

Housekeeping Amendment - Rockdale Local Environmental Plan 2011

Proposal Title : **Housekeeping Amendment - Rockdale Local Environmental Plan 2011**

Proposal Summary : **The planning proposal seeks to correct anomalies and inconsistencies identified in the Rockdale Local Environmental Plan 2011 (RLEP), including:**

- various anomalies and amendments to Schedule 5 Environmental heritage;
- the split zoning anomalies;
- 'registered club' and 'restaurant or café' as additional permitted uses for certain land zoned RE1 Public Recreation; and
- other minor discrepancies and inconsistencies.

PP Number : **PP_2016_ROCKD_001_00** Dop File No : **16/03403**

Proposal Details

Date Planning Proposal Received :	18-Feb-2016	LGA covered :	Rockdale
Region :	Metro(CBD)	RPA :	Rockdale City Council
State Electorate :	HEFFRON KOGARAH ROCKDALE	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street : **0**

Suburb : **0** City : **0** Postcode : **0**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Deewa Baral**

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RPA Contact Details

Contact Name : **John McNally**

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DoP Project Manager Contact Details

Contact Name : **Martin Cooper**

Contact Number : **0292286582**

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

The NSW Government Lobbyists Code of Conduct has been complied with : **No**

If No, comment : **The Department of Planning and Environment is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The planning proposal is supported as it:**
- corrects anomalies and inconsistencies within the RLEP;
- proposes additional permitted uses on RE1 zoned land to reduce the registered clubs' reliance on existing use rights; and
- amends the local heritage listing in accordance with Council's Heritage Inventory review 2010.

External Supporting Notes : **The planning proposal reflects Rockdale City Council's resolution of 3 February 2016 to endorse a request for housekeeping amendments to RLEP.**

Council has requested delegation of plan making function for this planning proposal. Council's request of delegation is supported.

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 correct anomalies and inconsistencies identified in the RLEP.**

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

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

Comment : **The planning proposal is seeking to make the following amendments to RLEP:**
- amend Schedule 5 Environmental heritage to correct various anomalies including the addition and de-listing of heritage items;
- amend the Heritage Map series to reflect the changes made in Schedule 5;
- amend land zoning, floor space ratio, height of buildings and lot size map to change the zoning and development controls applying to the eastern half of the 145-147 Russell

Avenue, Sans Souci;

- include 'registered club' and 'restaurant or cafe' as additional permitted uses under Schedule 1 for 50 Park Road, Sans Souci and 55 Sanoni Avenue, Sandringham;
- replace the word 'correctional facilities' in the land use table to 'correctional centre' for consistency across the RLEP;
- correct the zoning label from B1 to B4 in the Land Zoning Map (Sheet LZN_003).
- amend clause 5.1A Development on land intended to be acquired for public purposes to reflect consistency with Land Reservation Acquisition Map series; and
- amend clause 6.14 Design Excellence (and subsequently the Dictionary) with minor changes on the wording.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

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

Heritage Conservation:

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The proposed removal of 30 Hamilton Street, Bardwell Valley (Item no. 184) from Schedule 5 Environmental Heritage represents an inconsistency with the Direction as it is not supported by a heritage assessment.

It is recommended that the planning proposal is updated prior to exhibition to include a heritage assessment of the property and to demonstrate consistency with this Direction.

It is also recommended that the Office of Environment and Heritage be consulted, as part of the exhibition process.

The planning proposal is consistent with other relevant section 117 Directions and SEPPs.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

**The planning proposal includes relevant map extracts identifying the current provisions and the proposed amendments.
The maps are sufficient for community consultation.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal recommends community consultation for a minimum of 28 days. Given the minor nature of the amendment, community consultation for a minimum of 14 days is considered sufficient.

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 is required in order to correct anomalies and inconsistencies within the RLEP, which are outlined below:

Item 1: 83 Harrow Road, Bexley is incorrectly identified as 'Sierenza' under Schedule 5, and is proposed to be changed to 'Esperenza' which is the correct reference for this item.

Item 2: 30 Hamilton Street, Bardwell Valley is currently listed as a local heritage item. On 1 August 2012, Council considered a report on 'Managing Heritage - A New Approach' and resolved to extend the opportunity to de-list heritage properties providing the owners volunteered to have their properties listed in Schedule 5 Environmental heritage of RLEP and have maintained continuous ownership since that time.

Council proposes to remove 30 Hamilton Street, Bardwell Valley as a local heritage item in response to a request from the landowner. Council's decision has not been informed by a heritage assessment. It is recommended that prior to exhibition, the planning proposal is updated to incorporate the findings of a heritage assessment of the property.

Item 3: Minor amendments on the Heritage map (Sheet HER_004) is proposed for 38 Dunmore Street, North Bexley as it incorrectly captures the rear of 32 and 34 Caledonian Street.

Item 4: 26-26A, 28,40,35,37 and 53 Teralba Road, Brighton-Le-Sands form a heritage item and is listed under Schedule 5 of RLEP. The Heritage map (Sheet HER_004) is proposed to be amended as the land is not currently shown on the map.

Item 5: A correction to Schedule 5 of RLEP is required for one of the DP numbers relating to the heritage item (I166) on land at 3,9,11,23 and 33 Brighton Parade, Brighton-Le-Sands.

