



Council Meeting

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General Report - Meeting Date: 02/04/2015

Public -

Item Number: ORD18

Subject: PLANNING PROPOSAL - 108 PRINCES HIGHWAY, ARNCLIFFE

File Number: F14/291

Report by: Coordinator Urban Strategy (Jacky Wilkes)

Community Engagement: No

Financial Implications: Yes

Precis

A planning proposal has been received affecting a site at 108 Princes Highway, Arncliffe. The site is located on the south eastern corner intersection of Princes Highway with Kyle Street, Arncliffe.

The planning proposal seeks to rezone the land from B6 Enterprise Corridor to B4 Mixed Use zone, which is consistent with the Princes Highway Corridor Strategy that Council adopted in September 2013. It is also seeking to increase the building height 1m above the current height standard of 28m to 29m as well as increase the floor space ratio (FSR) of a small southern portion of the site from 1.5:1 to 2.5:1 to be consistent with the FSR for the remainder of the site.

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.

Council Resolution

SUSPENSION OF STANDING ORDERS

RESOLVED on the motion of Councillors Bezic and Awada

That standing orders be suspended in order for a staff presentation on the item.

NOTE:

A staff presentation was made.

RESUMPTION OF STANDING ORDERS

RESOLVED on the motion of Councillors Bezic and Tsounis

That Standing Orders be resumed.

MOTION moved by Councillors Tsounis and Mickovski

1 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination subject to certain minor changes being made, as discussed in this report.

2 That Council publicly exhibits the planning proposal in accordance with the Department of Planning and Environment's Gateway Determination.

DIVISION

DIVISION on the MOTION called for by Councillors Tsounis and Mickovski

FOR THE MOTION

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

AGAINST THE MOTION

Nil

The MOTION was ADOPTED 15 votes to 0.

Officer Recommendation

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

2 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination subject to certain minor changes being made, as discussed in this report.

3 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 108 Princes Highway, Arncliffe ("the site") from Momentum Project Group on behalf of Combined Projects (Arncliffe) Pty Ltd. The site is located on the south eastern corner intersection of Princes Highway and Kyle Street, Arncliffe. It is bounded on the east by Charles Street. Current and past land uses primarily include steel/metal fabrication and associated engineering works in a large warehouse building format.

Since March 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 14 October 2014 (refer to **Attachment 1**). The planning proposal is supported by an Urban Design Analysis (refer to **Attachment 2**) which justifies the proposal.

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

- Rezone the land from B6 Enterprise Corridor (which also has a Schedule 1 clause enabling **shop top housing**) to B4 Mixed Use zone;
- Increase the building height across the site from 28m to 29m; and
- Increase the floor space ratio (FSR) of the southern portion of the site from 1.5:1 to 2.5:1 to be consistent with the rest of the site.

All three amendments are consistent with Council's Princes Highway Corridor Strategy, which was adopted in September 2013. The site is also located within the Arncliffe Precinct of the Princes Highway Corridor Strategy and is part of the recently announced Arncliffe Priority Precinct by the Minister for Planning. One of the strategic aims of the Strategy is to expand the Arncliffe local centre predominantly for high density residential and mixed uses. The planning proposal is generally consistent with this intention.

SITE AND CONTEXT

The site is located on the south eastern corner of Princes Highway and Kyle Street, Arncliffe and is bounded on the eastern boundary by Charles Street. The land is irregular in shape and comprises one allotment, legally described as Lot 1 DP 1199713, with a total site area of 7,417 m². The land does not contain any trees or vegetation. Figure 1 below shows an aerial photo of the site and nearby surrounds.



Figure 1 - Aerial photo of the Site

The land contains an obsolete one and part two storey brick/galvanised iron industrial warehouse complex constructed in the mid 1930s. The southern part of the site comprises a large open storage area directly fronting Princes Highway. Current and past land uses include primarily steel/metal fabrication and associated engineering works. Tenants have included Austextiles, JMV Engineering, EFCO All Metal Works, Downtime Eliminators, Accent Fabrications and Van Haren & Co.

