

Council Meeting

Meeting Date 06/03/2015

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General Report - Meeting Date: 06/03/2015

Public -

Item Number:	ORD08
Subject:	PLANNING PROPOSAL - 16-20 AND 22-28 PRINCESS STREET, BRIGHTON LE SANDS
File Number:	F14/162
Report by:	Acting Manager Urban & Environmental Strategy (David Dekel)
Community Engagement:	Yes
Financial Implications:	No

Precis

A planning proposal has been received affecting 16-20 and 22-28 Princess Street Brighton Le Sands. The site is located on the eastern corner intersection of Princess Street and Moate Avenue, Brighton Le Sands.

The planning proposal seeks to rezone the land from R4 High Density Residential to B4 Mixed Use zone, which is consistent with zoning to the south and west of the site. It is also seeking to increase the building height from the current 26.5 metres on 16-20 Princess Street and 14.5 metres on 22-28 Princess Street to a uniform 28 metres. An increase to the floor space ratio (FSR) is proposed from 2:1 on 16-20 Princess Street and 1:1 on 22-28 Princess Street to a uniform 3:1. The proposed increases are consistent with the height and FSR controls for the B4 zone in the immediate area.

The purpose of this report is to determine if the planning proposal has sufficient merit to be recommended to the Department of Planning and Environment for Gateway Determination.

A brief presentation on the subject will be made at the Council meeting by a Council officer.

Council Resolution

MOTION moved by Councillors Poulos and Mickovski

- 1 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination.
- 2 That Council publicly exhibits the planning proposal in accordance with the Department of Planning and Environment's Gateway Determination.

AMENDMENT moved by Councillors Barlow and Hanna

That Council consult with the applicant to explore the possibility of a Voluntary Planning Agreement.

DIVISION

DIVISION on the AMENDMENT called for by Councillors Barlow and Hanna

FOR THE AMENDMENT

Councillors O'Brien, Awada, Barlow, Ibrahim, Hanna and Tsounis

AGAINST THE AMENDMENT

Councillors Macdonald, Bezic, P Sedrak, L Sedrak, Saravinovski, Kalligas, Nagi, Mickovski and Poulos

The AMENDMENT was LOST 9 votes to 6.

DIVISION

DIVISION on the MOTION called for by Councillors Poulos and Mickovski

FOR THE MOTION

Councillors O'Brien, Macdonald, Bezic, P Sedrak, L Sedrak, Saravinovski, Kalligas, Nagi, Mickovski, Ibrahim, Tsounis and Poulos

AGAINST THE MOTION

Councillors Awada, Barlow and Hanna

The MOTION was ADOPTED 12 votes to 3.

Officer Recommendation

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

- 1 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination.
- 2 That Council publicly exhibits the planning proposal in accordance with the Department of Planning and Environment's Gateway Determination.

Report Background

Council has received a planning proposal for 16-20 and 22-28 Princess Street Brighton Le Sands ("the site") from Architecture and Building Works on behalf of Brighton Australia Pty Ltd.

Since June 2014, Council Officers have been working with the applicant to assist them in their application process resulting in a final planning proposal being formally lodged on 12 March 2015 (ref 1). As part of discussions with Council Officers, it was suggested to the proponents of the Planning Proposal (the owners of 16-20 Princess Street) that any changes to the controls should include the property (22-28 Princess Street). The rationale behind this advice and the subsequent Planning Proposal was to ensure a better overall outcome. The planning proposal is supported by an Urban Design Study (refer to Attachment 2) which details potential development scenarios based on development of the whole or part of the site. Traffic and parking assessments and contamination and ground-water risk assessments have been prepared in support of the Planning Proposal.

The proposal seeks to permit the erection of shop top housing (ie. mixed use development). To achieve this, the planning proposal seeks to change the:

- Land Use Zone map from R4 High Density Residential to B4 Mixed Use.
- Height of Building map from T1 (26.5 metres) and N1 (13 metres) to T3 (28 metres).

- Floor Space Ratio map from T1 (2:1) and N (1:1) to V1 - 3:1.

All three amendments are consistent with controls on land immediately to the east, south and west of the site.

