

28 March 2014
17 January 2014

Our Ref: F13/233 – 14/4291
Contact: Shaun Beckley – 9562 1873

Mr Lee Mulvey
Director – Sydney Region East
Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



Dear Lee

Re: Planning Proposal - Two storey development in the R2 and R3 zones

I am writing further to Council's Section 56 submission of the above planning proposal.

Since the commencement of *Rockdale Local Environmental Plan 2011*, Council has had to consider numerous Clause 4.6 variations to the height limit within the R2 and R3 zones. These development applications were for two storey residential development which exceeded the 8.5 metre height limit for a variety of reasons.

The need for a Clause 4.6 variation for two storey development is onerous for the applicant to prepare and for Council to consider. As such, the purpose of this Planning Proposal is to facilitate a change to the planning framework that will negate the need for a clause 4.6 variation for two storey residential buildings.

It is worth noting that a two storey height control for low and medium density forms of residential development was in place for the City in the 10+years duration of *Rockdale Local Environmental Plan 2000* which relied on specifying a maximum building height of two storeys in the low and medium density residential zones. During the course of LEP 2000, Council did not receive a single application for a proposal that sought to take advantage of the 2 storey building height control by proposing an excessive floor to ceiling height.

Council's preference for the resolution of this issue is to amend the Height of Buildings Map to include a 2 storey height notation on the map. Initial consultations with the Regional Team identified such an approach would not be supported.

As an alternative, an exceptions clause was proposed that would have the effect of retaining the height shown in the Height of Buildings Map for permissible non residential development while permitting two storey residential development.

Council were subsequently advised that this approach was generally acceptable provided Council also include an additional numerical height by which the development could exceed the height shown on the Height of Building Map. In considering the range of potential causes for, and extent of, existing variations, the use of this approach may still require Clause 4.6 variations.

Following additional investigation of the impacts of the various options, Council is proposing a 2 storey building height exception without an additional height control. This approach seeks to reinstate Council's policy position and control mechanism for these lower density forms of residential development which operated successfully for the 10+ year duration of LEP 2000.

This approach will remove the need to rely on Clause 4.6 variations for minor height exceedance. Council is confident that any application that seeks to take advantage of this exception clause by proposing excessive floor to ceiling heights would be appropriately dealt with under Section 79C and the relevant provisions of *Rockdale Development Control Plan 2011*.

Council will lodge a revised Planning Proposal by 11 April 2014.

I would like to acknowledge the efforts of the Regional Team in assisting Council resolve the implementation issues associated with this Planning Proposal.

Any questions on this Planning Proposal can be directed to Shaun Beckley, Senior Urban Planner, on 9562 1873 or sbeckley@rockdale.nsw.gov.au.

Yours faithfully



Erika Roka
Manager Urban and Environmental Strategy

2 April 2014



PCU52482

Our Ref: F13/233
Contact: Shaun Beckley - 9562 1873

Mr Lee Mulvey
Director - Sydney Region East
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
7 APR 2014
Scanning Room



Dear Lee

Re: Draft Rockdale Local Environmental Plan 2011 (Two storey residential development in the R2 and R3 zones) – revised planning proposal

Following discussions and correspondence between the Department of Planning and Infrastructure (DP&I) and council staff, the *Planning Proposal - Two storey residential development in the R2 and R3 zones* has been revised. A copy of the Planning Proposal is attached.

The primary change to the Planning Proposal is in Part 2 – Explanation of Provisions. The recommended approach now is to include an exceptions clause for two storey development. In accordance with Council's letter sent 28 March 2014, the Planning Proposal does not include a metrical height component. There were some consequential amendments to Part 6 – Project Timeline.

There are no mapping amendments required as a part of this amendment. It is noted that the intent of the Planning Proposal has not changed.

If you have any further enquiries please contact Shaun Beckley, Senior Urban Planner, on 9562 1873 or at sbeckley@rockdale.nsw.gov.au

Yours faithfully

Erika Roka
Manager Urban and Environmental Strategy

