

Council Meeting

Councillors,

In accordance with the provisions of the Local Government Act, 1993, and Regulations thereunder, I request your attendance at a meeting of Council to be held in the Council Chambers, Town Hall, Rockdale on Wednesday 2 December 2015, to commence at 6.30 pm.

**MEREDITH WALLACE
GENERAL MANAGER**

Summary:

Item #	Report By	Subject
ORD01		ACKNOWLEDGEMENT OF COUNTRY
ORD02		OPENING PRAYER
ORD03		APOLOGIES
ORD04		NOTIFICATIONS OF INTEREST
ORD04		MINUTES OF THE ORDINARY MEETING OF ROCKDALE CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, ROCKDALE ON WEDNESDAY, 18 NOVEMBER 2015, AT 6.53 PM SF14/1083
ORD05		MAYORAL MINUTE
ORD06		PUBLIC FORUM
ORD07	Manager - Development Services (Luis Melim)	25 PRESIDENT AVENUE KOGARAH NSW 2217 - DA-2015/442 - ADDITION OF FIRST FLOOR TO RESIDENTIAL DWELLING AND REAR GROUND FLOOR ADDITION INCLUDING PERGOLA
ORD08	Manager - Development Services (Luis Melim)	67 FAIRVIEW STREET, ARNCLIFFE - DA-2016/19 - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A TWO (2) STOREY ATTACHED DUAL OCCUPANCY WITH A NEW FRONT FENCE, INCLUDING TORRENS TITLE SUBDIVISION CREATING TWO ALLOTMENTS
ORD09	Manager - Development Services (Luis Melim)	152 FREDERICK STREET, ROCKDALE - DA-2016/15 - CONSTRUCTION OF TWO (2) STOREY ATTACHED DUAL OCCUPANCY DEVELOPMENT, INCLUDING FRONT FENCE, TORRENS TITLE SUBDIVISION CREATING TWO LOTS AND DEMOLITION OF EXISTING STRUCTURES
ORD10	Manager - Development Services (Luis Melim)	53 MONTEREY STREET, MONTEREY - DA-2016/33 - CONSTRUCTION OF TWO (2) STOREY RESIDENTIAL DWELLING, INCLUDING BASEMENT PARKING AND SWIMMING POOL AND DEMOLITION OF EXISTING
ORD11	Manager - Development Services (Luis Melim)	CLAUSE 4.6 OF ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011 - VARIATIONS TO DEVELOPMENT STANDARDS FOR THE MONTH OF NOVEMBER 2015 F08/583
ORD12	Manager Place Outcomes (Erika Pawley)	POST-EXHIBITION ASSESSMENT OF PLANNING PROPOSAL & VOLUNTARY PLANNING AGREEMENT FOR 152-206 ROCKY POINT ROAD, KOGARAH (FORMER DARRELL LEA SITE) F13/274

ORD13	Manager Place Outcomes (Erika Pawley)	DRAFT ROCKDALE CONTRIBUTIONS PLAN 2016 - URBAN RENEWAL AREA F14/93
ORD14	Manager Place Outcomes (Erika Pawley)	PUBLIC EXHIBITION OF WESTCONNEX ENVIRONMENTAL IMPACT STATEMENT (EIS) SF13/688
ORD15	Acting Manager Property & Venues (Benjamin Heraud)	OCCUPANCY RENEWAL EVALUATION - 9 ADOR AVENUE ROCKDALE - NSW POLICE CITIZENS YOUTH AND BOYS CLUB F08/379
ORD16	Acting Manager Property & Venues (Benjamin Heraud)	OCCUPANCY RENEWAL EVALUATION - 72 LAYCOCK STREET, BEXLEY NORTH - BEXLEY BOWLING AND COMMUNITY CLUB F08/379
ORD17	Acting Director - City Planning & Development (Michael McCabe)	ROCKDALE TOWN CENTRE MASTERPLAN - STATUS OF CAR PARKING PROJECTS F08/387
ORD18	Manager - Executive Services (Fausto Sut)	CHANGE OF COUNCIL ORDINARY MEETING TIMES F11/563
ORD19	Manager - Executive Services (Fausto Sut)	WARD BOUNDARIES REVIEW F13/15
ORD20	Manager - Finance & Administration (Alister Duncan)	STATUTORY FINANCIAL REPORT - OCTOBER 2015 F09/605
ORD21	Manager - Executive Services (Fausto Sut)	REDUNDANT COUNCIL POLICIES - DEVELOPMENT SERVICES F12/321
ORD22	Coordinator Community Capacity Building (Cheryl Brady)	REQUEST FOR FINANCIAL ASSISTANCE FOR EMILY PREKETES F09/1059
ORD23	Manager Community Planning & Reporting (Karen Purser)	REQUEST FOR FINANCIAL ASSISTANCE FOR DANIEL ARAHU F09/1059
ORD24	Manager Community Planning & Reporting (Karen Purser)	DONATION REQUEST - ROTARY CLUB OF HURSTVILLE F09/1152
ORD25	Manager Community Planning & Reporting (Karen Purser)	DONATION REQUEST FOR KIDS WITH CANCER FOUNDATION F09/1122
ORD26		MINUTES OF THE MEETING OF THE FLOODPLAIN RISK MANAGEMENT COMMITTEE HELD IN THE CONFERENCE ROOM, ADMINISTRATION BUILDING, ON MONDAY, 9 NOVEMBER, 2015, AT 6:00PM 11/7782
ORD27		MINUTES OF THE ROCKDALE TRAFFIC COMMITTEE MEETING HELD IN THE CONFERENCE ROOM, ADMINISTRATION BUILDING, 2 BRYANT STREET, ROCKDALE ON WEDNESDAY, 11 NOVEMBER, 2015, AT 9:15AM F08/887P04
ORD28	Executive Assistant - General Manager (Maria Dixon)	REMINDERS F13/550

ORD29		QUESTION WITH NOTICE
ORD30		CLOSED SESSION OF COUNCIL
ORD31C	Coordinator - City Media and Events (Vincenzo Carrabs)	CONFIDENTIAL: CONFIDENTIAL - CITIZEN OF THE YEAR 2016 F15/214
ORD32C	Coordinator City Projects (Maritza Abra)	CONFIDENTIAL: CONFIDENTIAL - TENDER CANONBURY GROVE EMBANKMENT STABILISATION AND DRAINAGE UPGRADE F15/397
ORD33C	Director Corporate and Community (Geoff King)	CONFIDENTIAL: ADVICE ON AIRPORT MATTERS F08/34
ORD34C	Manager - Library & Customer Services (Susanna Waller)	CONFIDENTIAL: CONFIDENTIAL - MEALS ON WHEELS F15/464
ORD35C	General Manager (Meredith Wallace)	CONFIDENTIAL: LE SANDS RESTAURANT & PROPOSED SUBLEASE TO BRIGHTON HOGS PTY LTD F12/129
ORD36C	Manager - City Infrastructure (Jeremy Morgan)	CONFIDENTIAL: CONFIDENTIAL - SUPPLY AND INSTALLATION OF STREET LIGHTS MT OLYMPUS BOULEVARD, WOLLI CREEK - TENDER FOR CONSTRUCTION F15/454
ORD37C	Acting Manager Property & Venues (Benjamin Heraud)	CONFIDENTIAL: CONFIDENTIAL - PROPOSED ACQUISITION - ROCKDALE TOWN CENTRE F08/387
ORD38C	Director - City Operations (Karin Hartog)	CONFIDENTIAL: CONFIDENTIAL - SELECT TENDER FOR CONSTRUCTION SERVICES - RAMSGATE BEACH THRIVING TOWN CENTRE F15/360
ORD39		RESUMPTION OF OPEN SESSION OF COUNCIL
ORD40		CALL FOR RESCISSION MOTIONS

File Number: SF14/1084

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD12
Subject:	POST-EXHIBITION ASSESSMENT OF PLANNING PROPOSAL & VOLUNTARY PLANNING AGREEMENT FOR 152-206 ROCKY POINT ROAD, KOGARAH (FORMER DARRELL LEA SITE)
File Number:	F13/274
Report by:	Manager Place Outcomes (Erika Pawley)
Contributors:	Urban Strategist (Josh Ford) Strategic Asset Planner (Albert Jean)
Community Engagement:	Yes
Financial Implications:	No

Precis

The Planning Proposal for the former Darrell Lea site was recently exhibited in accordance with the relevant provisions of the NSW Environmental Planning & Assessment Act, 1979. The aim of this Council report is to respond to the submissions and provide Council with a recommendation about how to progress the Planning Proposal. Given that the Planning Proposal has been considered by the Department of Planning & Environment under the Pre-Gateway process, a history of key dates and correspondence has been included in the Council report, to provide a timeline of key dates and matters associated with the Planning Proposal (including amendments) since this time.

The proposal to rezone this site to R4 High Density Residential zone varies from Council's typical approach to planning for this type of development. High density development as proposed in the subject Planning Proposal is more commonly supported near major transport nodes and major centres. It is, therefore, important that Council ensures that development standards relating to building heights and densities are reasonable and appropriate to ensure the economic and orderly use of the land, without compromising amenity and introducing unreasonable impacts to adjoining properties in the immediate locality.

Following a review of the submissions received during the exhibition period, it is recommended that building heights and floor space ratios for the site be reduced, as per Council's initial review of the Planning Proposal and Council's resolution dated 19 February 2014, and Council's subsequent submission to the Joint Regional Planning Panel.

A Voluntary Planning Agreement (VPA) proposal has been proposed by the land owners of 152-206 Rocky Point Road, Kogarah, in association with the Planning Proposal. The VPA provides the community with \$5.5 million of public benefit including, Local Area Traffic Management, upgrades to sporting fields, upgrades to Scarborough Park and surrounds, new playground, upgrades to Production Lane, and a child care centre.

Council Resolution

MOTION moved by Councillors Nagi and Poulos

1 That Council receives and notes the report of the Council officers and the accompanying public submissions and refers the report to the Department of Planning and Environment for its consideration and decision.

2 That should the Department approve the LEP amendment as exhibited, Council enters into the Voluntary Planning Agreement with the owners of 152-206 Rocky Point Road, Kogarah.

DIVISION

DIVISION on the MOTION called for by Councillors Nagi and Poulos

FOR THE MOTION

Councillors P Sedrak, L Sedrak, Kalligas, Nagi, Mickovski, Poulos and Saravinovski

AGAINST THE MOTION

Councillors Macdonald, O'Brien, Awada, Barlow, Ibrahim, Hanna and Tsounis

On the casting vote of the Mayor the MOTION was ADOPTED.

Officer Recommendation

That voting on this matter be by way of a Division.

1 That, in accordance with Section 59 of the Environmental Planning & Assessment Act 1979, Council request that the Minister makes the LEP amendment, subject to the following amendments as previously resolved by Council at its ordinary meeting of 19 February 2014, and in Council's subsequent submission to the Joint Regional Planning Panel:

a. for the land proposed to be zoned B6 Enterprise Corridor:

i) that the height be reduced to 14.5 metres (4 storeys); and

ii) the FSR be reduced to 1.5:1.

b. for the land proposed to be zoned R4 High Density:

i) that the building heights be reduced as follows:

- the proposed 38 metre height be reduced to 31 metres;
- the proposed 34 metre height be reduced to 24 metres;
- the proposed 28 metre height be reduced to 26.5 metres;
- the proposed 24 metre height be reduced to 17.5 metres; and
- the proposed 15 metre height be reduced to 12 metres;

ii) the instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.

iii) the base FSR be set at 1:1 with an additional FSR of 0.4:1 permitted if the Stage 1 Development Application is the product of a Design Excellence Competition.

2 That Council enters into the Voluntary Planning Agreement with the owners of 152-206 Rocky Point Road, Kogarah as exhibited.

Report Background

History of Planning Proposal

The subject Planning Proposal has a detailed history, having first been submitted to Council on 30 August 2013. It was reported to Council on 20 November 2013, where it was deferred pending an on-site meeting with Councillors, interested local residents, the proponent and their representatives, and Council staff. On 14 January 2014, Council received formal notification from the (then) Department of Planning and Infrastructure (now Department of Planning & Environment (DPE)), that the proponent was seeking a Pre-Gateway Review. However, that Pre-Gateway application was in relation to a revised Planning Proposal, dated December 2013. DPE's website indicates that the proponent lodged the Pre-Gateway application on 17 December 2013, just 3 days after the on-site meeting was held.

Despite the applicant's request for a Pre-Gateway review, Council sought to assess the Planning Proposal. A Council report was put before Council on 19 February 2014 and Council resolved to support the Planning Proposal, subject to a number of amendments prior to exhibition. The amendments largely related to reductions in Height of Building and Floor Space Ratio development standards that were sought under the Planning Proposal for land proposed to be zoned B6 Enterprise Corridor, and a reduction in the Height of Building development standards for the part of the land to be zoned R4 High Density Residential zone, as identified in that Council resolution (see **Attachment 1**).

Other key amendments in that resolution included: (i) the concurrent exhibition of the Planning Proposal and Voluntary Planning Agreement; and (ii) a request to write to the Minister for Planning and the NSW Premier to seek the return of control of assessment of the Planning Proposal to Council.

As part of the Pre-Gateway Review, the DPE referred the Planning Proposal to the Sydney East Joint Regional Planning Panel (JRPP). On 27 May 2014, the JRPP requested Council to comment on the Planning Proposal, as well as the additional information that the JRPP asked of the proponent.

Council engaged GMU Urban Design to undertake an independent review of the Planning Proposal and the additional information submitted by the proponent to the JRPP. Council subsequently provided a response to the JRPP on 26 June 2014, which included a copy of the review undertaken by GMU Urban Design (see **Attachment 2**).

The GMU review proposed reducing the Floor Space Ratio development standards sought for the site under the Planning Proposal. The FSR recommended by GMU for the R4 High Density Residential zone ranged from 1.6:1 to 1:1 (compared with the proposed 2:1), and it was demonstrated that the FSR for the B6 Enterprise Corridor zone could be as high as 1.6:1, based on a reduced Gross Floor Area of B6 zoned land, compared to that shown in the applicant's Planning Proposal at that time (1.8:1).

In undertaking its review, the JRPP assessed several schemes put forward by the proponent, and recommended two schemes be exhibited under the Planning Proposal. In their response to the JRPP's request for comments from DPE in relation to the Planning Proposal, the DPE advised that only scheme 2(a) should be exhibited, as it was preferred "on balance". Scheme 2(a) illustrated an FSR of 2:1 for the portion of the site proposed to be zoned R4 High Density Residential and an FSR of 1.8:1 for the portion of the site proposed to be zoned B6 Enterprise Corridor. These are the respective FSR development standards that were included in the exhibited Planning Proposal. The Height of Building development standards varied from Scheme 2(a), based on clarification between Council and the DPE regarding what would be an appropriate representation of Height of Building development standards mapping for the site. The "building height plane" identified in the Gateway determination for the Planning Proposal provides clarity over the approach that was taken to clarify these mapped development standards for the site.

The proponent responded to Council's submission to the JRPP, through a subsequent submission to the JRPP, dated 10 July 2014. In the DPE's response to JRPP on 8 August 2014 they indicated that given the proponent's submission addressed some of

Council's concerns, further investigations on urban design issues could be undertaken during the design development process, as these issues were most appropriately considered at the development application stage and accommodated for via a Development Control Plan (DCP). It should be noted, however, that Council's resolution dated 19 February 2014 stated that: "...*The instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangements of communal open space.*" A Staged DA will negate the requirement of a site specific DCP for the site, therefore the comments made by the DPE in their aforementioned correspondence that refer to a DCP should be interpreted as being relevant to a future Staged DA for the site.

After considering the request for Pre-Gateway Review, and the advice provided from Rockdale City Council, the JRPP determined that the Planning Proposal should proceed to Gateway determination stage. The JRPP determination, dated 13 October 2014, is annexed to this Council report as **Attachment 3**. In summary, the JRPP determination included the following:

- Council was asked whether it would like to be the Relevant Planning Authority for the Planning Proposal;
- The Planning Proposal was to reflect the development controls in scheme 2(a), as submitted to the JRPP on 26 May 2014, but with amendments to building heights such that they did not project beyond Council's proposed height plane;
- Documentation from the proponent was to ensure that accurate footprints and Floor Space Ratio are shown so that the quantum and location of communal and private open space could be clearly determined; and
- Any written offer or draft Voluntary Planning Agreement for elements of public benefit should be included as part of the Planning Proposal.

