

Rockdale Local Environmental Plan 2011 Amendment 1 (Housekeeping)

Proposal Title : **Rockdale Local Environmental Plan 2011 Amendment 1 (Housekeeping)**

Proposal Summary : **The first amendment to the Rockdale Local Environmental Plan 2011 proposes to amend:**

- Land use table anomalies (Part 2)
- Zone objective for the R2 Low Density Residential and R3 Medium Density Residential zones (Part 2)
- Subdivision requirements for dual occupancy development (Part 4)
- Wolli Creek development incentive clause (Part 4)
- Exempt Development requirements for A-frame signs (Schedule 2)
- Heritage schedule (Schedule 5)
- Various maps.

PP Number : **PP_2012_ROCKD_001_00**

Dop File No : **10/03660**

Proposal Details

Date Planning : **20-Apr-2012**

LGA covered : **Rockdale**

Proposal Received :

Region : **Sydney Region East**

RPA : **Rockdale City Council**

State Electorate : **HEFFRON
KOGARAH
ROCKDALE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **o**

Suburb : **o**

City : **o**

Postcode : **2216**

Land Parcel : **o**

Street : **0**

Suburb : **0**

City : **0**

Postcode : **0**

Land Parcel :

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South subregion	Consistent with Strategy :	Yes
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 **Yes**
Lobbyists Code of
Conduct has been
complied with :

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

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives is considered to be adequate.**

- 1. Correct anomalies in the land use table.**
- 2. Install objectives in the R2 and R3 zones that ensure new development considers the character and amenity of surrounding development.**
- 3. Correct clause 4.1(3B) so that the clause is not restricted to 'existing' dual occupancy development.**
- 4. Reinstate clause 4.4(2D)(f) as it was intended when Draft Rockdale LEP 2011 was exhibited.**
- 5. update development controls applying to certain sign types in Schedule 2 – Exempt Development**
- 6. Amend the Heritage Schedule and Heritage Map on account of changes to certain heritage items to be consistent with 'Rockdale Heritage Inventory Review'.**
- 7. Update relevant LEP maps to:**
 - a) Make necessary cosmetic changes and correct anomalies; and**
 - b) Update the Natural Resources – Biodiversity Map to reflect Council's Biodiversity Study.**

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

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

Comment : **The explanation of provisions provided is considered to be adequate.**

- Land Use Table anomalies**
- Zone objectives for the R2 Low Density Residential and R3 Medium Density Residential**
- Clause 4.1(3B) Minimum Subdivision Lot Size**
- Clause 4.4(2D)(f) Floor Space Ratio**
- Schedule 2 (exempt development)**
- Schedule 5 (heritage)**
- Various Maps**

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**
- 2.3 Heritage Conservation**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 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?

SREP No. 33 - Cooks Cove

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

Council have identified SREP No. 33 - Cooks Cove as an applicable SEPP. Council's view that the planning proposal is consistent with SREP No. 33 - Cooks Cove is supported.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Council have not provided maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Planning Proposal will be placed on public exhibition in accordance with the Gateway Determination.**

A comprehensive engagement strategy will be prepared by Council which would include the following mechanisms

- **Advertisement in a local newspaper (ie. St George Leader)**
- **Notification letters to relevant State Agencies and other authorities nominated by the Department**
- **A supporting Information Brochure**
- **Notification (via letter) to the following land holders:**
 - **Heritage Items affected by Planning Proposal**
- **Advertise the proposal on Council's website**
- **Exhibit the Planning Proposal at the following locations:**
 - **Council's Customer Services Centre, 2 Bryant Street, Rockdale,**
 - **Rockdale Library**
 - **Arncliffe Library**
 - **Bexley Library**
 - **Bexley North Library**
 - **Brighton Le Sands Library**
 - **Sans Souci Library.**
- **Undertake any other consultation methods appropriate for the proposal.**

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 : **December 2011**

Comments in relation to Principal LEP : **The Rockdale LEP was made in December 2011. This housekeeping amendment is the first amendment to the LEP since its gazettal.**

LEPAF:

Council received \$156,000 under the LEP Acceleration Fund. The funding was allocated for:

- **The preparation of a Princes Highway Corridor Strategy**

-The preparation of a planning proposal to assist in any housekeeping amendments for the comprehensive LEP.

