

Planning Proposal

Rockdale Local Environmental Plan 2011 - 50A Francis Avenue, Brighton Le Sands



7 November 2012

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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 Infrastructure guides, including 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Existing Cairnsfoot School

The Planning Proposal has been prepared to facilitate the relocation of the Cairnsfoot School from 18-22 Loftus Street, Turrella to a more suitable site at Brighton Le Sands. The Cairnsfoot School provides education to children with special needs, including physical and mental impairment.

The existing school site contains 9 permanent classrooms and 8 demountable classrooms. The Department of Education and Communities needs to upgrade the accommodation so all classrooms are permanent and superior in terms of thermal comfort, internal fit-out and provision of bathroom facilities.

The Turrella site has a number of constraints which restrict the expansion/redevelopment of the school, including the presence of a heritage item in the middle of the site and the slope of the site which creates issues for mobility impaired students. This has resulted in the need to look for an alternative site for the school.

The proposed concept

The rezoning of the proposed site (discussed below) will enable the establishment of a school on the site. At present, it is expected that a school on the site would accommodate 102 students in 17 classrooms. Each classroom would have a maximum of 6 students.

The topography of the proposed site is more suitable for the specific needs of the students of the school. The site is in reasonable proximity to the existing Cairnsfoot School, which will help to minimise disruption for existing students and their carers.

At present, it is anticipated that all buildings on the site will be single storey construction. Vehicle access will be provided in a one way driveway which provides considerable space for vehicle queuing within the site.

Subject site

The subject site ("the site") proposed to be rezoned is shown in Figure 1 below, and includes:

- 50A Francis Avenue, Brighton Le Sands (Lots 1 & 2 DP 32304 and Lot M DP 410368),
- Part 91 Bestic Street, Brighton Le Sands (part Lot 1 DP 221518) and
- Part 310 West Botany Street, Rockdale (part Lot 1 DP 517350).

The main parcel of land at 50A Francis Avenue site was previously used for private recreation purposes, consisting of a registered club and lawn bowls facilities. This use ceased operation over 12 months ago. The site is now fenced off with no access to the public provided to the land or open space areas beyond. The site contains the bowling greens, club house, ancillary structures and car parking and access area.