History of Voluntary Planning Agreement (VPA)

1. The applicant's draft VPA was presented at the 22 April 2015 Councillor Information Session and the feedback provided was that the quantum of the public benefits proposed were insufficient as a proportion of the value uplift resultant from the Planning Proposal as advised by independent valuation advice that Council sought on the VPA.
1. The applicant was advised of this on 30 April 2015 and invited to review their VPA in terms of quantum of public benefit.
2. On 22 July 2015, the applicant advised that they generally disagreed with the valuation report and stated that unless Council agreed to decouple the exhibition of the VPA from the Planning Proposal, they would withdraw the VPA. On 4 August 2015, the applicant was advised that their draft VPA offer would be presented to Council at the first opportunity, subject to the procedural provisions of the draft VPA being finalised.
3. On 2 September 2015 Council resolved to exhibit the VPA, which was exhibited concurrently with the Planning Proposal from 10 September to 9 October 2015.

Summary of Voluntary Planning Agreement

	Public Benefit	Value
A	Local Area Traffic Management Contribution	\$100,000
B	Baseball Club Contribution	\$50,000
C	Football Club Contribution	\$50,000
D	Scarborough Park South (and environs) Contribution	Master planning: \$70,000 Works: \$1,595,000

E	Playground Works	\$415,000
F	Production Lane Works	\$370,000
G	Child Care Centre Land Dedication and Works	Land Dedication: \$1,350,000 Fit-out: \$1,500,000
		Grand Total \$5,500,000

Exhibition Process

A Gateway determination was issued for the Planning Proposal by the DPE on 4 May 2015 (see **Attachment 4**). The Gateway determination stipulated that several amendments be made to the Planning Proposal prior to exhibition. These included:

- *A Preliminary Acid Sulfate Soils Assessment to address the requirements of Section 117 Direction 4.1 - Acid Sulfate Soils;*
- *A Site Contamination Assessment Report to address the requirements of State Environmental Planning Policy 55 - Remediation of Land;*
- *An updated Traffic Report to include cumulative impact of the proposed development on local roads;*
- *An updated section 4.1.6 of the Planning Proposal to include the intent of the proposed subclause regarding building height plane, in place of a draft clause; and*
- *Consideration of the Industrial Lands Strategic Assessment checklist to address Direction 1.9 of A Plan for Growing Sydney.*

This amended information was subsequently submitted by the proponent, and included in the exhibited Planning Proposal, thereby satisfying the requirements of the Gateway determination. The Planning Proposal was exhibited from 10 September to 9 October 2015. A total of thirty-four submissions were received, which included a number of key themes. These key themes related to:

- general objections or support for the proposal
- overdevelopment of the site;
- excessive building height;
- precedent for similar scale developments to follow;
- loss of industrial land;
- not an ideal location for high density residential development;
- dislocation from key transport nodes (railway stations);
- traffic and public transport issues;
- potential "rat runs" and on street carparking problems;
- impacts on local facilities and infrastructure (schools, medical facilities, recreation areas);
- land use conflicts (eg overshadowing and privacy);
- uncertainty over actual employment figures/opportunities; and
- separation of pedestrian/cycleway paths.

Assessment of Submissions

A summary and response to each of the key points in every submission has been formulated (see **Attachment 5**) to assist Council with identifying the key matters associated with the Planning Proposal and Voluntary Planning Agreement, and noting Council's previous position on those key matters that have been raised in the past.

Objections / Support for the Proposal

A number of submissions stated their objections to the Planning Proposal, while some submissions stated their support, subject to certain modifications to the planning proposal being considered. These

views have been noted in the response to submissions. No submissions were received that stated unconditional support for the Planning Proposal.

Overdevelopment of the Site & Excessive Building Height

The issues of site overdevelopment and excessive building height are two key matters that would be a direct consequence of implementing the exhibited development standards for building height and floor space ratio. The Council report of 19 February 2014 recommended that both building height and floor space ratio development standards be reduced to allow future planning outcomes for the site that would allow better assimilation with adjoining land zoned R2 Low Density Residential, which was again echoed in Council's later submission to the JRPP.

Council's submission to the JRPP dated 26 June 2014, which was supported by the GMU independent assessment, clearly argued the case for a reduction in the proposed building height and floor space ratio development standards for the site. The submission requested that the JRPP acknowledge Council's standing resolution of 19 February 2014, stating that the Planning Proposal was supported, subject to amendments being made prior to public exhibition. These included changes to the building height limits and floor space ratio controls both for the land to be zoned B6 Enterprise Corridor and for the land to be zoned R4 High Density Residential.

Precedent for future development & loss of Industrial Land

The issue of precedent was raised in many of the submissions, not only in relation to further perceived impacts on existing residents and their land from similar scale developments in the future, but also in relation to the pressure that the rezoning may apply to existing industrial land north of the site.

When considering the dislocation of the site from a major transport node and a major centre, these concerns are warranted and have merit on planning grounds. It is highly likely that rezoning the subject land will trigger rezoning enquiries in the future from other landowners in proximity to the site, notably in relation to industrial land north of the site. It should be noted that in the Council report dated 20th November 2013 concerning the original Planning Proposal, one of the key matters raised in the preliminary assessment was the potential precedent that the Planning Proposal may create.

Not an Ideal Location & Dislocation from Key Transport Nodes/Public Transport Issues

The Council report (dated 19th February 2014) for the Planning Proposal included two pertinent comments relating to (i) the dislocation of the site from a transport node (and that there were no plans to improve transport infrastructure within the vicinity of the site); and (ii) the dislocation of the site from a major centre. It is important to acknowledge that these very issues have been raised in many of the submissions received during the exhibition period. The Planning Proposal intends to introduce development standards to the subject land that are more appropriate for sites that are located around/adjoining major transport nodes or major centres, however, this site is not located in close proximity to either a major transport node or major centre. While the site is not located adjacent to a railway station, it is located adjacent to Rocky Point Road and bus services are available to Kogarah railway station. Increasing bus services would be at the discretion of Transport for NSW, being the responsible State authority for public bus services in the locality. Similarly, any increased demand that arises over time for passenger train patronage would need to be managed by Sydney Trains, as the responsible State government authority.

Traffic & Potential On Street Carparking Problems

The Planning Proposal is supported by a traffic report that has assessed traffic modelling for the subject land. The traffic report concludes that a new 4-way intersection at Rocky Point Road (opposite Weeney Street) would be capable of managing traffic flows to/from the site to/from Rocky Point Road.

RMS Submission: - Comments received from NSW Roads and Maritime Services (RMS) state that detailed traffic analysis would need to be undertaken and provided to RMS as part of any future master plan (Staged) Development Application for the subject site, including assessment and confirmation of restricted carparking areas. Furthermore, any future DA(s) for development at the site would need to include an assessment of traffic and carparking requirements, in accordance with Council's Development Control Plan requirements at that time. At present, there are no public roads within the subject site, however, logically it would be expected that when an internal road network is developed for the site,

there would be vehicles utilising on street vehicle parking. The extent to which this on street vehicle parking would overflow to land beyond the subject site is questionable, and would therefore require assessment at the time of future DAs for the land, where on site carparking requirements would be determined in accordance with the relevant type of development.

Impacts on Local Facilities & Infrastructure

A number of submissions argued that the additional development would put undue pressure on existing local facilities and infrastructure. The Voluntary Planning Agreement provides a number of public benefits to the community in the vicinity of the development. The Local Area Traffic Management Study will identify key local traffic issues in the area and provide some funding to resolve these issues. Upgrades to Scarborough Park will allow for increase permutability of a key open space in Kogarah. The provision of a child care facility will also increase the available child care spaces in the local area. The NSW Government and the Department of Education is responsible for the provision of primary and secondary schools. Medical services, such as General Practitioners, are provided by the private sector.

Land Use Conflicts

A significant number of submissions expressed concerns about the land use conflicts that could be introduced by implementing development standards that could permit significantly denser development within the site, including buildings far taller than those currently permitted in the locality. The majority of issues associated with this aspect of the submissions related to privacy, overshadowing, noise and vehicle movements.

While it is important to note that any future site specific development proposals would be notified to the adjoining landowners for comment, the Planning Proposal in its current form would introduce development standards that would allow a significant change in the built form within the immediate locality. Given this, Council must be satisfied that it would be willing to accept future DAs for development that, if built to the development standards identified in the Planning Proposal, would result in obvious interface issues between the subject site and adjoining landowners, particularly along Margate Street. Council's resolution of 19th February 2014, and Council's subsequent submission to the JRPP, included the following:

"v) the instrument should contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space."

As such, any future Staged Development Application for the site will need to address issues relating to interface land use conflicts, particularly in relation to determining appropriate building envelopes that assist in mitigating impacts such as privacy, overshadowing, vehicle movements and noise.

Uncertainty over Employment Opportunities

A number of submissions highlighted that the figures quoted in the Planning Proposal that relate to potential employment generation from future development within the site are purely estimates. These submissions contain merit, as Council cannot predetermine the number of jobs that future developments within the site would create, nor is it Council's role to influence the potential employment generation within the site. Figures relating to employment generation associated with a Planning Proposal do not solely determine the merits of that Planning Proposal.

Separation of Pedestrian/Cycleway Paths

Some submissions advocated for the separation of pedestrian pathways and cycleways, to avoid pedestrian/cyclist conflicts. The Voluntary Planning Agreement allows for a Masterplan process to be undertaken for Scarborough Park. The community will be able to address this detailed design issues as part of the consultation of the Masterplan.

Council's Historical Position - Height of Building & Floor Space Ratio Development Standards

Two clear themes that were raised in the various submissions received during the exhibition period related to (i) overdevelopment of the site; and (ii) excessive building

heights. On these two key points, the position of Council has remain relatively unchanged since the first Council report for the Planning Proposal on 20 November 2013. That resolution of Council stated:

MOTION moved by Councillors Macdonald and Tsounis

That the applicant be invited to amend the planning proposal to address the issues outlined in this report:

- *floor space ratio, building height and design excellence;*
- *public benefit; and*
- *technical amendments to meet the requirements of the Department of Planning and Infrastructure's 'A Guide to Preparing Planning Proposals' (April 2013).*

AMENDMENT moved by Councillors Poulos and Nagi

That this matter be deferred for an Information Session which will follow an on-site meeting of Councillors and interested parties.

That Council report raised concerns over the Height of Building and Floor Space Ratio development standards proposed for the site at that time. The relevant section (*Recommended Amendments to the Planning Proposal*) of that Council report stated:

1. Floor Space Ratio, Building Height and Design Excellence

The B6 Business Enterprise Corridor zone, proposed to apply to the portion of the site fronting Rocky Point Road, only appears in one other location in the City, being the Princes Highway Corridor between Rockdale Town Centre and Wolli Creek. The FSR for this zone is 1.5:1 with a height of 14.5 metres (4 storeys). There is no reason why the height and FSR should be in excess of the same zone as it applies elsewhere in the City. Further, there is already a recently constructed 4 storey building on the site that is tenanted by Harvey Norman, demonstrating the current development controls are economically feasible.

For the portion of the site proposed to be zoned R4 High Density Residential, there is a case for a residential density higher than that of immediately adjoining land provided impacts on these areas are addressed. There are existing residential flat buildings of 4 storeys in height directly opposite the site on Rocky Point Road in Kogarah Council. However the density and height the applicant is proposing is more consistent with heights within higher order local centres such as Wolli Creek and Rockdale. Further, the development concept provided in the planning proposal suggest there will be non-compliance with SEPP 65 - Design Quality of Residential Flat development.

For these reasons, it is recommended that:

** For the land proposed to be zoned B6 Business Enterprise, the FSR be reduced to 1.5:1 and height reduced to 14.5m (4 storeys).*

** For the land proposed to be zoned R4 High Density, the base FSR be reduced to 1:1. An additional FSR bonus of 0.2:1 could apply to a residential development proposal that exhibits design excellence, including excellence in sustainability, to be achieved through a design competition. The maximum building height should be reduced to 8 storeys, with lesser building heights on the southern and eastern boundaries of the site that adjoin low density residential and open space.*

Council's resolution included an invitation to the applicant to amend the Planning Proposal to reflect more appropriate Height of Building and Floor Space Ratio development standards for the site. Furthermore, an on-site meeting took place at the site on 14 December 2013, with Councillors, Council staff, the landowner's representatives, adjoining landowners and interested parties attending the meeting. On the 14 January 2014, Council received notification from the Department of Planning & Infrastructure (now the DPE) that a Pre-Gateway Review of the Planning Proposal had

been requested by the applicant. Despite the Pre-Gateway Review being lodged to the DPE, Council staff prepared a report for the ordinary Council meeting of 19 February 2014. At that meeting, Council resolved:

1 That Council supports the planning proposal subject to the following amendments being made prior to the planning proposal's exhibition:

a for the land proposed to be zoned B6 Enterprise Corridor:

i) that the height be reduced to 14.5 metres (4 storeys); and

ii) the FSR be reduced to 1.5:1.

b for the land proposed to be zoned R4 High Density:

i) that the building heights be reduced as follows:

- the 38 metre height be reduced to 31 metres;*
- the 34 metre height be reduced to 24 metres;*
- the 28 metre height be reduced to 26.5 metres;*
- the 24 metre height be reduced to 17.5 metres; and*
- the 15 metre height be reduced to 12 metres;*

as per Figure J in this Council report.

ii) the instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.

iii) the base FSR be set at 1:1 with an additional FSR of 0.4:1 permitted if the Stage 1 Development Application is the product of a Design Competition.

c technical amendments as itemised in Attachment 4 to this report.

2 A Planning Agreement be exhibited with the Planning Proposal. The Planning Agreement is to provide for a contribution into an internally restricted reserve to be used solely for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The amount of the contribution is to be negotiated with the applicant and brought back to Council for adoption prior to exhibition.

3 A Planning Agreement be exhibited with the Planning Proposal. The Planning Agreement is to provide for a contribution into an internally restricted reserve to be used solely for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The amount of the contribution is to be negotiated with the applicant and brought back to Council for adoption prior to exhibition.

4 Council write to the Minister for Planning and the Premier requesting that this proposal, being a local planning matter, is returned to the control of the local community.

It should be noted that the 8.5 metre building height adjoining properties that front Margate Street was not recommended for any change, as it was consistent with the adjoining Height of Building development standards for properties within the R2 Low Density Residential zone in the immediate locality. This was deemed an appropriate transition to potential future development within the subject site, being immediately North of these properties.

Next Steps

Following Council's determination of the Planning Proposal, the Planning Proposal will be forwarded to the DPE with a request that the Minister make the LEP amendment, subject to any amendments resolved by Council. The Planning Proposal is subject to the Pre-Gateway review process, and Council does not have delegation to make the LEP. Given that the DPE issued a Gateway determination that permitted exhibition of the Planning Proposal in its current form, and that the officer's recommendation is consistent with Council's resolution of 19 February 2014, the Minister will need to consider Council's resolution in determining the form of the LEP amendment.

It is also assumed that, given this Council report responds to the submissions and provides recommendations in order to address those submissions, the Minister will consider these in determining how the Planning Proposal shall proceed and what form the LEP amendment will be made. As this Planning Proposal represents the first Pre-Gateway review for a Planning Proposal within the City of Rockdale, no precedent exists regarding process and the liaison that can be expected between Council and the DPE at this part of the process. This point is particularly relevant since the officer's recommendation (if supported) would endorse a Planning Proposal that, although consistent with Council's previous resolution and subsequent submission to the JRPP, seeks to reduce the Height of Building and Floor Space Ratio development standards to those that were included in the exhibited Planning Proposal.

The Voluntary Planning Agreement is coupled to the Planning Proposal and will be linked to the outcomes of the final LEP Amendment that is made.

Community Engagement

As stated above, the Planning Proposal was exhibited for 29 days between Thursday 10 September and Friday 9 October 2015. Hard copies of the information were made available to all Council branch libraries and the Customer Service Centre. An advertisement was published in the St George Leader, notifying of the exhibition period and where exhibition materials could be viewed, including Council's 'Have Your Say' website. Letters were sent to adjoining landowners within both the Rockdale LGA and Kogarah LGA, as well as government agencies stipulated in the Gateway determination.

Rockdale City Plan

Outcome:	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.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.3 - Manage proposals for major development to ensure growth is appropriately scaled and located and delivers community benefits (MUES)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



Attachment 1 - Council Report & Minutes 19.02.14.pdf



Attachment 2 - RCC Submission to Sydney East JRPP.pdf



Attachment 3 - Pre-Gateway Determination.pdf



Attachment 4 - Gateway Determination.pdf



Attachment 5 - Response to Submissions.pdf



Council Meeting

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General Report - Meeting Date: 19/02/2014

Public -

Item Number: ORD09
Subject: ASSESSMENT OF 152-206 ROCKY POINT ROAD, KOGARAH (DARRELL LEA SITE) PLANNING PROPOSAL
File Number: F13/274
Report by: Coordinator Urban Strategy (Jacky Wilkes)
Community Engagement: Yes
Financial Implications: No

Precis

This planning proposal seeks to rezone the former Darrell Lea site from IN2 Light Industrial to a mix of B6 Enterprise Business Corridor and R4 High Density Residential.