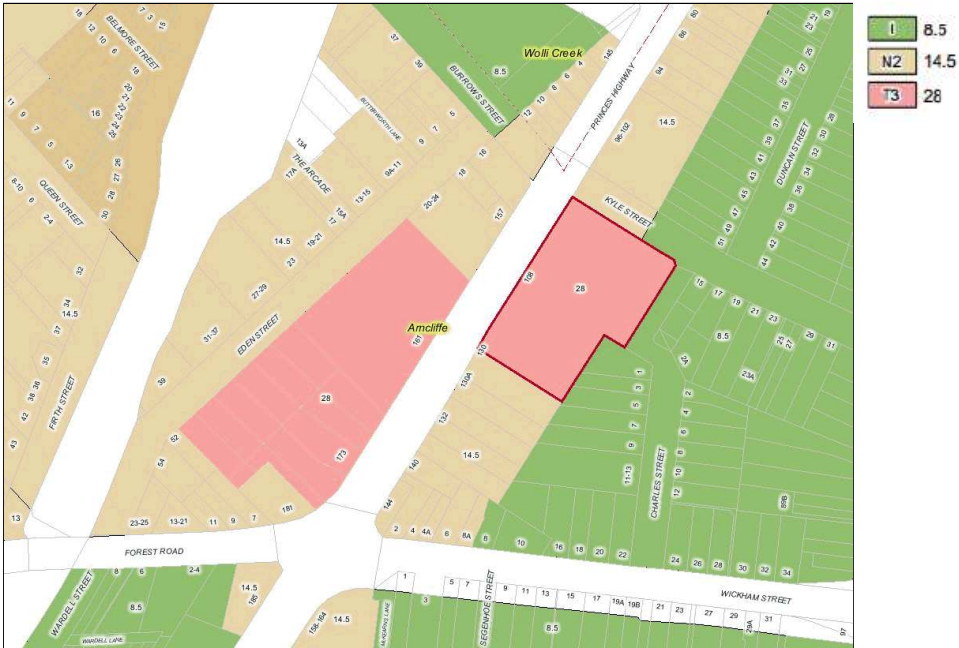
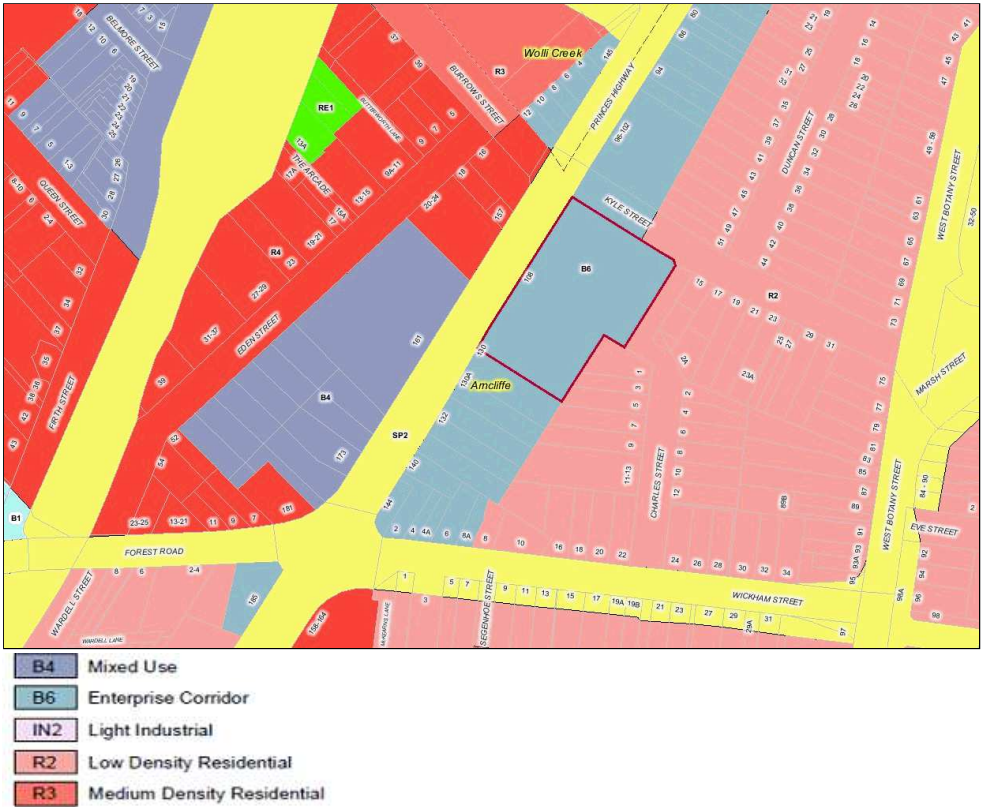
Land immediately to the south comprises No.130 Princes Highway which is a disused car sales yard and No. 132 Princes Highway currently occupied by the Motor Vehicle Assessment Centre. To the east where the topography drops down is a mix of older style single storey dwelling houses, while to the north on the opposite side of Kyle Street is a single storey industrial building and semi-detached dwelling house consistent with the current zoning.