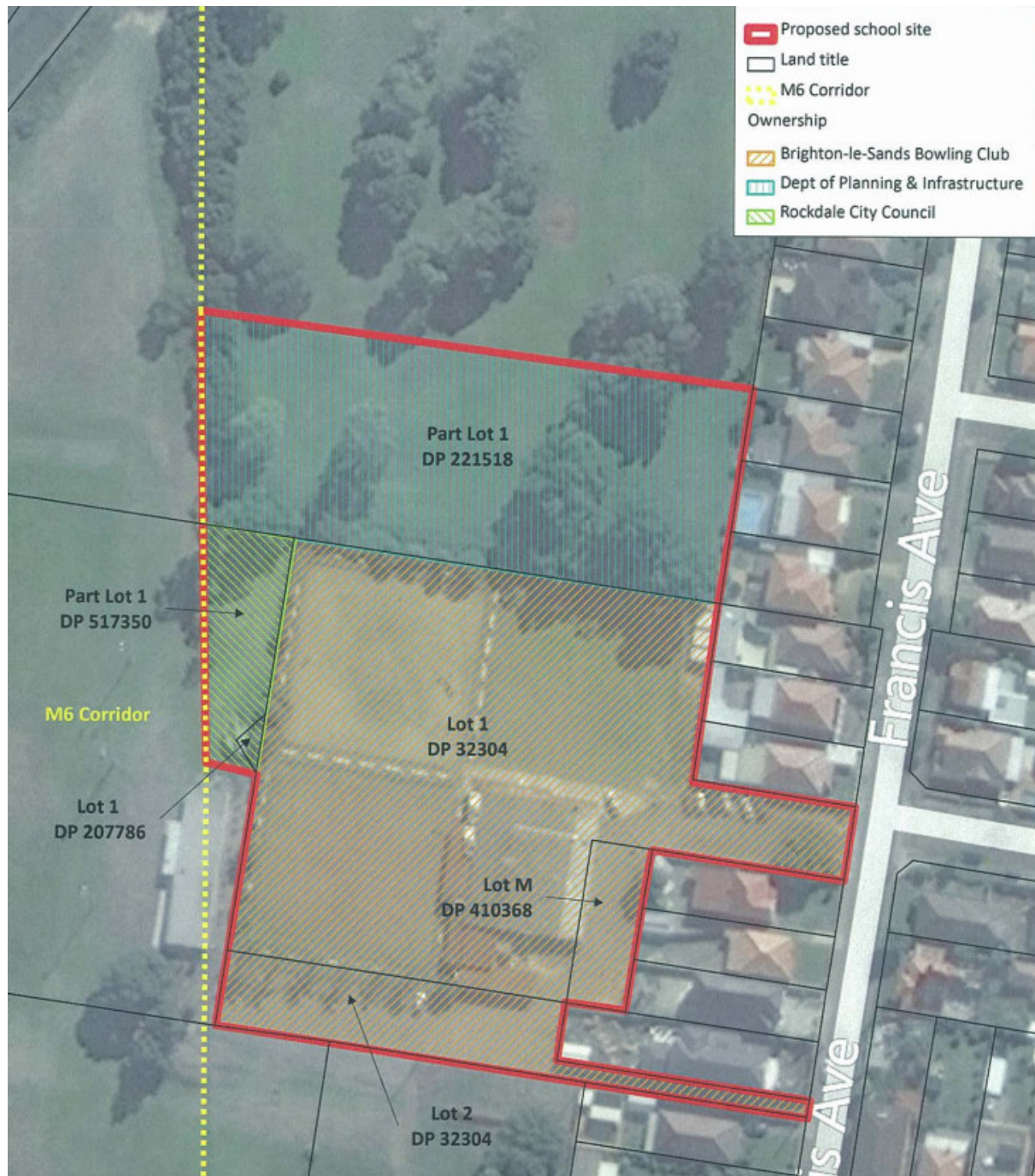


Figure 1 – Francis Avenue Site Plan (Source Department of Education and Communities)

Part 1 - Objectives or Intended Outcomes

The objective of the Planning Proposal is to amend *Rockdale LEP 2011* to:

- Rezone the land at 50A Francis Avenue, Brighton Le Sands from RE2 Private Recreation to SP2 Infrastructure (School);
- Rezone part of land at 91 Bestic Street, Brighton Le Sands and 310 West Botany Street, Rockdale from RE1 Public Recreation to SP2 Infrastructure (School);
- Include the land at 50A Francis Avenue, Brighton Le Sands on the Land Reservation Acquisition Map; and
- Identify the relevant acquisition authority in clause 5.1.

These amendments will facilitate the relocation of the Cairnsfoot School.

Part 2 - Explanation of Provisions

A Land Zoning Map

The *Rockdale LEP 2011* Land Zoning Map (LZN) Map is proposed to be amended as per Table 1 below.

Table 1 – Proposed Land Zoning Map amendment

LZN Map Tile No.	Amendment	Explanation
LZN_004	Rezone the land to SP2 Infrastructure (School) as shown in Attachment 1	Enable use of the land for the purpose of educational establishment

B Land Reservation Acquisition Map

The *Rockdale LEP 2011* Land Reservation Acquisition (LRA) Map is proposed to be amended as per Table 2 below.

Table 2 – Proposed Land Reservation Acquisition Map amendment

LRA Map Tile No.	Amendment	Explanation
LRA_004	Identify the land at 50A Francis Street and 310 West Botany Street as shown in Attachment 2.	Enable acquisition of the land for the purpose of educational establishment

C Clause 5.1 – Relevant acquisition authority

Insert at the end of the table in clause 5.1(2) as per Table 3 below.

Table 3 – Change to Relevant Acquisition Authority table

Type of land shown on map	Authority of the State
Zone SP2 Infrastructure and marked "School"	Department of Education

Part 3 - Justification

A Need for the planning proposal

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

The Department of Education and Communities have been strategically planning for schools for students with moderate to severe disabilities. The Cairnsfoot School in Turrella is one of three such schools in the Sydney region.

The Cairnsfoot School community has consistently raised concerns about the current school having multiple levels that are unsuitable for students in wheelchairs.

The DEC has been identifying suitable sites to relocate the school for several years. 15 potential sites were investigated. The subject site is considered suitable to the DEC; however it needs a change in zoning to permit the new school.

Council agrees with the assessment of the suitability of the site for the use and the lack of other viable alternatives in the area.

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

The objective of the Planning Proposal is to permit the construction and operation of a school on the site. Schools are currently a prohibited use on the land as a result of the RE1 Public Recreation and RE2 Private Recreation zonings.

The school use is usually able to be carried out under State Environmental Planning Policy 2007 (Infrastructure). However, the current zoning of the land does not allow the use of the SEPP.

The only way to permit the use of the land for a school is to rezone the land through the Planning Proposal.

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 Sydney Metropolitan Strategy and exhibited draft strategies)?

Sydney South Draft Subregional Strategy

The Sydney South Draft Subregional Strategy sets Key Directions and Key Actions for the implementation of the Metropolitan Strategy (for the year 2031) at a more local level. The Draft Subregional Strategy sets targets for 7,000 new dwellings and 11,000 new jobs to be provided in Rockdale City Council LGA by 2031.

The Planning Proposal is for the relocation of important social infrastructure that provides educational opportunities to students with physical and intellectual disabilities from within the subregion.

The Planning Proposal is consistent with the intent of objectives of the draft Sub Regional Strategy.