The purpose of this report is to determine whether the planning proposal has sufficient merit to be recommended to the Department of Planning & Infrastructure to be placed on public exhibition.

The first matter to consider is whether in fact the Light Industrial Zone should be retained. The owners have demonstrated, with supporting evidence, that redevelopment of the site is not viable given the cost of redevelopment and the rents that are achieved for light industrial premises in the region. To retain employment on the site the owner proposes to zone 0.84 ha (8,400 sqm) of land along the Rocky Point Road frontage B6 Enterprise Corridor. The B6 Zone permits a variety of uses but most notably bulky goods retail and business and office premises. The balance of the site, approximately 2.5 ha (25,088 sqm), is proposed to be zoned R4 High Density Residential.

The site is capable of accommodating high density residential development without unreasonably impacting on the neighbouring low density residential neighbourhood, specifically the residential properties at Margate Street.

The draft Sydney Metropolitan Strategy forecasts that 273,000 additional homes will be required in the Sydney Region by 2021 and 545,000 by 2031. As a matter of policy the draft Strategy requires that new housing is encouraged in areas close to existing and planned infrastructure. Similarly, Rockdale City Council's approach to planning for high density residential development has been to locate it near transport nodes and major centres.

The site, however, is not located near to (i.e. within 800m) of a transport node (the site is 1.6 km from the Carlton Station) nor is it near a major centre (Kogarah Town Centre is 1.9km away). As such there is no strategic imperative to maximise residential density on the site. The objective therefore is to ensure the heights and densities proposed are sufficient to ensure the orderly and economic use and development of the land, while also ensuring new development does not unreasonably impact on the amenity of the surrounding locality and the Margate Street properties in particular.

The applicant has sought to use low density development to screen the higher density development until the distance from the southern (Margate Street) boundary is sufficient for the high rise development to have limited or no impact. The height limits proposed by the applicant do not achieve this. Instead, it is recommended that the height limits be reduced as described within the report.

The appropriate FSR is then a function of the area of each height limit. Based on the revised height limits, a maximum floor space ratio of 1.4:1 is recommended.

Council Resolution

NOTE:

The Mayor, Councillor O'Brien, vacated the Chair. The Deputy Mayor, Councillor Barlow, assumed the Chair.

Ms Jenine Harris, Mr Ed Lippmann, Mr James Harrison and Mr Michael Lea objecting to the recommendation, addressed the Council.

Mr Michael Pebbles, Mr Christopher Garner and Mr Barry Melville, supporting the recommendation, addressed the Council.

MOTION moved by Councillors O'Brien and Macdonald

1 That Council supports the planning proposal subject to the following amendments being made prior to the planning proposal's exhibition:

a for the land proposed to be zoned B6 Enterprise Corridor:

i) that the height be reduced to 14.5 metres (4 storeys); and

ii) the FSR be reduced to 1.5:1.

b for the land proposed to be zoned R4 High Density:

i) it is noted that the site is not located within a major centre nor is it close to a transport node;

ii) it is also noted that there are no plans to improve transport infrastructure within the vicinity of the site;

iii) therefore the planning proposal should respect the low rise character of the locality and the height limits should be restricted to 2 storeys on the southern boundary and 4 storeys elsewhere;

iv) the instrument should contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.

v) the FSR be set at 1:1.

c technical amendments as itemised in Attachment 4 to this report.

2 A Planning Agreement be exhibited with the Planning Proposal. The Planning Agreement is to provide for a contribution into an internally restricted reserve to be used solely for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The amount of the contribution is to be negotiated with the applicant and brought back to Council for adoption prior to exhibition.

3 Council write to the Minister for Planning and the Premier requesting that this proposal, being a local planning matter, is returned to the control of the local community.

AMENDMENT moved by Councillors Poulos and Nagi

1 That the Council officers report dated 20 November 2013 concerning the planning proposal for 152-206 Rocky Point Road, Kogarah be received and noted.

2 That Council support the Planning Proposal submitted by JBA Urban Planning Consultants on behalf of Land & Portfolio Pty Ltd, for 152-206 Rocky Point Road, Kogarah, as amended December 2013 and submitted to Council on 15 January 2014, and directs that it be submitted to the Department of Planning & Infrastructure for Gateway approval on the basis that:

a it will be developed as an exemplary precinct exhibiting design excellence in both its residential and non-residential buildings;

b given the site's unique size, special features and location, the proposal would not cause an undesirable precedent for the area;

c the indicative master plan contained on pages 12-16 of the Planning Proposal is generally acceptable as it successfully minimises any impacts on neighbouring sites (noting that 70% of the proposed buildings do not exceed 7 levels and most of the site is at a lower level than Rocky Point Road and Margate Street) and provides substantial public benefits including open space and new access routes through the site.

3 That, prior to exhibition, Council's planning officers, modify the terms of the planning proposal so as to incentivise the proponent to achieve design excellence by including appropriate provision in the proposal LEP amendment for the site that give effect to the following requirements:

a That any development application(s) lodged for the site demonstrate strong adherence to the Design Principles contained in SEPP 65 – Design Quality of Residential Development and the related Residential Flat Design Code, and that a special design review panel be appointed by Council (in accordance with SEPP 65) specifically for the site to oversee the design of all buildings on the site;

b That, the Floor Space Ratios (FSR) controls be set as follows:

- At a ratio of 1.7:1 for the proposed R4 High Density Residential Zone, with a additional 0.3 :1 being achievable provided the consent authority considers the relevant DA (s) exhibit design excellence;

- At 1.8:1 for the B6 Enterprise Corridor Zone.

c That, height limits be set in accordance with the maximum heights contained in the LEP map on page 63 of the Planning Proposal.

d That, prior to or in conjunction with the lodgement of the first development application for the site a draft DCP and subdivision plan be submitted, and the proponent be invited to negotiate with Council a possible Voluntary Planning Agreement (VPA) as would deliver community benefits such as traffic improvements, and other improvements of a civic nature.

e That, at a minimum buildings exceeding 7 levels in height be the subject of a contestable design process involving at least three independent architecture firms and in accordance with a competition process agreed with Council.

4 That the Department of Planning & Infrastructure be advised of Council's decision and its requirements and that, subject to gateway approval, the exhibition and processing of the planning proposal be expedited.

FORESHADOWED AMENDMENT moved by Councillors Awada and Ibrahim

1 That Council supports the planning proposal subject to the following amendments being made prior to the planning proposal's exhibition:

a for the land proposed to be zoned B6 Enterprise Corridor:

i) that the height be reduced to 14.5 metres (4 storeys); and

ii) the FSR be reduced to 1.5:1.

b for the land proposed to be zoned R4 High Density:

i) that the building heights be reduced as follows:

- the 38 metre height be reduced to 31 metres;
- the 34 metre height be reduced to 24 metres;
- the 28 metre height be reduced to 26.5 metres;
- the 24 metre height be reduced to 17.5 metres; and
- the 15 metre height be reduced to 12 metres;

as per Figure J in this Council report.

ii) the instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.

iii) the base FSR be set at 1:1 with an additional FSR of 0.4:1 permitted if the Stage 1 Development Application is the product of a Design Competition.

c technical amendments as itemised in Attachment 4 to this report.

3 A Planning Agreement be exhibited with the Planning Proposal. The Planning Agreement is to provide for a contribution into an internally restricted reserve to be used solely for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The amount of the contribution is to be negotiated with the applicant and brought back to Council for adoption prior to exhibition.

4 Council write to the Minister for Planning and the Premier requesting that this proposal, being a local planning matter, is returned to the control of the local community.

DIVISION

DIVISION on the AMENDMENT called for by Councillors Poulos and Nagi

FOR THE AMENDMENT Councillors Bezic, P Sedrak, L Sedrak, Kalligas, Nagi, Mickovski and Poulos

AGAINST THE AMENDMENT Councillors O'Brien, Macdonald, Awada, Barlow (abstention), Saravinovski, Ibrahim, Hanna and Tsounis

The AMENDMENT was LOST 8 votes to 7.

The FORESHADOWED AMENDMENT then became the AMENDMENT.

DIVISION

DIVISION on the AMENDMENT called for by Councillors Awada and Ibrahim

FOR THE AMENDMENT Councillors Bezic, P Sedrak, Awada, L Sedrak, Nagi, Mickovski, Ibrahim and Poulos

AGAINST THE AMENDMENT Councillors O'Brien, Macdonald, Barlow (abstention), Saravinovski, Kalligas (abstention), Hanna and Tsounis

The AMENDMENT was CARRIED 8 votes to 7.

The AMENDMENT then became the MOTION.

DIVISION

DIVISION on the MOTION called for by Councillors Awada and Ibrahim

FOR THE MOTION Councillors Bezic, P Sedrak, Awada, L Sedrak, Nagi, Mickovski, Ibrahim and Poulos

AGAINST THE MOTION Councillors O'Brien, Macdonald, Barlow, Saravinovski, Kalligas (abstention), Hanna and Tsounis

The MOTION was ADOPTED 8 votes to 7.

NOTE:

The Deputy Mayor, Councillor Barlow, vacated the Chair at the conclusion of this item and the Mayor, Councillor O'Brien, resumed the Chair.

RECOMMENDATIONS

Officer Recommendation

That:

1. Voting on this matter be by way of a Division.
2. Council supports the planning proposal subject to the following amendments being made prior to the planning proposal's exhibition:
 - (a) for the land proposed to be zoned B6 Enterprise Corridor:
 - i) that the height be reduced to 14.5 metres (4 storeys); and
 - ii) the FSR be reduced to 1.5:1.
 - (b) for the land proposed to be zoned R4 High Density:
 - i) that the building heights be reduced as follows:
 - the 38 metre height be reduced to 31 metres;
 - the 34 metre height be reduced to 24 metres;
 - the 28 metre height be reduced to 26.5 metres;
 - the 24 metre height be reduced to 17.5 metres; and
 - the 15 metre height be reduced to 12 metres,
 - as per Figure J in this Council report.
 - ii) the instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.
 - iii) the base FSR be set at 1:1 with an additional FSR of 0.4:1 permitted if the Stage 1 Development Application is the product of a Design Competetion.
 - (c) technical amendments as itemised in Attachment 4 to this report.
 3. A Planning Agreement be exhibited with the Planning Proposal. The Planning Agreement is to provide for a contribution into an internally restricted reserve to be used solely for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The amount of the contribution is to be negotiated with the applicant and brought back to Council for adoption prior to exhibition.
 4. Council write to the Minister for Planning and the Premier requesting that this proposal, being a local planning matter, is returned to the control of the local community.

Background

THE PROCESS TO DATE

On 30 August 2013, Council received a planning proposal (dated August 2013) from JBA Planning ("the applicant") representing the owners of Darrell Lea site at 152-206 Rocky Point Road, Kogarah to rezone this land (refer to Attachment 1). The planning proposal seeks to permit a mix of high density and medium density residential development and commercial employment development.

An initial review of the planning proposal saw that it was largely inconsistent with the Department of Planning and Infrastructure's *Guidelines on preparing local environmental plans* (April 2013) and *Guidelines on preparing planning proposals* (October 2012) as well as Council's requirements. On 27 September 2013, Council officers (via email) articulated many of the inconsistencies and sought a revised planning proposal from the applicant. This correspondence also noted that a second request for additional information and/or changes was also forthcoming.

A Councillor Information Session was held on 23 October 2013 to inform Councillors of the proposal. Following this, a preliminary assessment of the planning proposal was undertaken. A Councillor Briefing session was held on 12 November 2013 and reported to Council on 20 November 2013 (See Attachment 3 to this report, Item No. ORD13). The report recommended the applicant revisit aspects of the planning proposal to ensure consistency with the Department of Planning and Infrastructure's guidelines and Council's requirements. The report also recommended the applicant reduce the proposed height and FSR controls over both proposed zones. At the meeting, Council resolved to defer the matter in order to hold an on-site meeting.

The on-site meeting took place on 14 December 2013. Those present included the applicant and their representatives, eight (8) residents who were invited to attend, Councillors and select Council staff.

On 14 January 2014, Council receive formal notification from the Department of Planning and Infrastructure (DP&I) that the applicant is seeking a pre-gateway review. However, the pre-gateway application is in relation to a revised planning proposal (dated December 2013). The revised planning proposal addresses some of the concerns raised in the council report and correspondence of 27 September 2013. However, some matters that have been raised by Council are yet to be addressed. Having consulted the DP&I's 'LEP Tracking webpage', it is noted that the applicant lodged their application for the pre-gateway process on 18 December 2013, some 4 days after the on-site meeting.

On 15 January 2014, the applicant forwarded a courtesy copy of the revised proposal to Council for its information.

Despite the request for pre-gateway review, Council has sought to progress the assessment of the planning proposal even though the 90 day assessment period has still not yet commenced (because the planning proposal is still not consistent with the DP&I's planning proposal guidelines (October 2012, p.19). To this end and in good faith, council has progressed this application by undertaking its detailed assessment of the planning proposal and makes recommendations about its progression.

SITE DESCRIPTION

The site occupies the most southern portion of the Production Avenue Industrial Precinct which is zoned IN2 Light Industry. The site equates to approximately one third of the Industrial Precinct and interfaces with R2 Low Density Residential zoned land to the south.

The site comprises the following lots:

- 152 Rocky Point Road - Lot 2 on DP 405531
- 160 Rocky Point Road - Lot 2 on DP 838198
- 168 Rocky Point Road - Lot 1 on DP 1144981
- 200 Rocky Point Road - Lot 1 on DP 599502 and Lot 22 on DP 620329
- 206 Rocky Point Road - Lot 1 on DP 666138

The total site area is 33,488 square metres and has a frontage of approximately 210 metres to Rocky Point Road and a 140 metres to Production Avenue.

The site houses:

- the former Darrell Lea factory which is now occupied by VIP Petfoods which are relocating to a purpose built facility in Western Sydney;
- a number of one to three storey warehouses,
- a relatively new development incorporating, *office and business premises* and warehouse development approved under the previous LEP (RLEP 2000) and enjoys existing use rights; and
- two residential dwellings.

The site is flanked by predominantly single storey development to the south, Leo Smith Reserve to the east, industrial warehouse development to the north and Rocky Point Road on the western boundary. Land on the western side of Rocky Point Road is predominantly single storey detached dwellings and but has some 4 storey residential flat building development in the vicinity of the site.

Refer to the aerial photo as Figure 2 in the attached planning proposal.

CURRENT CONTROLS

The current controls for the site as per *Rockdale Local Environmental Plan 2011* ("RLEP 2011") are as follows:

1. Zone: IN2 Light Industrial,
2. Building height: 14.5 metres
3. Floor space ratio: 1:1
4. Minimum lot size: 840sqm (for subdivision)

The land immediately to the south is zoned R2 Low Density to the south which has a maximum building height of height of 8.5 metres and a FSR of 0.5:1. The land to the east encompassing Leo Smith Reserve is zoned RE1 Public Open Space with no development standards. The industrial land immediately north of the site is zoned IN2 Light Industrial which has a maximum building height of 14.5 metres and a FSR of 1:1.

Land on the western side of Rocky Point Road which lies within the Kogarah local government area is zoned R2 Low Density, as per *Kogarah LEP 2012*, which houses the predominant low density development and the small portion of 4 storey residential flat building development. It is noted that the applicant's planning proposal incorrectly refers to *Kogarah LEP 1998*.

Refer to the figure below showing an extract of the RLEP 2011 zoning map.



Figure A - Zoning map extract from RLEP 2011

THE PROPONENT'S REVISED PLANNING PROPOSAL

The revised planning proposal (dated December 2013) which was submitted to the DP&I for a Pre-Gateway review can be found at Attachment 1.

The revised proposal has been amended as follows:

- the re-arranging of Sections 4.0 'Explanation of Provisions' and 5.0 'Indicative Masterplan' in accordance with Council's request of September 2013.
- the inclusion of an explanation (and supporting map) about how the proposed Minimum Lot Size Map is amended, in accordance with Council's request of September 2013 and Council's report of 20 November 2013.
- the proposal provides more detail regarding the proposed development's densities (heights and FSRs) - refer to pages 14 and 15 of the attached planning proposal. This ensures consistency with the DP&I's guidelines and as per Council's request of September 2013.
- the inclusion of greater detail against the SEPPs to ensure consistency with the DP&I's guidelines - refer to pages 34-35 in the attached planning proposal - as request by Council in September 2013 and in Council's report of 20 November 2013.
- the inclusion of more information regarding environmental impact - refer to pages 45-49 of the attached planning proposal - as per request by Council in September 2013 and in Council's report of 20 November 2013.
- the inclusion a mapping section (Section 8) to ensure consistency with the DP&I's guidelines on mapping, as requested by Council in September 2013 and in Council's report of 20 November 2013.