On the opposite side of Princes Highway to the west, the land comprises the Masjid Darul Imaan mosque on the corner of Princes Highway and Burrows Street, and a mix of 3 storey residential flat buildings extending along the length of Princes Highway between Forest Road and Burrows Street. These are predominantly owned by the NSW Department of Family and Community Services.

Current Planning Controls

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

- **Zone:** B6 Enterprise Corridor zone (refer to Figure 2).
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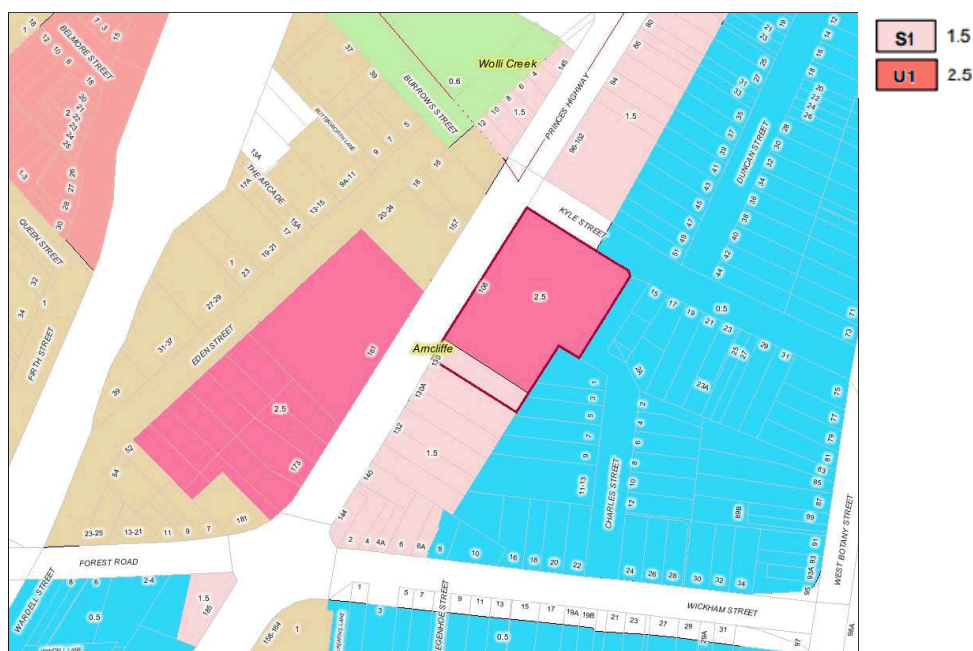


Figure 4 - Floor Space Ratio Map extract from RLEP 2011

- **Additional uses:** Clause 2 in Schedule 1 of RLEP 2011 permits **shop top housing** and **shops** uses as part of a mixed use development on the site. Rezoning the land from B6 Business Enterprise to B4 Mixed use would enable development for these purposes to be carried out with Council approval and therefore the clause becomes redundant and would be deleted from RLEP 2011.

Strategic Planning Policy and Direction

Princes Highway Corridor Strategy

The site is situated within the study area of the Princes Highway Corridor Strategy. Council adopted the Strategy on 4 September 2013. The vision for Arncliffe is to "expand Arncliffe local centre on the eastern side of the railway line and provide development uplift". Specifically, the vision is to:

- Grow Arncliffe as a residential precinct; and
- Revitalise the Highway Enterprise Corridor for employment uses.

Arncliffe Priority Precinct (DP&E)

In mid December 2014, as part of the release of the Department of Planning and Environment's revised metropolitan strategy, *A Plan for Growing Sydney*, the Minister for Planning announced the Banksia and Arncliffe Priority Precincts. The Arncliffe Priority Precinct is to be "a vibrant and well-planned town centre around Arncliffe station. The new centre will include more restaurants and cafes, open space and parks, and more local jobs." (DP&E website). The applicant's site is located within the Arncliffe Priority Precinct.

Section 6.3.1.1 of the planning proposal references the former metro plan - Metropolitan Plan for Sydney 2036 because the new plan had not been released at the time the planning proposal was lodged. It, therefore, makes no reference to the Arncliffe Priority Precinct.

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 *Ludvik & Associates Pty Ltd* and supported by an Urban Design Report prepared by *Annand Associates Urban Design Pty Ltd (AAUD)* dated October 2014 (discussed below).

