

Planning Services

Gateway Determination Report

LGA	Bayside
RPA	Bayside Council
NAME	Amendment to Schedule 1 of the Botany LEP to permit car parking as an additional permitted use at 3 Macquarie Street and 3A Maloney Street, Rosebery in association with the Lakes Hotel. (0 homes, 0 jobs)
NUMBER	PP 2018_BSIDE_001_00
LEP TO BE AMENDED	Botany Local Environmental Plan 2013
ADDRESS	3A Maloney Street & 3 Macquarie Street, Rosebery
DESCRIPTION	Lots 5 & 8 in DP 18556
RECEIVED	6 April 2018
FILE NO.	IRF18/2186
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend Clause 17 in Schedule 1 of the Botany Local Environmental Plan 2013 (LEP) to allow car parking as an additional permitted use in association with the Lakes Hotel, at 3 Macquarie Street and 3A Maloney Street, Rosebery.

Background

The Lakes Hotel forms part of the existing retail and commercial development located along Gardeners Road. The land immediately to the south of the hotel contains a similar provision, which allowed the site to be developed as a car park.

The planning proposal seeks to enable the expansion of the car parking area for the Lakes Hotel over 3 Macquarie Street and 3A Maloney Street, Rosebery.

Site description

The land subject to the planning proposal is shown in Figure 1 and includes:

- Lot 5 in DP 18556, known as 3 Macquarie Street, Rosebery; and
- Lot 8 in DP 18556, known as 3A Maloney Street, Rosebery.

The subject sites comprise two residential lots, one fronting Macquarie Street and the other fronting Maloney Street. Each lot currently contains a detached style residential dwelling, and retains vehicular access to each frontage.



Figure 1: Aerial view of subject site (outlined in red and shaded in yellow) (Source: Six Maps)

Existing planning controls

The table below summarises the key planning controls under Botany LEP 2013 (BLEP2013) that pertain to the site.

Zoning	R2 Low Density Residential (see Figure 2)
Height of Building (max)	9 metres
Floor Space Ratio (max)	1.0:1