Some of Council's requested changes - as per September and November 2013 requests - have not been included within the revised planning proposal:

- 3-dimensional drawings within Section 5.0 'Indicative Masterplan' of the planning proposal: these are considered critical as they enable the community to visualise the massing and heights of the proposed development in order to appropriately comment on the proposal should it proceed to exhibition.
- in terms of land proposed to be rezoned to the B6 Business Enterprise zone:
- the reduction in the building heights from 15 metres and 22 metres to 14.5 metres ensure consistency with the current B6 zone's height.
- the reduction in the FSR from 1.8:1 to 1.5:1 to ensure consistency with the current B6 zone's FSR.
- in terms of land proposed to be rezoned to the R4 High Density zone:
- the reduction in the building heights from the maximums of 38, 34 and 28 metres to 24 metres (8 storeys).
- the reduction the FSR from 2:1 to 1:1 with an additional bonus FSR of 0.2:1 if the residential development proposal exhibits design excellence, including excellence in sustainability, to be achieved through a design competition.
- redrafting of the consultation section to describe the proposed community consultation to be undertaken, so as to ensure consistency with the DP&I's guidelines in consultation with Council's Strategic Planners.
- inclusion of a timeline so as to ensure consistency with the DP&I's guidelines in consultation with Council's Strategic Planners.

Proposed Policy Changes

The revised planning proposal seeks to amend the zoning, building heights, floor space ratio and minimum lot size controls, as detailed in the sections below.

Zoning:

- Rezone approximately one third of the site (0.84ha) with frontage to Rocky Point Road to the B6 Business Enterprise zone.
- Rezone the remaining portion of the site (2.5ha) to the R4 High Density Residential zone.

Figure B below is an extract from the applicant's planning proposal.

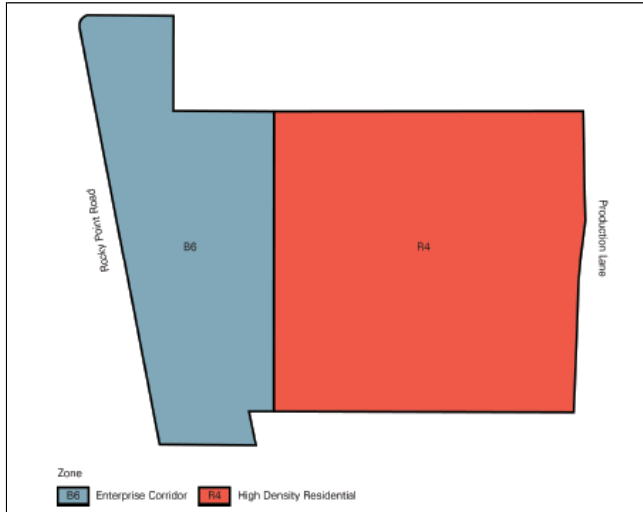


Figure B - Proposed zoning changes to RLEP 2011

Building Height:

The proposed building heights are discussed below in relation to each proposed zone.

Land Proposed to be rezoned to B6 Enterprise Corridor zone

- 15 metres (4 storeys) over an area of approximately 6,160 sqm,
- 22 metres (5 storeys) over an area of approximately 1,640 sqm, and
- 8.5 metres (2 storeys) over an area of approximately 600 sqm - proposed for private open space.

Figure 15 in the revised planning proposal illustrates the proposed height changes to the Building Heights Map. However, there is inconsistency with the descriptions at Table 2 (p.14) in the planning proposal. These heights in the Table 2 state:

- a 23.1 metres height over the area proposing 22 metres,
- a 18.4 metres height over the area proposing 15 metres,
- a 19.25 metres height over three sites proposing 15 metres.

Therefore, it is not clear what the proposed heights are being sought across the B6 zone. Regardless, the building heights that the applicant is seeking are higher than the standard height currently applying to the B6 zone (at the Princes Highway Corridor) which is 14.5 metres.

Land Proposed to be rezoned to R4 High Density zone

- 38 metres in the north-western corner,
- 34 metres immediately south west of the 38 metre height,
- 28 metres in the northern part of the site,
- 24 metres immediately south west of the 34 metre height,
- 15 metres fronting a portion of Production Avenue,
- 8.5 metres fronting the remaining portion of Production Avenue and the southern boundary of the site proposed to be zoned R4.

An extract from the revised planning proposal (Figure C below) shows the proposed building heights across the site.

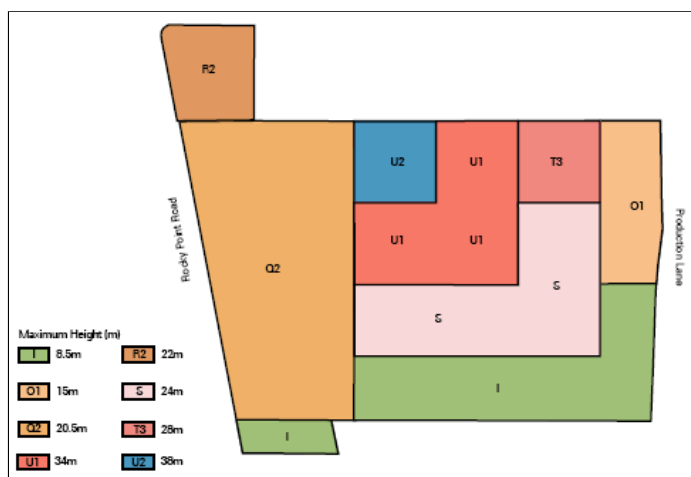


Figure C - Proposed height changes to RLEP 2011 (revised planning proposal)

As stated, these heights vary from the heights proposed in the planning proposal submitted to Council on 30 August 2013, which is provided in Figure D, below.

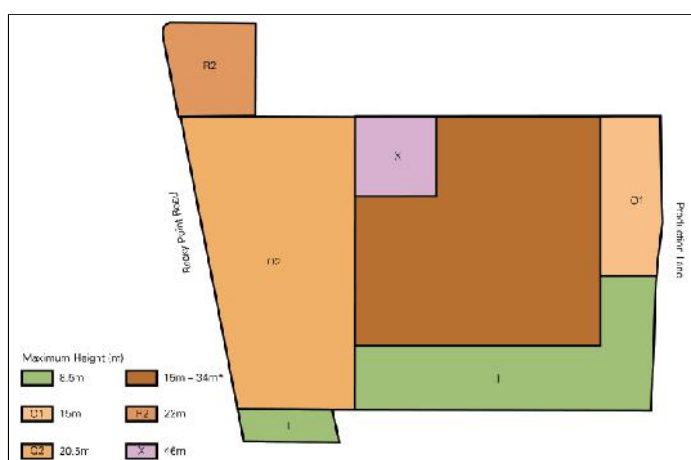


Figure D - Proposed height changes to RLEP 2011 (August planning proposal)

The differences in height between the two proposals are:

- the maximum height over the proposed R4 High Density zone land has been reduced from 46 metres to 38 metres.
- the largest portion that was proposing heights between 15 and 34 metres is now proposing heights between 24 and 34 metres.

Despite these changes, the applicant's Urban Design Statement and supporting elevation drawings (refer to Attachment 2A to this report) have not been amended to reflect these changes. It means the urban design material submitted to the DP&I is identical to the material submitted earlier to Council on 30 August 2013. The accuracy of the plan drawings and elevations over the portion of the site that was coloured purple and dark brown (in the August proposal - as per figure immediately above) is in doubt.

Should the planning proposal progress through gateway determination to public exhibition, all urban design work (including drawings) would need to be revised and updated in accordance with the recommendations within this report.

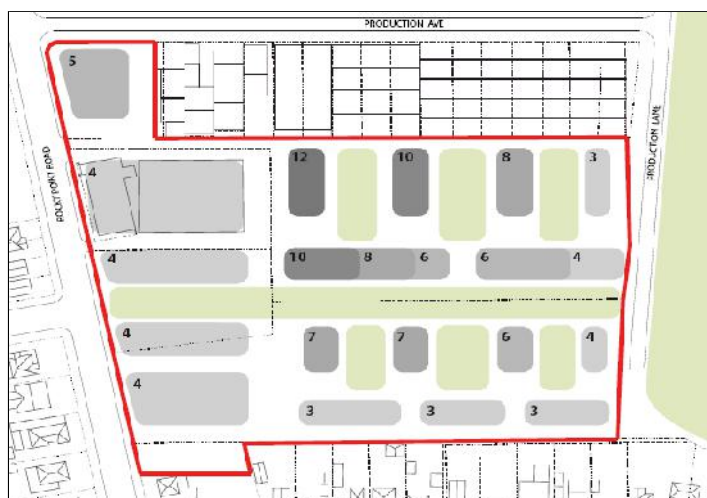


Figure E - Proposed number of storeys

Furthermore, Drawings 7 and 9 in Appendix B within the planning proposal, show heights stepping down (refer to Figure E above).

The predominant range of building heights proposed - from 38 metres, 34 metres, 28 metres, 24 metres, and 15 metres - are significantly higher than the

standard height in Council's out-of-centre areas zoned R4 High Density, which is 14.5 metres.

The height map also includes a notation "Final heights to be determined". However, an applicant must be clear on the proposed heights before lodgement of the planning proposal to Council for consideration.

Floor Space Ratio:

The proposed building heights are discussed below in relation to each proposed zone.

- FSR of 1.8:1 over the land proposed to be zoned B6 Business Enterprise.
- FSR of 2:1 over the land proposed to be zoned R4 High Density.

The figure below (Figure F) is an extract from the revised planning proposal (Figure 13) showing the proposed FSRs across the site.

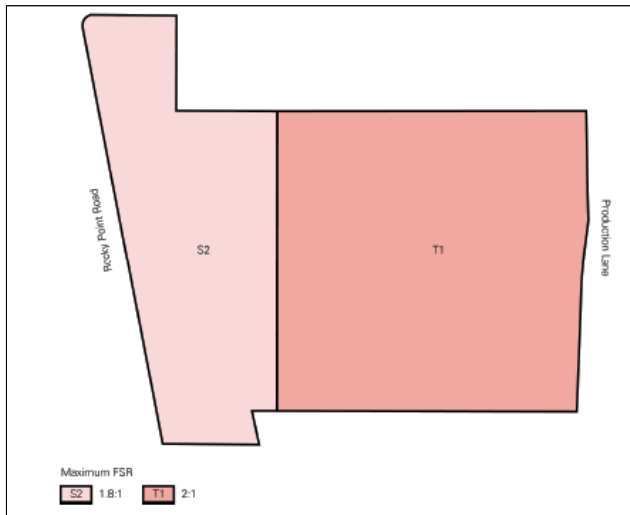


Figure F - Proposed floor space ratios controls for RLEP 2011

Land proposed to be rezoned to B6 Enterprise Corridor

The proposed FSR of 1.8:1 is higher than that of the standard FSR for the B6 zone which is 1.5:1. The applicant's proposal does not justify the need for the increase. Refer to the detailed assessment of the proposed FSR in the section entitled "Assessment of the Proposal".

Land proposed to be rezoned to R4 High Density

The proposed 2:1 FSR over land proposed to be zoned R4 is not illustrated in the applicant's Urban Design Statement (refer to Attachment 2A to this report) nor is it justified in the applicant's supporting elevation drawings (refer to Attachment 2B). The Urban Design analysis which support the planning proposal only tests a FSR of 1.83:1. This is evidenced by Drawing No. 8 Indicative Ground Plan (see Figure G below) the and confirmed by the applicant's architect. However, a 2:1 FSR is being sought by the applicant.

SITE AREA:	33,488 m ²
EXISTING	
NON RESIDENTIAL:	3,750 m ²
PROPOSED	
NON RESIDENTIAL:	17,365 m ²
RESIDENTIAL:	40,005 m ²
TOTAL:	61,120 m ²
FSR:	1.83 :1 m ²

Figure G - Calculations of current development proposal over the land proposed to be zoned R4 High Density

The documentation and urban design analysis submitted with the planning proposal illustrates a residential development scheme that achieves a FSR of 1.83:1. There is no explanation in the planning proposal of the rationale for a 2:1 FSR. It is noted, however, that the FSR in the nearby Ramsgate Small Village is 2:1 and this has been mentioned as the basis for the planning proposal.

It needs to be appreciated that the distribution of gross floor area (the basis for FSR controls) is markedly different in commercial and even mixed commercial development than compared to straight residential development. Typically, the majority of the ground floor plane of mixed commercial development counts towards the allowable gross floor area and almost the first 1:1 of the permitted FSR is consumed by the ground floor. The result is a more squat form of development that is appropriate in a village context. In a residential context, the same FSR would require much taller buildings in order to be accommodated.



Figure H - Concept diagrams provided by the applicant in October 2013



Figure I - Concept diagrams provided by the applicant in October 2013

The proposed FSR of 2:1 is double the standard height in Council's out-of-centre areas zoned R4 High Density (which is 1:1). Refer to the detailed assessment of the proposed FSR in the section entitled "Assessment of the Proposal".

Minimum Lot Size Map

The planning proposal proposes to amend the minimum lot size map to remove the minimum lot size for subdivision. This is consistent with Council's policy elsewhere in the B6 Business Enterprise and R4 High Density zones.

Proposed development concept

The planning proposal seeks amendments to *RLEP 2011* to enable a combined commercial and high and medium density residential development scheme, as detailed below.

Commercial component:

The commercial component (over the land proposed to be zoned B6 Enterprise Corridor) comprises one 5 storey and three 4 storey commercial buildings. The current design concept equates to an increase from 3,750 sqm of non-residential gross floor area (GFA) to 17,365 sqm of non-residential GFA.

Residential component:

The residential component (over the land proposed to be zoned R4 High Density Residential) comprises a number of residential blocks:

- six towers of 12, 10, 8, 7 (x 2) and 6 storeys,
- 2 wider tower blocks (ranging from 10 storeys, stepping down to as low as 4 storeys),
- 5 townhouses blocks.

The planning proposal quotes varying figures with regard to the total number of dwellings that will be yielded by the design concept. For instance, page 9 of the planning proposal provides a dwelling range of 350 - 450 dwellings whilst page 15 provides two figures: one at 422 dwellings and one which is calculated at 445 dwellings. However, as the planning proposal progresses, the number and types of dwellings will be further refined as part of the preparation process for the site-specific DCP.

It should also be noted that the dwelling estimates are calculated under the 1.83:1 FSR rather than the proposed 2:1 FSR. This additional FSR of 0.17:1 equates to 3,492 sqm for floor area. This can be subsequently calculated to 27 additional generous sized units (based on 100 sqm units with 0.8 for circulation).

Private Open Space

The proposal includes areas of private open space at No. 206 Rocky Point Road (600 sqm) and in six (6) other small areas throughout the development site. These areas are not sought to be zoned RE1 Public Open Space as they are likely to be part of a comprehensive community title or strata title subdivision scheme.

SUPPORTING DOCUMENTATION AND ANALYSIS

The planning proposal is supported by eight (8) appendices that would be available for public scrutiny and comment during public exhibition.

Appendix A - Site Survey

This is sufficient for the purposes of the planning proposal.

Appendix B - Proposed LEP Maps

Appendix B comprises the proposed Zoning, Height and Floor Space Ratio maps but it is unclear why the Minimum Lot Size Map has been excluded. Regardless, these maps are not required as an appendix to the planning proposal and are inconsistent with the DP&I's guidelines. Prior to the exhibition of the planning proposal, Appendix B will need to be removed from the planning proposal, and all appendices subsequently be re-alphabetised along with corresponding references in the planning proposal.

Appendix C - Urban Design Report and Indicative Masterplan

Appendix C comprises an Urban Design Statement (Attachment 2A) and 18 supporting drawings including plans, elevations and artist's impressions (Attachment 2B). However, the Urban Design Statement does not justify or explain the rationale for the urban design outcome.

The design work should establish clear urban design principles from which a proposed design emerges. Design principles would help inform the urban form (eg, the proportion of buildings to open space, building envelope, building densities (ie. heights and FSRs), building articulation, sustainable design, etc). It would also include principles around the relationship with the R2 zoned land to the south, and the IN2 zoned land to the north, open space land to the east, etc. However, the Urban Design Statement describes the proposal, but gives little insight into the rationale for the current schemes affecting both zones.

Also, as discussed in the 'Proposed Policy Changes' section of this report, the Urban Design Statement and Indicative Masterplan drawings do not reflect the 2:1 FSR.

