

To rezone 62-82 Harrow Road, Bexley

Proposal Title : To rezone 62-82 Harrow Road, Bexley

Proposal Summary : The planning proposal seeks to amend the Rockdale Local Environmental Plan 2011 (Rockdale LEP) applying to land at 62-82 Harrow Road, Bexley by:

- a) rezoning the subject site from RE2 Private Recreation to R2 Low Density Residential;
- b) assigning a maximum floor space ratio (FSR) of 0.6:1 with an incentive clause permitting up to 1.25:1 FSR for seniors' housing development;
- c) assigning a maximum building height of 8.5 m with an incentive clause permitting up to 14.5 m for seniors' housing development; and
- d) deleting the site's heritage listing from Schedule 5 Environmental Heritage.

PP Number : PP_2015_ROCKD_003_00

Dop File No :

15/01505

Proposal Details

Date Planning
Proposal Received : 14-May-2015

LGA covered :

Rockdale

Region : Metro(CBD)

RPA :

Rockdale City Council

State Electorate : ROCKDALE

Section of the Act :

55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 62-82 Harrow Road

Suburb : Bexley

City : Sydney

Postcode : 2207

Land Parcel : Lot 174 DP 715467

DoP Planning Officer Contact Details

Contact Name : Deewa Baral

Contact Number : 0285754127

Contact Email : deewa.baral@planning.nsw.gov.au

RPA Contact Details

Contact Name : Josh Ford

Contact Number : 0295621634

Contact Email : jford@rockdale.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Diane Sarkies

Contact Number : 0285754111

Contact Email : diane.sarkies@planning.nsw.gov.au

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 : **Yes**

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

On 13 May 2015, Rockdale Council submitted a planning proposal to the Department seeking to amend provisions in the Rockdale LEP applying to land at 62-82 Harrow Road, Bexley.

The subject site is the location of the former St George Bowling Club which ceased to operate in 2006. The clubhouse is listed as a local heritage item, however, was destroyed by fire in October 2013 and was subsequently demolished in November 2013. The site has an area of 8,305 sq m and is located approximately 700 m away from Rockdale town centre and train Station and 500m from Bexley village. It is located between ANEF 25 and 30 where residential development is generally not acceptable. However, the area is surrounded predominantly by existing low density residential developments and some medium density developments of up to 3 storeys.

SENIORS' HOUSING SEPP

The general planning controls permissible under the seniors' housing SEPP include a maximum of 8 m height or 2 storey buildings and an FSR of 1:1. The SEPP requires various provisions for location and access to facilities including a minimum of 400 m distance from public transport and other services.

A site compatibility certificate (SCC) for seniors housing was sought by the proponent in July 2012. However, the application was not accepted as it did not comply with the SEPP requirements.

DELEGATION

Council has requested delegation of plan making function for this planning proposal.

External Supporting Notes :

Council supports the planning proposal, and recommends it should be updated prior to exhibition to include an Aircraft Noise strategy and updated comments regarding contamination issues affecting the land.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The planning proposal seeks to rezone the site and introduce new building height and FSR controls which will allow a seniors' housing development (residential care facility) comprising approximately 235 beds on the site.

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

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

Comment : The planning proposal seeks to make the following amendments to Rockdale LEP applying to land at 62-82 Harrow Road, Bexley:

- a) amend the Land Zoning Map by rezoning the site from RE2 Private Recreation to R2 Low Density Residential;
- b) amend the Floor Space Ratio Map by assigning a maximum of 0.6:1 FSR;
- c) amend clause 4.4 Floor space ratio by introducing an incentive clause allowing a maximum of 1.25:1 FSR for seniors' housing development;
- d) amend the Height of Buildings Map by assigning 8.5 m as a maximum building height control;
- e) amend clause 4.3 Height of buildings by introducing an incentive clause allowing a maximum of 14.5 m building height for seniors' housing development;
- f) amend the Heritage Map by deleting the reference of the site as a heritage item; and
- g) amend Schedule 5 Environmental Heritage to delete the site reference (item I146).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Affordable Rental Housing) 2009

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

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

If No, explain :

2.3 Heritage Conservation:

This Direction applies as the subject site is listed as having local heritage significance

under the Rockdale LEP and the planning proposal seeks to remove the heritage listing of the site. The clubhouse, a major heritage component, was severely damaged by fire and the remaining parts of the building did not have sufficient heritage significance to justify conservation and was subsequently demolished. Heritage advice from NBRSPARTNERS suggests that without the clubhouse, the bowling greens do not have sufficient heritage value to sustain the heritage listing of the site.

