

Rockdale Local Environmental Plan 2011 - Height of Building Maps Amendment

Proposal Title : **Rockdale Local Environmental Plan 2011 - Height of Building Maps Amendment**

Proposal Summary : **The Planning Proposal seeks to amend Rockdale LEP 2011 to correct errors in the Height of Buildings map sheets HOB_001 to HOB_005.**

Background to Mapping Error:

Rockdale LEP 2011 was notified on 5 December 2011. As a result of a pre-development application process, Council identified a series of errors in the Height of Buildings map. The errors have occurred to specific height limits - all 16 metre and 19 metre height limits across nine (9) local centres have been replaced with a 20.5 metre height limit. The sites were exhibited at the intended heights.

The errors were inadvertently made by the Department of Planning and Infrastructure while the Rockdale LEP 2011 maps were being finalised before they, and the written instrument, were notified.

Ramsgate Beach Small Village:

Council proposes one exception to the mapping errors - to retain the 20.5 metre height limit for the Ramsgate Beach Small Village site.

During the preparation of the comprehensive Rockdale LEP 2011, Council officers undertook urban design testing to determine the intended 16 and 19 metre heights across Council's local centres. However, the unique hydrological circumstances at Ramsgate Beach were not considered in the assessment because its extent was unknown at the time.

Furthermore, the comprehensive LEP process saw that the Ramsgate Small Village was expanded to the northern side of Ramsgate Road. This resulted in land which was zoned low and medium density zones being rezoned to the B4 Mixed Use zone. This meant that the character of the newly zoned land did not comprise the same character as other existing B4 zoned land in Council's other traditional centres.

Having now considered these matters, Council is of the opinion that there is merit in allowing the 20.5 metre height limit, but only in the case of Ramsgate Beach Small Village. This is because the unique circumstances are not evident in any other local centres.

A development application (DA-2012/378) has now been lodged with Council for a development proposal which responds to the 20.5 metre height limit.

PP Number : **PP_2012_ROCKD_003_00** Dop File No : **JA/167613**

Proposal Details

Date Planning Proposal Received :	21-Jun-2012	LGA covered :	Rockdale
Region :	Sydney Region East	RPA :	Rockdale City Council
State Electorate :	ROCKDALE	Section of the Act :	55 - Planning Proposal

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LEP Type : **Housekeeping**

Location Details

Street : **0**

Suburb : **Rockdale**

City : **Sydney**

Postcode : **2216**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Emily Marriott-Brittan**

Contact Number : **0292286358**

Contact Email : **emily.marriott-brittan@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Jacky Wilkes**

Contact Number : **0295621683**

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

DoP Project Manager Contact Details

Contact Name : **Juliet Grant**

Contact Number : **0292286113**

Contact Email : **Juliet.Grant@planning.nsw.gov.au**

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 : **0**

Date of Release :

Area of Release (Ha) **0.00**

Type of Release (eg
Residential /
Employment land) : **N/A**

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 : **The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

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

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.**

The objective of the Planning Proposal is to amend Rockdale LEP 2011 to correct errors in the Height of Buildings Map.

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.**

The Rockdale LEP 2011 Height of Buildings (HOB) map is proposed to be amended to correct height errors from sheets HOB_001 to HOB_005.

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

3.1 Residential Zones

3.3 Home Occupations

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?

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 22—Shops and Commercial Premises

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

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 :

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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 : Council have not provided maps. The Department proposes to amend the maps for Council and these maps will then be placed on exhibition as part of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : The planning proposal will be placed on exhibition in accordance with the Gateway Determination.

1. Letters have been sent to all affected landowners informing of the mapping error and of Council's and the Department's intentions to resolve the issue as a matter of urgency.

2. A notation (condition) has been placed on Council's Pathway system so that any Section 149(5) Certificate issued for the affected land is made aware of the error and of Council's and the Department's intentions to correct the error.

3. A notice has been uploaded onto Council's website which notes the error (weblink: <http://rccweb.rockdale.nsw.gov.au/EPlanning/pages/xc.plan/default.aspx?hid=1744>).

4. All Planning Counter enquiries which pertain to the affected land – the enquirer is informed of the error and of the process underway to correct the error.