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: 28 metres	29 metres
Floor Space Ratio Map: • 104- 126 Princes Highway - 2.5:1; & • 128 Princes Highway - 1.5:1	• No change proposed; & • 2.5:1
Active Street Frontages Map Nil	To apply to the site formally known as No. 104 Princes Highway
Clause 2 in Schedule 1 – Additional permitted uses Applies	To be deleted
Clause 4.4(2B)(a)	To be deleted

Applies	
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Table 1 - Proposed amendments

As Table 2 illustrates, the proposed amendments will require the deletion of:

- 1. Clause 4.4 (2B) (a) which currently restricts the proportion of residential accommodation on the site. However, the clause will no longer be required on account the proposed B4 Mixed Use zone which does not restrict any land uses permitted with that zone.
- 2. Item 2 in Schedule 1 - Additional permitted uses which enables *shops* and *shop top housing* to be permitted on the site. This clause will no longer be required because the proposed B4 Mixed Use zone enables these uses.

The above deletions proposed by the planning proposal will streamline the planning policy which applies to this site.

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. Whilst the *shop top housing* use is currently permissible by way of Schedule 1 - Additional Permitted Uses, the proposed zone will introduce a more streamlined policy framework for the site. The zone is also consistent with the adopted recommendations of the Strategy and the strategic vision.



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

While the strategic vision of the Strategy recommended a net increase of 1,070 additional dwellings around Arncliffe, a more realistic take up rate of 80% would generate a net increase of approximately 860 dwellings, which the proposed amendments would contribute to. In this regard, the proposed LEP amendments are consistent with the Strategy's long term goals of encouraging Arncliffe to expand its residential base.

Conclusion: the proposed B4 Mixed Use zone is supported.

Building Height:

The planning proposal proposes an increase in building height from 28 metres to 29 metres. The planning proposal's proposed map amendment applies a 'T4' notation over the site (refer to Figure 6). However, the T4 notation on Council's Height of Building Map equates to a height of 29.5 metres.



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

One of the key aspects of the Princes Highway Corridor Strategy is to revitalise the Princes Highway corridor to improve the quality and consistency of the built form to establish a consistent approach to building heights along the Princes Highway edge as well as provide a sense of place. While the applicant proposes a 29m height, in effect, the height increase must equate to a 29.5 metre height. Whilst the 29.5 metre height is 1.5 metres above the height recommended in the Strategy, it is consistent with its objectives and the DP&E's growth vision of the Arncliffe Priority Precinct.

Conclusion: a 29.5 metre building height is supported.

Floor Space Ratio:

The Princes Highway Corridor Strategy recommends a suite of FSRs for residential and mixed use areas around Arncliffe station ranging from as high as 4.5:1 (immediately adjacent to the rail station) to 2.5:1 for locations away from the station.

Since the lodgement of the planning proposal, the site has been consolidated from 15 parcels to a single site of one allotment. The current FSR control which applies to the majority of the site is 2.5:1 (refer to Figure 7). However, the FSR over the southern portion of the site - formally known as No. 128 Princes Highway (or Lot 1, DP 1116809), is 1.5:1. This is an anomaly dating back to the drafting of comprehensive RLEP 2011. The application of the proposed 2.5:1 FSR over this portion of the site will install a single FSR for the entire site.

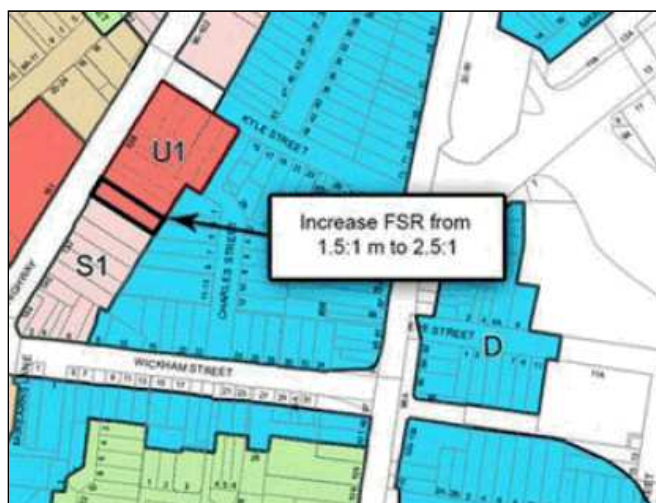


Figure 8 - Proposed FSR Map (extract from applicant's planning proposal)

Conclusion: the proposed 2.5:1 over the southern portion of the site is supported.

Active Street Frontage:

RLEP 2011 currently contains provision for certain sites to provide an active street frontage as part of future developments. The Strategy also proposes the establishment of an active street frontage on a portion of the frontage along the Princes Highway and for a distance of 18 metres along its Kyle Street frontage. The planning proposal adheres to this recommendation and seeks to amend the *Active Street Frontages Map* accordingly.