The inconsistency with this Direction is therefore considered minor and is justifiable. Notwithstanding, it is recommended that the Office of Environment and Heritage be consulted, as part of the exhibition process.

3.5 Development Near Licensed Aerodromes:

The Direction implies that a planning proposal must not rezone land for residential purposes, nor increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) exceeds 25. Further, a planning proposal that rezones land for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25 must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

Any inconsistencies with the terms of this Direction can be justified either by a Strategy approved by the Secretary of the Department of Planning or a study prepared in support of the planning proposal, which gives consideration to the objective of this Direction.

The site subject to the planning proposal exceeds the ANEF 25 zone and therefore is inconsistent with this Direction, as the proposed development is for seniors' residential purposes.

Under Australian Standard 2021, Building Site Acceptability based on ANEF zones (Table 2.1) indicates that residential development is unacceptable in areas above ANEF 25. However, where the relevant planning authority determines that any development may be necessary, such developments should achieve the required Aircraft Noise Reduction (ANR) as per AS 2021.

The planning proposal is accompanied by a Noise Impact Assessment report, which suggests that with suitable acoustic treatments all internal noise levels within the development will comply with the relevant AS 2021 requirements. However, the effect of aircraft noise on outdoor areas such as external balconies or gardens are not considered in the report.

Council recommends that an Aircraft Noise Strategy is necessary for supporting the planning proposal as the submitted report does not sufficiently address the objectives of the Direction and the effect of aircraft noise on outdoor areas. The Department considers that the planning proposal is subject to the rezoning of a single site and as such a study giving consideration to the objectives of the Direction is sufficient to justify the above inconsistency.

The Department considers that, given the surrounding area is predominantly zoned for residential uses, the rezoning of the site to R2 Low Density Residential can be supported. It is acknowledged that the R2 zoning is the most appropriate rezoning, and that no other zone could be feasibly used in this area. The base controls represent urban infill development and the inconsistency with the Direction may be considered minor. However, the proposed density and height incentives for seniors' housing development requires further justification against the Direction, as it represents further residential intensification and exposes more people to aircraft noise.

It is therefore recommended that the Noise Impact Assessment report be updated, prior to exhibition, to further address all the stated objectives of the Direction and the impact of noise on outdoor areas, together with appropriate mitigation strategies. To ensure the Obstacle Limitation Surface is appropriately considered, consultation with Sydney Airport Corporation Limited and the Commonwealth Department of Infrastructure and

Regional Development is required, prior to exhibition.

The planning proposal should be returned to the Department for finalisation, as the inconsistency has not been approved by the Secretary.

4.1 Acid Sulfate Soils:

The Direction requires that a relevant planning authority must consider an acid sulfate soils study assessing the appropriateness of the change of land use, if an intensification of land uses on land identified as having a probability of containing acid sulfate soils is proposed.

Rockdale's Acid sulfate soils Map identifies the site as having Class 5 (least severe category) to be affected by acid sulfate soils. Clause 6.1 of Rockdale LEP identifies that an acid sulfate soils management plan is required at development application stage before carrying out any development on such land. The inconsistency with this Direction is considered to be minor.

4.3 Flood Prone Land:

This Direction does not allow rezoning of land within the flood planning areas from Recreation zones to Residential zones. The planning proposal is inconsistent with this Direction as the site is identified under Rockdale LEP's Flood Planning Map and is subject to 1 in 100 year Annual Recurrence Interval (ARI) flow.

The planning proposal is supported by a flood study demonstrating how the development could be pursued managing the flood risk in the vicinity of the site. In addition, any future development on the site will be required to satisfy various conditions in the Rockdale LEP under Clause 6.6 Flood planning including compatibility with flood hazard of the land. The inconsistency is therefore considered minor and justifiable.

