

**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 : **12/10524**

**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

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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.

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.

### Panel Recommendation

Recommendation Date : 28-Jun-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

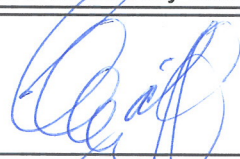
- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGaffin

Date:

4.7.12