SITE AND CONTEXT

The site is located on the eastern corner intersection of Princess Street and Moate Avenue, Brighton Le Sands and is bounded on the southern boundary by Saywell Lane. The land is regular in shape and divided into four lots, as detailed below:

- 16 Princess Street - Lot 5 DP 435253
- 18 Princess Street - Lot 4 DP 435253
- 20 Princess Street - Lot 3 DP 435253
- 22-28 Princess Street - Lots 1-15 SP 11172

The site has a total area of 2,136.33 square metres, with 16-20 Princess Street measuring 916.12 square metres. Figure 1 below shows an aerial photo of the site and nearby surrounds.

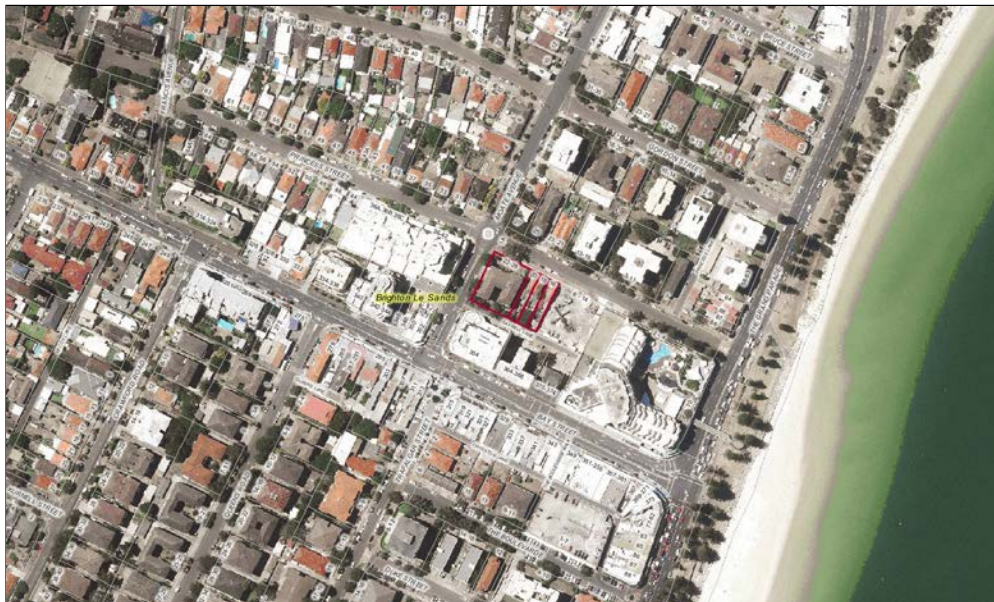


Figure 1 - Aerial photo of the Site

The land contains a detached dwelling, two attached dwellings and a five storey strata subdivided building comprising 15 units.

The surrounding context includes:

North: On the north side of Princess Street there are a number of residential flat buildings ranging in size from two to seven stories high, as well as attached dwellings. Heslehurst located on the northern corner of Moate Avenue and Princess Street, while Brighton Le Sands Branch Library sits behind the reserve on Moate Avenue.

East: On the eastern side of the site is a mixed use residential development that has recently been completed. The development comprises a ground floor retail/commercial component with residential development above. Further east is the Novotel Hotel, which is the dominant building in the Brighton Le Sands village centre.

South: Directly south of the site is Saywell Lane, which is currently used to access parking and loading areas for the residential and commercial buildings fronting Bay Street. Further south are mixed use residential and commercial retail developments.

West: To the west of the site is Coles Supermarket, above ground public car park and Oceanview apartment building.

Current Planning Controls

The current planning controls for the site as per Rockdale Local Environmental Plan 2011 ("RLEP 2011") are as follows:

- Zone: R4 High Density Residential



Figure 2 - Land Zoning Map extract from RLEP 2011

- Height of Building: 14.5 metres on 16-20 and 26.5 metres on 22-28 Princess Street

