

To increase the building height applying to land at 75-85 Railway Street, Rockdale.

Proposal Title : To increase the building height applying to land at 75-85 Railway Street, Rockdale.

Proposal Summary : The planning proposal is seeking to increase building height from 22m to 28m applying to land at 75-85 Railway Street, Rockdale, by amending Rockdale Local Environmental Plan 2011 (Rockdale LEP).

PP Number : PP_2015_ROCKD_007_00 Dop File No : 15/14086

Proposal Details

Date Planning Proposal Received : 22-Sep-2015 LGA covered : Rockdale

Region : Metro(CBD) RPA : Rockdale City Council

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

LEP Type : Spot Rezoning

Location Details

Street : 75-85 Railway Street

Suburb : Rockdale City : NSW Postcode : 2216

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : Deewa Baral

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RPA Contact Details

Contact Name : Wil Robertson

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DoP Project Manager Contact Details

Contact Name : Diane Sarkies

Contact Number : 0292286522

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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 120

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment : The Department of Planning and Environment is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.

Supporting notes

Internal Supporting
Notes :

The site is located on the edge of Rockdale town centre and comprises 5 allotments, being Lot 101 DP 771165, Lot 3 DP 82942, Lot 1 DP 455421 and Lot 1 DP 912313, owned by Zoe Holdings and Lot 1 DP 3560, owned by a separate party.

The combined area of the site is approximately 3,519 sqm, with about 85m frontage to Railway Street and 37m frontage to Parker Street. The site is currently occupied by a three storey commercial building with a basement and rooftop parking, and a two storey mixed use building.

The site is approximately 100m from Rockdale Station and is close to several bus routes, connecting Rockdale and the Sydney CBD.

Existing land uses within the vicinity of the site include public buildings such as the Guild Theatre, St. Joseph's Church and Primary School, and a mixed use development, all of which are located on the same street block. The land to the north, on the opposite side of Parker Street, is zone R2 Low Density Residential, and consists of predominantly single and double storey dwellings. The southern side of Walz Street is zoned B2 Local Centre and dominated by a row of single storey shops, some of which have a one storey residential use above them.

The planning proposal increases the building height at 75-85 Railway Street, which will facilitate a mixed use development (shop top housing) comprising 855 sq m of commercial and retail uses on ground floor and 120 residential units above.

The planning proposal also facilitates the creation of a lane way at the rear of the property, which links Waltz and Parker Street, and provides opportunities for additional parking spaces in the locality. A Voluntary Planning Agreement is currently being negotiated on the matter, which will be reported to Council separately during the Gateway process.

The planning proposal is supported as it:

- satisfies State and Subregional metropolitan strategy objectives;
- achieves the optimal development potential for the site;
- is consistent with the building height controls for other B2 Local Centre zone within the Rockdale town centre (which ranges from 22m to 28 m with additional 12m height incentives if the site area exceeds 1,500 sqm); and

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External Supporting Notes :
- improves public domain through the provision of additional on-street parking and a connecting lane way.
The planning proposal reflects Rockdale City Council's resolution of 2 September 2015 to endorse a request to increase the building height from 22m to 28m, applying to land at 75-85 Railway Street, Rockdale.
In addition, Council also resolved to amend the Land Reservations Acquisition Map Sheet (LRA 004) to reflect a reservation on lots 75-85 Railway Street for the provision of an easement for the purposes of a through road and on street parking.
Council has requested delegation of plan making function for this planning proposal.

Adequacy Assessment

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

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

Comment : The objective of the planning proposal is to increase building height from 22m to 28m to maximise the re-development capacity of the site, which is currently zoned B2 Local Centre. The proposal also aims to reserve land for a through road and on street parking.

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

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

Comment : To achieve the objectives, the following amendments to Rockdale LEP are sought:
1. Amend the Height of Buildings Map for the site from 22m to 28m; and
2. amend the Land Reservation Acquisition Map to reflect a reservation for a through road and on-street parking.

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

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

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 65—Design Quality of Residential Flat Development

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

1.1 Business and Industrial zones

This Direction relates to planning proposals that affect land within an existing or proposed business zone. The Direction requires that planning proposals must not reduce the total potential floor space area for employment uses and related public services in business zones.