Item 6: 145-147 Russell Avenue, Sans Souci is currently zoned R3 Medium Density Residential on the western half and R4 High Density Residential on the eastern half, with different development standards applying to each zone. The site accommodates a recently constructed residential flat development reflecting the zoning and development standards applying to the eastern half of the site. Therefore, it is proposed to zone the whole site R4 High Density Residential with no minimum lot size, a 14.5m building height and floor space ratio of 1:1.

Item 7: 50 Park Road, Sans Souci, known as Pemberton Reserve is currently zoned RE1 Public Recreation and directly adjoins the Ramsgate RSL Club. The planning proposal is

seeking to include 'registered club' and 'restaurant or cafe' as additional permitted uses under Schedule 1 of RLEP, to facilitate the future expansion of the RSL Club, which currently relies on existing use rights.

Item 8: 55 Sanoni Avenue, Sandringham is currently occupied by Georges River 16 Foot Sailing Club and is zoned RE1 Public Recreation. The proposal is seeking to include 'registered club' and 'restaurant or cafe' as additional permitted uses under Schedule 1 of RLEP, to facilitate the future expansion of the Club, which currently relies on existing use rights.

Item 9: It is proposed to replace the term 'correctional facilities' with the term 'correctional centres', to ensure consistency across the RLEP.

Item 10: 31 Chapel Street, owned by Council, is mostly zoned RE1 Public Recreation with a strip zoned B4 Mixed Use (as part of a historic land reservation and acquisition for possible road widening). As the part zoned B4 is not mapped for acquisition (for road widening) and is a mapping anomaly, the entire site comprising Lots A,B and C DP 343495 is proposed to be zoned RE1 Public Recreation.

Item 11: 4 Mitchell Street, Arncliffe is proposed to be listed as a local heritage item in Schedule 5 of RLEP, as Council's Heritage Inventory review suggests the property warrants listing. The owner has also requested the listing of the property.

Item 12: It is proposed to correct the labelling error for 286A Forest Road and 159 Frederick Street, Bexley in the land zoning map (LZN 003) by replacing the label B1 with B4.

Item 13: 28 Hannam Street, Turella, listed as heritage item (I231) is proposed to be removed from the heritage listing, as Council's Heritage Inventory review 2010 has recommended to de-list the site from the heritage listing.

Item 14: It is proposed to amend clause 5.1A of the RLEP to accommodate terms such as 'car parks' and 'local road', which will clarify the clause being consistent with the terms used in the Land Reservation Acquisition map series.

Item 15: It is proposed to amend clause 6.14 Design excellence of the RLEP to include provisions to clarify that this clause also applies to proposals (proposed and existing development applications and approvals) seeking additional height or height bonus. The wording of the proposed new subclause and definition may need to be refined during the drafting of the instrument.

All the proposed amendments discussed above are supported (except for item 2) as:

- the majority correct anomalies and inconsistencies within the RLEP;
- item 7 and 8 propose additional permitted uses on land, which currently operate under existing use rights; and
- the proposed listing and de-listing of heritage items are in accordance with Council's Heritage Inventory Review 2010.

In relation to item 2, it is recommended that the planning proposal is updated prior to exhibition to include a heritage assessment to support the removal of 30 Hamilton Street, Bardwell Valley from Schedule 5 Environmental heritage and to the justify the inconsistency with section 117 Direction 2.3 Heritage Conservation.

Consistency with strategic planning framework :

It is considered that the planning proposal is generally consistent with the relevant strategic planning framework including A Plan for Growing Sydney.

It is not inconsistent with the Rockdale City Community Strategic Plan.

Environmental social economic impacts :

The proposal is not likely to impose any adverse environmental impacts.

No social or economic impacts are anticipated as a result of the planning proposal. The planning proposal will correct anomalies and inconsistencies in the RLEP and provide for clearer and more legible maps, making it easier for the community, developers and other

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stakeholders to use the LEP.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage**

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
Planning Proposal _17 Feb 2016.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
3.1 Residential Zones
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

Additional Information : **It is recommended that the planning proposal proceed subject to the following:**

1. Prior to exhibition, the planning proposal is to be updated to:

a) correct the typographical error on the description of Item 2 which incorrectly identifies 30 Hamilton Street, Bardwell Valley as 1148 instead of 184; and

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b) include a heritage assessment to support the removal of 30 Hamilton Street, Bardwell Valley from Schedule 5 Environmental heritage and to the justify the inconsistency with section 117 Direction 2.3 Heritage Conservation.

2. Prior to exhibition, the updated planning proposal is to be provided to the Department for review and approval.

3. The Rockdale Heritage Inventory Review 2010 is to be exhibited concurrently with the planning proposal.

4. The planning proposal is to be publicly exhibited for 14 days.

5. The planning proposal be completed within 6 months of the Gateway determination.

6. Consultation is required with Office of Environment and Heritage.

7. A public hearing is not required to be held onto the matter.

Supporting Reasons :

The planning proposal is supported as it will correct anomalies and inconsistencies in the RLEP and provide for clearer and more legible maps, making it easier for the community, developers and other stakeholders to use the LEP.

Signature:



Printed Name:

MARTIN COOPER

Date:

22/03/2016