Figure 9 - Proposed Active Street Frontage Map (extract from applicant's planning proposal)

In terms of the entire suite of proposed amendments, the table below summarises the planning proposal's consistency with the Princes Highway Corridor Strategy.

Current controls – RLEP 2011	Proposed changes sought by the applicant	Consistent with the PHC Strategy
Land Zoning Map: B6 Enterprise Corridor	B4 Mixed Use	Yes
Building Height Map: 28 metres	29 metres	Yes
Floor Space Ratio Map: 104- 126 Princes Highway - 2.5:1; & 128 Princes Highway - 1.5:1	- No change proposed; & 2.5:1	- Yes - Yes
Active Street Frontages Map: Nil	To apply to the site formally known as No. 104 Princes Highway	Yes
Clause 2 in Schedule 1 – Additional permitted uses (Applies)	To be deleted	Yes

Clause 4.4(2B)(a)
(Applies)

To be deleted

Yes

Table 2 - Consistency with the PHC Strategy

Conclusion: the proposed Active Street Frontage notation is supported.

Urban Design Analysis

The Urban Design Report submitted with the planning proposal was prepared by *Annand Associates Urban Design Pty Ltd (AAUD)*. It forms the urban design justification for the additional height since the FSR sought merely corrects an anomaly. The Urban Design Analysis looks at the consistency of the proposal with the Princes Highway Corridor Strategy. To support the proposal, the Urban Design Analysis includes:

- A site layout plan detailing three (3) buildings yielding approximately 230 units (refer to Figure 9);
- A 3D model image (refer to Figure 10); and
- Three shadow diagrams in June between 9.00 am and 3.00 pm.

