Planning Proposal

Rockdale Local Environmental Plan 2011

Two storey residential development in the R2 and R3 zones

ROCKDALE
CITY COUNCIL
On Historic Botany Bay

2 April 2014

Contents

Table of Revisions

4 September 2013	Section 56(1) Submission
20 November 2013	Revised Section 56(1) Submission
2 April 2014	Revised Section 56(1) Submission

Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed amendment to *Rockdale Local Environmental Plan 2011* (RLEP). It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Infrastructure (DP&I) guides, including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Historical Context

RLEP has been in place since December 2011 and was prepared in accordance with the State Government's Standard Instrument LEP Template ("the Template"). The Template mandated that where a maximum building height applied to any land, that height needed to be included on a Height of Buildings map in metres as an absolute maximum height above ground level.

At the time, Council rolled over its 2 storey height for residential development within the R2 Low Density and R3 Medium Density Residential zones from its respective development control plans following detailed urban design analysis. The analysis established a maximum building height of 8.5 metres for the purposes of the Height of Buildings Map. The height enabled maximum design flexibility without enabling a third storey. The 8.5m height limit would also apply to any non-residential development that was permissible in the zones, including child care centres and community facilities.

Background

Since RLEP has been in place, Council has seen a disproportionate number of development applications for dwelling house development within the R2 Low Density and R3 Medium Density Residential zones requiring a variation to the maximum building height. Specifically, Council has approved 9 development applications (DAs) for 2 storey dwellings which have exceeded the maximum building height of 8.5 metres. For a DA to exceed the height control, a formal process to seek a variation to the height control is required.

The issue affects or is likely to affect, other forms of low density residential development within the R2 and R3 zones, such as:

- Attached dwellings,
- Dwelling houses,
- Dual occupancies,
- Multi dwelling housing,
- Secondary dwellings,
- Semi detached dwellings.

Any 2 storey residential development seeking a minor variation to the height control must rely on RLEP clause 4.6 Exceptions to Development Standards and justify the variation. This is despite the corresponding *Rockdale Development Control Plan 2011* control being 2 storeys. This process is onerous for such minor variations. It places additional demand and provides uncertainty to applicants, as each DA is referred to Council for determination. The community has a reasonable expectation to construct 2 storey housing in its low density zones without the need for an onerous process.

In response to this issue, an amendment is proposed to RLEP to deliver Council's intended outcome for low and medium density residential development: to enable 2 storey development without the need for DAs to seek a variation to the building height control.

For other forms of development within these zones, including child care centres, the 8.5m height included on the Height of Buildings Map would still be applicable. As such, the impact associated with non-residential development within these areas will not change as a result of this proposal.

Part 1 - Objectives or Intended Outcomes

The objective is this planning proposal is to ensure 2 storey residential development (not including basement parking) can be delivered in the R2 Low Density Residential and R2 Medium Density Residential zones without requiring a Clause 4.6 variation.

Part 2 - Explanation of Provisions

A Clause 4.3 Height of Buildings

Insert following clause 4.3(2):

Despite subclause (2), the height of a residential building may exceed the maximum height shown for the land on the Height of Buildings Map on land that is in Zone R2 Low Density Residential or Zone R3 Medium Density Residential if the building does not exceed 2 storeys.

Part 3 - Justification

A Need for the planning proposal

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

No. This Planning Proposal is in direct response to a number of clause 4.6 variations which have sought an increase in the maximum building height to enable a 2 storey residential buildings.

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 is considered the best means of achieving the objectives or intended outcomes.

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

Objective D3 To improve housing affordability

This Planning Proposal is consistent with this objective as it seeks to remove inefficiencies in the DA process.

At present, a variation to development standards (clause 4.6 of LEP 2011) would generally be prepared by a town planning professional. This places additional cost on development. In addition, applications which seek a variation are required to be determined by Councillors.

The formal variation process required by clause 4.6 is appropriate for proposals that have the potential for significant impact. However, this Planning Proposal seeks to remove the inefficiency currently placed on DAs for 2 storey residential developments which seek a minor variation for a height that was achievable under Council's previous planning framework.

Sydney South Draft Subregional Strategy

Objective C4.1 Improve the affordability of Housing

(See response above)

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

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:

- 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 relevant community outcomes.

Table 1 – Consistency with Rockdale City Community Strategic Plan

Outcome	Objective	Strategy	Consistency
2	**2.2** Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods	**2.2.2** Promote high quality, well designed and sustainable development and places that enhances the City	Consistent. This Planning Proposal seeks to enhance the affordability of housing in the City by removing the need to vary the building height control for development that is consistent with Council's 2 storey building height policy position.

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

Consistency with the State Environmental Planning Policies is provided in Table 2, below.

