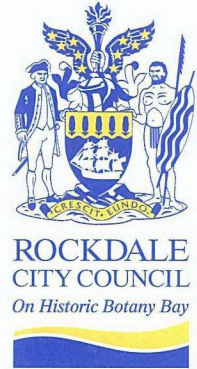


16 June 2014



Our Ref: F14/66, 14/81282
Contact: Pengfei Cheng - 9562 1634



Mr Lee Mulvey
Director Metropolitan Delivery (CBD)
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Lee,

Re: Draft Rockdale Local Environmental Plan 2011 (Amendment for Cahill Park, Wolli Creek)

At its meeting of 5 March 2014 Council considered a confidential report regarding the adaptive re-use of the amenities building at Cahill Park and resolved in part that:

1. *Council prepare a Planning Proposal to enable the adaptive re-use of the disused amenities building at Cahill Park for the purpose of a restaurant or café.*
2. *The Planning Proposal be submitted to NSW Planning and Infrastructure for Gateway Determination and subsequent public exhibition.*

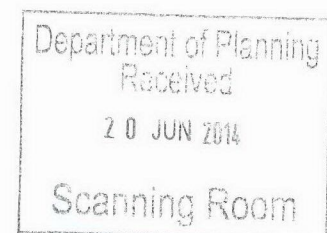
In accordance with Section 56 of the *Environmental Planning & Assessment Act 1979*, find attached the planning proposal for your consideration. The planning proposal seeks to amend *Rockdale Local Environmental Plan 2011* by inserting a new item into Schedule 1 Additional permitted uses to permit with consent a **restaurant or cafe** at 2 and 2a Princes Highway, Wolli Creek.

As part of this submission, Council is also requesting delegation of plan making functions. Refer to the attached Evaluation Criteria for the Delegation of Plan Making Functions for more information.

If you have any further enquiries, please contact Pengfei Cheng, Urban Strategist, on 9562 1634 or at pcheng@rockdale.nsw.gov.au

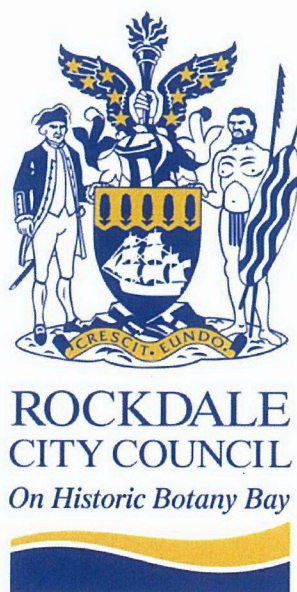
Yours faithfully

Erika Roka
Manager Urban and Environmental Strategy



Planning proposal

Rockdale Local Environmental Plan 2011 - Cahill Park



16 June 2014

Contents

- Part 1 -** A statement of the Objectives or Intended Outcomes of the proposed LEP
- Part 2 -** An Explanation of the Provisions that are to be included in the proposed LEP
- Part 3 -** The Justification for those objectives, outcomes and provisions and the process for their implementation
- Part 4** Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- Part 5 -** Details of the Community Consultation that is to be undertaken on the planning proposal
- Part 6 -** Project Timeline

Introduction

This planning proposal explains the intended effect of, and justification for, the proposed amendment to *Rockdale Local Environmental Plan (LEP) 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment guides, 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Cahill Park is a significant local open space and recreation destination well used by the residents from the nearby Wolli Creek Village Centre. Given its connection to the regional Cooks River foreshore recreation corridor, the park also attracts a wider group of users.

The Cahill Park amenities building, located at the north-western section of the park, has been closed for over a decade due to community safety concerns. The building is approximated 80sqm in size and situated at 2 and 2a Princes Highway, Wolli Creek.

Given the amenities building has been redundant for some time, between 19 September and 8 November 2013, Council invited expressions of interest (EOI) that sought to improve the amenity and function of the park while providing revenue and/or capital to Council via the upgrade and ongoing use of the amenities building. Council received six submissions all proposing a restaurant or café.

Cahill Park is zoned RE1 Public Recreation under Rockdale Local Environmental Plan (LEP) 2011, which prohibits the **restaurant or café** use. Therefore an amendment to the LEP is required to allow the use.

To initiate a LEP amendment in support of the adaptive re-use of the disused amenities building, on 5 March 2014 Council considered a confidential report and resolved to prepare a planning proposal to permit the **restaurant or café** use on the site and to submit the planning proposal to the Department of Planning and Environment for gateway determination.