Metropolitan Plan For Sydney 2036

The Metropolitan Plan For Sydney 2036 is the second blueprint for metropolitan Sydney and replaces the Metropolitan Strategy: City of Cities which was the vision for Sydney for the year 2036.

The planning proposal supports Action H1.4 - Ensure the special needs of particular groups are considered in plan making and planning decision-making.

This is achieved through the facilitation of the relocation of a school that provides educational opportunities for students with physical and mental disabilities.

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 five community outcomes:

1. A vibrant, healthy and socially connected City of many cultures
2. A sustainable City
3. A strong economy
4. Appropriate infrastructure
5. A leading organisation

Table 4 below identifies how the Planning Proposal is consistent with the community outcomes.

Table 4 – Consistency with Rockdale City Community Strategic Plan

Outcome	Strategy	Consistency
1	1.3 Education Ensure access to lifelong learning so that the Rockdale community can maximise its potential and has access to a diverse skills base.	Consistent. The Planning Proposal will enable the relocation and continued operation of the Cairnsfoot School, which provides education to some of the most disadvantaged students within Rockdale and the wider region.
Outcome	Strategy	Consistency
2	2.5 Land Planning and Management Promote high quality, well designed and sustainable development that enhances the City.	The Planning Proposal supports this Strategy by improving community sustainability by providing valuable social infrastructure.

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

Consistency with the State Environmental Planning Policies is provided in Table 5, below.

Table 5 - 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>). Consistent with remainder
6	Number of Storeys in a Building	Consistent. The Planning Proposal does not seek to hinder the application of this SEPP
14	Coastal Wetlands	Not applicable
15	Rural Landsharing Communities	Not applicable
19	Bushland in Urban Areas	Not applicable
21	Caravan Parks	Not applicable
22	Shops and Commercial Premises	Not applicable
26	Littoral Rainforests	Not applicable
29	Western Sydney Recreation Area	Not applicable
30	Intensive Aquaculture	Not applicable
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable
33	Hazardous and Offensive Development	Not applicable
36	Manufactured Home Estates	Not applicable
39	Spit Island Bird Habitat	Not applicable
41	Casino Entertainment Complex	Not applicable
44	Koala Habitat Protection	Not applicable
47	Moore Park Showground	Not applicable
50	Canal Estate Development	Not applicable
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
55	Remediation of Land	Consistent. The Planning Proposal does not seek to hinder the application of this SEPP
59	Central Western Sydney Regional Open Space and Residential	Not applicable
60	Exempt and Complying Development	(Repealed by <i>RLEP 2011</i>)
62	Sustainable Aquaculture	Not applicable
64	Advertising and Signage	Not applicable
65	Design Quality of Residential Flat Development	Not applicable
70	Affordable Housing (Revised Schemes)	Not applicable
71	Coastal Protection	Not applicable
	(Affordable Rental Housing) 2009	Not applicable
	(Building Sustainability Index: BASIX) 2004	Not applicable
	(Exempt and Complying Development Codes) 2008	Not applicable
	(Housing for Seniors or People with a Disability) 2004	Not applicable
	(Infrastructure) 2007	Consistent. The Planning Proposal does not seek to hinder the application of this SEPP
	(Kosciuszko National park Alpine Resorts)	Not applicable

	2007	
	(Kurnell Peninsula) 1989	Not applicable
	(Major Development) 2005	Not applicable
	(Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
	(Penrith Lakes Scheme) 1989	Not applicable
	(Rural Lands) 2008	Not applicable
	(Sydney Drinking Water Catchment) 2011	Not applicable
	(Sydney Region Growth Centres) 2006	Not applicable
	(Temporary Structures) 2007	Not applicable
	(Urban Renewal) 2010	Not applicable
	(Western Sydney Employment Area) 2009	Not applicable
	(Western Sydney Parklands) 2009	Not applicable

See Table 6 below which reviews the consistency with the State Regional Environmental Plans, now deemed SEPPs.

Table 6 - Consistency with deemed State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
5	(Chatswood Town Centre)	Not applicable
8	(Central Coast Plateau Areas)	Not applicable
9	Extractive Industry (No.2 – 1995)	Not applicable
16	Walsh Bay	Not applicable
18	Public Transport Corridors	Not applicable
19	Rouse Hill Development Area	Not applicable
20	Hawkesbury-Nepean River (No.2 – 1997)	Not applicable
24	Homebush Bay Area	Not applicable
25	Orchard Hills	Not applicable
26	City West	Not applicable
28	Parramatta	Not applicable
30	St Marys	Not applicable
33	Cooks Cove	Not applicable
	(Sydney Harbour Catchment) 2005	Not applicable

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

See Table 7 below which reviews the consistency with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

Table 7 - Consistency with applicable Ministerial Directions

1. Employment and Resources

No.	Title	Consistency with Planning Proposal
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable