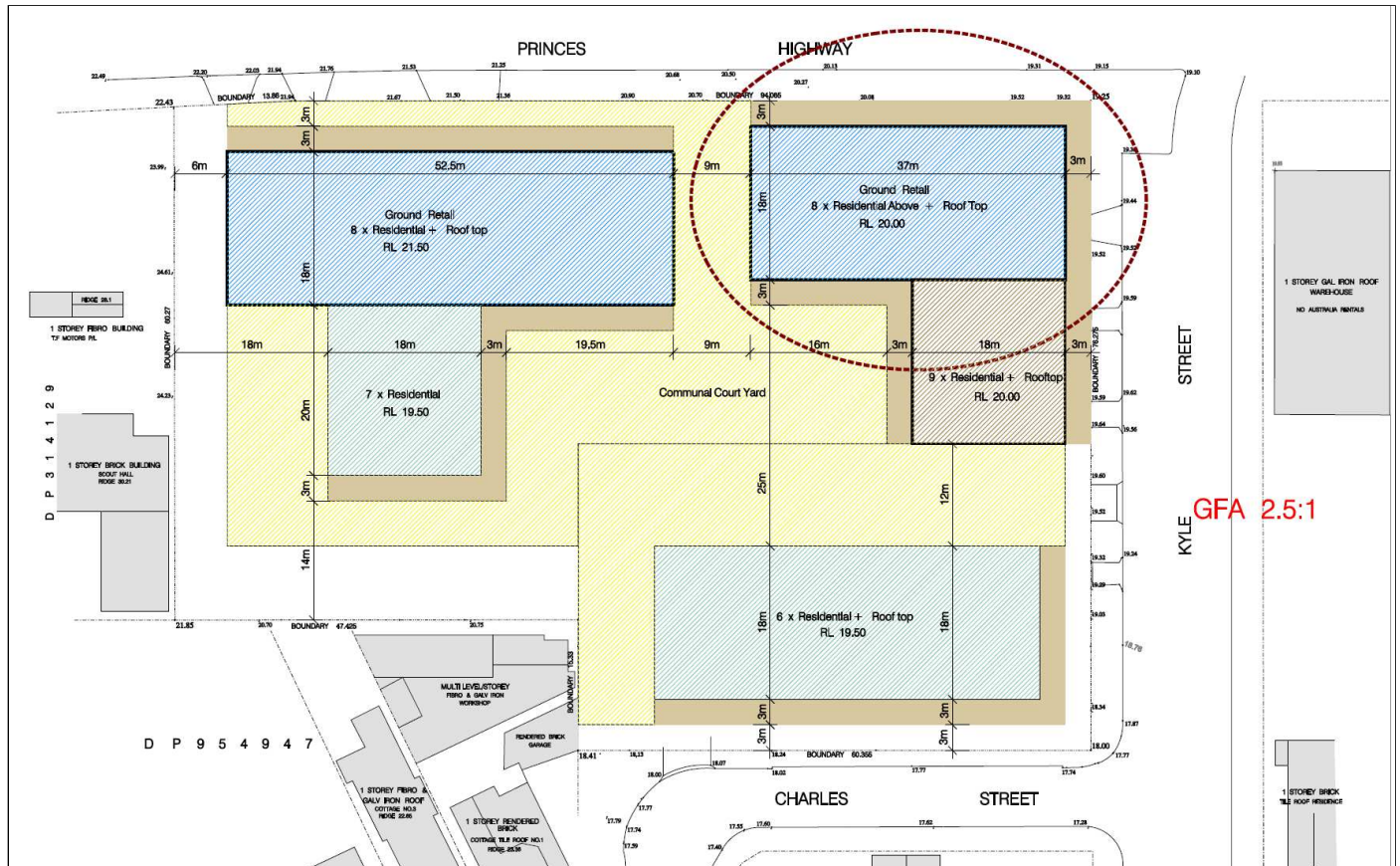


Figure 9 - Applicant's Site Layout Plan

As already stated, the site is located in the Arncliffe Precinct of the Princes Highway Corridor Strategy and the Department of Planning & Environment's (DP&E) Arncliffe Priority Precinct, which both see growth and expansion to facilitate new high density mixed use/residential uses. The planning proposal is largely consistent with this vision and the Urban Design Analysis bases much of its analysis on this.

The Strategy recommends a number of built form strategies for the site as detailed below:

- Building heights up to 8 storeys and stepping down to interface with residential areas to the east;
- Predominantly residential character with active/semi active frontages to Kyle Street and at the corner of Princes Highway;
- Emphasise street corners with prominent built form;
- 6m setbacks to Princes Highway (away from the corners);
- 0-3m setbacks to Kyle Street; and
- Minimise vehicular access to Princes Highway and Wickham Street.

The applicant's proposed concept diagram indicates 9 storeys to the Highway (western side) and 6 storeys to Charles Street (eastern side). The overshadowing impact of this is evidenced by one of the applicant's overshadowing diagram which illustrates the June 3 pm overshadowing effect (refer to Figure 10, below).

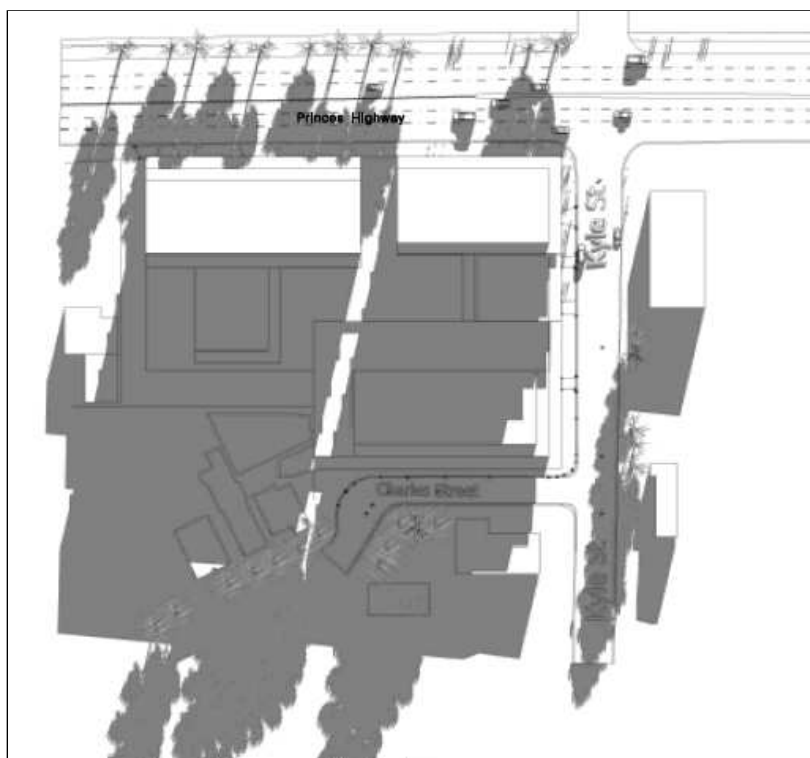


Figure 10 - Indicative Built Form (Extract from Princes Highway Corridor Strategy - August 2013)

Figure 11 below provides a 3D model drawing of the applicant's proposal. It shows substantial height at the eastern side of the site.