Appendix D - Land Economics and Demographic Assessment

Appendix D comprises a Land Economics and Demographic Assessment which argues that most of the residential unit development - which is a substantial proportion of the proposal - will be targeted at first home buyers. However, since August last year, market trends have been increasingly squeezing out the first home buyer market. In the last quarter, the monthly trends have shown a steady decrease in the proportion of first home buyers in the Sydney market as this is being reiterated in weekly investment and real estate reports in Sydney and National newspapers. Should the market continue this way, the rezoning proposal will most likely be delivering housing stock to a strong investment market.

Appendix E - Industrial Options Study

This appendix provides a detailed economic analysis that demonstrates that redeveloping the purpose-built factory under the current industrial zoning is not economically feasible.

Appendix F - Assessment of Traffic and Transport Implications

This appendix comprises a traffic report which includes traffic count forecasts and partial SIDRA analysis. It identifies that "the access intersection [the proposed new local road into the development site] will be entirely unsatisfactory [sic] without the provision of traffic signals" (p.14).

However, the traffic report does embellish the frequency and quality of the existing bus service (Route 476/477). In reality, the site is not located near a transport node, nor does the site enjoy quality public transport system as at least two modes of transport are required for travellers between the site and larger, regional centres (Sydney CBD, Sydney Airport, Parramatta, north shore, western and south western Sydney, etc).

Appendix G - Phase 1 Contamination Study

This appendix comprises a Phase 1 Contamination Report which assesses the potential for contamination of the site from current and historical uses from a desktop. It recognises the need for a "targeted soil and groundwater assessment be made regarding the presence and extent of actual subsurface contamination".

The report says the potential presence of subsurface contamination "is unlikely to affect the suitability of the site for use in its current configuration", that is, its industrial use. It identifies numerous contaminants in the soil from historic uses and states there is "insufficient information currently available to assess the suitability of the site for the proposed rezoning" (p.17).

Section 6 of State Environmental Planning Policy 55 - Remediation of Land requires contamination and remediation to be considered in rezoning proposals and specifically whether the land is contaminated and whether the land is suitable in its contaminated state (or will be suitable after remediation) for all the purposes for which land in the proposed zone can be used. In this respect, a more detailed contamination report is required.

Appendix H - Flood Advice

Appendix H comprises a flood advice letter from Council for the property at 160 Rocky Point Road. This property is the only parcel of the six parcels is affected by the flood planning area in the *RLEP 2011* Flood Planning Map. The Flood Advice letter provides flood levels, flood risk exposure and overland flows and is sufficient for the purpose of the planning proposal.

ASSESSMENT OF THE REVISED PLANNING PROPOSAL

A preliminary assessment of the planning proposal was reported to Council on 20 November 2013 (Item ORD13 - refer to attachment 3) covered the following issues:

- Precedent of rezoning industrial land
- Housing and job targets under the Metropolitan Strategy (7,000 homes, 13,000 jobs)
- Housing choice
- Local Context
- Floor Space Ratio, Building Height and Design Excellence
- Public Benefit

Additional planning analysis is provided in the section below.

Land use analysis

Land proposed to be zoned B6 Enterprise Corridor

The Darrell Lea site is a purpose built confectionary factory which sets it apart from the neighbouring industrial land and also limits its likely future uses. Unless it was used by another food manufacturer, which is unlikely, the site would need to be redeveloped for it to be used for an economic purpose permitted by the zone.

The applicant has demonstrated, with supporting evidence, that redevelopment of the site is not viable given the cost of redevelopment and the rents that are achieved for light industrial premises in the region. Given these circumstances, it is apparent that the current Light Industrial Zone will no longer promote the orderly and economic use and development of land and is therefore inconsistent with the objectives of the *Environmental Planning & Assessment Act 1979*.

To retain employment on the site the owner proposes to zone 0.84 ha (8,400 sqm) of land along the Rocky Point Road frontage B6 Enterprise Corridor. The B6 Zone permits a variety of uses but most notably bulky goods retail and business and office premises. It has been assumed that the B6 Zone would be viable in this location given it permits a variety of modern employment uses that are more suited to the demographic characteristics of the region. However, the proposed 22 and 15 metre building heights and proposed 1.8:1 FSR are inconsistent with the *Rockdale LEP 2011* density controls for the B6 Enterprise Corridor zone. The revised planning proposal does not include any economic justification or planning argument for increasing the density controls from the standard B6 zone controls.

It is recommended that for the land proposed to be zoned B6 Business Enterprise, that the FSR be reduced to 1.5:1 (and that this be reflected in the proposed Floor Space Ratio Map) and height reduced to 14.5m (4 storeys) to ensure consistency with current policy. The portion of land with a proposed height of 8.5 metres can remain unchanged. Therefore, the planning proposal should be amended accordingly (refer also to Figure L - Proposed building heights in the urban design analysis section, below).

Land proposed to be zoned R4 High Density Residential

The proposed high density residential land enjoys good access to local facilities and services including Scarborough Park and Ramsgate Small Village centre and dwellings above 3 storeys high would enjoy sweeping views of Botany Bay and the bayside suburbs. The site is capable of accommodating high density residential development without unreasonably impacting on the neighbouring low density residential neighbourhood, specifically the residential properties at Margate Street.

The draft Sydney Metropolitan Strategy forecasts that 273,000 additional homes will be required in the Sydney Region by 2021 and 545,000 by 2031. As a matter of policy the draft Strategy requires that new housing is encouraged in areas close to existing and planned infrastructure. Similarly, Rockdale City Council's approach to planning for high density residential development has been to locate it near transport nodes and major centres.

Being located more than 800 metres from the nearest transport node (the site is 1.6 km from the Carlton Station) and 1.9km from the nearest major centre (being Kogarah Town Centre), there is no strategic imperative to maximise residential density on the site. The objective therefore is to ensure the heights and densities proposed are sufficient to ensure the orderly and economic use and development of the land, while also ensuring new development does not unreasonably impact on the amenity of the surrounding locality and the Margate Street properties in particular.

Given the unique size and shape of the land, the proposed R4 High Density Residential zone is supported. However, the proposed height and density (FSR) controls should be reduced as explained below.

Height and Density

The applicant has sought to minimise the impact on surrounding residential properties by proposing a 6 metre landscaped buffer and a low density residential height limit of 8.5 metres along the southern (Margate Street) boundary. The proposed height limits then increases in 3 storey 'layers' (24m, 34m and 38m) travelling north. The height limits are also reduced toward Scarborough Park to the East. Refer to Figure J, below.

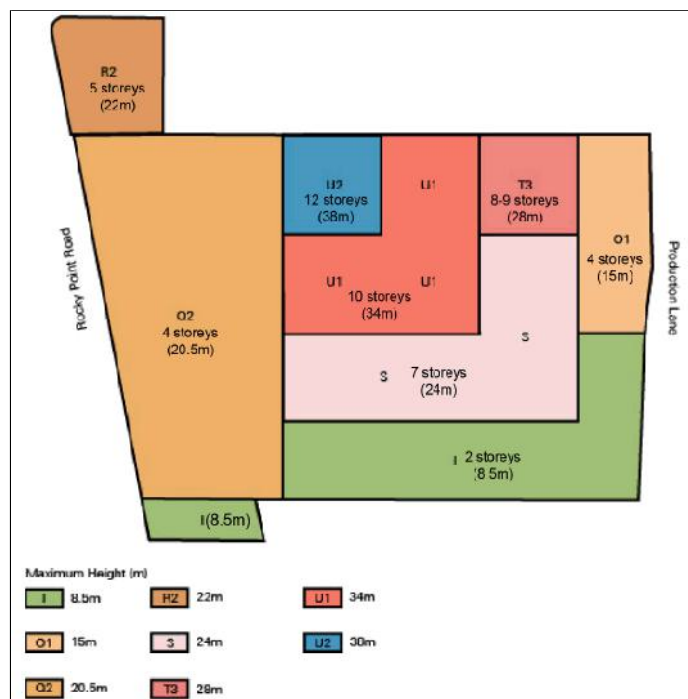


Figure J - The applicant's proposed heights incorporating the number of storeys consistent with Rockdale DCP 2011

The applicant's aim is to enable the low density development to screen the higher density development until the distance from the southern (Margate Street) boundary is sufficient for the high rise development to have limited or no impact. When preparing the scheme the applicant has made note of the blank wall of the existing factory building although it is also worth noting that the existing factory building only extends two thirds of the way down the site and does not contain either windows or balconies.

The height limits proposed by the applicant do not achieve this aim as illustrated by the (black) sight line in Figure K. The resulting development would be overbearing and would impact on the privacy of the neighbouring low density residential properties. Instead, it is recommended that the height limits be reduced as indicated by the (red) sight line in Figure K.

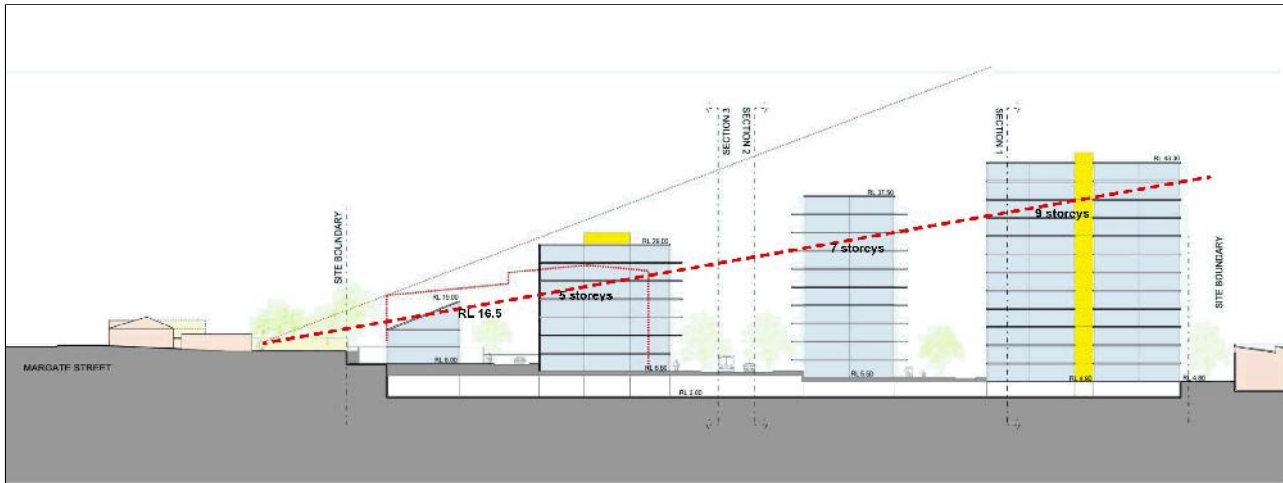


Figure K - Elevations showing sight lines

As a result of this analysis, it is recommended that the proposed Building Height Map be amended to reflect the height limits illustrated in Figure L, below.



Figure L - Recommended Building Heights Map

The appropriate FSR is then a function of the area of each height limit, the maximum building footprints permitted by the Rockdale DCP 2011 (35%), and an allowance to ensure the resulting building envelopes are at least 20-25% greater than the achievable floor area to allow for building articulation (as recommended by the Residential Flat Design Code that accompanies SEPP 65 – Design Quality of Residential Flat Buildings). On this basis the recommended overall FSR is 1.4:1 which would yield approximately 350 dwellings.

It is further recommended that the base FSR be 1:1, with the additional 0.4:1 only available if the development application exhibits design excellence, including excellence in sustainability achieved via a design competition. Irrespective of whether there is a design competition, a mandatory Stage 1 Development Application is recommended for the entire residential component of the site. A Stage 1 DA would determine the building envelopes and distribution of building mass across the site, the traffic and access arrangements and the arrangement of communal open and ensure the site is master-planned as a whole, rather than being subdivided into smaller parcels and developed in a piecemeal fashion.

Community Consultation

Section 9.0 entitled 'Community Consultation' of the planning proposal needs to be amended to include details of the community consultation that will undertaken should the Proposal proceed beyond the Gateway. It is recommended that there be a 4 week public exhibition period and that certified photo montage images be prepared by the applicant (in accordance with the specifications issued by the Land & Environment Court) that illustrate the wider visual impact of the Proposal. In this respect it is noted that even the revised heights will be prominent in the landscape and it is important that the public is given the opportunity to make informed comment on its impact.

Project Timeline

A Project Timeline will be required to satisfy the Department of Planning & Infrastructure.

Public Benefit

The proposal will benefit the wider public interest by preserving employment opportunities on the land and increasing housing diversity to meet local and metropolitan demand.

Additionally, however, it is recommended that a Planning Agreement be negotiated with the applicant to secure off-site planning benefits for the wider community so that it delivers a net community benefit. It is suggested that the Planning Agreement provide for a contribution by the landowner to an internally restricted reserve that will be held by Council for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The principal in the reserve would be preserved with the interest earned on the reserve used for works identified in Rockdale's City Plan.

The draft Planning Agreement, including the quantum of the contribution, would be referred to Council for approval before it was placed on exhibition.

Precedent

Even though there are unique circumstances that apply to the Darrell Lea site, it will create pressure to convert other nearby industrial land for residential purposes. The greater the windfall gain on the Darrell Lea site, the greater that pressure will be. Other industrial lands will need to overcome the same planning hurdles as the Darrell Lea site - in particular the Minister's Planning Direction regarding the preservation of industrial land should they also pursue rezoning. At present the neighbouring industrial land is serving a useful economic purpose as demonstrated by the low vacancy rates and economic rents.

WHERE TO FROM HERE?

The revised planning proposal submitted by the applicant to the DP&I for a Pre-Gateway determination will see the planning proposal reviewed by the Joint Regional Planning Panel (JRPP). The planning proposal will not be returned to Council for a decision prior to the JRPP review and Gateway determination.

Regardless, Council's resolution on this report will form Council's formal position on the planning proposal. As the Pre-Gateway Review process progresses, Council will be given an opportunity to provide its position on the proposal prior to the JRPP making its recommendation and the Minister issuing a gateway determination.

The Council should, however, argue for control of this site to be returned to the local community.

Financial Implications

There are no financial implications applicable to this report.

Community Engagement

Should the planning proposal progress through the Gateway, the DP&I's gateway determination will articulate the timeframe for the exhibition period. Exhibition of the planning proposal will be undertaken in accordance with Council's procedures.

Rockdale City Plan

Outcome:	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.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	1

Additional Comments:



[Attachment 1 December Planning Proposal.pdf](#)



[Attachment 2A - Design Statement.pdf](#)



[Attachment 2B - Indicative Drawings.pdf](#)



[Attachment 3 -20-11-13 Council Business Paper.pdf](#)

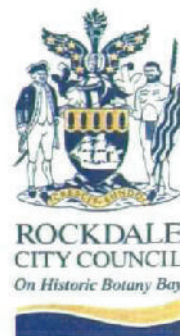


[- Attachment 4 - Detailed list of amendments.pdf](#)

At: General Manager

26 June 2014

Our Ref: F13/274 14/91694
Contact: Stephen Kerr - 9562 1737



Mr John Roseth
Chairman
Sydney East Joint Regional Planning Panel
c/o Regional Panels Secretariat
23-33 Bridge Street
SYDNEY NSW 2000

Dear Mr Roseth

2014SYE041 - 152-206 Rocky Point Road Kogarah - Comment on Proponent's Submission

Thank you for the opportunity to comment on the proponent's supplementary submission to the Regional Panel dated 26 May 2014.

Following the Regional Panel's decision to defer the Planning Proposal Rockdale Council engaged GM Urban Design to provide independent urban design advice to help inform future decisions on the Planning Proposal.

A copy of that report is attached for the information of the Regional Panel.

With respect to the key questions put forward by the Regional Panel, and matters that have arisen from the urban design report and the proponent's supplementary submission, we offer the following.

Can the proponent's desired FSR be achieved within a reasonable building envelope?

The modelling undertaken on behalf of Rockdale City Council by GM Urban Design demonstrates that the proponents desired FSR is not capable of being achieved within a reasonable building envelope.

For the residential scheme, the indicative building envelope put forward by the proponent has significant urban design shortcomings including seriously deficient deep soil zones, poor internal access, inadequate street widths, overshadowing, inadequate building separation and inadequate landscape buffers (see page 3 of the report by GM Urban Design).

Furthermore, when the resulting FSR of the residential scheme was modelled by GM Urban Design it was found that the actual FSR it represented was 1.6:1 and not the 1.82:1 FSR claimed by the proponent.