The planning proposal was due for submission to the Department for Gateway Determination on 27 April 2012. Council submitted the planning proposal on 20 April 2012 - therefore successfully meeting the requirements of Milestone 1.

Assessment Criteria

Need for planning proposal :

The planning proposal is required in order to correct anomalies and inconsistencies within the LEP, which are outlined below:

Land Use Table:

Council have listed additional uses which they propose to add to the land use table across several of the zones. The changes are minor and the uses are considered appropriate for the zones.

R2 Low Density and R3 Medium Density Residential zones:

Since the notification of Rockdale LEP 2011, the land use tables in the R2 Low Density and R3 Medium Density Residential zones allow a range of non-residential uses that can potentially impact on the surrounding area, specifically with regards to density, character and the nature of their operation. These uses include boarding houses, community facilities, educational establishments and places of public worship.

Council are seeking to add new zone objectives to the R2 and R3 zones which will require that such developments do not detrimentally affect the character and amenity of the area. Council's general intention is supported (see 'conclusion' for further comment).

Minimum subdivision lot size:

Clause 4.1(3B) is an exception clause that allows for the subdivision of existing dual occupancies provided the proposal is consistent with the minimum lot size requirements as shown on the Minimum Lot Size Map.

Council did not intend this clause to limit subdivision to 'existing' dual occupancies. It was also intended to apply to approved dual occupancy development.

It is recommended that the clause be amended so that it is clear it applies to all dual occupancies.

Wolli Creek development incentive:

Clause 4.4(2D)(f) provides a floor space ratio (FSR) incentive for land in the vicinity of Arncliffe Street and Brodie Spark Drive, Wolli Creek. The area is within the commercial heart of Wolli Creek.

The original intent of the clause, as it was drafted for the purposes of the exhibited Draft Rockdale LEP 2011, sought to encourage commercial premises by providing an 'add-on' of an additional 2:1 FSR for commercial premises development.

The current clause now provides a FSR of 5:1 with a requirement for no less than 2:1 FSR for commercial premises.

Council is proposing that the clause be amended to provide, in addition to the base FSR of 3:1 (as per the Floor Space Ratio Map), an additional 2:1 FSR but only for commercial premises. This will ensure that the maximum FSR of 3:1 for any residential development is returned.

It is considered appropriate that the clause be amended to reflect that an additional FSR

of 2:1 is only available to commercial premises.

Exempt Development (Schedule 2):

Council are seeking to amend Schedule 2 to allow A-frame signage and sandwich boards on public land as exempt development, provided the signage is situated within a designated area subject to a Footway Trading Agreement.

The proposed adoption will remove the requirement for a development application to be lodged with Council for A frame signs and sandwich boards on public land. This minor amendment is supported.

Heritage (Schedule 5 and Heritage Map):

A number of amendments (below) are proposed to the Heritage Schedule (Schedule 5) and the Heritage Map. The amendments are considered necessary in order to tidy up Schedule 5 and the Heritage Map.

- 10 heritage items have been subject to extensive modifications and no longer warrant heritage listing in the Arncliffe, Bardwell Valley, Bexley, Brighton Le Sands and Carlton areas.

- Street trees at Heathcote Street, Rockdale are no longer an intact group of trees and have no heritage value as per Rockdale Heritage Inventory Review. Therefore it is proposed to delete the item from Schedule 5 and the Heritage Map.

- Heritage items at Arncliffe and Kingsgrove have been demolished and hence no longer exist. It is therefore proposed that these items are removed from Schedule 5 and the Heritage Map.

- The street address and lot and deposited plan need to be updated for Heritage Item No.94 – 17 Abercorn Street, Bexley is in Schedule 5.

- Heritage Item No.171 - Teralba Street, Brighton Le Sands needs to be identified on the Heritage Map (refer to Sheet HER_004).

- 2 heritage items in Bexley and Brighton Le Sands have been incorrectly listed and have no heritage significance and need to be removed from Schedule 5 and the Heritage Map.

The heritage amendments are based on the Rockdale Heritage Inventory Review and are supported.

Mapping amendments:

Sydney Regional Environmental Plan No.33 - Cooks Cove

The Rockdale LEP 2011 excludes land covered by Sydney Regional Environmental Plan No.33 - Cooks Cove (SREP). The LEP 2011 maps do not appropriately delineate this land.

