

Draft Rockdale Local Environmental Plan 2011 (Two storey residential development in R2 and R3 zones)

Proposal Title :	Draft Rockdale Local Environmental Plan 2011 (Two storey residential development in R2 and R3 zones)		
Proposal Summary :	The planning proposal seeks to add an exception sub clause under clause 4.3 - Height of Buildings which allows two storey residential developments irrespective of the maximum height shown under Height of Buildings Map for land zoned R2 Low Density Residential and R3 Medium Density Residential.		
PP Number :	PP_2014_ROCKD_001_00	Dop File No :	13/19777

Proposal Details

Date Planning Proposal Received :	07-Apr-2014	LGA covered :	Rockdale
Region :	Metro(CBD)	RPA :	Rockdale City Council
State Electorate :	HEFFRON KOGARAH ROCKDALE	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :	Rocky Point Road		
Suburb :	Kogarah	City :	NSW
Land Parcel :		Postcode :	2217

DoP Planning Officer Contact Details

Contact Name :	Deewa Baral
Contact Number :	0285754127
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RPA Contact Details

Contact Name :	Shaun Beckley
Contact Number :	0295621870
Contact Email :	sbeckley@rockdale.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

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 :

The planning proposal was first submitted on 13 September 2013 following Council's resolution requiring an amendment to Height of Buildings Map. To ensure two storey developments in the R2 Low Density and R3 Medium Density Residential zones without requiring clause 4.6 variation, the 8.5m notation in the Height of Buildings Map was proposed to be replaced by 'two storey (not including basement car parking)'. Following discussions and correspondence between the Department and Council staff, the planning proposal has been revised to include an exception clause which allows two storey residential developments irrespective of the maximum height shown under the Height of Buildings Map for lands zoned R2 Low Density Residential and R3 Medium Density Residential.

Legal advice was sought regarding the proposed clause (tag A1). Legal suggested adding a numerical figure higher than that imposed by the Height of Buildings Map along with the two storey limit. However, Council does not intend to specify any numerical figures in the proposed exception clause and rely on DCP for assessing proposals with unreasonable building heights.

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

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Statement of the objectives - s55(2)(a)

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

Comment : **The objective of this planning proposal is to ensure the delivery of two storey residential development (not including basement parking) in R2 Low Density Residential and R3 Medium Density Residential zones without requiring 'clause 4.6 - Exception to development standards' variation.**

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

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

Comment : **The explanation of provisions provided is considered to be adequate.**

Amend Rockdale Local Environmental Plan 2011 by adding the following subclause under clause 4.3 Height of Buildings:

- 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 two storeys.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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 6—Number of Storeys in a Building

SEPP No 19—Bushland in Urban Areas

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 :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No mapping change is required.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 28 day exhibition period with the following provisions:**
- Public exhibition material will be made available at all Council Branch Libraries for the

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exhibition period;

- Public notice in the local newspaper, St George and Sutherland Leader; and
- All exhibition material will be made available on council's website for the duration of the exhibition period.

The planning proposal will be placed on public exhibition in accordance with 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 : **December 2011**

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning
proposal :

Since the Rockdale LEP 2011 came in effect, Council has received a large number of development applications for two storey residential developments in R2 Low Density and R3 Medium Density Residential zones that exceeded the permissible height limit (8.5m) and required clause 4.6 Exceptions to Development Standards to apply. This process is onerous for minor height variations, as it requires additional justifications. The community has reasonable expectation to construct a two Storey dwelling in R2 and R3 zones without the need for an onerous process.

In response to this issue, an additional sub clause under clause 4.3 Height of Buildings has been proposed that deliver Council's intended outcome for low and medium density residential development.

The proposed change is considered to increase efficiency in the assessment of affected development applications and is supported.

Consistency with
strategic planning
framework :

The planning proposal is consistent with the strategic planning framework.

Environmental social
economic impacts :

This proposal seeks to clarify the building height that applies to existing residential zoned land and will not result in any additional impacts on the natural environmental. The proposal will streamline the DA process, provide certainty to applicants and reduce time and additional cost on the delivery of two storey residential development in R2 Low Density and R3 Medium Density Residential zones.

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Assessment Process

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

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

Public Authority Consultation - 56(2)(d) :

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
Planning Proposal - 14 04 2014 Two storey development in the R2 and R3 zones.pdf	Proposal	Yes
Evaluation criteria for the delegation of plan making functions.pdf	Proposal	No
cover letter_2 storey development in R2 and R3.pdf	Proposal Covering Letter	Yes
Gateway Determination.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceed subject to following conditions:**

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1. The planning proposal be exhibited for a minimum of 14 days.
2. The planning proposal be completed within 6 months of the Gateway Determination.
3. No consultation with government agencies is required.
4. No studies are required to be carried out.

Supporting Reasons : The planning proposal will ensure two storey residential developments in the R2 Low Density and R3 Medium Density Residential zones that are permissible without requiring 'clause 4.6 - Exceptions to development standards' variations.

Signature:



Printed Name:

Diane Sarkies

Date:

13/4/14