2. Environment and Heritage

No.	Title	Consistency with Planning Proposal
2.1	Environmental Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Not applicable
2.4	Recreation Vehicle Areas	Not applicable

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating land use and Transport	Consistent. The subject site is located in a topographically flat part of the city, which is suitable for walking and cycling. The subject site is located on Francis Avenue, which is serviced by the local bus network.
3.5	Development near Licensed Aerodromes	Not applicable
3.6	Shooting ranges	Not applicable

4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	Consistent. The land is identified as Class 3 Acid Sulfate Soils in LEP 2011. Clause 6.1 of LEP 2011 specifies when an Acid Sulfate Soils Management Plan is required to be submitted for approval by Council. It is appropriate that Acid Sulfate Soils is addressed as a part of any subsequent Development Application.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. The land is affected by a minimum floor level requirement due to its location near Muddy Creek. Given the range of engineering solutions available to ensure appropriate protection from flooding, it is considered appropriate to address this at the development application stage.
4.4	Planning for Bushfire Protection	Not applicable

5. Regional Planning

No.	Title	Consistency with Planning Proposal
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
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	Not applicable

6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	Consistent. No approval or referral requirements are proposed.
6.2	Reserving land for Public Purposes	Consistent. Specific land has been included on the Land Reservation Acquisition Map in accordance with the request from the Department of Education and Communities.
6.3	Site Specific Provisions	Not applicable

7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Yes. The Planning Proposal is of a minor nature and does not contravene the objectives of the Metropolitan Plan.

C Environmental, social and economic impact

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?

No. The land is cleared of natural vegetation and there are no mapped areas of known critical habitats, threatened species or endangered ecological communities.

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

The DEC have carried out detailed site analysis and no significant issues were identified that would likely result in significant environmental effects. The known issues for the site, including flooding and acid sulfate soils, can be resolved at the development application stage.

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

The proposal will provide needed social infrastructure that is not currently adequately provided. This will result in positive social effects.

The investment in new education infrastructure will create direct and indirect economic benefits for the region.

D State and Commonwealth interests

D1 Is there adequate public infrastructure for the planning proposal?

Given the previous use of the site, it is unlikely that this Planning Proposal will require additional public infrastructure. Council anticipates consultation with various State agencies following Gateway Determination to ensure any issues are adequately considered.

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

Consultation with appropriate State and Commonwealth public authorities has not yet been undertaken.

Part 4 - Mapping

Figures 1 to 5 below illustrate the site's context and provide map extracts from RLEP 2011 on zoning, development standards and acquisition.

Figure 1 – Land subject to the planning proposal



Figure 2 below illustrates the current land use zones, the RE1 Public Recreation and RE2 Private Recreation zones, as per the Zoning Map in RLEP 2011. The land is proposed to be rezoned to SP2 - School

Figure 2 – Extract from RLEP 2011 – Land Zoning Map



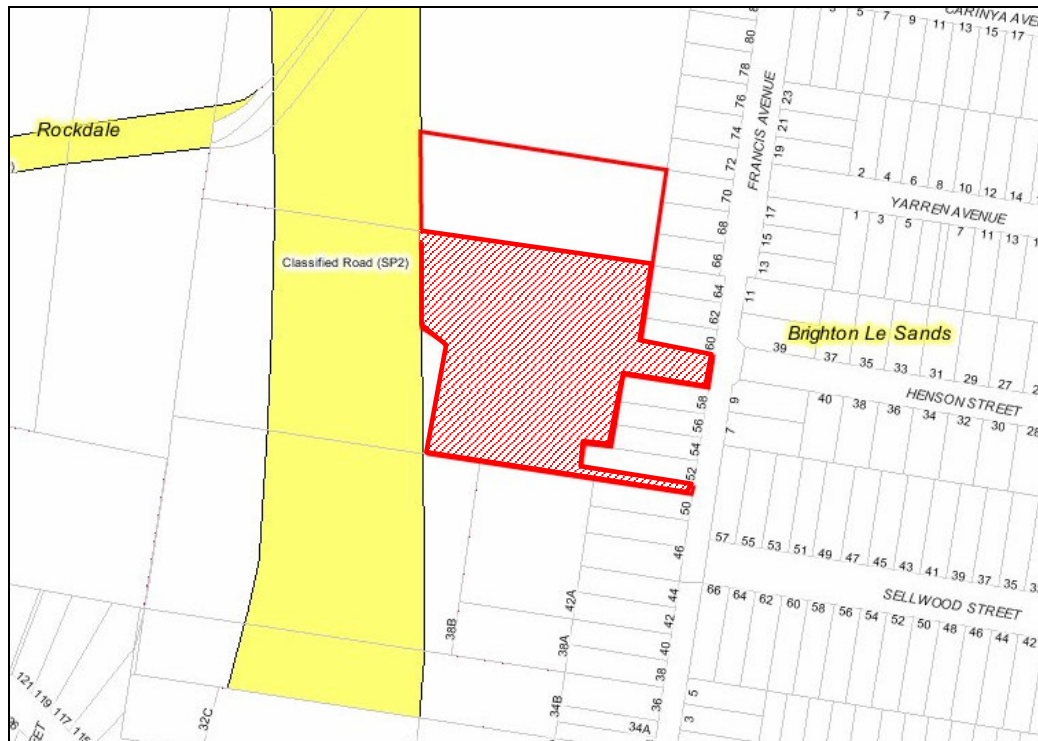
Figure 3 below illustrates the maximum building height control (no set height limit) as per clause 4.3 and the Height of Buildings Map in RLEP 2011. No change is proposed to the building height.