The planning proposal seeks an amendment to Schedule 1 Additional permitted uses of Rockdale LEP 2011 to permit the **restaurant or café** use on the site. The additional use will improve the quality and function of the open space, address the increasing recreation needs associated with the development of Wolli Creek Village Centre and enhance the enjoyment of the Cooks River foreshore.

This planning proposal is considered the most appropriate avenue to deliver the intended outcome.

Part 1 - Objectives or Intended Outcomes

The objective of the planning proposal is to enable the adaptive re-use of the redundant amenities building at Cahill Park for the purpose of a restaurant or café.

Part 2 - Explanation of Provisions

A Schedule 1 Additional permitted uses

Council seeks to introduce a **restaurant or café** as an additional permitted use on the site. To realise this, a new clause could be inserted in Schedule 1 Additional permitted uses of Rockdale LEP 2011 as follows:

9 Use of certain land at 2 and 2a Princes Highway, Wolli Creek

- (1) This clause applies to land at 2 and 2a Princes Highway, Wolli Creek being Pt 3, DP 1148894.
- (2) Development for the purposes of a restaurant or café is permitted with consent.

Council has considered the DP&I Draft LEP Practice Note *Schedule 1 Additional Permitted Uses* and deems that amending Schedule 1 is the best approach for this proposal.

Part 3 - Justification

A Need for the planning proposal

A1 Is the planning proposal a result of any strategic study or report?

No. The planning proposal is a result of Council resolution made on 5 March 2014 in relation to the future use of the Cahill Park amenities building.

A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a planning proposal to amend Rockdale LEP 2011 is considered the best means to enable the adaptive re-use of the disused amenities building at Cahill Park for the purpose of a restaurant or café.

B Relationship to strategic planning framework

B1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Metropolitan Plan For Sydney 2036

The *Metropolitan Plan for Sydney 2036* released in December 2010 is the second blueprint for metropolitan Sydney and replaces the Metropolitan Strategy - City of Cities.

The adaptive re-use of the unutilised amenities building will improve the amenity and function of Cahill Park and complement the continuing growth of the Wolli Creek Village Centre. Therefore the planning proposal is consistent with the following strategic directions under the Plan:

- Strategic Direction B Growing and renewing centres; and

- Strategic Direction H Achieving equity, liveability and social inclusion, in particular, Action H2.4 Provide and enhance regional open space in the Sydney region.

Draft Metropolitan Strategy for Sydney to 2031

The *Draft Metropolitan Strategy for Sydney to 2031*, which sets the framework for Sydney's growth to 2031 and beyond, was released in April 2013. It is intended to replace the *Metropolitan Plan for Sydney 2036* once finalised.

The planning proposal is consistent with the key outcome - A liveable City, in particular with Objective 9: Deliver accessible and adaptable recreation and open space. The additional **restaurant or cafe** use at Cahill Park will provide further opportunities for access and use of this publicly owned open space for recreation.

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 subregional level.

The planning proposal is consistent with the key directions for parks, public places and culture, in particular with F2.1, which is to improve the quality of local open space.

In addition, the Draft Subregional Strategy identifies the Cooks River foreshore as a significant regional recreation corridor. Cahill Park contains the Cooks River Cycleway/walking trail which connects with the regional cycleway/recreation trails. The proposed **restaurant or cafe** use is complementary use for the park that will enhance the enjoyment of the Cooks River foreshore and promote the use of the regional recreation corridor.

B2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Rockdale City Community Strategic Plan 2013-2025

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:

- Outcome 1 - Rockdale is a welcoming and creative City with active, healthy and safe communities.
- Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
- Outcome 3 - Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning.
- Outcome 4 - Rockdale is a City with engaged communities, effective leadership and access to decision making.

Table 1 below identifies the planning proposal's consistency with the Plan's community outcome/s.

Table 1 – Consistency with Rockdale City Community Strategic Plan 2013-2025

Outcome	Objective	Strategy	Consistency
1	1.4 Our City has quality and accessible services, community and recreational facilities	1.4.2 Provide parks, reserves and recreation areas which reflect the qualities of the City's social and environmental needs	Consistent. The planning proposal seeks to provide an additional complementary use to Cahill Park that will improve the amenity and function of the park to accommodate increased recreation needs associated with the development of Wolli Creek Village Centre.

Open Space & Recreation Strategy 2010

Council's Open Space and Recreation Strategy identifies opportunities to enhance open space and recreation provision and support the 'play' and 'live' requirements of the community. The Strategy identifies Cahill Park as a well-used recreation destination.

