

432 West Botany Street, Rockdale - additional permitted uses

Proposal Title : **432 West Botany Street, Rockdale - additional permitted uses**

Proposal Summary : **Amend Schedule 1 - Additional Permitted Uses to permit with consent a shop associated with a charitable organisation at 432 West Botany Street, Rockdale.**

PP Number : **PP_2012_ROCKD_005_00** Dop File No : **12/19913**

Proposal Details

Date Planning Proposal Received : **03-Dec-2012** LGA covered : **Rockdale**

Region : **Sydney Region East** RPA : **Rockdale City Council**

State Electorate : **ROCKDALE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **West Botany Street**

Suburb : **Rockdale** City : **Sydney** Postcode : **2216**

Land Parcel : **Lots 3 and 4, SP 34276**

DoP Planning Officer Contact Details

Contact Name : **Lillian Charlesworth**

Contact Number : **0292286442**

Contact Email : **lillian.charlesworth@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Suzanne Wren**

Contact Number : **0295621750**

Contact Email : **swren@rockdale.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub : **Metro South subregion** Consistent with Strategy : **Yes**

Regional Strategy :

432 West Botany Street, Rockdale - additional permitted uses

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 6

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

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

If Yes, comment : The Regional Team is not aware of any meetings or communication with registered lobbyists concerning this Planning Proposal.

Supporting notes

Internal Supporting Notes : The subject site has been utilised by the Salvation Army for the purposes of a church and community facility since 1990.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The amendment will allow the Salvation Army to carry out a second hand shop on the site for fund raising. It is intended that the shop operate from an existing large indoor recreation facility on the site.

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

Is an explanation of provisions provided? Yes

Comment : Council seeks to amend Rockdale LEP2011 by amending Schedule 1 - Additional Permitted Uses to allow a "shop associated with a charitable organisation" with consent on the subject land.

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

1.1 Business and Industrial Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

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

d) Which SEPPs have the RPA identified? **SEPP No 19—Bushland in Urban Areas
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Temporary Structures and Places of Public Entertainment) 2007**

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

S117 DIRECTION - BUSINESS AND INDUSTRIAL ZONES

The proposal will result in employment growth in a suitable location, protect land in industrial zones and support the viability of the West Botany Street employment precinct strategic centre, therefore achieving the objectives of this Direction. The industrial zone will be retained. The total potential floor space area for industrial uses will not be reduced.

S117 DIRECTION - ACID SULFATE SOILS

The site is affected by Class 3 Acid Sulfate Soils. Any potential impact will be addressed through the DA process.

S117 DIRECTION - FLOOD PRONE LAND

The site is identified as "Flood Planning Area" on Rockdale LEP 2011 Flood Planning Map. The site is therefore subject to provisions in RLEP 2011, clause 6.6 which give effect to, and are consistent with, the NSW Flood Prone Land Policy and principles of the Floodplain Development Manual 2005.

S117 DIRECTION - SITE SPECIFIC PROVISIONS

The proposal seeks to allow "shop" as permissible on the land without imposing any development standards or requirements in addition to those already in RLEP 2011.

SEPP 55 - REMEDIATION OF LAND

Any remediation requirements would be addressed through the DA process.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No map is required to amend Schedule 1.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 14 day exhibition period with:**

- 1. Public exhibition material available at the Rockdale Library during the exhibition period.**
- 2. Public notice provided in a local newspaper, the "St George and Sutherland Leader"**
- 3. All exhibition material available on Council's website for the duration of the exhibition period.**
- 4. A letter to adjoining owners.**

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 made in December 2011.**

Assessment Criteria

Need for planning proposal :

The site is currently zoned IN2 Light Industrial and "shop" is not a permitted use. Due to increased demand for charitable services the Salvation Army is seeking to generate funds from selling donated furniture, household items and clothing on the site.

"Draft Practice Note on Schedule 1 - Additional Permitted Uses - in the Standard Instrument" advises that Schedule 1 should only be used if it can be demonstrated the proposed land use is appropriate on the particular parcel of land, but not generally within the zoning.