The planning proposal is seeking to reinstate height controls that were in place during the preparation of Rockdale LEP 2011. However, in the case of the Ramsgate Small Village, Council is looking to maintain the 20.5 metre error height limit. Therefore, 2 week exhibition period is proposed with the following targeted consultation mechanisms:

1. Letters to affected land owners where the 16 and 19 metre height limits are being reinstated at Kingsgrove Village, Bexley North Small Village, Bardwell Park Neighbourhood Centre, Bexley Small Village, Arncliffe Small Village, Rockdale Town Centre (west of railway line), Ramsgate Small Village and Sans Souci Neighbourhood Centre.

2. Letters to all land owners in the Ramsgate Beach Small Village zoned B4 Mixed Use and surrounding residents advising that the 20.5 metre height limit will be retained.

3. Public exhibition material to be made available at the Dolls Point/Sandringham Library for the two week exhibition period.

4. Public notice in The St George Leader targeting submissions from the Ramsgate Small Village community.

5. Website – all exhibition material will be made available on Council's website for the duration of the exhibition period.

This consultation is considered sufficient for the purposes of the Planning 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 : **September 2012**

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

LEPAF:

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

- The preparation of the Princess Highway Corridor Strategy**
- The Preparation of a Planning Proposal (Amendment 1) to assist in any housekeeping amendments for the comprehensive LEP.**

The planning proposal was received by the Department on 20 April 2012- therefore the requirements for Milestone 1 were successfully met.

Assessment Criteria

Need for planning proposal :

The planning proposal is required to correct errors in the Height of Buildings Map. The details of the errors in each affected centre is articulated below:

- 1. Land at Kingsgrove Village is shown as 20.5 metres but a large section of this land on Kingsgrove Road should be shown as 19 metres.**
- 2. Land at Bexley North Small Village is shown as 20.5 metres but should be shown at 16 metres.**
- 3. Land at Bardwell Park Neighbourhood Centre is shown as 20.5 metres but should be shown at 16 metres.**
- 4. Land at Bexley Small Village is shown as 20.5 metres but should be shown at 16 metres.**
- 5. Land at Arncliffe Small Village is shown as 20.5 metres but should be shown at 16 metres.**
- 6. Land at Rockdale Town Centre (west of railway line) is shown as 20.5 metres but should be shown at 16 metres.**
- 7. Land at Ramsgate Small Village is shown as 20.5 metres but should be shown at 16 metres and 19 metres.**
- 8. Land at Ramsgate Beach Small Village is shown as 20.5 metres but was exhibited as 16 metres. (Note this height will be retained at 20.5 metres - see below.**
- 9. Land at Sans Souci Neighbourhood Centre is shown as 20.5 metres but should be shown part 16 metres and part 19 metres.**

Note: The floor space ratio controls are not affected by the mapping error. Therefore, the amount of floor space available to proponents remains the same.

The proposed amendments reinstate the correct heights on HOB map sheet HOB_001 to HOB_005. The height errors were inadvertently made while the maps were being finalised

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- before the maps were notified on 5 December 2011.

It is considered that the amendments to the maps are appropriate as it will amend the errors which were made and reinstate the correct heights for all affected sites (excluding the Ramsgate Beach Small Village site).

Consistency with strategic planning framework :

Consistency with Strategic Planning Framework:

Sydney South Draft Subregional Strategy:

Consistency of the proposed height controls with the Draft South Subregional Strategy were tested and endorsed by way of the issuing of the (former) Section 65 Certificate as part of the preparation of the comprehensive Rockdale LEP 2011. The intention to retain the height at 20.5 metres for Ramsgate Beach Small Village (instead of 16 metres) which permits an additional storey is considered to be consistent with the Draft South Subregional Strategy.

Metropolitan Plan for Sydney 2036:

Consistency of the proposed height controls with the Metropolitan Plan for Sydney 2036 were tested by Council and endorsed by way of the issuing of the (former) Section 65 Certificate as part of the preparation of the comprehensive Rockdale LEP 2011. The intention to retain the height at 20.5 metres for Ramsgate Beach Small Village (instead of 16 metres) is considered to be consistent with the Draft Metropolitan Plan for Sydney 2036.

Rockdale City Community Strategic Plan:

Council's Vision is: One Community, Many Cultures, Endless Opportunity. The blueprint for the Rockdale community for 2025 is to be achieved 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

Objective - 2.1 Strategic planning for a sustainable future - Protect, preserve and promote the City's built and natural environment.