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In relation to the desired FSR of 2:1, GM Urban Design concluded that:

"the site is not capable of supporting the extent of additional development, and it would become overdeveloped as per the applicant's proposed FSR, compromising urban design outcomes and resulting in:

- *internal overshadowing onto communal courtyard spaces and properties in the lower levels of buildings during winter;*
- *overshadowing onto the low density dwellings on Margate Street to the south;*
- *additional visual impacts when viewed from the Margate Street properties;*
- *overlooking issues onto the Margate Street properties;*
- *disproportionate width/height scale for the local streetscape."*

In the case of the commercial scheme, GM Urban Design calculates that the proposed building heights would produce an FSR of 1.4:1 compared to the applicants desired FSR of 1.8:1.

What FSR could be achieved if the development was consistent with the Residential Flat Design Code?

GM Urban Design have prepared an alternate indicative master plan that is consistent with the Residential Flat Design Code and provides a transition of building heights and forms towards existing low-scale dwellings to the south.

The alternate master plan achieves a FSR, in the residential component, of 1:1.

Should the area of the proposed B6 zone be reduced to enable a residential address on Rocky Point Road?

The alternate master plan prepared by GM Urban Design has moved the location of the entrance road south to enable the provision of a residential street presence on Rocky Point Road. At this stage traffic advice has not been obtained to confirm whether the new intersection location would be appropriate given it is now offset from the Weeney Street intersection. The question that arises, however, is whether it would be appropriate to reduce the area of the proposed B6 zone to enable a residential street presence on Rocky Point Road.

Rockdale Council accepts that the current zoning of the land for industrial purposes is no longer appropriate given demographic and economic changes that have reduced manufacturing activity in Sydney's south and the particular characteristics and unique circumstances of this site.

While the applicant has sought to maintain equivalent employment numbers on the site through the inclusion of the B6 Zone, there is no evidence upon which to assess the viability of this zone and the likelihood that it would maintain existing employment numbers.

As such, a reduction in the area proposed to be zoned B6 to enable a residential presence on Rocky Point Road would be considered favourably by Council.

Proposed Community Benefits

We note that the proponent has now made a voluntary planning agreement (VPA) offer. This is accompanied by a schedule of public and community benefits that includes ordinary development costs including development infrastructure and Section 94 contributions

The VPA offer varies from nothing to \$7.18 million (proponent's estimate) depending on the dwelling yield of each of the 4 options that have been put to the Regional Panel.

Curiously, the marginal VPA offer per dwelling of the 3 options above the proponent's base case, at which there is no VPA offer, is \$31,818 for Option 1(b), \$80,980 for Option 2(a) and \$31,132 for Option 2(b). The logic of this is not apparent to us.

Council does not accept all of the proposed VPA benefits as bona fide, for example, the 'public park and playground on N/E corner' is in fact communal open space required for the development and the cost of design competitions is a development cost. In any event, Council has not proposed design competitions for buildings exceeding 8 storeys in height.

In summary, we note that the proponent makes no VPA offer for what they regard to be the base case (Option 1(a)) and what Council regards to be an appropriate development outcome in this location.

We further note that a planning agreement must be a voluntary agreement. Should, however, circumstances change and a genuine offer is put forward in the future, Council reserves the right to agree to the items comprising the quantum to ensure they align with the elected Council's own views of community priorities as set out in its Community Strategic Plan, Delivery Program and supporting strategies.

Conclusion

The analysis by GM Urban Design highlights the risk of establishing a FSR for the site that is not achievable except by compromising the amenity of future residents of the site and existing neighbouring properties. This would manifest itself in inadequate building separation, insufficient deep soil zones, poor landscape character, excessive overlooking and excessive overshadowing.

The applicant has approached the planning proposal by determining a desired FSR and then attempted to justify it by way of an indicative masterplan. It is telling that the indicative masterplan is unable to achieve the FSR sought by the proponent. By the proponent's own calculations the indicative master plan falls short by about 10%. The independent review undertaken by GM Urban Design calculates the shortfall at 20%.

We would urge the JRPP to refuse the pre-gateway review and in so doing note Rockdale City Council's standing resolution of 19 February 2014 to support the planning proposal with the following amendments made prior to exhibition:

A. For the land proposed to be zoned B6 Enterprise Corridor:

- i. that the height be reduced to 14.5 metres (4 storeys); and
- ii. the FSR be reduced to 1.5:1.

B. For the land proposed to be zoned R4 High Density:

- i. That the building heights be reduced as follows:
 - the 38 metre height be reduced to 31 metres;
 - the 34 metre height be reduced to 24 metres;
 - the 28 metre height be reduced to 26.5 metres;
 - the 24 metre height be reduced to 17.5 metres; and
 - the 15 metre height be reduced to 12 metres;
- ii. as per Figure J in the Council report.
- iii. the instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.
- iv. the base FSR be set at 1:1 with an additional FSR of 0.4:1 permitted if the Stage 1 Development Application is the product of a Design Competition.

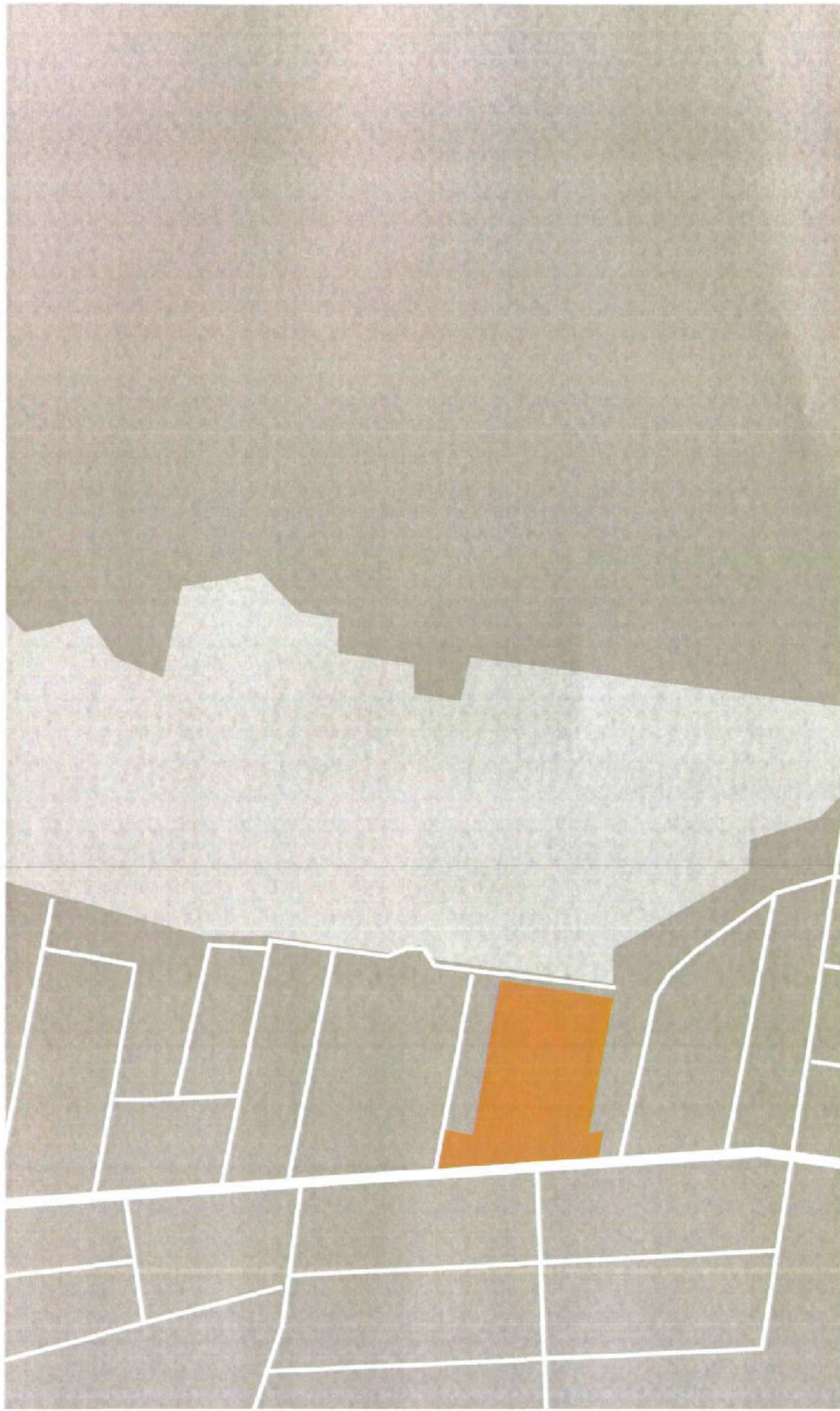
In view of the analysis prepared by GM Urban Design, we would recommend that the proponent also be required to prepare, for public exhibition, a 3D model and calculations that demonstrate how an FSR of 1.4:1 can be achieved while ensuring:

- The objectives and rules of thumb of the Residential Flat Design Code are achieved;
- There is no overshadowing or overlooking of properties in Margate Street;
- There is an adequate and substantial buffer to the industrial properties to the north;
- The local road network creates opportunities to extend linkages to the adjoining industrial sites in the future; and
- The provision of a collection of communal open spaces that provide; recreational opportunities for future residents, relief from long and repetitive building forms, a flexible and centrally located gathering place for the neighbourhood and termination points for viewing corridors.

Please do not hesitate to call with any questions.

Yours sincerely

Stephen Kerr
Director City Planning and Development



FSR testing & alternative master plan

For Rockdale City Council

03/06/2014

GMU

FORMER DARRELL LEA SITE 152-206 ROCKY POINT, KOGARAH

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Date of Issue: 03/06/2014

GMU Project No.: 14075

Status: FINAL



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1.0 INTRODUCTION

GMU has been engaged by Rockdale City Council to test and critically review the Planning Proposal received by Council for the redevelopment of the former Darrell Lea site at 152-206 Rocky Point Road, Kogarah. The purpose of this report is to carry out preliminary testing to determine the appropriate FSR for the site as well as to provide an alternative option of the master plan with improved design outcomes that would comply with the relevant planning controls, Residential Flat Design Code (RFDC) and recommended heights provided by Council.

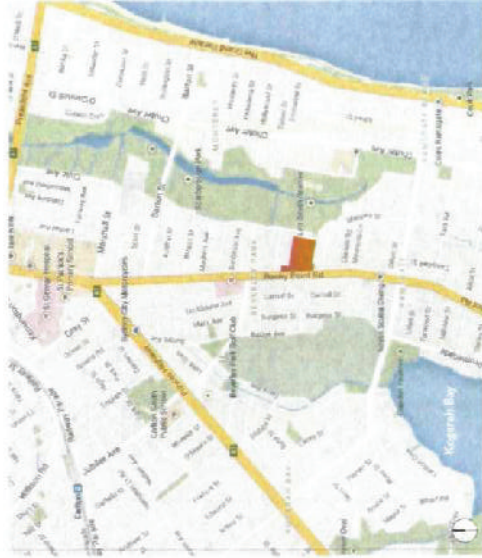
GMU has applied the following methodology in conducting the testing of the site: our initial site visit and review of the existing strategic and planning controls informed the critical review of the proposed development. The two development scenarios, one proposed by the applicant and another recommended by Council, were tested and the findings are summarised in the following pages in this report; our indicative master plan provides a third scenario based on improved spatial arrangements to present an alternative solution, in order to assist Council with the review of the revised Planning Proposal prior to the determination by the Joint Regional Planning Panel (JPPP).

Site Description

152-206 Rocky Point Road was formerly the Darrell Lea Chocolate Factory. The site is currently owned by Land and Portfolio Pty Ltd and a company held by the Lea family. It is bounded by predominantly single-storey residential houses to the south, Leo Smith Reserve to the east, industrial warehouse development to the north and Rocky Point Road on the western boundary.

The site has an area of approximately 3.35ha and the surrounding land uses are as follows:

- to the north: light industrial and commercial;
- to the east: Leo Smith Reserve, comprising large sports and recreation playing fields;
- to the south: low-density detached dwellings along Margate Street and Clarkes Road;
- to the west: two four-storey residential flat buildings on the opposite side of Rocky Point Road, detached dwellings along Carroll Street and Burgess Street; the Beverley Park Golf Club is located further to the west.



Location Plan - location of the subject site in Kogarah



Aerial photo of the site dated January 2014 (source: Rockdale City Council)

1.1 SITE ANALYSIS

Based on GMU's site visit and review of the existing context, GMU has formulated opportunities and constraints for the site, which have informed the preparation of the alternative master plan. We have summarised our analysis into the following categories:

Strengths:

- Proximity to large sports and recreational open space;
- Proximity to school and health facilities including Ramsgate Public School, Carlton South Public School, St Patrick's Primary School, Moorefield Girls High School and Blakehurst High School and St George Hospital;
- Proximity to bus routes 476 and 477 which connect to local centres including Rockdale, Kogarah, Ramsgate, San Souci and Miranda;
- A gently sloping topography across the site from southwest to northeast allowing for easy universal access.

Weaknesses:

- Location of the site is not within walkable distance to any railway station (2km from Kogarah Station and 1.8km from Carlton Station);
- Noise impacts from Rocky Point Road along the western boundary;
- Potential contamination issues to be addressed before becoming suitable for mixed use or residential development;
- Minor flooding at eastern end of the site;
- Poor landscape character;
- Lack of a sense of place.

Opportunities:

- To regenerate an unattractive industrial area to a pleasant mixed use neighbourhood;
- To provide new jobs and housing to accommodate future growth;
- To improve the site's interface with Rocky Point Road;
- To create 'green links' to the west to Leo Smith Reserve;
- To create expansive view to Leo Smith Reserve and Botany Bay;
- To set a precedent for future similar redevelopment of industrial land in the local area;

Constraints:

- The northern interface with the back of existing industrial warehouses causing adverse visual impacts on the new development;
- Existing low-density housing to the west and south requiring careful built form transition to minimise visual impacts and overshadowing;
- Existing Harvey Norman buildings to be retained;



Viewing from the southeastern corner of the site towards the back of the existing low-density dwellings on Murgate Street.



Looking north from Murgate Street to existing low-density dwellings.



Recently developed apartment buildings on the opposite side of Rocky Point Road.



Existing Harvey Norman Buildings on Rocky Point Road to be retained.

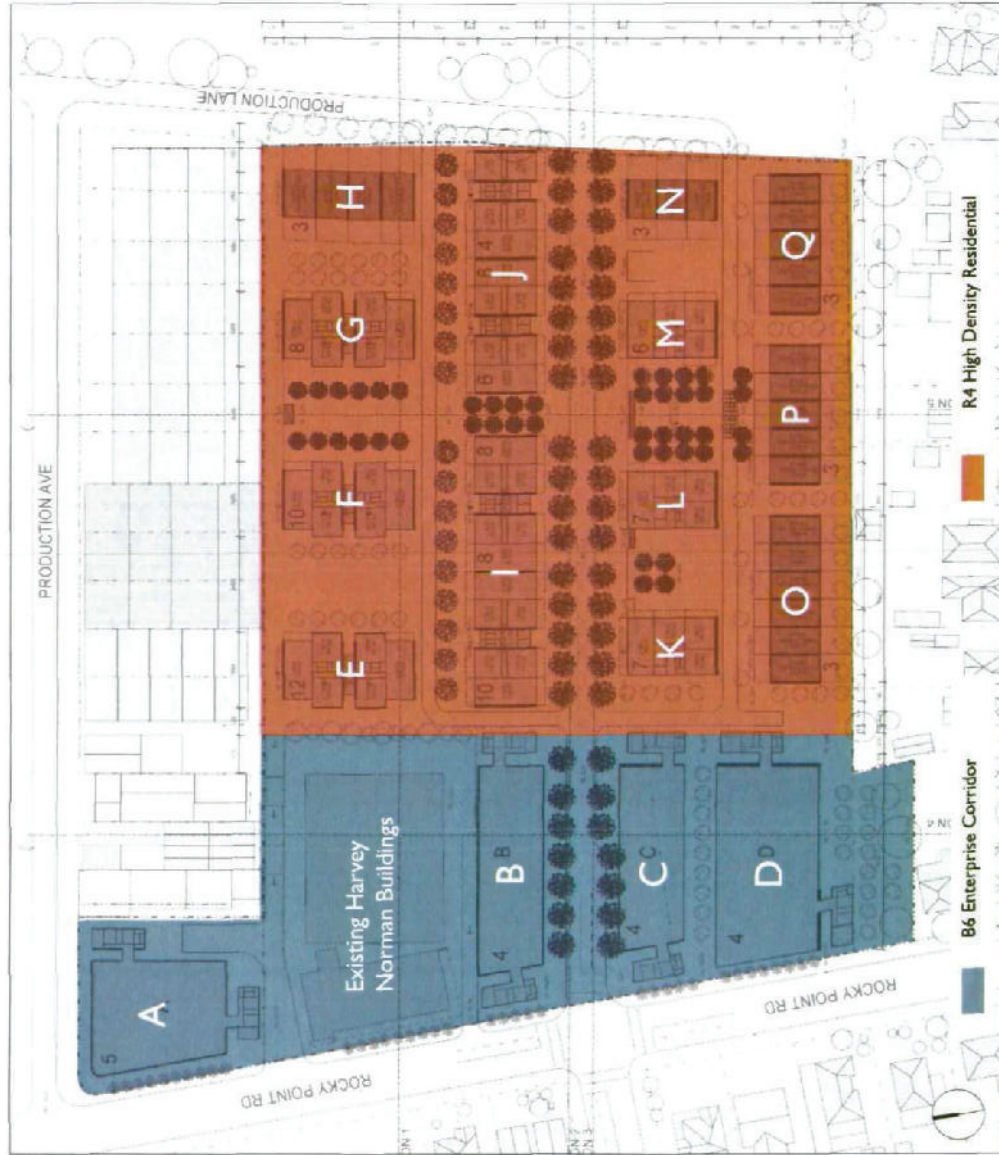


The northern edge of the development interfaces with existing industrial warehouses.