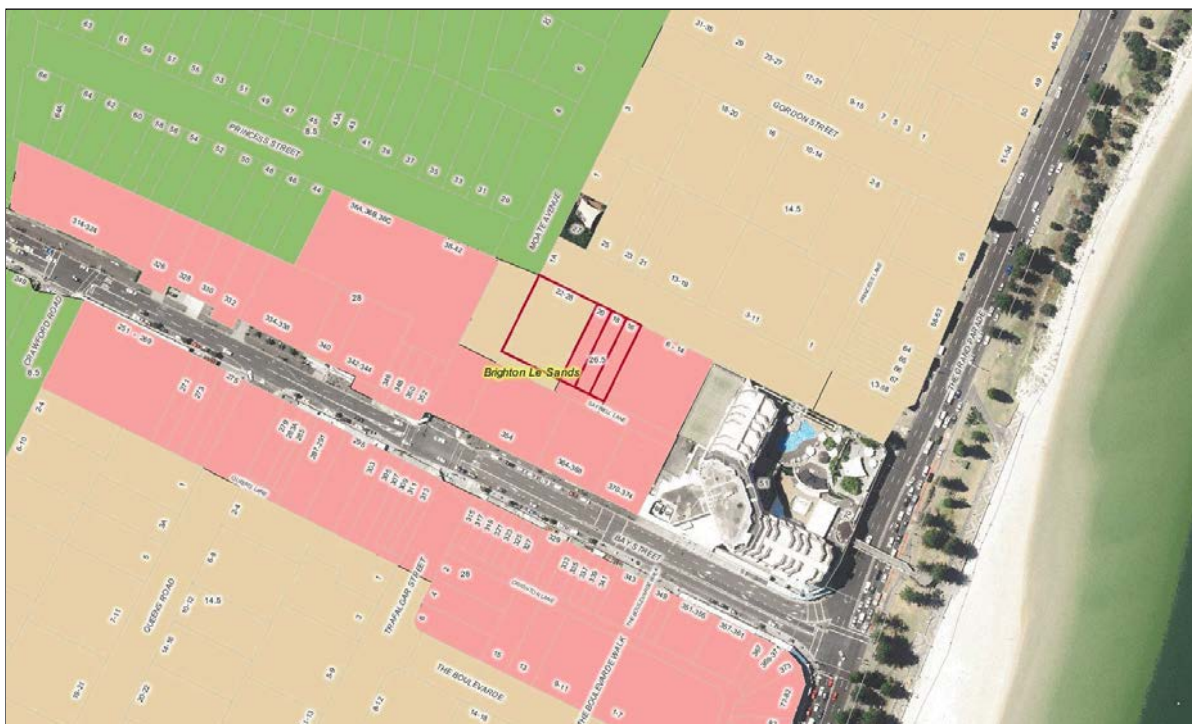


Figure 3 Height of Building Map extract from RLEP 2011

Floor Space Ratio: 2:1 on 22-28 and 1:1 on 16-20 Princess Street



Figure 4 - Floor Space Ratio Map extract from RLEP 2011

Strategic Planning Policy and Direction

Brighton Le Sands Village Centre Plan

In 2013, Rockdale Council commenced the master planning process for the Brighton Le Sands Village Centre by preparing the Brighton Le Sands Parking Strategy. Stage two of the master planning preparation of the Village Centre Plan (the Plan). A place based approach to land use planning and urban design is being taken to determine the future character of the area and the types of initiative required to achieve them. This includes, but is not limited to changes to planning controls.

The subject site has been identified as falling within the commercial/retail core of the Village Centre, which predominantly runs down Bay Street. While the Plan is not yet finalised, the changes that the Proposal are considered to be consistent with the zoning in the immediate area and will not impact on the delivery of outcomes through the master planning process.

THE PLANNING PROPOSAL

The planning proposal has been prepared generally in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and all relevant planning proposal guidelines published by the Department of Planning and Environment (DP&E). The planning proposal report was prepared by AE Design Partnership and supported by the following documentation:

- Urban Design Report prepared by AE Design Partnership dated March 2015 (discussed below).
- Traffic and Parking Assessment by Varga Traffic Planning Pty Ltd
- Preliminary Contamination and Groundwater Assessment by Compaction and Soil Testing Services Pty Ltd

The table below summarises the applicant's proposed amendments as stipulated within the planning proposal:

Current controls – RLEP 2011	Proposed changes sought by the applicant
Land Zoning Map: B6 Enterprise Corridor	B4 Mixed Use
Building Height Map: • 16-20 Princess Street - 1:1; & • 22-28 Princess Street - 1.5:1	28 metres across the whole site
Floor Space Ratio Map: • 16-20 Princess Street - 2:1; & • 22-28 Princess Street - 1:1	3:1 across the whole site

Table 1 - Proposed amendments

ASSESSMENT OF THE PLANNING PROPOSAL

Proposed Zoning:

The proposed B4 Mixed Use zone will allow shop top housing and other forms of mixed use development on the site. The proposed zoning also provides consistency in zoning and outcome along the length of Princess Street. The zoning will allow some activation at the ground level, particularly along the Moate Avenue frontage, improving pedestrian amenity.

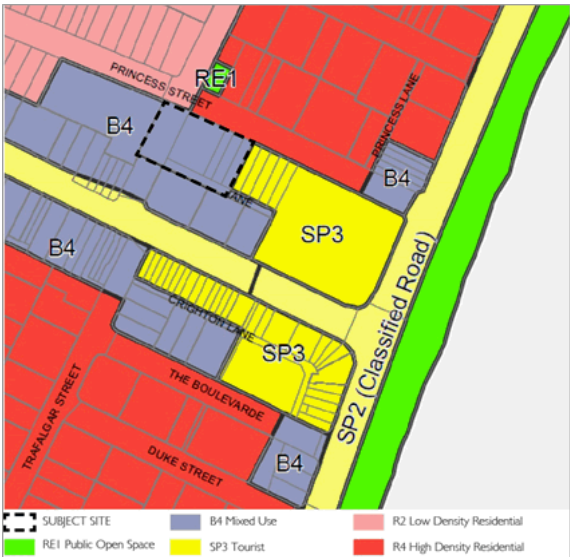


Figure 5 - Proposed Zoning Map Map (extract from applicant's planning proposal)

The proposed LEP amendments will ensure that the integrity of the centre is maintained by allowing mixed use development.

Conclusion: the proposed B4 Mixed Use zone is supported.

Building Height:

The Planning Proposal is seeking an increase in building height from 26.5 metres on 16-20 Princess Street and 14.5 metres on 22-28 Princess Street to 28 metres across the site.

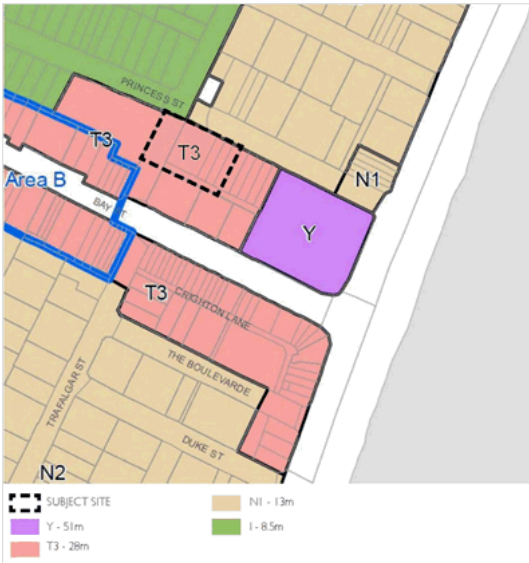


Figure 6 - Proposed Height Map (extract from applicant's planning proposal)

The proposed height change will bring the site in line with the height controls of properties immediately to the east, south and west of the site, providing a more consistent built form outcome with surrounding properties. The height is also considered to be a more appropriate outcome for a site that is within the Village Centre core.

Conclusion: a 28 metre building height is supported.

Floor Space Ratio:

The Planning Proposal is seeking an increase in FSR from 2:1 on 16-20 Princess Street and 1:1 on 22-28 Princess Street to 3:1 across the site.



Figure 7 - Proposed FSR Map (extract from applicant's planning proposal)

Conclusion: the proposed 3:1 over the southern portion of the site is supported.

The Urban Design Report submitted with the planning proposal was prepared by AE Design Partnership Pty Ltd (AE Design) and forms the urban design justification for the additional height and FSI zoning change. The urban design analysis looks at the surrounding built form context and how the proposed changes would deliver an improved and consistent outcome.