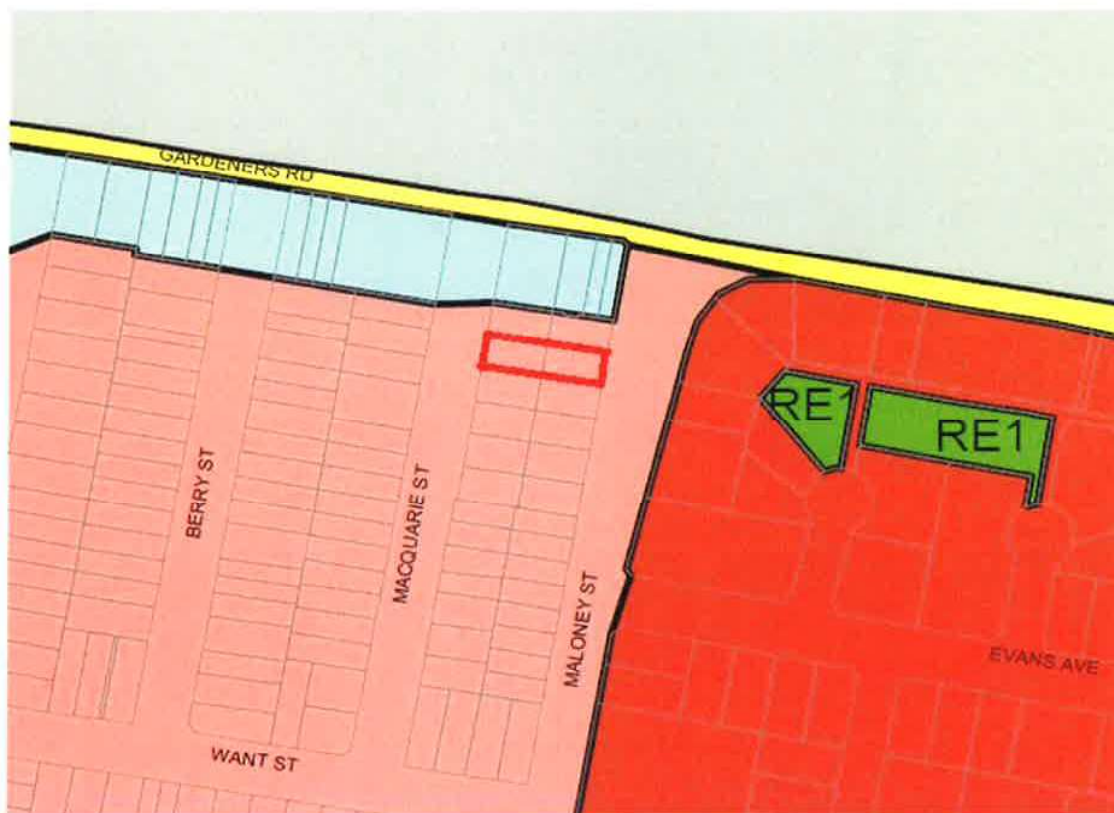


Figure 2: Current zoning of the sites and surrounding land.

Surrounding area

The surrounding area is generally characterised by single storey, detached dwelling houses, residential flat buildings and shop-top housing. The area is mainly zoned R2 Low Density Residential with a strip of land zoned B1 Neighbourhood centre along Gardeners Road. To the eastern side of the subject site, the area is zoned R4 High Density Residential comprising residential flat buildings and towards the south and west is low density residential.

The Lakes Hotel and the dwelling house at 4 Macquarie Street, adjacent to the site are listed as local heritage items under BLEP2013 (Figure 3).



Figure 3: Heritage items adjoining the sites

Summary of recommendation

It is recommended that the planning proposal proceed to public exhibition as it will enable additional car parking to service the operational needs of the Lakes Hotel, and reduce the need for on-street car parking along Maloney and Macquarie Streets. The planning proposal also does not restrict the future development of the sites for residential uses.

PROPOSAL

Objectives or intended outcomes

The objective of the planning proposal is to permit an additional permitted use on the site to facilitate an extension of the existing car park associated with the Lakes Hotel. The intended outcomes of the planning proposal (subject to the granting of development consent) will provide additional off-street parking for hotel patrons.

Explanation of provisions

Clause 17 of Schedule 1 of the Botany Bay LEP 2013 is proposed to be amended to:

- include 3 Macquarie Street and 3A Maloney Street, Roseberry, being Lot 5 and Lot 8 in DP 18556; and
- allow development for the purposes of a car park in association with the use of the hotel at 305 Gardeners Road, Roseberry, known as the Lakes Hotel, as permitted with development consent.

Mapping

The proposal does not require the amendment of any LEP maps as it only requires amendment to Schedule 1 of the BLEP2013.

NEED FOR THE PLANNING PROPOSAL

The current R2 Low Density Zone restricts the use of the land for the purpose of car parking.

There is no other mechanism available other than an amendment of the LEP to achieve the objective as the proposed use is prohibited under the current zoning.

The inclusion of an additional item relating to the site in Schedule 1 to the LEP as set out in the previous section, is considered to be the most appropriate approach as it maintains the controls applicable to the site while allowing the site to be used as a car park.

STRATEGIC ASSESSMENT

State

Due to the relatively minor nature of this planning proposal, there are no planning priorities and actions from A Plan for Growing Sydney that are applicable to the site.

Regional / District

The Eastern District Plan released by the Greater Sydney Commission in March 2018. The plan focuses on managing growth and creating liveable places for people.

The proposal will enable the hotel to seek approval to remove the two existing residential dwellings on the site and construct the car park.

The proposal is considered justifiably inconsistent as the loss of housing will have minimal impact because the size of the subject lots and LEP controls restrict higher density development.

The planning proposal should be updated to refer to the Eastern City District Plan (March 2018).