The proposed use is appropriate on the particular parcel of land as:

- a. The shop will be located within an existing site structure so that there will be no visual impact whatsoever or increase in existing FSR.**
- b. The proposed use is compatible with the existing uses on the site i.e. Salvation Army Church and community facility**
- c. There is adequate existing parking on site to cater for the proposed use**
- d. The amendment to Schedule 1 is considered the most suitable way to allow the Salvation Army Rockdale to continue operating on the site (via generating additional cashflow) and providing important social services to the City of Rockdale.**
- e. A clause will be added which ensures the additional use of "shop" can only operate in association with a charity so that the use will not carry over to a new tenant or owner that does not seek to use the site to operate a charity.**
- f. There is a clear community benefit in assisting the Salvation Army to generate charitable funding whilst also providing a valuable social function via the sale of second hand items.**

The proposed use of "shop" is not generally compatible with the IN2 Light Industrial Zone, as:

- a. Allowing shops generally within the industrial zone will diminish the effective use of the zone for industrial purposes through potential land-use**

conflicts.

- b. The Draft South Subregional Strategy identifies land zoned IN2 Light Industrial in West Botany Street, Rockdale as Employment Lands Precinct Category 1 "Land to be retained for Industrial Purposes." The high strategic value of the zone would be undermined by allowing shops generally within the zone.

As an alternative to utilising Schedule 1, it was considered whether the proposed use would constitute a "neighbourhood shop" which is permissible with consent in the IN2 zone under Rockdale LEP 2011. Under Rockdale LEP 2011, neighbourhood shops are restricted to a maximum floor area of 80sqm. Discussions with Council staff indicate that the floor area of the existing gymnasium to be reutilised for the charity shop exceeds 80sqm. This precludes the use of neighbourhood shop as an alternative to the current planning proposal.

Council also consider the Salvos store is likely to draw customers from a wider area, both local and regional as opposed to the day to day needs of people serviced by a "neighbourhood shop."

It is therefore considered that an amendment to Schedule 1 has merit in this instance and that the proposal is consistent with the Draft Practice Note on Schedule 1.

Consistency with strategic planning framework :

METROPOLITAN PLAN FOR SYDNEY - Objective E4 - To provide for a broad range of local employment types in dispersed locations.

Council values the West Botany Street employment lands precinct. The proposal will not undermine employment lands and will actually generate employment opportunities by allowing a "shop" to operate on the site.

SYDNEY SOUTH SUBREGIONAL STRATEGY

The Strategy states that this area is strategically important and is to be retained for future employment uses. The precinct is identified as 'Category 1', land to be retained for industrial purposes. To support this direction, the approach of scheduling the additional permitted use is preferred, rather than a rezoning.

EMPLOYMENT LANDS TASK FORCE REPORT 2012

The proposal does not seek to reduce the land zoned IN2 and its role as critical employment lands.

ROCKDALE CITY COMMUNITY STRATEGIC PLAN

The proposal will not undermine strategic employment lands and will allow uses that will attract investment and generate employment opportunities.

Environmental social economic impacts :

The proposal will have positive economic and social effects by allowing the Salvation Army to continue operating on the site and providing many social services to the disadvantaged within the community. The creation of a second hand store by way of permitting "shop" on the site will have positive social effects by providing affordable goods to low income earners as well as a positive economic effect by providing job opportunities in the daily operations of the store.

Assessment Process

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

Timeframe to make LEP : **6 Month** Delegation : **DDG**

Public Authority
Consultation - 56(2)(d)

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
432 West Botany street, Rockdale.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

- 1. The Planning Proposal is exhibited for 14 days; and**
- 2. The Planning Proposal should be completed in 6 months.**

The RPA should be advised that:

1. The Planning Proposal is considered to be consistent with all relevant s117 Directions and Council does not need to address these Directions further.

2. No consultation with Public Authorities is required.

3. No further studies are required to be carried out.

Supporting Reasons :

1. The proposal is minor in nature

2. The proposal will not reduce land available for employment lands and does not reduce the amount of land zoned for industrial purposes.

3. A "shop" is compatible with the existing uses on the site.

4. The wording of the proposed clause ties the proposed new shop use to a charitable organisation so that the use can not carry over to a new tenant or owner that does not seek to use the site to operate a charity. This will further protect future use of the site for uses intended within the broader industrial zone.

Signature:



Printed Name:

DAVID PITNEY

Date:

14/12/12