Figure 3 – Extract from RLEP 2011 – Height of Building Map.



Figure 5 below illustrates the land reservation as per clause 5.1 and the Land Reservation Acquisition Map in RLEP 2011. The land shown hatched red is proposed to be identified for acquisition by Department of Education and Communities on the Map

Figure 5 – Extract from RLEP 2011 – Reservation Acquisition Map –



Part 5 – Community Consultation

The Planning Proposal will be placed on public exhibition in accordance with the Gateway Determination, should the Department of Planning and Infrastructure support this proposal.

A comprehensive engagement strategy will be prepared by Council which would include the following mechanisms:

- Advertisment in a local newspaper (ie. St George Leader).
- Notification letters to relevant State Agencies and other authorities nominated by the Department.
- A supporting Information Brochure.
- Notification (via letter) to the following land holders:
 - Properties adjoining the site
 - Properties within 150 metres of the site
- Advertise the proposal on Council's website.
- Exhibit the Planning Proposal at Council's Customer Services Centre, 2 Bryant Street, Rockdale,
- Undertake any other consultation methods appropriate for the proposal.

Part 6 – Project Timeline

Table 8 below provides a proposed timeframe for the project.

Table 8 – Approximate Project Timeline

Task	Timing
Anticipated commencement date (date of Gateway determination)	20 December 2012
Anticipated timeframe for the completion of required technical information	To be determined by the DP&I, if required
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	To be determined by the DP&I, if required
Commencement and completion dates for public exhibition period	7 February – 7 March 2013 (4 weeks)
Dates for public hearing (if required)	Not required
Timeframe for consideration of submissions	8 – 22 March 2013 (2 weeks)
Timeframe for the consideration of a PP following exhibition	8 – 22 March 2013 (2 weeks)
<i>Consideration of PP by Council</i>	<i>May 2013</i>
Date of submission to the department to finalise the LEP	22 May 2013
Anticipated date RPA will make the plan (if delegated)	Post 22 May 2013
Anticipated date RPA will forward to the department for notification	Post 22 May 2013

Appendix 1

Council report and Minutes from Council Meeting 5 December 2012

Council Meeting

Meeting Date 05/12/2012

Item Number: ORD12
Subject: ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011 - 50A FRANCIS AVENUE, BRIGHTON LE SANDS AMENDMENT
File Number: F12/452
Report by: Manager Urban & Environmental Strategy (Erika Roka)
Contributors:
Community Engagement Yes - Consult
Financial Implications: No

Precis

Council received a draft Planning Proposal from the Department of Education and Communities (DEC) on 14 September 2012. The effect of the proposal is to reserve the affected land for acquisition by the DEC and rezone the land to allow the relocation of the Cairnsfoot School from Turrella. The Cairnsfoot School provides education to children with special needs, including physical and mental impairment.

The "subject site" includes:

- 50A Francis Street (former Brighton Le Sands Bowling Club)
- part 91 Bestic Street, Brighton Le Sands (Whiteoak Reserve)
- part 310 West Botany Street, Rockdale (CA Redmond Field)

The Cairnsfoot School in Turrella has a number of constraints which make its redevelopment unsuitable. To date, the DEC have investigated 15 alternative sites within the sub-region to accommodate its relocation. Council has previously considered one of the alternative sites at Brighton Memorial Playing Fields. Following initial consultation by the DEC, other sites were subsequently investigated.

The Planning Proposal is seeking to:

1. Rezone the subject site from RE2 Private Recreation to SP2 Infrastructure (School); and
2. Identify 50A Francis Avenue and the portion of 310 West Botany Street on the Land Acquisition Reservation Map.

The rezoning and reservation of the land will enable the establishment of a school on the site.

The site is currently vacant, with the Brighton Le Sands Bowling Club having closed down. The site is now fenced off, with no access permitted to the sporting fields beyond.

Council Resolution

MOTION moved by Councillors Poulos and Mickovski

That voting on this matter be by way of a Division.

1 That the report on the Rockdale Local Environmental Plan 2011 - 50A Francis Avenue, Brighton Le Sands amendment be received and noted.

