site. This will result in a potential building height outcome that is consistent with the adjoining building height limit for land currently zoned B4 Mixed Use zone East and South of the site (currently 16.0 metres, plus 3.0 metre incentive), and similar to the R4 High Density Residential zone to the East of the subject land (currently 14.5 metres). It should be noted that Bexley RSL, immediately West of the subject land, is zoned B1 Neighbourhood Centre and retains a maximum building

height limit of 13.0 metres. The proposed maximum building height and height incentive provisions are considered to be appropriate for land within a Town Centre location.

Proposed Floor Space Ratio (FSR) & Incentive Area

The proposed application of a 2.0:1 FSR (plus 0.5 incentive) to the subject land is considered to be an appropriate FSR for the subject site, given the existing FSR of 2.0 (plus 0.5 incentive) that applies to land zoned B4 Mixed Use zone South and East of the site, and the FSR of 2.0 that applies to land zoned B1 Neighbourhood Centre to the immediate West of the site.

Minimum Lot Size (LSZ)

The proposal requires an amendment to the relevant LSZ map to delete the current minimum lot size of 450m² that applies to the site, given that the adjoining land zoned B4 Mixed Use zone does not have any minimum lot size. Deletion of this minimum lot size provision will create consistency in the application of this development standard across the immediate precinct.

Urban Context and Evaluation

An urban design report has been prepared for the subject Planning Proposal (see Appendix D of **Attachment 1**). The mass modelling included in the urban design report includes an indicative maximum building envelope that could result from the amended development standards proposed for the subject land, whilst also modelling maximum developable envelopes for adjoining sites based on current development standards in the RLEP 2011.

If the Planning Proposal was to be supported by Council and the Department of Planning & Environment, and be notified in the future, any proposed Development Application(s) would need to be supported by further detailed urban design analysis, to illustrate the intended built form outcome proposed for the subject land at that time. The Planning Proposal is attached to this Council report as **Attachment 1**.

Traffic & Vehicular Access

The subject land is located along an arterial route, providing opportunities for maximisation of public transport use by future residents in the locality. This is likely to assist in minimising vehicle movements generated from the development of the subject land. A traffic assessment has been prepared to inform the Planning Proposal, and is attached to **Attachment 1** as Appendix F.

The traffic assessment models a maximum development scenario for the site for the purposes of rezoning the land. The traffic assessment concludes that the rezoning of the land would have minimal impact on the local traffic network and provides an estimate of carparking provision that would be required under modelled scenarios for certain development types. Detailed traffic and vehicular access issues would be required to support any future Development Application(s) for particular land uses.

Other Environmental Considerations

By virtue of the existing developments within the site, coupled with the zoning of the land, the land is suitable for rezoning to higher density purposes. It is envisaged that any other

environmental studies that are deemed necessary to support a future Development Application (DA) for the land could be assessed at that time.

Voluntary Planning Agreement

Council is strongly committed to its VPA Policy and to see proponents contribute back to the community when they receive planning uplift on their site(s). The amount is linked to the monetary value of planning uplift, and is separate to developer contributions that relate to final built form on a site. A VPA may involve a formal offer around a contribution towards infrastructure, public domain/open space improvements, or community spaces that deliver a net community benefit (outside of any private benefits for the proposed development).

Discussions are currently taking place with the proponent about the potential for a VPA, including consideration of particular items or works that could provide net community benefit in Bexley Town Centre. Should a draft VPA be prepared in conjunction with this Planning Proposal, it would need to be approved by Council for exhibition with the Planning Proposal.

Strategic Context

The Planning Proposal seeks to achieve a planning outcome that will provide high density residential living and additional business opportunities in Bexley Town Centre.

One of the key actions listed in the NSW Government's strategy document, *A Plan for Growing Sydney* is:

Action 2.2.1: Use the Greater Sydney Commission to support Council-led urban infill projects

This action identifies how the NSW Government will:

- *support council-led urban infill and to support local efforts to lift housing production around local centres, transport corridors and public transport access points; and*
- *work with councils to improve their urban renewal skills, and to improve the coordination between the NSW Government, councils and private proponents of local urban infill projects.*

This action also discusses the way that additional housing can stimulate new communities, particularly when considering residents within 400 metres of a centre with good public transport services. The opportunity to implement planning provisions that can assist with increasing the population in a location with readily available bus services is considered a positive planning outcome, and a planning action that is consistent with the actions contained in *A Plan for Growing Sydney*.

Conclusion

The Planning Proposal represents a reasonable uplift and rezoning that is consistent with the adjoining B4 Mixed Use zone. Applying consistent development standards can encourage urban renewal and improved strategic planning outcomes in the immediate precinct of Bexley Town Centre. It would enable Council to consider applications for higher density development in the future, consistent in bulk and scale with development outcomes on land immediately north and east of the site.

The Planning Proposal provides an opportunity for modern development to be initiated on a gateway site, by maximising development incentives to achieve quality planning outcomes in the future.

Financial Implications

There are no financial implications applicable to this report.

Community Engagement

Should the Planning Proposal proceed through the Gateway, the Planning Proposal will be subject to community consultation, in accordance with Sections 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979. The specific requirements for community consultation will be listed in the Gateway determination, including any government agencies that are to be consulted in relation to the Planning Proposal.

Attachments

Planning Proposal

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Bayside Council

Name of draft LEP:

Kingsland Road South, Bexley

Address of Land (if applicable):

Various sites bounded by Abercorn Street, Kingsland Road South and Stoney Creek Road

Intent of draft LEP:

To rezone land from R2 Low Density Residential zone to B4 Mixed Use zone, and increase FSR & HOB development standards (and incentives) consistent with Bexley Town Centre.

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not Relevant	Agree	Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		✓		
Heritage LEPs				
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		✓		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		✓		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		✓		

Reclassifications

Is there an associated spot rezoning with the reclassification?		✓		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		✓		
Is the planning proposal proposed to rectify an anomaly in a classification?		✓		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		✓		
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		✓		
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		✓		
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		✓		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		✓		

Spot Rezoning

Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		✓		
Does the planning proposal create an exception to a mapped development standard?	N			

Section 73A matters

Does the proposed instrument

- a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;
- b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or
- c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?

(Note – the Minister / GSC (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).



Notes

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Secretary of the Department.
- Matters that will be routinely delegated to a Council under administration are confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/