The planning proposal seeks commercial initiatives to enhance the leisure experience of the recreation destination, therefore is consistent with the following recommended strategies:

2.2 Improve the quality and value of existing open space, with a priority on key sportsgrounds, recreation destinations, and reserves that provide a focus for districts and neighbourhoods; and

4.1 Establish distinctive and high quality recreation destinations.

B3 Is the planning proposal consistent with applicable state environmental planning policies?

Consistency with the State Environmental Planning Policies is provided in Table 7, below.

Table 7 - Consistency with State Environmental Planning Policies

No.	Title	Consistency
1	Development Standards	(Repealed by RLEP 2011)
14	Coastal Wetlands	Not applicable
15	Rural Landsharing Communities	Not applicable
19	Bushland in Urban Areas	Not applicable
21	Caravan Parks	Not applicable
26	Littoral Rainforests	Not applicable
29	Western Sydney Recreation Area	Not applicable
30	Intensive Aquaculture	Not applicable
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable
33	Hazardous and Offensive Development	Not applicable
36	Manufactured Home Estates	Not applicable
39	Spit Island Bird Habitat	Not applicable
44	Koala Habitat Protection	Not applicable

47	Moore Park Showground	Not applicable
50	Canal Estate Development	Not applicable
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
55	Remediation of Land	Council's records indicate that Cahill Park is subject to potential contamination due to imported fill. The risk presented by this proposal is very minor as the planning proposal seeks to facilitate adaptive reuse of an existing amenities building. A subsequent Development Application will enable the consideration of contamination and how it might impact the proposed development in accordance with this SEPP.
59	Central Western Sydney Regional Open Space and Residential	Not applicable
62	Sustainable Aquaculture	Not applicable
64	Advertising and Signage	Consistent. The planning proposal does not seek to hinder the application of this SEPP
65	Design Quality of Residential Flat Development	Not applicable
70	Affordable Housing (Revised Schemes)	Not applicable
71	Coastal Protection	Not applicable
	(Affordable Rental Housing) 2009	Not applicable
	(Building Sustainability Index: BASIX) 2004	Not applicable
	(Exempt and Complying Development Codes) 2008	Consistent. The planning proposal does not seek to hinder the application of this SEPP
	(Housing for Seniors or People with a Disability) 2004	Not applicable
	(Infrastructure) 2007	Consistent. The planning proposal does not seek to hinder the application of this SEPP
	(Kosciuszko National park Alpine Resorts) 2007	Not applicable
	(Kurnell Peninsula) 1989	Not applicable
	(Major Development) 2005	Not applicable
	(Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
	(Penrith Lakes Scheme) 1989	Not applicable
	(Rural Lands) 2008	Not applicable
	(Sydney Drinking Water Catchment) 2011	Not applicable
	(Miscellaneous Consent Provisions) 2007	
	(Sydney Region Growth Centres) 2006	Not applicable
	(Urban Renewal) 2010	Not applicable
	(Western Sydney Employment Area) 2009	Not applicable
	(Western Sydney Parklands) 2009	Not applicable
	(Port Botany and Port Kembla) 2013	Not applicable

See Table 8 below which reviews the consistency with the State Regional Environmental Plans, now deemed SEPPs.

Table 8 - Consistency with deemed State Environmental Planning Policies

No.	Title	Consistency
8	(Central Coast Plateau Areas)	Not applicable
9	Extractive Industry (No.2 – 1995)	Not applicable
16	Walsh Bay	Not applicable
18	Public Transport Corridors	Not applicable
19	Rouse Hill Development Area	Not applicable
20	Hawkesbury-Nepean River (No.2 – 1997)	Not applicable
24	Homebush Bay Area	Not applicable
25	Orchard Hills	Not applicable
26	City West	Not applicable
28	Parramatta	Not applicable
30	St Marys	Not applicable
33	Cooks Cove	Not applicable
	(Sydney Harbour Catchment) 2005	Not applicable

B4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

See Table 9 below which reviews the consistency with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

Table 9 - Consistency with applicable Ministerial Directions

1. Employment and Resources

No.	Title	Consistency
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable

2. Environment and Heritage

No.	Title	Consistency
2.1	Environmental Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Not applicable
2.4	Recreation Vehicle Areas	Not applicable