2 That Council submit the Planning Proposal (Attachment 1), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, to the Department of Planning and Infrastructure for Gateway Determination.

3 That the Planning Proposal be publicly exhibited in accordance with the Department of Planning & Infrastructure's Gateway Determination.

4 That the public exhibition also seek community feedback on alternate site configuration.

DIVISION

DIVISION on the MOTION called for by Councillors Poulos, Mickovski,

FOR THE MOTION

Councillors O'Brien, Bezic, Awada, Barlow, Saravinovski, Nagi, Mickovski, Ibrahim, Tsounis, Poulos,

AGAINST THE MOTION

Councillors Kalligas,

The MOTION was ADOPTED 10 votes to 1.

Officer Recommendation

1 That voting on this matter be by way of a Division.

2 That the report on the Rockdale Local Environmental Plan 2011 - 50A Francis Avenue, Brighton Le Sands amendment be received and noted.

3 That Council submit the Planning Proposal (Attachment 1), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, to the Department of Planning and Infrastructure for Gateway Determination.

4 That the Planning Proposal be publicly exhibited in accordance with the Department of Planning & Infrastructure's Gateway Determination.

Report Background

The purpose of this report is to provide an overview of a Planning Proposal lodged with Council by the Department of Education and Communities (DEC) to rezone land at and adjoining 50A Francis Avenue, Brighton Le Sands to enable the establishment of a school on the site. Specifically, the Planning Proposal is seeking to:

1. Rezone the subject site from RE2 Private Recreation to SP2 Infrastructure (School); and
2. Identify 50A Francis Avenue and the portion of 310 West Botany Street on the Land Acquisition Reservation Map.

At its meeting of 7 November 2012, Council deferred consideration of a report on the Planning Proposal for an Information Session. An information Session was held on 14 November 2012, with a presentation made by representatives from DEC.

The key topics discussed at the information session were:

- building configuration
- southern option
- community consultation
- community facilities

Building configuration

The proposal is confirmed to accommodate classrooms in single storey buildings in an east west configuration. This configuration will minimise visual impact of the school buildings on adjoining residential properties. There are also improved thermal comfort and environmental benefits to this layout through the absence of large areas of western facing walls and windows.

Southern option

The DEC investigated the use of adjoining land to the south of 50A Francis Avenue. This land was deemed inappropriate for the project as:

- the section of land was too narrow to accommodate an east west building layout
- the parking and access would have been provided in the middle of the site, rather than the edge, creating safety issues for students and access difficulties to adjoining sporting fields
- more residential properties would have shared a boundary with the school site when compared to the current concept

Community consultation

The DEC detailed that community consultation was not undertaken prior to lodging the planning proposal, as there is a legislative requirement for consultation in the Planning Proposal process. It was noted that there was early consultation by DEC on the Brighton Memorial Playing Fields concept. However, that concept did not require the rezoning of land and would have followed a different legislative process.

The DEC will consult the community through a meeting, to be held during the formal exhibition of the Planning Proposal.

Community facilities

The DEC provided an overview of how car parking and permanent access would be available to the playing fields at CA Redmond Field and Greg Arkin Field. This configuration significantly aids the Rockdale Rugby Club, playing at CA Redmond. In addition to the secure access, the proposed school will also contain a multi purpose hall and a swimming pool. Similar to many schools with additional facilities, these could be made available outside of school hours.

DEC site investigation history

In April 2009, the Department of Education and Communities (DEC) approached Council to discuss its needs for the relocation of the Cairnsfoot School at Loftus Street, Turrella. The Cairnsfoot School provides education to children with special needs, including physical and mental impairment. At that time, the DEC was seeking advice on whether Council was willing to work collaboratively with the DEC to investigate the Brighton Memorial Playing Fields (BMPF) for its new school. This was because the DEC had already undertaken their own evaluation of the BMPF as a best fit for meeting its development and grant funding criteria.

On 1 July 2009 Council considered a confidential report on the matter. Council subsequently resolved to progress discussions with the DEC on the use of the BMPF for the relocation of the Cairnsfoot School and to invite the DEC to brief Councillors in a confidential information session on 29 July 2009. The DEC outlined their proposal for the relocation of Cairnsfoot School to the BMPF and the Council indicated that before any decision was made on the use of the BMPF for this purpose, the DEC should consult the local community on its proposal.

During January and February 2011 (some 18 months later), the DEC consulted with the local community, user groups, stakeholders and Rockdale City Councillors to provide up-to-date information in regard to the DEC's proposal for the BMPF. At this time, the BMPF was still the DEC's preferred site for the school. Consultation was undertaken to gauge the community's response and to identify issues prior to the DEC submitting a formal proposal to Council.