An existing tree at the corner of Weenee St and Rocky Point Road; an arborist report is recommended to decide value for retention.

1.2 URBAN DESIGN REVIEW



Urban Design review on the proposed master plan layout:

After reviewing the overall configuration of the proposed master plan we have identified a number of concerns in relation to the building orientation and the character of the public space:

- Proposed development frontage with Rocky Point Road is completely dominated by 'big-box' commercial buildings, lacking an identity and sense of place for the new residential neighbourhood;
- Proposed Buildings B and C are not built to the western boundary and do not have active building frontages addressing Rocky Point Road;
- Buildings E, F, G and H immediately adjoin the existing industrial warehouses to the north, but no landscape buffer is provided on plan to mitigate the visual impacts and interface issues;
- Buildings E, F, G and H have turned the side onto the local street and have no frontage addressing the street space;
- There is no direct access provided from local streets into Buildings E, F, G, K, L and M do not have;
- Internal streets lack continuous building frontages to define the edges;
- Proposed building heights create long shadows that cause extensive overshadowing;
- Proposed street network has excessive streets both in front and at the back of Buildings I, J, K, L, M and N;
- The internal streets proposed have not allowed for any on-street parking;
- The proposed widths of some internal street are too narrow and inadequate for proper vehicular movement; some streets only contain one 3m wide travel lane;
- The proposal only provides approximately 2.4% deep soil zone in the entire site, which is well below the requirement as per the RDC; the RDC requires 25% of the proposed open space area or around 6-7% of the site area is to be a deep soil zone.

2.1 FSR CALCULATION - COUNCIL RECOMMENDED

The following tables and calculations illustrate the testing of FSR based on Council's recommended heights of buildings; the result of the testing is shown in the tables below:



Council's recommended building heights

Assumptions:

- The size of building footprint is measured based on Drawings No. 8 and 9 in the Urban Design Report by Lippmann August 2013; an inaccuracy tolerance of 1% is allowed.
- The number of storeys shown above are recommended building heights provided on page 3 in Council's Meeting Report dated 19/02/2014.
- Building area used for driveway, stairs, lifts and foyer etc is referred as 'area to be deducted' in the table.
- A 95% efficiency is assumed for buildings within the B6 zone, and 80% for those within the R4 zone.
- No. of units is calculated based on an average unit size of 90m².
- 'Actual FSR' refers to the FSR found by GMU's testing while 'proposed FSR' refers to the applicant's proposed FSR.

B6 zone (Enterprise Corridor) - Council's recommended scenario									
Building	A	Harvey Norman (meters)	Harvey Norman (meters)	B	C	D			
Footprint	870	566	1,444	715	676	1,219			
Height in storeys	4	4	3	4	4	4			
Area to be deducted				53					
GBA	3,480	2,264	1,444	2,888	2,504	4,876			
GFA	3,306	2,151	1,372	2,744	2,379	4,632			
Total GFA			16,583						
Site Area			12,717						
FSR			1.3						

Notes:

Areas shown in tables are in m²;
GBA = gross building area;
GFA = gross floor area;
FSR = floor space ratio;

B6 zone (High Density Residential) - Council's recommended scenario														
	Building	E	F	G	H	I (storeys)	J (storeys)	K (storeys)	L	M	N	O	P	Q
	Footprint	520	520	520	381	492	492	388	309	309	213	501	418	418
	Height in storeys	9	7	8	3	7	7	5	5	5	2	2	2	2
	Area to be deducted						103	303						
	GBA	4,680	3,640	4,160	1,143	3,444	3,444	2,460	1,545	1,545	426	1,002	816	836
	GFA	3,744	2,912	3,328	914	2,755	2,673	1,968	849	1,238	3,238	341	802	669
	No. of units	42	32	37	10	31	30	22	9	14	14	4	9	7
Total No. of units		281												
Total GFA		25,331												
Site Area		20,782												
FSR		1.2												

Findings:

Based on the above tables, we are able to identify that:

- the combined FSR across the site would be 1.25:1 based on the total GFA.
- the total non-residential floor space is 16,583m², providing 827m² less GFA than that is measured in the applicant's scheme, and dropping the FSR from 1.4:1 to 1.3:1. By lowering the height of Building A from 5 storeys to 4 storeys, this results in a 5% reduction in total GFA.
- the total residential floor space is 25,331m², resulting in 7,251m² less GFA than that is measured in the applicant's scheme. The recommended building heights result in a 22% reduction in total GFA, also dropping the proposed FSR from 1.6:1 to 1.2:1, equivalent to approximately 81 less apartment units in yield.

Conclusion:

The findings of GMU's analysis are based on a desktop analysis of Council's recommended scenario. It is GMU's opinion that the reduction in height will assist in mitigating some of the issues identified in the proposal. However, GMU strongly recommends that a 3D model be developed and used to accurately examine the implications of the building bulk/heights in terms of shadowing and solar access to assist with the development assessment.

3.2 ALTERNATIVE INDICATIVE MASTER PLAN

As requested by Council, GMU has prepared an alternative indicative master plan for the site with an approach that seeks the best urban design outcome for the future development. Based on the opportunities and constraints found on the site, we have created a set of principles to respond to the site's character. These are as follows:

Design principles:

a) to establish a sense of identity for the new neighbourhood by allowing the residential frontage facing Rocky Point Road; this will increase the area in the R4 zone and as a result reduce the area in the B6 zone.

b) to create a memorable place and a 'heart' for the neighbourhood by:

- providing centrally located public and semi-public spaces as gathering places for the future residents and workers;
- using perimeter blocks to create a form of medium-rise to higher-density development interspersed with enclosed courtyard spaces creating defined block edges.

c) to design in response to existing context/constraints of the site by:

- allowing for multi-storey residential development on Rocky Point Road to echo with similar development already existing on the opposite side of the road;
- providing a transition of building heights and forms towards existing low-scale dwellings to the south;
- providing a new local street with adequate tree planting for the interface between proposed commercial and residential buildings to soften the interface between uses;
- creating opportunities to extend linkages to the adjoining sites.

d) to create a connected and legible network for access and circulation by:

- providing a permeable street network for pedestrians/cyclists;
- reconfiguring the internal street layout to avoid having excessive streets both in front and at the back of buildings; this results in moving the site entry further south;
- establishing a hierarchy for streets, including:
 - Local Street Type A (17.0m) - 2 parking lanes and 2 travel lanes;
 - Local Street Type B (14.8m) - 2 parking lanes and 1 travel lane;
 - Local Street Type C (13.0m) - 1 parking lane and 1 travel lane.

e) to improve and enhance the landscape character of the site by:

- providing pocket parks at ends of local street where vistas terminate;
- utilising generous street tree planting to create a leafy, lush and pleasant streetscape;
- opening up vistas looking east to the adjoining Leo Smith Reserve;
- retaining existing vegetation where possible.

f) to promote environmental, social and economic sustainability by:

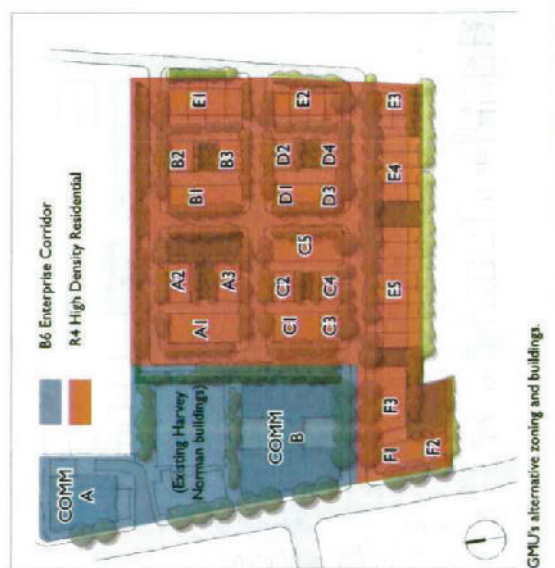
- positioning and orientating buildings to maximise solar access;
- retaining and increasing employment opportunities on-site;
- providing a mix of housing types;
- providing generous on-street parking to reduce the number of basement parking required; this can potentially reduce the size of basement car parks for larger deep soil zone on-site, as well as make the walking experience on street footpaths more protected and safe behind parked cars;
- providing a bio-retention basin at the eastern end where is the lowest point of the site to mitigate flooding and also to collect, retain and treat stormwater on-site.

3.2 ALTERNATIVE INDICATIVE MASTER PLAN



3.3.3 FSR CALCULATION - GMU'S ALTERNATIVE

The following tables and calculations illustrate the testing of FSR based on GMU's alternative master plan layout and heights of buildings; the result of the testing is shown in the tables below:



85-tonne Container Crane – GFA's alternative scenario				
	Building	A	Harvey Norman (existing)	B
	Footprint	870	566	2,099
	Height in storeys	5	4	4
	Area to be deducted			
	GFA	4,350	2,264	8,306
	GFA (assume 95% efficiency)	4,133	2,151	7,976
Total GFA			15,631	
Site Area			10,059	
FR			1.6	

Notes:
Areas shown in tables are in m²;
GBA = gross building area;
GFA = gross floor area;
FSR = floor space ratio;

M6 turns (high density residential) - CMU's alternative scenario																							
	A1	A2	A3	B1	B2	B3	C1	C2	C3	C4	C5	D1	D2	D3	D4	E1	E2	E3	E4	E5	F1	F2	F3
Building	540	231	231	432	179	179	358	365	365	365	514	287	187	132	187	504	418	202	444	842	305	196	556
Height in storeys	9	6	6	3	5	3	6	3	3	3	4	6	3	3	3	3	3	3	2.5	2.5	3	2.0	3
Area to be deducted																							
GFA	4,860	1,186	1,186	2,592	627	627	2,148	495	495	495	2,096	1,722	561	396	561	1,512	1,154	505	1,102	2,105	915	312	1,668
No. of units	43	12	12	23	6	6	19	4	4	4	19	15	5	4	5	13	11	4	10	19	6	3	15
Total No. of units																		365					
Total GFA																		23,862					
Site Area																		23,440					
GR																		1.0					

Assumptions:

- The size of building footprint is measured based on GMU's alternative master plan shown on page 7.
- The number of storeys shown above are alternative building heights by GMU.
- Building area used for driveway, stairs, lifts and foyer etc is referred as 'area to be deducted' in the table.
- A 95% efficiency is assumed for buildings within the B6 zone, and 80% for those within the R4 zone.
- No. of units is calculated based on an average unit size of 90m².
- 50% floor space is assumed in attic space in the roof form; e.g. building height of 3+ is interpreted as 3.5 storeys.

Based on the above tables, we are able to identify that:

1. the combined FSR across the site would be 1.2:1 based on the total GFA.
2. the total non-residential floor space is 15,631m², providing 1.779m² less GFA than that is measured in the applicant's scheme, yet it still raises the FSR from 1.4:1 to 1.6:1 due to a reduced site area for the B6 zone.
3. the total residential floor space is 23,862m², resulting in 8,720m² less GFA than that is found in the applicant's scheme. GMU's alternative indicative master plan drops the FSR from 1.6:1 to 1:1, equivalent to approximately 97 less apartment units in yield.

2. the total non-residential floor space is 15,631 m², providing 1,779 m² less GFA than that is measured in the applicant's scheme, yet it still raises the FSR from 1.4:1 to 1.6:1 due to a reduced site area for the B6 zone.

3. the total residential floor space is 23,862m², resulting in 8,720m² less GFA than that is found in the applicant's scheme. GMU's alternative indicative master plan drops the FSR from 1.6:1 to 1:1, equivalent to approximately 97 less apartment units in yield.

APPENDIX

GMU

APPENDIX A REVIEW OF APPLICANT'S RESPONSE TO JRPP

As requested by the Sydney East Joint Regional Planning Panel (JRPP), the applicant of the former Darrell Lea site at 152-206 Rocky Point Road, Kogarah had provided additional information to the JRPP to justify the proposed FSR. The panel had then sought response from Rockdale City Council on the applicant's submission. GMU has been engaged by Council to prepare a written commentary on the applicant's additional four master plan options submitted to the JRPP. The applicant's submission is as follows:

- "a) There is no justifiable reason to deny the applicant's request for approval of an FSR of 2:1 for the part of the site proposed to be zoned R4.
- b) The proposed R4 area be expanded to include the additional area included in Option 2(b);
- c) The part of the site proposed to be zoned B6 be granted an FSR of 1:8:1 as has been consistently proposed.
- d) The heights controls be as proposed in the height map at Figure 4.
- e) That the matter be submitted for gateway approval without further delay and that strict timelines be set for its future processing."

Considering that all four options of the applicant's revised master plan share a largely similar configuration, our review intends to provide an overview and general comments covering all options of the revised master plan with a focus on the character, built form, street network and open space. GMU understands that Option 2(b) is the applicant's preferred scenario for the Planning Proposal, therefore we have also provided more targeted comments specifically for Option 2(b) on the next page.

GMU's comments are based on a desktop analysis of the four options, namely Options 1(a), 1(b), 2(a) and 2(b) provided by the applicant dated 26 May 2014. The findings of our analysis are as follows:

Character:

- Residential Buildings A, B, C, H, I and J have been designed to turn their sides onto the street rather than allowing building entrances and balconies facing them; this orientation of buildings compromises the opportunities for passive surveillance on the streets;
- In Options 1(b) and 2(b), the approach of demolishing an existing warehouse adjacent and immediately east of the Harvey Norman Building and replacing it with a residential building that is tightly surrounded by industrial and 'big-box' commercial buildings creates unnecessary land use conflicts and negative visual impacts; it is also an isolated building hidden away from the rest of the neighbourhood with no frontage facing any street.
- The revised master plan does not provide sufficient landscape buffering to the adjacent industrial uses;
- The revised master plan suggests compliance with RFDG's minimum deep soil zone requirement; however, no evidence has been given to show how the layout of the basement car park can allow for the proposed amount of deep soil zone;
- There is a lack of landscape character with an absence of a comprehensive landscape strategy.