Local

The Botany Bay Planning Strategy 2031 aims to encourage adequate housing supply and provide a framework for growth. The proposal will result in the loss of housing, which is considered to have minimal impact as the size of the subject lots and LEP controls preclude higher density development.

Section 9.1 Ministerial Directions

3.1 Residential

The Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs, and applies to the planning proposal because it will affect land within an existing residential zone.

The intended loss of two dwellings in the R2 zone is considered to be of minor significance, as the planning proposal does not seek to change the existing zoning of the land or any of the development standards applicable to the site. therefore, the proposal is consistent with this Direction.

6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.

The proposal will allow a car park use on the land without imposing any development standards. The proposed requirement is only to be permitted if it is associated with the Lakes Hotel.

State environmental planning policies

The planning proposal outlines potentially applicable State Environmental Planning Policies (SEPPs) and their relevance to the proposal. The proposal is consistent with all relevant SEPPs.

SITE-SPECIFIC ASSESSMENT

Environmental

There are no known critical habitats, threatened species or ecological communities on the site that would preclude the proposal from progressing to public exhibition.

Traffic, parking and access

The traffic and parking assessment prepared by Traffix (**Attachment G**) states that the indicative plan is expected to provide an additional 14 car parking spaces (33 in total) to accommodate the current demand and improve residential amenity and traffic by reducing on street parking along Maloney Street and Macquarie Street.

The proposed parking increase would result to changes to the existing access and only allow one-way traffic entering via Macquarie Street and exiting via Maloney Street This arrangement is considered acceptable as all exiting traffic will be directed to exit onto Maloney Street and restricted to a left turn movement heading away from the residential neighbourhood.

Acoustic Assessment

The proposal is accompanied by a Noise Impact Assessment prepared by Koikas Acoustics (**Attachment H**) and notes that the proposed development has been assessed in term of its expected acoustic impact to the neighbourhood and has been found to comply with the planning levels contained within the EPA's INP and RNP.

It is recommended that the report be further considered at the Development Application (DA) stage.

Light spill assessment

The planning proposal is accompanied by a Lighting Report and Obstructive Light Compliance Report prepared by Tigerlight (**Attachment I**). The report indicates that light spill associated with the assessed lighting is compliant with the obtrusive light criteria under the applicable Australian Standard. A thorough review of the light spill assessment can be undertaken at development application stage.

Heritage Impact Assessment

A heritage impact assessment prepared by City Plan Services (**Attachment J**) identifies the Lakes Hotel and the property directly opposite the subject site (4 Macquarie Street) as local heritage items. The properties are located within a group of Inter-War bungalows. The report notes that the demolition of 3 Macquarie Street

and 3A Maloney Street for car parking will have no adverse impact on the heritage significance of the neighbouring items.

Because these are local items, it is recommended that the report be further considered at the Development Application (DA) stage.

CONSULTATION

Community

The planning proposal has proposed a minimum exhibition period of 14 days. A community consultation period of at least 14 days is considered appropriate as the proposal is considered to be of minimal impact.

Agencies

The planning proposal does not specify any proposed agency consultation. Consultation is not required with any public authorities.

TIME FRAME

It is considered that a timeframe of 9 months from the date of Gateway This is sufficient time to complete the proposed amendment.

LOCAL PLAN-MAKING AUTHORITY

It is considered appropriate that the Local Plan-Making Authority be granted to Council as the proposal is essentially a local planning matter.

CONCLUSION

It is recommended that the planning proposal proceed to exhibition for the following reasons:

- there is no change proposed to the development standards or other existing provisions of the LEP which are applicable to the site;
- it maintains the existing planning controls as it applies to the site, while permitting car parking; and
- enable additional car parking to service the operational needs of the Lakes Hotel, and reduce the need for on-street car parking along Maloney and Macquarie Street.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions are minor or justified:
 - 3.1 Residential Zones;

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
3. Consultation is to include any current occupiers of the subject sites.

4. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.

 8/5/18

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