In March 2011 the DEC published the outcomes of the community consultation which identified issues which included, but were not limited to, loss of public facilities, safety issues and traffic impacts. Some respondents recognised the need for a new Cairnsfoot School, but alternative locations should be further investigated.

In response to the outcomes of the community consultation, the DEC investigated alternative sites. One of the sites is 50A Francis Avenue, Brighton Le Sands; the site being a large, privately owned site formerly used as the Brighton Le Sands Bowling Club.

The DEC have undertaken a full evaluation of the alternative sites. This evaluation has confirmed that the site at 50A Francis Avenue is the preferred site. To realise this site, It is noted that the DEC are reliant on the acquisition of portions of two surrounding lots which are publicly owned lots; these being 91 Bestic Street, Brighton Le Sands and 310 West Botany Street, Rockdale.

As a consequence, the DEC have been in negotiations with the private owners of 50A Francis Avenue for some months to purchase the site. Despite this, the DEC have requested that the land be identified on the Land Reservation Acquisition Map in *Rockdale Local Environmental Plan 2011* (LEP 2011) so the property can still be acquired in the event that negotiations for the sale of the property is not completed by the time at which they are ready to lodge their Development Application.

Need for the Planning Proposal

The DEC has a need to address existing safety issues on the current school site relating to a 3 metre level change across the site. The topography creates issues for students with mobility impairment. The DEC would

also like to upgrade the accommodation so all classrooms are permanent. Permanent classrooms, as compared to demountables, are superior in terms of thermal comfort, internal fit-out and provision of bathroom facilities. The difficulty in adequately redeveloping the current school site is compounded by the presence of a heritage building in the middle of the site.

The topography of the subject site is suitable for the specific needs of the students of the school. The site is in reasonable proximity to the existing Cairnsfoot School, which will help to minimise disruption for existing students and their carers.

The new school on the subject site is able to accommodate the same number of staff and students as the existing school - 102 students with varying levels of disability. Each of the 17 classrooms would have a maximum of 6 students.

Overview of Planning Proposal

Council received a draft Planning Proposal from the DEC on 14 September 2012 for the land at 50A Francis Avenue, Brighton Le Sands. The purpose of the Planning Proposal is to enable the relocation of the Cairnsfoot School from Turrella.

Specifically, the Planning Proposal seeks to rezone the subject site from RE1 Public Recreation and RE2 Private Recreation to SP2 Infrastructure (School) and identify 50A Francis Avenue and the portion of Council land at 310 West Botany Street on the LEP 2011 - Land Acquisition Reservation Map.

The concept

All buildings on the site will be single storey construction. Vehicle access is likely to be provided in a one way driveway which provides considerable space for vehicle queuing within the site, helping to minimise local traffic and parking impacts traditionally associated with schools.

The Subject Site

The Planning Proposal affects 50A Francis Avenue, Brighton Le Sands and portions of State and Council owned land adjoining 50A Francis Avenue. The land at 50A Francis Avenue has previously been used as the Brighton Le Sands Bowling Club. This additional land is needed to ensure a suitable land area to accommodate the school campus.

An overview of the current zoning and ownership is detailed below:

Address	Current Zone	Owner
50A Francis Avenue, Brighton Le Sands	RE2 Private Recreation	Private
91 Bestic Street, Brighton Le Sands	RE1 Public Recreation	State Planning Authority
310 West Botany Street, Rockdale	RE1 Public Recreation	Council

The site is approximately 14,800 square metres. There are two access points to Francis Avenue, with the primary access having a 15 metre wide frontage opposite Henson Street.

The site is located on the 20 Annual Noise Exposure Forecast contour as identified in the Sydney Airport Master

Plan 2009.

The site is relatively flat, with an average height of 2 metres above Australian Height Datum. The spot heights range from 2.75 metres at the eastern boundary to 1.25 metres at the western boundary. Given the flat topography of the site and the proximity to the drainage canal, the land is affected by the 1 in 100 year flood level.

Local context

It is located within an open space corridor that runs along the Muddy Creek drainage canal and includes Whiteoak Reserve, Rockdale Women's Playing Fields, CA Redmond Field and Greg Arkin Field as shown in Attachment 2.

The site also adjoins a low density residential estate in Brighton Le Sands. The predominant use within this area is for detached dwellings, including in single and double storey houses. The site shares an eastern boundary with the rear of 10 residential properties.

The site is located approximately 600 metres from Brighton Le Sands commercial centre.

Vehicle access to the site is from Francis Avenue. Francis Avenue has direct connections to Bestic Street and Bay Street.

Public land to be acquired

The proposal includes the acquisition of public land, both State Government and Council land. The land is located within an open space corridor that runs along the Muddy Creek drainage canal. Public land that is proposed to be included in the proposal is detailed below.