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Consistent. The planning proposal will expand the recreational experience currently available to the community at a location accessible by walking, cycling facilities and public rail transport.
3.5	Development near Licensed Aerodromes	Consistent. Cahill Park is located on the ANEF 20 contour and the building subject to this planning proposal is located in an area where the ANEF is less than 20. According to AS 2021, the proposed restaurant/café

		use is acceptable in the ANEF zone.
3.6	Shooting ranges	Not applicable

4. Hazard and Risk

No.	Title	Consistency
4.1	Acid Sulfate Soils	Consistent. The land is identified as Class 3 Acid Sulfate Soils in LEP 2011. Clause 6.1 of LEP 2011 specifies when an Acid Sulfate Soils Management Plan is required to be submitted for approval by Council as a part of any subsequent development application.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. The site is identified as 'Flood Planning Area' on the RLEP 2011 Flood Planning Map. The site is therefore subject to provisions in RLEP 2011 Clause 6.6 that gives effect to and is consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> .
4.4	Planning for Bushfire Protection	Not applicable

5. Regional Planning

No.	Title	Consistency
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5	Development on the vicinity of Ellalong, Paxton and Millfield	(Revoked)
5.6	Sydney to Canberra Corridor	(Revoked)
5.7	Central Coast	(Revoked)
5.8	Second Sydney Airport: Badgerys Creek	Not applicable

6. Local Plan Making

No.	Title	Consistency
6.1	Approval and Referral Requirements	Consistent. No approval or referral requirements are proposed to be introduced.
6.2	Reserving land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Consistent. The planning proposal seeks to allow a restaurant or café on the land without imposing any development standards or requirements in addition to those already in RLEP 2011.

7. Metropolitan Planning

No.	Title	Consistency
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Yes. The planning proposal is consistent with the Metropolitan Plan for Sydney 2036 as detailed in Part B1.

C Environmental, social and economic impact

- C1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Cahill Park is not identified on Rockdale LEP 2011 Environmental Sensitive Maps and the proposal is not likely to have any adverse effect on critical habitat or threatened species, populations or ecological communities, or their habitats.

- C2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The planning proposal only seeks to facilitate adaptive reuse of an existing amenities building in Cahill Park. The likely impacts as a result of the proposal are expected to be minor and will be subject to further consideration at the subsequent Development Application.

- C3 How has the planning proposal adequately addressed any social and economic effects?**

The amendment proposed in the planning proposal is likely to have a positive social and economic effect by allowing appropriate uses in Cahill Park which will promote the use of this regionally significant open space network.

D State and Commonwealth interests

- D1 Is there adequate public infrastructure for the planning proposal?**

Yes, the proposal is very minor and unlikely to cause significant additional demand for public infrastructure. There is a public car park located immediately to the north of the amenities building. Given that the scale of the proposed development is small and that the potential patrons would most likely be the residents/workers in the area or visitors utilising the pedestrian/cycling facilities, unreasonable impacts on the car park and its access off Princes Highway are not anticipated.

- D2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Formal consultation with appropriate State and Commonwealth public authorities has not yet commenced. Given Cahill Park is situated on Crown Land, consultation with the NSW Crown Lands Division is proposed following the gateway determination.

Part 4 - Mapping

The planning proposal does not seek to change any of the existing LEP maps. Figure 1 below shows the land affected by the planning proposal.