It is recommended the maps are amended to apply a clear edging, shading and labelling on the map and legends to ensure that the SREP area is easily identifiable.

Natural Resources - Biodiversity Map:

Council has been informed of recent identification of threatened species and endangered ecological communities within the City which has prompted Council officers to review the Natural Resources - Biodiversity Map.

It is recommended that the Natural Resources - Biodiversity Map be amended to ensure consistency with these recent discoveries and ensure consistency with Council's Biodiversity Strategy.

Acid Sulfate Soils Map:

The Acid Sulfate Soils Map applies to all land except land covered by the Sydney Regional Environmental Plan No.33 - Cooks Cove. However, the Acid Sulfate Soils Map(Sheet 003) illustrates the Class 5 layer extending over into the SREP area; land which should be excluded from the LEP. Furthermore, in the same vicinity, the extent of the Class 5 layer is also illustrated as being excluded from a portion of land where it should apply.

It is recommended that the Acid Sulfate Map is amended to correct these errors.

Cosmetic changes to all maps:

Council are concerned that the Rockdale LEP 2011 maps have been produced with poor legibility. Council are keen to reproduce the maps to a similar standard as the Mosman LEP 2011 maps. The following cosmetic changes to improve legibility to all Rockdale LEP 2011 maps are recommended:

- Add the property numbers as a layer in a black coloured font**
- Apply a black font for street names**
- Apply a darker and thicker line over the cadastre**
- Include street numbers on properties**

Council also want to correct an anomaly which was made by the Department immediately prior to the making of the LEP. The anomaly involves the Land Zoning Map (Map Sheet 003) and requires a correction to the label for the Sydney Regional Environmental Plan No. 3.

Consistency with strategic planning framework :

Consistency with strategic planning framework

Sydney South Draft Subregional Strategy:

The Sydney South Draft Subregional Strategy sets Key Directions and Key Actions for the implementation of the Metropolitan Strategy (for the year 2031) at a more local level. The Draft Subregional Strategy sets targets for 7,000 new dwellings and 11,000 new jobs to be provided in Rockdale City Council LGA by 2031.

Economy and Employment:

The Planning Proposal includes amendments to commercial land uses within the zoning table. These amendments are minor in nature and will not subvert the intent of any business or industry zone.

Despite these amendments, there still remains a large range of permissible uses within the business and industrial zones. This ensures consistency with the Subregional Strategy.

Metropolitan Plan for Sydney 2036:

The Metropolitan Plan for Sydney 2036 is the second blueprint for metropolitan Sydney and replaces the Metropolitan Strategy: City of Cities which was the vision for Sydney for the year 2031.

The Planning Proposal includes a number of minor amendments that will ensure Rockdale LEP 2011 is consistent with Council policy and addresses existing anomalies within the LEP.

There are no amendments proposed that would not support the Metropolitan Strategy.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Rockdale City Community Strategic Plan:

Through our Vision: One Community, Many Cultures, Endless Opportunity, we have created a blueprint for where the community wants to be by 2025, through five community outcomes:

1. A vibrant, healthy and socially connected City of many cultures
2. A sustainable City
3. A strong economy
4. Appropriate infrastructure
5. A leading organisation

Consistency with Rockdale's Community Strategic Plan:

1.6 Heritage and History - Ensure that Rockdale's natural and built heritage is respected, protected and well maintained reflecting the rich and diverse past of both indigenous and more recent settlement.

The Planning Proposal supports this Strategy by ensuring that property identified as having heritage significance still retains an appropriate level of significance. By removing inappropriate items from the Heritage Schedule in LEP 2011, Council and the community can be more confident in the integrity and applicability of the heritage list.

2.2.1 Strategic planning for a sustainable future - Protect, preserve and promote the City's built and natural environment.

The Planning Proposal includes amendments to the Natural Resources – Biodiversity Map. These amendments identify additional land that has recently been found to contain either an endangered ecological community, habitat for endangered fauna or identified within Council's Biodiversity Strategy.

The natural environment will be further protected through the amendments proposed in the Planning Proposal. The inclusion of additional objectives within the low and medium density residential zones will aid protection of the existing residential area within the City.