1. Amalgamation of 16-20 Princess Street with 22-28 Princess Street and redevelopment of both site as a single development (refer to Figure 8).
2. Development of 16-20 Princess Street allowing the future development of 22-28 Princess Street (refer to Figure 9).
3. Development of 16-20 Princess Street with 22-28 Princess Street remaining unchanged that show development can proceed either across the whole site or individually (refer to Figures 10).
- 4.

- Scenario 1: Single development

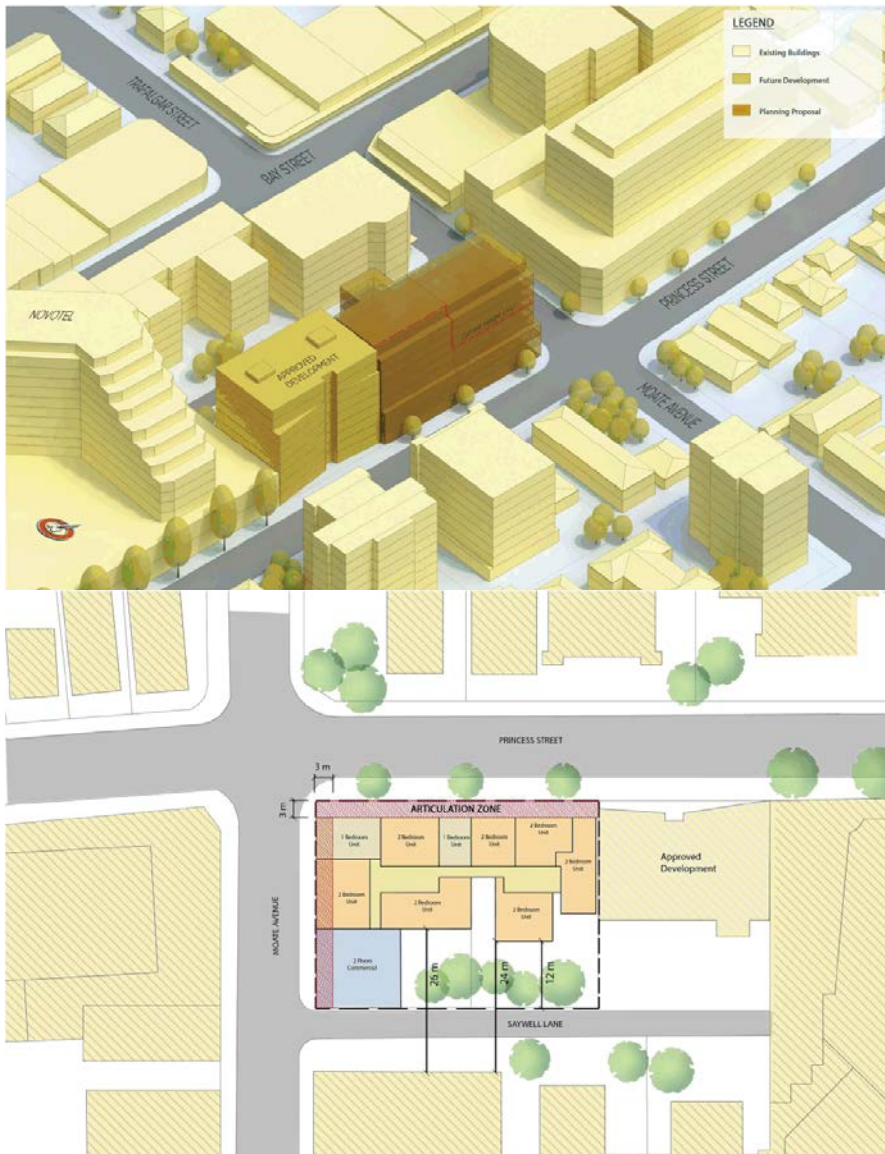


Figure 8 - Applicant's Site Layout Plan - Scenario 1

- Scenario 2: Individual development



- Scenario 3: Development of 16-20 Princess Street only





Figure 10 - Applicants Site Plan - Scenario 3

Each scenario has a typical plan and massing model, which address the building envelope set by the proposed height and FSR controls. The massing model and plans also show that appropriate air achieved on the site, regardless of the development scenario, State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65) and Residential Flat Design C been considered. In particular, the diagrams show that building separation between the site and the buildings to the south can be achieved.