The proposal will facilitate a mixed use development (shop top housing) comprising 855 sq m of commercial and retail uses on ground floor and 120 residential units above.

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Given the existing commercial buildings on the site, the Department considers that the proposed development may result in the reduction of net commercial floor space and therefore the planning proposal is inconsistent with this Direction. As the proposal is not seeking to rezone the existing B2 Local Centre, and the development of shop top housing, does not undermine the zone objectives, the inconsistency is considered minor.

3.5 Development Near Licensed Aerodromes

The Direction applies when a planning proposal will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

The Direction implies that a planning proposal that rezones land for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, must include a provision to ensure that development meets AS 2021 regarding interior noise levels. It is noted that the proposal will be assessed at the development application (DA) stage for aircraft noise requirements, under the Rockdale LEP's Clause 6.3 - Development in areas subject to aircraft noise.

The Direction also requires consultation with the Department of Commonwealth, and to take into consideration the Obstacle Limitation Surface (OLS). To ensure the effective and safe operation of aerodromes, and to consider the OLS, consultation is required with Sydney Airport Corporation and the Commonwealth Department of Infrastructure and Regional Development, prior to exhibition.

For land identified as being affected by the OLS, further work and permission is required in accordance with the Direction.

It is considered that the inconsistency with Direction 3.5 has not been adequately justified, and therefore must be provided to the Department for the Secretary's satisfaction prior to making the Plan, in particular the outcome of consultation regarding OLS requirements.

4.1 Acid Sulfate Soils:

The Direction requires that a relevant planning authority must consider an acid sulfate soils study assessing the appropriateness of the change of land use, if an intensification of land uses on land identified as having a probability of containing acid sulfate soils is proposed.

Rockdale's Acid Sulfate Soils Map identifies the site as having Class 5 (least severe category) for acid sulfate soils. Clause 6.1 of the Rockdale LEP requires an acid sulfate soils management plan at development application stage, before carrying out any development on such land. The inconsistency with this Direction is therefore considered to be minor and justifiable.

The planning proposal is not inconsistent with any other applicable SEPPs or section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **It is recommended that for public exhibition, Council should include both the current and the proposed Height of Buildings and Land Reservation Acquisition maps, clearly reflecting the proposed amendments.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal recommends community consultation for a minimum of 28 days. This is supported by the Department.**

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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 : **Rockdale Local Environmental Plan 2011 was notified on 5 December 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is seeking to increase the building height for land at 75-85 Railway Street, to maximise re-development capacity of the site and reserve land for a through road and on-street parking.**

The planning proposal is the only mechanism that would allow for the consideration of planning controls outside those currently prescribed under the Rockdale LEP.

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Consistency with strategic planning framework :

A Plan for Growing Sydney:

The following Directions under A Plan for Growing Sydney are considered relevant:

- Direction 2.2 Accelerate urban renewal across Sydney
- Direction 3.1: Revitalise existing suburbs
- Priorities for the South Subregion:
 - Work with Council to identify suitable locations for housing intensification and urban renewal, particularly around Priority Precincts, established and new centres, and along key public transport corridors.

The planning proposal is consistent with A Plan for Growing Sydney as it:

- encourages urban renewal adjacent to train station and bus interchange;
- helps to revitalise existing suburbs; and
- seeks to increase density in the city centre, close to transport and other services.

2014 NSW Population and Dwelling Projections – Rockdale LGA:

The population of Rockdale LGA is projected to increase by 30,850 for the period 2011-2031, equating to the need for an additional 13,500 dwellings. This indicates that Rockdale Council needs to plan for additional dwellings in the LGA to cater for population growth. This planning proposal will enable an additional 120 dwellings on the site, contributing towards the projected number of dwellings needed in the LGA.

Rockdale City Community Strategic Plan 2013-2025:

The proposal is consistent with the objectives and strategic outcomes set in the Rockdale Community Strategic Plan. In particular, the proposal will increase vitality and lifestyle and improve the pedestrian experience by establishing a through-site –link.