2 2.5 Land Planning and Management - Promote high quality, well designed and sustainable development that enhances the City.

The Planning Proposal supports this Strategy by improving community sustainability (by removing inappropriate development from the land use table).

The revision of the development incentive clause for Wolli Creek will help to deliver a high quality development on the site.

Consistency with SEPPs:

Council has identified only one deemed SEPP applicable to the planning proposal which is SREP No. 33 Cooks Cove. The planning proposal is considered to be consistent with the SREP.

Consistency with s.117 Directions

Council has identified 7 s.117 Directions which are applicable to the planning proposal. It is considered that the planning proposal is not inconsistent with the s.117 Directions which are identified below:

1.1 Business and Industrial Zones

The Planning Proposal does not reduce the extent of commercial or industrial land within the City.

2.3 Heritage Conservation

The items being removed from the Heritage Schedule do not warrant heritage listing as they either no longer exist or have been extensively modified.

5.1 Implementation of Regional Strategies

The Planning Proposal is of minor significance and does not contravene the objectives of the Subregional Strategy.

6.1 Approval and Referral Requirements

The Planning Proposal does not include any provisions that require the referral or approval from a public authority.

6.2 Reserving land for Public Purposes

The Planning Proposal does not include the reservation of any land.

6.3 Site Specific Provisions

The Planning Proposal includes site specific permissibility for car parking. This is proposed to be included in Schedule 1 of Rockdale LEP 2011. No development standards have been set for the use.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The Planning Proposal is of a minor nature and does not contravene the objectives of the Metropolitan Plan.

Environmental social
economic impacts :

Environmental impacts:

The Planning Proposal does not include any change to land zonings. Any Development Application made as a result of this Planning Proposal would be required to demonstrate that no threatened communities or habitats are affected by the proposed development.

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

Conclusion:

The Planning Proposal is considered to have merit, however, Council should consider the following:

R2 & R3 Medium Density zone objectives:

After speaking with Council on 3 May 2012, it was confirmed that the new objectives will focus on the non residential uses in the zones. Council want to ensure that any new developments (including community facilities, places of public worship etc) do not adversely impact on the overall residential character of the area.

Council have had issues in the past where developments such as child care centres have not considered the residential character of the area. As such, it is considered appropriate that the new zone objectives are added to the R2 and R3 zones, provided that the new objectives do not deter developments which are permitted in the zone. Uses such as places of public worship, community facilities and educational establishments should still be supported by the R2 and R3 zone objectives, but developments will need to have a greater regard for the overall character of the area.

Exempt Development (Schedule 2):

When including A frame signs and sandwich boards as exempt development in Schedule 2, Council should include as a requirement that:

- compliance with the Roads Act 1993 is met
- signs are not erected on classified roads
- the signs are not illuminated.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Other		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			

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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 - Rockdale LEP 2011 - Housekeeping Amendment.pdf	Proposal	Yes
Cover letter submitting LEP 2011 - Housekeeping Amendment to DP&I.pdf	Proposal Covering Letter	Yes
MOSMAN 5350_COM_LZN_002_010_20111124.pdf	Map	No
ROCKDALE 6650_COM_LZN_004_010_20110819.pdf	Map	No

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 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**
- 3. The planning proposal should be completed within 6 months of Gateway Determination**
- 4. The planning proposal is considered to be consistent with the Section 117 Directions and Council does not need to address these Directions further**
- 5. No consultation with Public Authorities is required**
- 6. No further studies are required to be carried out**
- 7. Council is to consider whether the addition of A frames signs and sandwich boards as exempt development in Schedule 2 should require the following:**
 - compliance with the Roads Act 1993**
 - the signs are not erected on classified roads**
 - the signs are not illuminated**
- 8. Council is to ensure that the proposed zone objectives for the R2 and R3 Medium**

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Density zones have a regard for the overall character of the area, while still supporting uses such as places of public worship, community facilities.

Supporting Reasons :

The planning proposal is the first proposal to amend the Rockdale LEP 2011. It aims to correct inconsistencies and clarify Council's policy position within the Rockdale LEP 2011. The various changes will add to the consistency and legibility of the plan, making it easier to use.

Signature:

D. Pitney

Printed Name:

DAVID PITNEY

Date:

4/5/12