As the development scenarios illustrate, development of the whole site or as separate properties is possible.

Figure 11 below shows the June shadow impacts. the shadow impacts are based on the development scenarios 1 and 2.



Figure 11 - Shadow Diagrams

There is a concern that the overshadowing from the development of 22-28 Princess Street may deliver an adverse impact on the ability to provide communal open space with three sunlight over the whole site. If development scenario 3 occurs, overshadowing would be less because of the lower scale of existing building. Further consideration of shadow impact required during the design of any building on the site (particularly if developed separately).

Conclusion: the Urban Design Report clearly identifies the ability to develop the site successfully in a number of ways with minimal impact to the surrounding area.

Traffic and Transport

The applicant has submitted a Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Ltd (see Attachment 3). The Report assesses the traffic and parking in development across the whole of the site. The analysis concludes that the development of the site in accordance with the built form envelopes proposed "will not have any unacceptable implications in terms of road capacity, and that no road improvements or intersection upgrades will be required as a consequence of the planning proposal" (Varga Traffic Planning 2014, Traffic and Parking Assessment, p12).

The Report was sent to Council's Transport Planner, who agreed that the impact of a development across the whole site would be minimal.

Conclusion: The impact of a development across the whole site on traffic volume would be minimal. Provision of on-site parking for residents would also minimise any impact on the volume of on-street parking.

Contamination

Separate Preliminary Contamination and Groundwater Assessments have been prepared for 16-20 and 22-28 Princess Street (see Attachments 4A and 4B). The Report bases its findings on readily available information and no invasive testing has been conducted. Additionally, the Reports have not been prepared in accordance with NSW OEH Guidelines for Consultant: Contaminated Sites 2011. Council's Environmental Health Officer assessed the reports and concluded that they do not satisfy the provisions of State Environmental Planning Policy No. 55 Remediation of Land (SEPP55).

To satisfy SEPP 55 requirements a Stage 1 Preliminary Site Investigation (PSI) report is required that is prepared in accordance with the NSW Office of Environment and Health Guidelines for Consultants Reporting on Contaminated Sites 2011. The report should also conclude that the site is suitable for the re-zoning proposal.

It should be noted that the site has been used for residential purposes for some time and the current zoning of the site is for residential purposes.

The use of the site for the manufacturing and engineering of metal products renders it potentially contaminated. The planning proposal did not contain an environmental site assessment addressing the issue of contamination.

Conclusion: In light of the site's historical use for residential purposes, it is considered appropriate to require a Stage 1 Preliminary Site Investigation (PSI) with the lodgement of a development application.

ADEQUACY OF THE PLANNING PROPOSAL AND SUPPORTING INFORMATION FOR EXHIBITION PURPOSES

The DP&E's guidelines says that Councils are responsible for the content of planning proposals. In this regard, the Planning Proposal is considered to be consistent with DP&E's guidelines. Supporting documentation is also considered to be satisfactory for the purposes of this Planning Proposal. While it is noted that the Contamination Reports submitted may not meet the guidelines, it is recognised that the site has been used for residential purpose for some time and was zoned for residential purposes. As noted above, a Stage 1 PSI should be submitted with subsequent development application.

CONCLUSION

The proposed changes to the Rockdale LEP 2011 will enable the redevelopment of the site in a manner that is consistent with development in the immediate vicinity. This will enable the site to achieve a more consistent built form outcome.

Financial Implications

There are no financial implications applicable to this report.

Community Engagement

If Council resolves to submit the planning proposal for Gateway Determination, the Department of Planning and Environment will assess the proposal and determine the conditions for public exhibition. Council will be required to follow the Gateway Determination.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.3 - Manage proposals for major development to ensure growth is appropriately scaled and located and delivers community benefits (MUES)

Additional Comments:



[Attachment 1 - Planning Proposal - Princess St.pdf](#)



[Attachment 2 - Urban Design Report - Princess St.pdf](#)



[Attachment 3 - Traffic & Parking Assessment - Princess St.pdf](#)



[Attachment 4A - Contamination - 16-20 Princess St.pdf](#)



[Attachment 4B - Contamination - Princess St.pdf](#)