Address	Name	Owner	Area to be acquired (approx.)	Current use
Part of 91 Bestic Street, Brighton Le Sands	Whiteoak Reserve	State Planning Authority	5,000 square metres	Passive recreation with light tree planting
Part of 310 West Botany Street, Rockdale	CA Redmond Field	Council	800 square metres	Grassed land adjacent to the rugby clubhouse

Compensation would be paid to Council for the loss of the Council owned open space. Compensation should be paid, or restitution should be made, for the open space that is owned by the State Planning Authority. These are matters that will be the subject of further discussions with DEC during the public exhibition of the Planning Proposal.

The DEC have been in negotiations with the owners of 50A Francis Avenue to purchase the site. However, the DEC have requested that the land be identified on the Land Reservation Acquisition Map so the property can still be acquired in the event that negotiations for the sale of the property cannot be completed. Progression of the Planning Proposal would enable the commencement of discussions between Council and DEC regarding their proposed acquisition of Council land.

Planning Proposal Outcomes

The planning proposal is more favourable to the previous BMPF proposal based on:

- the acquisition of approximately 9,000 square metres of private land and 5,800 square metres of public land. In comparison, the BMPF proposal resulted in the acquisition of 20,900 square metres of public land from Council.
- the acquisition of public land that is considered to be passive recreation. In comparison, the BMPF proposal was to acquire public land that is considered to be active recreation, which included a full size soccer field.
- reduced traffic and parking impacts compared to the BMPF proposal based on the roads surrounding the BMPF proposal also being shared by the Brighton Le Sands Public School patrons and visitors.
- reduced number of directly adjoining residential properties in comparison to the BMPF proposal.

Access issues

The Planning Proposal will also provide Council the opportunity to formalise permanent vehicle and pedestrian access and car parking via 50A Francis Avenue to support the use of CA Redmond Field and Greg Arkin Field by the Rockdale Rugby Club and other sporting and recreational users.

Temporary vehicle and pedestrian access to these fields is currently being achieved via 101 Bruce Street, which is owned by the Roads and Maritime Services. Traditionally, the Rugby Club has achieved access to the Fields through the car park of 50A Francis Avenue. A tacit agreement existed between the Bowling Club and the Rugby Club since 1965 that enabled unimpeded access by the Rugby Club's players and supporters to the Fields via the Bowling Club car park. In 2011, however, the owner of 50A Francis Ave had taken control over the site and subsequently prevented the Rugby Club from accessing the Fields through the Bowling Club car park.

Community Consultation

During January and February 2011, The DEC consulted with the local community, user groups, stakeholders and Rockdale City Councillors to provide up-to-date information in regard to the DEC's proposal for the BMPF.

If Council resolves to progress the Planning Proposal, the Community consultation for the 50A Francis Avenue proposal will occur through the Planning Proposal process in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and Gateway Determination. A public meeting will be held during the exhibition period to be run by DEC and Council staff.

Conclusion

The previous use of the site that included a *registered club* is not particularly compatible with the surrounding R2 Low Density and R3 Medium Density Residential zones. A registered club is currently a permissible use on the site and could be reopened without the need for additional Council approval, subject to compliance with any previous approvals. The proposal to zone the land for the purposes of a *school* is considered a more favourable planning outcome as the use is permissible within all residential zones in LEP 2011 and more compatible with those zones.

There is merit in pursuing the rezoning of 50A Francis Street, Brighton Le Sands to enable the use of the land for a *school*. The current RE1 and RE2 zones on the site prohibit the use of the land as a school. This Planning Proposal is the appropriate mechanism to enable this change. The proposed zone is considered to be the most appropriate zone for the land as it ensures the long term security of the site for school purposes. The Planning Proposal (refer to the Attachment 1) has been prepared in accordance with the *Environmental Planning and Assessment Act 1979*.

Community Engagement

Community engagement for the Planning Proposal for Rockdale LEP 2011 - 50A Francis Avenue, Brighton Le Sands will be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* and the Gateway Determination. The Gateway Determination will also establish the length of the exhibition period.

Community Strategy

The proposal is consistent with Council's Community Outcome "A Sustainable City" and Community Outcome objective:

- A city with a high quality natural and built environment that reflects the aspirations of the community, now and for future generations.

and is also consistent with the (or is a nominated) strategy in the Community Strategic Plan being:

- Land Planning and Management - Promote high quality, well designed and sustainable development that enhances the City.

Financial Implications

If the Planning Proposal is progressed, it will result in an acquisition request by the DEC. To date, only informal discussions have occurred with Council and the DEC in relation to the acquisition of Council land. Any disposal of Council owned land requires a specific resolution of Council in accordance with the Local Government Act 1993.

Documents, Links & Action Items

2 Attachment(s) (1418 Kbytes)

 [Attachment 1 - Planning Proposal - 50A Francis Avenue, Brighton Le Sands.pdf](#) 381 (Kbytes)  [Attachment 2 - Provision of open space.pdf](#) 1037 (Kbytes)