SEPP 55 Remediation of Land:

Clause 6 of the policy requires a planning authority to consider contamination and remediation in rezoning proposals. The planning proposal is informed by a detailed Environmental Site Assessment report (August 2013) which concluded that: 'within the context of the proposed use of the site for a residential aged care facility, the risks to human health and the environment associated with soil contamination are low and is considered suitable for development with a single level basement and open spaces. Any soils requiring removal from the site, as part of future site works, should be classified in accordance with the Waste Classification Guidelines, Part 1: Classifying Waste, NSW DECC (2009).'

Council recommended that the report should be updated in light of the fire damage and asbestos contamination that occurred in October 2013. The Department supports Council's position and recommends that the assessment report is updated prior to exhibition.

The planning proposal is consistent with all other identified SEPPs and s117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes the proposed Land Zoning Map, Height of Buildings Map, Floor Space Ratio Map and Heritage Map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed an exhibition period of 28 days and approximately 6 months time frame for making the LEP. These arrangements are considered satisfactory.

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 LEP 2011 was notified on 5 December 2011.

Assessment Criteria

Need for planning
proposal :

NEED FOR PLANNING PROPOSAL

The planning proposal seeks to rezone a redundant bowling club site to R2 Low Density Residential and introduce planning controls and incentive clauses to allow development of seniors' housing (residential care facility) addressing the need to accommodate an ageing population.

The planning proposal is not the result of any strategic study. The planning proposal is the only mechanism that would allow for the consideration of rezoning and planning controls outside those currently prescribed under the Rockdale LEP.

DEPARTMENT'S CONSIDERATION

1. The proposed rezoning of the site from RE2 Private Recreation to R2 Low Density Residential along with 0.6:1 FSR and 8.5 m building height as planning controls is supported as:

- since 2006, the site has not been used for private recreation purposes and has not made any contributions to the private recreation needs of the Rockdale community; and
- without an appropriate land use zone, the site may continue to stay vacant.

2. The proposed incentive clause allowing a total of 1.25:1 FSR for seniors' housing development is supported as:

- the proposed FSR would accommodate a sufficient number of beds that maximises the operational cost efficiency of the facility, thereby minimising cost to future residents.

3. The proposed building height incentive clause allowing 14.5 m height across the whole site for seniors housing development is not fully supported as it does not give regard to existing low density residential development surrounding the site.

The site is predominantly surrounded by low density residential development of 8.5 m height limit under the Rockdale LEP. Medium density developments are grouped towards the southwest of the site across Harrow Road which has 14.5 m height limit under the Rockdale LEP.

Considering the context and the nature of development in the vicinity of the site, a maximum 14.5 m building height, as an incentive for seniors' housing, is supported only for one third of the site (the south west section) for buildings fronting Harrow Road.

For the remaining two third section of the site, for buildings fronting Bowlers Avenue and Goyen Avenue, a height incentive of up to 9.5 m is considered appropriate, as

demonstrated in a site analysis report accompanying the planning proposal.

It is recommended that the planning proposal be updated prior to exhibition to reflect the transitioning height incentives from 14.5 m fronting Harrow Road (one third of the site) to a maximum 9.5 m for the remainder of the site.

Notwithstanding the above, all design quality principles would be assessed at the development application stage to ensure a suitable built form for the site.

4. The proposed de-listing of the site from Schedule 5 Environmental Heritage is supported as:

- the clubhouse, a major heritage component within the site has been demolished; and
- without the clubhouse, the bowling greens do not have sufficient heritage value to sustain a heritage listing of the site.

Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

The following directions under A Plan For Growing Sydney are considered relevant:

- Direction 2.1: Accelerate housing supply across Sydney
- Direction 2.2: Accelerate urban renewal across Sydney - providing homes closer to jobs
- Direction 2.3: Improving housing choice to suit different needs and lifestyles
- Priorities for the south Sub region:

- accelerate housing supply, choice and affordability.

The planning proposal is consistent with 'A Plan for Growing Sydney' as:

- it increases housing supply and local housing choices;
- it provides for an infill development within close proximity to transport corridors, services and facilities;
- it delivers housing to suit different needs and lifestyle; and
- it helps to accelerate housing supply, choice and affordability.