Table 2 - Consistency with State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
1	Development Standards	(Repealed by *RLEP 2011)*
4	Development Without Consent and Miscellaneous Exempt and Complying Development	(Clause 6 and Parts 3 and 4 repealed by *RLEP 2011*). Not applicable
6	Number of Storeys in a Building	Consistent. This Planning Proposal will have no impact on the operation of this SEPP.
14	Coastal Wetlands	Not applicable
15	Rural Landsharing Communities	Not applicable

19	Bushland in Urban Areas	Consistent. This Planning Proposal will have no impact on bushland in Rockdale LGA.
21	Caravan Parks	Not applicable
22	Shops and Commercial Premises	Not applicable as this Planning Proposal does not relate to land within a business zone.
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
41	Casino Entertainment Complex	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	Consistent. This Planning Proposal does not hinder the application of this SEPP.
59	Central Western Sydney Regional Open Space and Residential	Not applicable
60	Exempt and Complying Development	(Repealed by *RLEP 2011*)
62	Sustainable Aquaculture	Not applicable
64	Advertising and Signage	Consistent. This Planning Proposal does not 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. This Planning Proposal does not hinder the application of this SEPP
	(Housing for Seniors or People with a Disability) 2004	Not applicable
	(Infrastructure) 2007	Consistent. This Planning Proposal does not 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
	(Miscellaneous Consent Provisions) 2007	Consistent. This Planning Proposal does not hinder the application of this SEPP
	(Penrith Lakes Scheme) 1989	Not applicable
	(Rural Lands) 2008	Not applicable
	(Sydney Drinking Water Catchment) 2011	Not applicable
	(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

Consistency with deemed State Environmental Planning Policies is provided in Table 3, below.

Table 3 - Consistency with deemed State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
5	(Chatswood Town Centre)	Not applicable
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)?

Consistency with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979* is provided in Table 4, below.

Table 4 - Consistency with applicable Ministerial Directions

1. Employment and Resources

No.	Title	Consistency with Planning Proposal
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 with Planning Proposal
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 with Planning Proposal
3.1	Residential Zones	Consistent. This Planning Proposal seeks to facilitate 2 storey residential development in the R2 and R3 zones. This Planning Proposal does not include any provisions that seek to: • reduce housing choice; • increase demand on existing services; or

		• increase land consumption.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating land use and Transport	Consistent. This Planning Proposal seeks to alter a provision related to urban land. However there is no provision within the Planning Proposal that is inconsistent with this Direction.
3.5	Development near Licensed Aerodromes	Not applicable
3.6	Shooting ranges	Not applicable

4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	Consistent. This Planning Proposal does not propose "*an intensification of land uses*" on any land affected by Acid Sulfate Soils.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. This Planning Proposal does not seek to "*permit a significant increase in the development*" of land affected by both the Planning Proposal and the Food Planning Map in LEP 2011.
4.4	Planning for Bushfire Protection	Not applicable

5. Regional Planning

No.	Title	Consistency with Planning Proposal
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…	(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 with Planning Proposal
6.1	Approval and Referral Requirements	Consistent. This Planning Proposal does not require concurrence or referral of a Minister or public authority prior to community consultation.
6.2	Reserving land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Not applicable

7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Consistent (see comment in Part 3, Section 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?

No. This Planning Proposal seeks to clarify the building height that applies to existing residentially zoned land and will not result in any additional impacts on the natural environment.

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

Environmentally sensitive land is mapped in RLEP 2011, which will ensure any impact will be appropriately considered.

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

This Planning Proposal will have a positive economic effect by reducing inefficiencies in the DA process. The current process places additional demand on minor development. This additional demand is not consistent with the potential impact of the development. If this Planning Proposal is approved, there will be time and cost savings to the delivery of 2 storey low and medium density housing.

D State and Commonwealth interests

D1 Is there adequate public infrastructure for the planning proposal?

The zoning and floor space ratio for the land affected by this Planning Proposal will not change. The increase in flexibility of the building height control for low and medium density development will cause no additional demand for public infrastructure.

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

Consultation with State and Commonwealth public authorities will be determined by the DP&I when it is determined by the Gateway Determination. However, because the impacts of this Planning Proposal are considered negligible, it is considered that consultation with public authorities is not required.

Part 4 – Maps

There are no mapping changes included as a part of this Planning Proposal.

Part 5 – Community Consultation

The Planning Proposal seeks to reformat the building height control for residential development permissible in the R2 and R3 zones. Council proposes a 28 day exhibition period relying on the following consultation mechanisms:

1. **Public exhibition material** will be made available at all Council Branch Libraries for 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.

> **Note:** Letters are not proposed to be sent to affected or adjoining landowners because "the number of landowners made it impractical to notify them", as per the DP&I's 'A guide to preparing local environmental plans' (2013).

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

Part 6 – Project Timeline

Table 5 below provides a proposed timeframe for the project.

Table 5 – Approximate Project Timeline

Task	Timing
Commencement of Gateway Determination	1 May 2014 (Estimated)
Anticipated timeframe for the completion of required technical information	Yet to be determined
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Yet to be determined
Dates for public exhibition period	June 2014 (28 days) (Estimated)
Date for public hearing (if required)	Not required
Timeframe for consideration of submissions	July 2014 (Estimated)
Timeframe for the consideration of a PP following exhibition	August 2014(Estimated)
Date of submission to the department to finalise the LEP	Dependent on delegation
Anticipated date RPA will make the plan (if delegated)	Dependent on delegation
Anticipated date RPA will forward to the department for notification	Dependent on delegation
Timeframe for completion of the LEP – 9 months from commencement of Gateway Determination	February 2015 (Estimated)

Appendix 1 - Council report and Minutes from Council Meeting, 4 September 2013