Figure 1 – Land affected by the planning proposal



Figure 2 - Location of Cahill Park and the amenities building

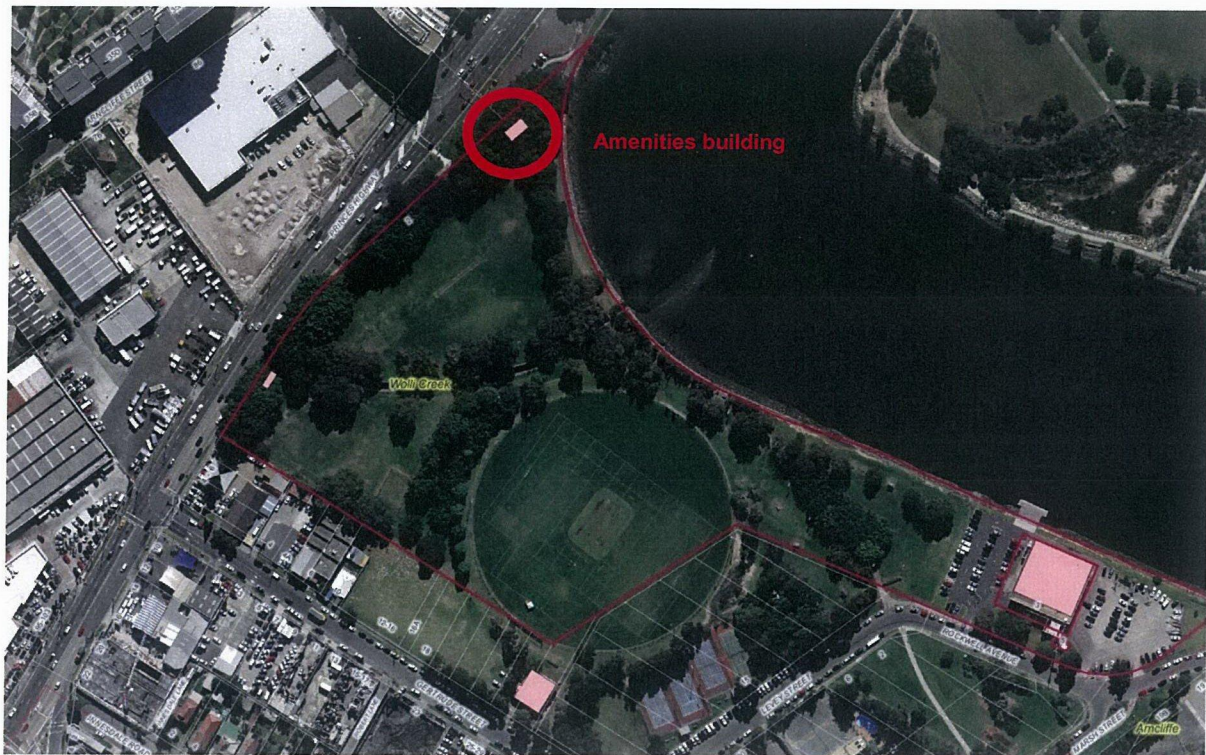


Figure 3 – Existing redundant amenities building



Part 5 – Community Consultation

The planning proposal will be placed on public exhibition in accordance with the Gateway Determination, should the Department of Planning and Environment support this proposal.

The planning proposal is considered low impact based on the definition in the DP&E “A guide to preparing local environmental plans”. Therefore, Council proposes a 14-day exhibition period with the following targeted consultation mechanisms:

1. **Public exhibition material** will be made available at all Council’s administration building and branch libraries during the exhibition period.
2. **Public notice** in the local newspaper, *St George and Sutherland Leader*.
3. **Council’s website** – all exhibition material will be made available on Council’s website for the duration of the exhibition period.
4. **Letter** to adjoining landowners.

These consultation mechanisms are considered sufficient for the purposes of the Planning proposal.

Part 6 – Project Timeline

The table below provides a proposed timeframe for the project.

Table– Approximate Project Timeline

Task	Timing
Anticipated commencement date (date of Gateway determination)	1 August 2014
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Yet to be determined
Commencement and completion dates for public exhibition period	Late July – mid August 2014 proposed
Dates for public hearing (if required)	Not required
Timeframe for consideration of submissions	Mid August -Mid September 2014
Timeframe for the consideration of a PP following exhibition	Mid August -Mid September 2014
Consideration of PP by Council (Council Meeting)	September/October 2014
Date of submission to the department to finalise the LEP	September/October 2014
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	November to January 2014
Anticipated publication date	February 2015

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Rockdale

Name of draft LEP:Rockdale Local Environmental Plan 2011 - Cahill Park

Address of Land (if applicable):2 and 2a Princes Highway, Wolli Creek

Intent of draft LEP: To enable the adaptive re-use of the redundant amenities building at Cahill Park for the purpose of a restaurant or café.

Additional Supporting Points/Information: The planning proposal seeks an amendment to Schedule 1 Additional permitted uses of Rockdale LEP 2011 to permit a restaurant or café on the site. The additional use in the park will improve the quality and function of the open space, address the increasing recreation needs associated with the development of Wolli Creek Village Centre and enhance the enjoyment of the Cooks River foreshore. This planning proposal is considered the most appropriate avenue to deliver the intended outcome.

Evaluation criteria for the issuing of an Authorisation	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)				
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NR		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		NR		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NR		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NR		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		NR		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NR		
Is the planning proposal proposed to rectify an anomaly in a classification?		NR		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NR		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		NR		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		NR		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		NR		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		NR		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		NR		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		NR		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		NR		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NR		

Does the planning proposal create an exception to a mapped development standard?		NR		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		NR		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.