

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

Proposal Title : **Rockdale Local Environmental Plan 2011 (Amendment for Cahill Park, Wolli Creek)**

Proposal Summary : **The planning proposal seeks to introduce a site specific uses at 2 and 2a Princes Highway, Wolli Creek to enable the adaptive re use of the redundant amenities building within the boundary of Cahill Park for the purpose of a restaurant or cafe.**

PP Number : **PP_2014_ROCKD_002_00** Dop File No : **14/10459**

Proposal Details

Date Planning Proposal Received : **20-Jun-2014** LGA covered : **Rockdale**

Region : **Metro(CBD)** RPA : **Rockdale City Council**

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

LEP Type : **Policy**

Location Details

Street : **2 and 2a Princes Highway**

Suburb : **Wolli Creek** City : **NSW** Postcode : **2205**

Land Parcel : **Lot 3 DP 1148894**

DoP Planning Officer Contact Details

Contact Name : **Deewa Baral**

Contact Number : **0285745412**

Contact Email : **deewa.baral@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Pengfei Cheng**

Contact Number : **0295621634**

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

DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**

Contact Number : **0285754111**

Contact Email : **diane.sarkies@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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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 Lobbyists Code of Conduct has been complied with : Yes	
If No, comment :	
Have there been meetings or communications with registered lobbyists? :	No
If Yes, comment :	The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.

Supporting notes

Internal Supporting Notes : **Council has requested delegation to make the plan and has submitted 'Attachment 4- Evaluation Criteria For Delegation'. Council's request of delegation for making this LEP is supported.**

External Supporting Notes :

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

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

Comment : **The planning proposal seeks to introduce a site specific use at 2 and 2a Princes Highway, Wolli Creek to enable the adaptive re use of the redundant amenities building within the boundary of Cahill Park for the purpose of a restaurant or cafe.**

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

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

Comment : **The planning proposal seeks to amend Rockdale Environmental Plan 2011 by allowing restaurant or cafe as additional permitted use with consent under Schedule 1 - 'Additional Permitted Uses' for the land at 2 and 2a Princes Highway, Wolli Creek.**

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

**3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
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**

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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 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

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

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

If No, explain :

Direction 4.1 Acid Sulphate Soils is relevant to the proposal as the subject site is identified as class 3 (which requires development consent for carrying out works more than 1m below the natural ground surface) under the Acid Sulphate Soils Map for Rockdale LEP 2011. The proposal is inconsistent with this Direction as the proposed additional use would result in land use intensification and as such requires an acid sulphate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. This has not been provided. However, Clause 6.1 of Rockdale LEP 2011 provides provisions that requires an Acid Sulfate Soils Management Plan for approval by Council as part of any subsequent development application. Given that the likely impact of the proposal is expected to be minor as the building already exists on the site and as ground breaking work below 1m is not proposed, and taking into consideration the clause 6.1 provision under the LEP, the agreement of the Secretary (or delegate) is recommended as the inconsistency is considered to be of minor significance (in accordance with 4.1 8(b) of s 117 Direction).

The site is identified as a flood planning area under Rockdale LEP. The proposal's inconsistency with **Direction 4.3 Flood Prone Land** is considered minor as it only proposes additional use on the subject site and clause 6.3 of Rockdale LEP provides appropriate provisions that need consideration prior to any development on the site. A full assessment of the land's potential flood hazards is required after the gateway process and prior to any development application. The agreement of the Secretary (or delegate) is recommended as the inconsistency is considered to be of minor significance (in accordance with 4.3 9(b) of s 117 Direction).

SEPP 55 - Remediation of Land : Council's records indicate that Cahill Park is subject to potential contamination due to imported fill. The risk involved is considered minor as the proposal seeks to facilitate adaptive reuse of the existing amenities building and a subsequent development application will enable the consideration of contamination in accordance with the SEPP.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Mapping amendments are not required to Rockdale LEP 2011 as this planning proposal is seeking an amendment to Schedule 1 - Additional Permitted Uses. Location map and a photo of the amenity building is provided as part of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes to exhibit the proposal as below:

- 14 days exhibition period;**
- notification in local newspaper, St George and Sutherland Leader;**
- exhibition materials made available in Council's website, at Council's administration building and branch libraries during exhibition period; and**
- letter to adjoining landowners at commencement of exhibition period.**

These arrangements are considered satisfactory.

Given that Cahill Park is situated on Crown Land, consultation with the NSW Crown Lands Division is required following the gateway determination.

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 :

The Principal LEP was notified in December 2011.

Assessment Criteria

Need for planning
proposal :

The existing amenities building located at the north western section of Cahill Park has been closed for over a decade due to community safety concerns. Council invited expressions of interest between 19 September and 8 November 2013 regarding the site, that sought to improve the amenity of the park while providing revenue to Council via the upgrade and ongoing use of the amenities building. Council received six submissions all proposing a restaurant or cafe.

Cahill Park is zoned RE1 Public Recreation under Rockdale Local Environmental Plan 2011, which prohibits the restaurant or cafe use. The proposal would enable the use of restaurant or cafe on the site at 2 and 2a Princes Highway, Wolli Creek which lies within the boundary of Cahill Park.

Cahill Park is a significant local open space and the adaptive re use of the redundant amenities building for the purpose of a restaurant or cafe will promote the use of this open space and the connecting regional open spaces.

Consistency with
strategic planning
framework :

The planning proposal is consistent with Direction F2.1 of the draft South Sub-regional Strategy which is to improve the quality of local open space. In addition, the Strategy identifies the Cooks River foreshore as a regional recreation corridor. As Cahill Park contains the Cooks River cycle-way/ walking trail which connects with the regional cycle-way/ recreational trails, the proposed use is a complementary use for the park which will also promote the use of the regional recreation corridor.

The planning proposal is also consistent with the 'Rockdale City Community Strategic Plan 2013-2025' and 'Open Space and Recreation Strategy 2010'.

Environmental social
economic impacts :

The planning proposal is likely to have a positive social and economic effect as it allows appropriate use which will promote the use of Cahill Park and the connecting recreational corridor.

It is considered that the proposal including potential land use intensification at the site, is not likely to have any adverse impact on the environment, critical habitat, threatened species or any ecological communities.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

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 :

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
Draft Rockdale LEP 2011 _Amendment for Cahill Park, WolliCreek.pdf	Proposal	Yes
Attachment No 4.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **3.4 Integrating Land Use and Transport**
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
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Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

1. The planning proposal be exhibited for a minimum of 14 days.

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2. The planning proposal be completed within 6 months of the Gateway Determination.

3. Consultation with the NSW Crown Lands Division is required.

Inconsistencies with s117 Direction 4.1 Acid Sulphate Soils and 4.3 Flood Prone Land have been justified. The Secretary's approval to proceed under these Directions be granted. No further consideration of any other Section 117 Directions is required.

No studies are required to be carried out.

Supporting Reasons :

The planning proposal would enable the adaptive reuse of the redundant building which will promote the use of Cahill Park and other connected regional open spaces.

Signature:



Printed Name:

Diane Sarkies

Date:

18/7/14