ROCKDALE COMMUNITY STRATEGIC PLAN 2013-2025

The proposal is consistent with the vision and strategic outcomes set in the Rockdale Community Strategic Plan 2013-2025. The Plan expects to accommodate approximately 5,900 additional dwellings in the form of medium to high density housing in the vicinity of existing centres.

2014 NSW POPULATION AND DWELLING PROJECTION - ROCKDALE LGA

The population of the Rockdale LGA is projected to increase by 30,850 for the period 2011-2031, equating to the need for an additional 13,500 dwellings. The subject site has the potential to contribute towards the projected additional 13,500 dwellings for the Rockdale LGA.

Environmental social economic impacts :

ENVIRONMENT

There is no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by the planning proposal and any future redevelopment of the site.

There are no identified heritage constraints to a new residential development.

The traffic report forming part of the planning proposal identifies that the envisaged development does not present any unsatisfactory traffic capacity, safety or environmental related implications and incorporates suitable parking provisions.

The site is affected by aircraft noise as it exceeds the ANEF 25. This issue is addressed under Direction 3.5 Development Near Licensed Aerodromes on page 4.

SOCIAL AND ECONOMIC

The social and economic implications of the development include increase in land available for housing and minimal impact on local social services, as the development would provide in-house services in the form of nursing, medical care, meals and social interaction opportunities.

To rezone 62-82 Harrow Road, Bexley

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
Energy Australia
Family and Community Services - Ageing Disability and Home Care
Transport for NSW - Roads and Maritime Services
Sydney Water
Telstra
Other**

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 -Amendmed - 7 May 15.pdf	Proposal	Yes
Attachment 3 Urban Design analysis.pdf	Study	Yes
Attachment 4 Noise Impact Assessment.pdf	Study	Yes
Attachment 5 Traffic Assessment.pdf	Study	Yes
Attachment 6 Environmental Site Assessment.pdf	Study	Yes
Attachment 7 Flood Study.pdf	Study	Yes
Attachment 8 Heritage considerations.pdf	Study	Yes
Attachment 9 Proposed Mapping Amendments.pdf	Study	Yes
Cover Letter _13 May 15.pdf	Proposal Covering Letter	Yes
Evaluation Criteria For Delegation.pdf	Proposal	No

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
3.3 Home Occupations**

To rezone 62-82 Harrow Road, Bexley

- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

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

1. The planning proposal be exhibited for a minimum of 28 days.
2. The planning proposal be completed within 12 months of the Gateway Determination.
3. Prior to public exhibition, the planning proposal be amended to provide for an appropriate transition in building height as part of the incentive clause, so that the bonus height is 14.5 m for buildings fronting Harrow Road (i.e. the first one third of the site) and 9.5 m for the remainder of the site.
4. Prior to public exhibition, the planning proposal is to be amended to include the following reports:
 - an updated Noise Impact Assessment report to adequately address all stated objectives of the Direction 3.5 Development Near Licensed Aerodromes and the effect of aircraft noise on outdoor areas, together with appropriate mitigation strategies;
 - an updated Environmental Site Assessment report considering the fire damage and asbestos contamination of the site, in accordance with SEPP 55 Remediation of Land.
5. Consultation is required with Sydney Airport Corporation Limited and the Department of Infrastructure and Regional Development, prior to exhibition.
6. Consultation is required with Office of Environment and Heritage and Roads and Maritime Services under section 56(2)(d) of the EP&A Act.
7. A public hearing is not required in relation to section 56(2)(e) of the EP&A Act.
8. The Secretary's delegate agrees the inconsistencies with Directions 2.3 Heritage Conservation, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. Inconsistency with Direction 3.5 Development Near Licensed Aerodromes can be justified by an updated Noise Impact Assessment study which gives consideration to the objectives of this Direction.

Supporting Reasons : The planning proposal should be allowed to proceed as it:

- provides seniors' housing in a well-serviced location; and
- facilitates the economic use and development of the site.

The Gateway conditions have been recommended for the following reasons:

- to justify the inconsistency with s 117 Direction 3.5 Development Near Licensed Aerodromes; and
- to adequately satisfy the requirements of SEPP 55 Remediation of Land.

Signature:



Printed Name:

Diane Sarkies

Date:

19/6/15