Figure 11 - Applicant's 3D Model Image

To address this, the Princes Highway Corridor Strategy encourages a stepping down to interface with residential areas to the east as per the Indicative building form illustrated for the site (refer to Figure 12). However, the stepping down shown in the applicant's current design concept does not appear to consider the contextual elements of the buildings on the eastern side of Charles Street, as evidenced by the overshadowing diagram (Figure 10, above). Further analysis is needed to ensure that overshadowing impacts to the east are mitigated. While this matter is not a major concern in the overall consideration of the planning proposal at this early stage, it is an issue that will need to be carefully addressed when the Pre-DA is reviewed by Council's Design Review Panel so as to mitigate any serious overshadowing of houses to the east of Charles Street which are zoned R2 Low Density.

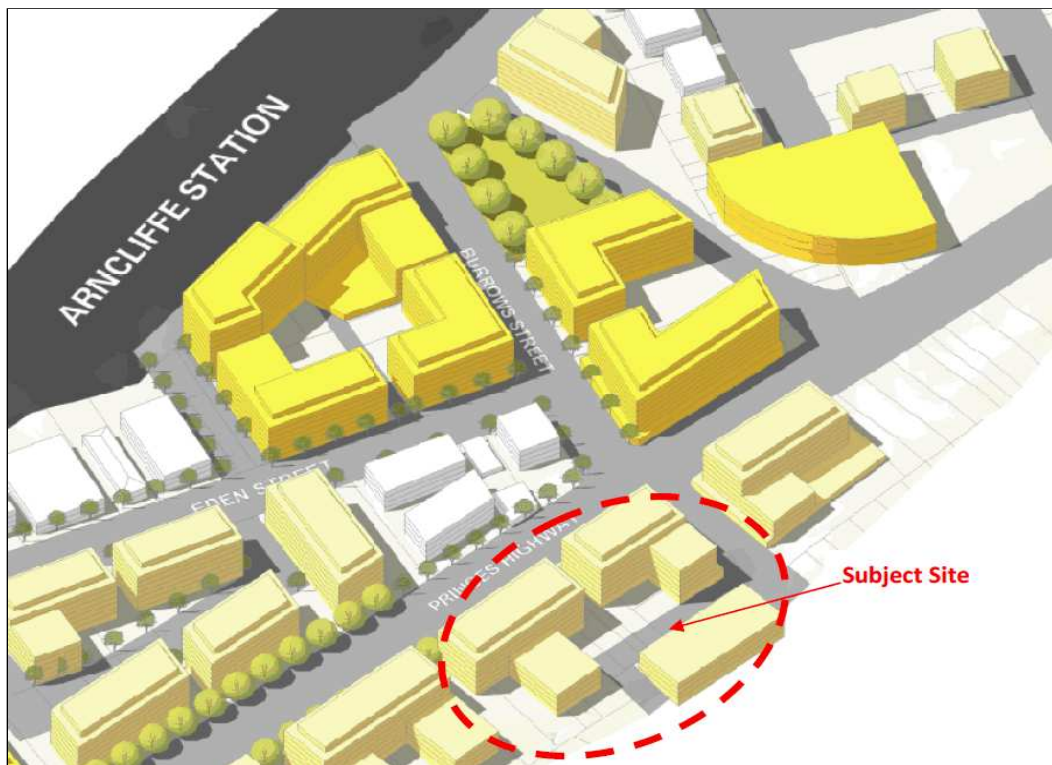


Figure 12 - Indicative Built Form (Extract from Princes Highway Corridor Strategy - August 2013)

Furthermore, the Princes Highway Corridor Strategy recommends a maximum of a 6 metre setback from Princes Highway. Figure 13 below illustrates the PHC Strategy's recommended setbacks that affect the site. The dark purple equates to a 0-3 metre setback and the light purple indicates 6 metre setback although a minimum 3 meter setback would be consistent with existing and urban design tested analysis conducted for the Rockdale Town Centre planning proposal.



Figure 13 - Extract from PHC Strategy showing recommended setbacks

The proponent's application shows a significant portion of the Princes Highway frontage having a zero metre setback (refer to Figure 9, above). The delivery of a 3 metre setback for the bulk of the site is important to achieve a successful urban design outcome.

Design Review Panel Review and Pre-DA and DA Process

The applicant is shortly to seek a review of the proposal by the Design Review Panel as part of a Pre-DA process. The DRP feedback will be considered as part of the review of the progression of the planning proposal process.

Conclusion: the detail of the design can be progressed when the planning proposal or pre-DA are submitted to the Design Review Panel for consideration and be further interrogated during the Pre-DA and DA assessment processes and be considered as part of the planning proposal process.