Rockdale Town Centre Master Plan:

The subject site is located on the edge of Rockdale Town Centre Masterplan, which was adopted by Council on 5 December 2012. The Masterplan outlined future strategies and identified key areas with high redevelopment potential, areas that needed revitalisation and areas with greatest impact to town centre improvements. The Masterplan was incorporated within the Rockdale LEP through Amendment No 8, notified on 5 June 2015. Changes made to the site under Amendment No 8 are the removal of floor space ratio control and increase in building height from 16m to 22m.

Under the Rockdale LEP, a height incentive of up-to 12m applies to some B2 zoned land within the town centre, where land area is greater than 1,500 sqm. The site is not, however, subject to any site incentives under the current provisions, although a combined land area of the site is greater than 1,500 sqm.

It is noted that the Rockdale Town Centre Masterplan is a relatively recently adopted and implemented document, therefore the need for the increased controls above those approved in the Masterplan is questioned. It is therefore recommended that the planning proposal be updated prior to exhibition, to demonstrate the need for the proposal in the context of Council's Rockdale Town Centre Masterplan 2012 and associated planning proposal, including consistency or otherwise.

Urban Design Report:

The planning proposal is supported by an Urban Design analysis which demonstrates that the impact of the proposed amendments to the surrounding land uses is minimal and is consistent with the desired future character of the locality.

Environmental social economic impacts :

There are no known critical habitats or threatened species populations or ecological communities, or their habitats affecting the site. There are no other likely environmental impacts resulting from the development of the site, such as flooding.

The proposal will enable additional street parking and a through-site-link at the rear of the site, connecting Waltz and Parker Street, which will contribute in improving public domain.

The proposal will facilitate additional residential units with easy access to public transport, retail facilities and other services, which will result in positive social and economic

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impact.

Given the site's proximity to the train station, it is considered that the impact of the proposal on local roads will be minimal. The accompanying traffic report identifies 1% increase in peak hour traffic along surrounding key roads, and it is expected that they will continue to operate in the same way.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority
Consultation - s56(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
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Annexure 1_Urban Design Report_Part1.pdf	Study	Yes
Annexure 1_Urban Design Report_Part2.pdf	Study	Yes
Annexure 2_Acoustic.pdf	Study	Yes
Annexure 3_Electrical.pdf	Study	Yes
Annexure 4_Hydraulic.pdf	Study	Yes
Annexure 5_Traffic Report.pdf	Study	Yes
Annexure 6_Wind.pdf	Study	Yes
Delegation of Plan making function.pdf	Study	No

Planning Team Recommendation

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

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S.117 directions:

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information :

It is recommended that the planning proposal proceed subject to the following:

1. Prior to exhibition, the planning proposal should be amended:
 - a. clearly show the proposed land reservation for the provision of a through access road and on-street parking, as outlined in the Council report dated 2 September 2015;
 - b. include both the current and the proposed building height and Land Reservation Acquisition maps in accordance with the LEP technical requirements for mapping; and
 - c. demonstrate the need for the proposal in the context of Council's Rockdale Town Centre Masterplan 2012 and associated planning proposal, including consistency or otherwise.
2. The planning proposal is to be publicly exhibited for 28 days.
3. The planning proposal is to be completed within 9 months of the Gateway determination.
4. Consultation is required with the following public authorities prior to exhibition, and the planning proposal updated to incorporate the outcome of consultation, in order to address the proposals consistency with s117 Direction 3.5 Development Near Licensed Aerodromes:
 - Sydney Airport Corporation; and
 - Department of Infrastructure and Regional Development.
5. A public hearing is not required to be held into the matter.
6. The Secretary's delegate agrees the inconsistencies with Direction 1.1 Business and Industrial zones and Direction 4.1 Acid sulfate Soils are of minor significance.
7. The Secretary's delegate considers that consistency with Direction 3.5 Development Near Licensed Aerodromes will need to be provided to the Department prior to making the Plan.

Supporting Reasons :

The planning proposal is supported as it:

- satisfies State and Subregional metropolitan strategy objectives;
- achieves the optimal development potential for the site;
- is consistent with the building height controls for other B2 Local Centre zone within the Rockdale town centre (which ranges from 22m to 28 m with additional 12m height incentives if the site area exceeds 1,500 sqm); and
- improves public domain through the provision of additional on-street parking and a connecting lane way.

Signature:



Printed Name:

Diane Sarkies

Date:

20/10/15