The planning proposal seeks to reinstate height controls that were in place throughout the preparation, and up to the notification, of Rockdale LEP 2011 (except in the case of Ramsgate Beach Small Village). The urban design testing and merit of the controls - including the compatibility with surrounding land which considers environmental factors - was undertaken at that time and endorsed by Council and by the Rockdale community. No change is proposed to the floor space ratios.

Objective - 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).

Consistency with SEPPs:

Council has identified 11 SEPPs applicable to the planning proposal and include:

SEPP No. 4 - Development without consent and Miscellaneous Exempt and Complying Development

SEPP No. 6 Number of Storeys in a Building

SEPP No. 22 Shops and Commercial Premises

SEPP No. 55 Remediation of Land

SEPP No. 64 Advertising and Signage

SEPP No. 65 Design Quality of Residential Flat Development

SEPP (Affordable Rental Housing) 2009

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

The planning proposal is considered to be consistent with and does not seek to hinder the application of any of the SEPPs listed above.

Consistency with 117 Directions:

Council has identified 9 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 amount of commercial land within the City as the floor space ratios remains the same. The Planning Proposal merely returns the height controls that were exhibited and endorsed during the Rockdale LEP 2011 preparation (except in the case of the Ramsgate Small Village). The floor space ratio controls remain the same.

2.3 Heritage Conservation:

The planning proposal does not seek to compromise the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance and is therefore considered to be consistent.

3.1 Residential Zones:

The planning proposal does not reduce the amount of residential land within the city as the floor space ratios remains the same. The planning proposal merely returns the controls that were exhibited and endorsed during the Rockdale LEP 2011 preparation (except in the case of the Ramsgate Small Village).

3.3 Home Occupations:

The planning proposal does not seek to reduce the carrying out of low-impact small businesses in dwelling houses and is therefore considered to be consistent.

5.1 Implementation of Regional Strategies:

The planning proposal is considered consistent as no regional strategies apply to the LGA.

6.1 Approval and Referral Requirements:

The planning proposal does not prevent the LEP provisions encouraging the efficient and appropriate assessment of development and as such is considered consistent.

6.2 Reserving land for Public Purposes:

The planning proposal is consistent as it does not prevent the facilitation of the provision of public services and facilities by reserving land for public purposes, nor prevent the facilitation of the removal of reservations of land for public purposes where the land is no longer required for acquisition.

6.3 Site Specific Provisions:

The planning proposal does not facilitate the provision of unnecessarily restrictive site specific planning controls and as such is considered consistent.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal does not affect the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

Environmental social economic impacts :

The planning proposal does not include any changes 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 as the height limits are returning to what was intended for the site and what was exhibited during the public exhibition period.

Conclusion:

The planning proposal seeks to reinstate height controls that were in place throughout the preparation, and up to the notification, of Rockdale LEP 2011 (except in the case of Ramsgate Beach Small Village).

The urban design testing of the controls undertaken at that time were endorsed by Council, the Rockdale community and the Department by the issuing of the former Section 65 Certificate. No change is proposed to the floor space ratios.

The planning proposal is considered to have merit as it corrects errors relating to the HOB maps from the Rockdale Local Environmental Plan 2011.

The Department supports Council's decision to retain the 20.5 metre height limit for the Ramsgate Beach Small Village.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	3 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d)	Other		

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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
Rockdale Planning Proposal HOB.pdf	Proposal	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**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 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 5 conditions:**

- 1. The planning proposal is exhibited for 14 days**
- 2. The planning proposal should be completed within 3 months of Gateway Determination**
- 3. The planning proposal is considered to be consistent with the Section 117 Directions and Council does not need to address these Directions further.**
- 4. No consultation with Public Authorities is required**
- 5. No further studies are required to be carried out**

It is further recommended that the letter to Council should advise that the planning proposal should be exhibited with maps showing the corrected heights. The Department will prepare the maps in consultation with Council.

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Supporting Reasons : **The planning proposal aims to correct errors in the Height of Buildings map sheets HOB_001 to HOB_005. The changes to the maps will reinstate the correct and intended heights for various areas across the local government area and avoid future confusion for height controls on these sites.**

It is noted that due to the unique circumstances of the Ramsgate Beach Small Village, Council will retain the 20.5 metre height limit for this centre only.

Signature:

D. Pitney

Printed Name:

DAVID PITNEY

Date:

22/6/12