Traffic and Transport

The applicant has not submitted any supporting traffic and parking analysis submitted with the planning proposal. It is considered reasonable that this be completed prior to the proposal being publicly exhibited on the grounds that preliminary investigative work was undertaken in preparing the Strategy. It is also noted that the planning proposal is consistent with the Strategy's key recommendations in term of zoning, building height and FSR, upon which traffic matters would be based.

Conclusion: Request a Traffic Report from the proponent to be prepared to Council's standards prior to the exhibition of the planning proposal. This would sit as an appendix to the planning proposal.

Contamination

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: Request a Stage 1 Contamination Report be prepared prior to the exhibition of the proposal. This would sit as an appendix to the planning proposal.

Economic Impact

The Princes Highway Corridor Strategy included a Economic and Real Estate Analysis prepared by Jones Lang La Salle. The report included identification of the current land uses within the corridor and a SWOT analysis of a range of land use scenarios and feasibility testing. The analysis also identified feasible development opportunities for the Corridor and concluded that it was well located to receive future residential development with limited ground floor retailing.

The Strategy recommends the adoption of a more flexible and balanced planning framework that is capable of responding to the changing structure of employment uses and the demand for new residential and mixed use areas. The planning proposal is consistent with principles of accommodating for an anticipated demand in residential and mixed uses within the Princes Highway Corridor. The B4 Mixed Use zone also provides a mix of compatible land uses such as business, office, residential and retail, all of which have the capacity to maximise public transport patronage commensurate with the future redevelopment of the Arncliffe town centre.

Conclusion: there is sufficient economic analysis supporting the proposal.

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, there are a number of minor amendments required to be made to the planning proposal before its exhibition to ensure it is user friendly and properly understood by the community:

- The planning proposal was prepared prior to the site's consolidation to a single address which is now formally known as 108 Princes Highway. The planning proposal currently refers to the former addresses and parcel descriptions. These references need to be updated prior to the exhibition of the planning proposal.
- Since the preparation of the planning proposal, the DP&E have announced the Arncliffe Priority Precinct as part of the *A Plan for Growing Sydney*. It would benefit the planning proposal to: (1) include a small section on the DP&E's Priority Precinct initiative, and (2) replace the discussion of the former Metro Plan to the recently released *A Plan for Growing Sydney* - in Section 6.3.1.1.
- Page 7 of the planning proposal incorrectly refers to two bus stops in the immediate vicinity of the site on Princes Highway. Council Officers consulted State Transit's '[Inner Western and South-western Suburbs' Region Map and](#) confirm that there are no bus stops nor any bus service that services the site on Princes Highway. Therefore, the sentence needs to be deleted.
- Section 6.3.2 incorrectly references Council's Princes Highway Corridor Strategy rather than Council's City Plan 2013-2025. This needs to be amended accordingly.

Furthermore, Section 9.0 Project Timeline will need to be amended once the Gateway Determination has been issued and before the planning proposal is exhibited.

CONCLUSION

The planning proposal proposes to:

1. Amend the Land Zoning Map by replacing the B6 Business Enterprise Corridor zone with the B4 Mixed Use Zone;
2. Amend the Height of Building Map by replacing the current 28 metre height with the 29.5 metre height.
3. Amend the Floor Space Map by replacing the 1.5:1 FSR on the site formally known as 128 Princes Highway with the 2.5:1 FSR so the site comprises a single FSR control.
4. Delete Clause 4.4 (2B) (a); and
5. Delete Item 2 in Schedule 1 - Additional permitted uses.

The planning proposal is consistent with the strategic vision and recommendations of the Princes Highway Corridor Strategy to grow Arncliffe as a residential precinct and revitalise the Highway Enterprise Corridor for employment uses. It is also consistent with the growth vision for the DP&E's Arncliffe Priority Precinct as identified within the *A Plan for Growing Sydney*. Therefore, it is recommended that the planning proposal be submitted to the DP&E for a Gateway determination.

However, before the planning proposal is publicly exhibited, it is recommended that the proponent:

1. Undertake the amendments needed for the purposes of exhibition of the planning proposal (as noted above);
2. Prepare a Traffic Report that examines the potential traffic impacts on local and surrounding roads; and
3. Prepare a Stage 1 Contamination Report based on the site's previous uses.

Financial Implications

The Urban and Environmental Strategy Unit does not have the resources to assess and process this planning proposal process. The applicant has agreed to pay for the services of a part time qualified consultant Strategic Planner to assess this application.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

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 communitiy benefits (MUES)

Additional Comments:



[Attachment 1 - Planning Proposal.PDF](#)



[Attachment 2 - Urban Des Report.PDF](#)