Built Form:

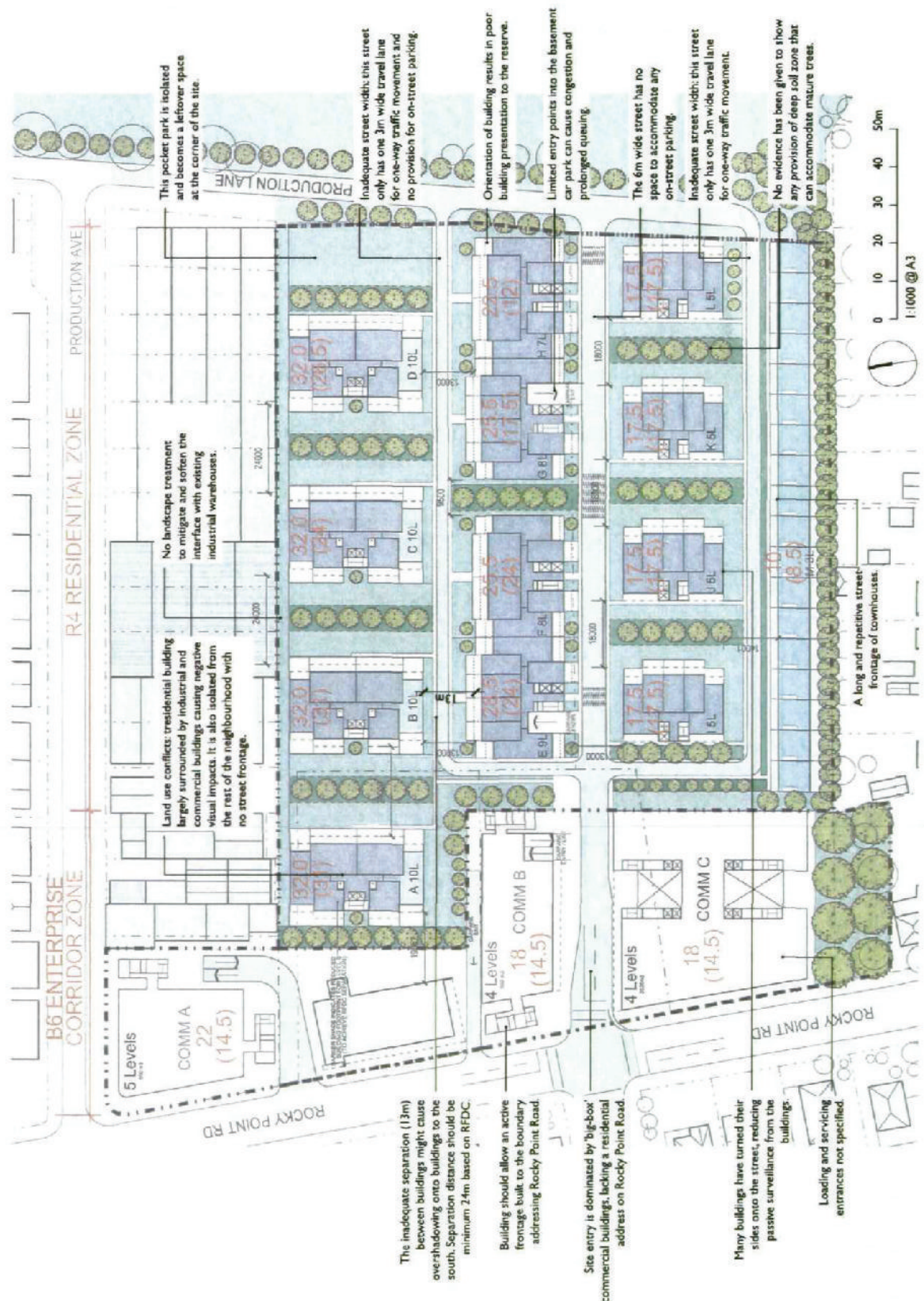
- In Option 2(b) Residential Buildings E, F, G and H might cause overshadowing to buildings located immediately to the south considering that only 13m building separation is given; this does not comply with the objectives and numerical controls recommended by the RFDG;
- In Option 2(b) there is a lack of adequate height transition to the east towards Leo Smith Reserve, considering that the buildings proposed immediately adjacent to the reserve are 7 storeys and 5 storeys high;
- Building COMM B does not have an active frontage built to the boundary to address Rocky Point Road.

Street Network and Open Spaces:

- The proposed widths of internal streets are inadequate for proper vehicular circulation; reconsideration of the street design is required as it is excessive and does not promote legibility and a 'sense of place';
- There is no provision of any on-street parking to encourage pedestrian movement on the street;
- All four options create many free-standing buildings with 'lost' space that is undefined and unenclosed around buildings; this approach does not provides any quality space that would cater for gathering and activities to help create a "village atmosphere" that the proposal has claimed to deliver;

A review specifically on Option 2(b) is provided on the following page. GMU strongly recommends that a 3D model be developed and used to accurately examine the implications of the building mass/heights in terms of shadowing and solar access to assist with the development assessment for this revised master plan.

APPENDIX A REVIEW OF APPLICANT'S RESPONSE TO JRPP - OPTION 2(b)





**Planning &
Environment**

ROCKDALE CITY COUNCIL
RECEIVED

16 OCT 2014

AUSTRALIA POST

Ms Meredith Wallace
General Manager
Rockdale City Council
PO Box 21
ROCKDALE NSW 2216

relate to: 14/112465 14/110335
F13/274 - J. Wilkes
Contact: Diane Sarkies

Postal: GPO Box 39 Sydney NSW 2001

Our ref: PGR_2014_ROCKD_001_00, 14/14901

Attention: Jacky Wilkes, Coordinator Urban Strategy

Dear Ms Wallace

Re: Request for pre-Gateway review - PGR_2014_ROCKD_001_00

I refer to the request for pre Gateway review (PGR_2014_ROCKD_001_00) lodged on 19 December 2013 by JBA Planning Consultants on behalf of Land and Portfolio Pty Ltd for a proposal to amend Rockdale Local Environmental Plan 2011 to rezone the site at 152-206 Rocky Point Road, Kogarah, from IN2 Light Industrial to part B6 Enterprise Corridor and part R4 High Density Residential.

I have now determined that the proposal should proceed to Gateway determination stage. In making my decision, I considered the request for a pre-Gateway review together with the recommendation of the Sydney East Joint Regional Planning Panel and advice provided by Rockdale City Council.

Consequently, Council is asked to advise if it would like to be the Relevant Planning Authority for this proposal. Should Council agree to be the Relevant Planning Authority, it will need to prepare a planning proposal under section 55 of the *Environmental Planning and Assessment Act 1979*, and submit it for a Gateway determination within 28 days of the date of this letter.

The planning proposal should reflect the development controls proposed by the proponent as scheme 2(a), as submitted to the Panel on 26 May 2014. Scheme 2(a) however is to be amended so that building heights do not project beyond Council's proposed height plane. Revised plans shall also clearly define maximum building heights in AHD.

The proposal must include sufficient documentation to ensure that accurate building footprints and FSR are shown and that a determination can be made as to the quantum and location of communal and private open space. Any written offer or draft Voluntary Planning Agreement for those elements of public benefit should also be included as part of the planning proposal.

If Council does not wish to progress this matter, an alternate Relevant Planning Authority may be appointed to prepare the planning proposal. Should Council not wish to be the Relevant Planning Authority for this proposal, please contact the Department of Planning and Environment to discuss this matter further. You can check the progress of the pre-Gateway review on the Tracking System at <http://pgrtracking.planning.nsw.gov.au/>

Please find attached copy of the Panel's review and decision for your convenience.

Should you have any questions in regard to this matter, I have arranged for Ms Diane Sarkies, of the Department's Metropolitan Delivery (CBD) team, to assist you. Ms Sarkies may be contacted on the above contact details.

Yours sincerely

Marcus Ray
A/Deputy Secretary
Planning Services

13/10/14

Encl. – Panel Recommendation



Planning & Environment

Ms Meredith Wallace
General Manager
Rockdale City Council
PO Box 21
Rockdale NSW 2216

Contact: Deewa Baral

Postal: GPO Box 39 Sydney NSW 2001
Our ref: PP_2015_ROCKD_001_00 (15/05371)

Dear Ms Wallace

I refer to Council's letter dated 23 February 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 152-206 Rocky Point Road, Kogarah to allow a mix of residential and commercial uses.

As delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have agreed that the planning proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions. However, the planning proposal should be updated to include a preliminary acid sulphate soils assessment to address the inconsistency with section 117 Direction 4.1 Acid Sulfate Soils. Additionally, the planning proposal should also address any inconsistencies with Direction 1.9 of *A Plan for Growing Sydney*, particularly Action 1.9.2, which requires assessment against the Industrial Lands Strategic Assessment checklist.

I have noted the proposed additional provision of building height plane in the planning proposal. At this stage, it is recommended to include a paragraph explaining the intent of the proposed height plane and its relationship to the proposed development rather than a draft clause.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested delegation for this planning proposal. It is not Department practice to issue delegation for planning proposals which have been subject to a pre-Gateway review. As such, Council's request to exercise delegation to make this plan is not supported.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Deewa Baral of the Metropolitan (CBD) branch of the Department of Planning and Environment on

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services

04/05/2015
Encl:
Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2015_ROCKD_001_00): to amend Rockdale Local Environmental Plan 2011 by rezoning 152-206 Rocky Point Road, Kogarah from mostly IN2 Light Industrial to part B6 Enterprise Corridor and part R4 High Density Residential and amend the associated maximum permissible building height and floor space ratio controls.

I, the Deputy Secretary, Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Rockdale Local Environmental Plan 2011* to rezone the site and amend the associated maximum permissible building height and floor space ratio controls, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended to include:
 - a. a preliminary acid sulphate soils assessment to address the requirements of section 117 Direction 4.1 Acid Sulfate Soils;
 - b. a site contamination assessment report to address the requirements of *State Environmental Planning Policy 55 - Remediation of Land*;
 - c. an updated traffic report to include cumulative impact of the proposed development on local roads;
 - d. an updated section 4.1.6 of the planning proposal to include the intent of the proposed subclause regarding building height plane, in place of a draft subclause; and
 - e. consideration of the Industrial Lands Strategic Assessment checklist to address Direction 1.9 of *A Plan for Growing Sydney*.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a. the planning proposal must be made publicly available for a minimum of **28 days**; and
 - b. the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing LEPs* (Department of Planning and Environment website).
3. Consultation is required with the following public authorities under section 56(2) (d) of the Act in relation to the proposal:
 - Roads and Maritime Services
 - Energy Australia
 - Sydney Water
 - Telstra
 - Kogarah City Council



The public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning and Environment website)

Dated *4th* day of *May* 2015

**Marcus Ray
Deputy Secretary
Planning Services**

Delegate of the Minister for Planning

WRITTEN SUBMISSIONS

Submission Maker	Issue	Council Officer Response
Cummings	<ul style="list-style-type: none"> Scale of development proposed is inappropriate for the location Traffic is already an issue, especially on weekends Council should reject the rezoning due to the scale of the development 	<ul style="list-style-type: none"> Noted. Council's resolution dated 19 February 2014 recommended that the Height of Building and Floor Space Ratio development standards be reduced. This was echoed in Council's subsequent submission to the Joint Regional Planning Panel (JRPP). In the Council report dated 19 February 2014, points about the site's dislocation from a transport node and a major centre were highlighted. While the site is not located adjacent to a railway station, it is located adjacent to Rocky Point Road and bus services are available to Kogarah railway station. <p>The Planning Proposal is supported by a traffic report that has assessed traffic modelling for the subject land. RMS submission states that detailed traffic analysis would need to be undertaken and provided to RMS as part of any future master plan (Staged) Development Application for the subject site.</p> <ul style="list-style-type: none"> Currently the subject land is occupied by industrial buildings that have exhausted their historical use. The Planning Proposal represents an opportunity to implement a residential zoning and development standards for the site that will create opportunities for future development that are more amenable than an idle industrial site.
Melville (Combined response to 2 submissions)	<ul style="list-style-type: none"> Object to the overdevelopment of the site Site is located greater than 1.5km from the major transport hubs of Kogarah and Carlton railway stations Clearway restrictions on Rocky Point Road limit the road to 2 lanes at times, which has impacts on car parking in adjoining local roads Traffic lights would improve traffic management from the site, but would not improve traffic congestion along Rocky Point Road The site and adjoining suburbs are set within a locality of low and medium density residential development, not high density like Rockdale Town Centre or Wolli Creek 	<ul style="list-style-type: none"> Over-development/precedent: Noted. Council's resolution dated 19 February 2014 for the Planning Proposal recommended that the Height of Building and Floor Space Ratio development standards be reduced. This was echoed in Council's subsequent submission to the Joint Regional Planning Panel (JRPP). It was also noted that the development standards proposed for the portion of land to be zoned B6 Enterprise Corridor be consistent with the existing development standards for other B6 Enterprise Corridor zoned land in the LGA, including the site occupied by the nearby Harvey Norman building. <p>The issue of precedent for future development proposals is noted. However, every proposal is assessed on its merit and in the context of the precinct in which it exists.</p>

	<ul style="list-style-type: none"> ▪ The F6 motorway is proposed East of the site, which will result in existing fields being dissected, thereby limiting pedestrian access to these recreational areas ▪ Rear exit from site is via a one lane road through an industrial area ▪ The Rockdale LEP 2011 was prepared at great cost to the Council, the LEP should be adhered to rather than permitting ad hoc proposals ▪ If the rezoning proceeds, it will bring pressure on industrial land adjoining the site, reducing industrial/employment land ▪ The height of buildings should not be higher than the existing Harvey Norman building ▪ The proposed B6 Enterprise Corridor zone should be limited to land North of the proposed Weeney Street East road, in order to (i) limit traffic and car parking impacts on local roads; and (ii) provide greater assimilation with residential uses, including the existing aged car facility on Rocky Point Road 	<ul style="list-style-type: none"> ▪ Traffic/transport/car parking: The site's dislocation from a transport node and a major centre are acknowledged. While the site is not located adjacent to a railway station, it is located adjacent to Rocky Point Road and some bus services are available to Kogarah railway station. The Planning Proposal is supported by a traffic report that has assessed traffic modelling for the subject land. RMS comments state that detailed traffic analysis would need to be undertaken and provided to RMS as part of any future master plan (Staged) Development Application for the subject site, including assessment/confirmation of restricted car parking areas. The traffic report is based on modelling to determine the impact that the future development of the site would be expected to have on Rocky Point Road and the surrounding road network. The traffic report concludes that a new 4-way intersection at Rocky Point Road (opposite Weeney Street) would be capable of managing traffic flows to/from the site to Rocky Point Road, subject to detailed traffic analysis as mentioned above. The future proposed 4-way intersection for the site would lead traffic directly onto Rocky Point Road. The merits of any rear access to the site would be assessed as part of detailed traffic analysis as part of a future Development Application (DA) in the future. ▪ Industrial zone: Currently the subject land is occupied by industrial buildings that have exhausted their historical use. The Planning Proposal represents an opportunity to implement a residential zoning and development standards for the site that will create opportunities for future development that are more amenable than an idle industrial site. ▪ F6/open space: The planning for the F6 motorway is being undertaken by the NSW Government. Council's Land Reservation Map in the Rockdale LEP 2011 shows the proposed reservation for that project. However, no plans are in place for the F6 extension and the F6 reservation corridor represents a broader city-wide concern for Council in terms of potential open space loss that go beyond this specific planning proposal. Council continues to maintain a close watching brief on this issue. ▪ Planning: While this Planning Proposal was progressed under the Pre-Gateway review process, Local Environmental Plan (LEP) amendments are part and parcel of the land use
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		<p>planning system that operates within NSW. The consideration for Council needs to focus on the planning merits of any Planning Proposal.</p> <ul style="list-style-type: none"> ▪ B6 Enterprise Corridor: The extent of B6 Enterprise Corridor zoning proposed for the subject land will provide an interface between Rocky Point Road and proposed R4 High Density Residential zoned land further East within the site. One of the key objectives of the B6 Enterprise Corridor zone is <i>“To promote businesses along main roads and to encourage a mix of compatible uses”</i>. No similar type of objective exists under the provisions of the R4 High Density Residential zone. As such, the B6 Enterprise Corridor zone is best located along the entire frontage to Rocky Point Road.
Kemp	<ul style="list-style-type: none"> ▪ It is positive that the site is to be redeveloped, as it is beginning to look ‘tired’ ▪ The proposed building heights are not in line with the locality, going above 5 storeys is excessive ▪ The site area is not appropriate for a high density zoning, these types of zonings should be targeted around key transport hubs such as Wollli Creek, Rockdale and Kogarah railway stations ▪ Council should not be considering such large developments when there is unlikely to yet be full occupancy at other comparatively sized development sites ▪ How is affordable housing going to be managed within the site? ▪ Could Council legally enforce the generation of 400 full time jobs post development? ▪ Schools, sporting clubs and local facilities are likely to be pushed to their limits within the next 5 years ▪ What are the impacts if the F6 corridor goes ahead? The development would adjoin a freeway should the rezoning and the F6 corridor both be progressed, having impacts on open space ▪ A modern townhouse community similar to 346 West Botany Street would be more suited to the site 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Need for revitalisation of site is noted. Council’s resolution dated 19 February 2014 for the Planning Proposal recommended that the Height of Building and Floor Space Ratio development standards be reduced. This was echoed in Council’s subsequent submission to the Joint Regional Planning Panel (JRPP). It was also noted that the development standards proposed for the portion of land to be zoned B6 Enterprise Corridor be consistent with the existing development standards for other B6 Enterprise Corridor zoned land in the LGA, including the site occupied by the nearby Harvey Norman building. ▪ Traffic/transport/parking: The site’s dislocation from a transport node and a major centre are acknowledged. While the site is not located adjacent to a railway station, it is located adjacent to Rocky Point Road and some bus services are available to Kogarah railway station. The Planning Proposal is supported by a traffic report that has assessed traffic modelling for the subject land. RMS comments state that detailed traffic analysis would need to be undertaken and provided to RMS as part of any future master plan (Staged) Development Application for the subject site, including assessment/confirmation of restricted car parking areas. ▪ The rate of occupancy at other comparatively sized development sites is not a planning consideration for Council when assessing a Planning Proposal. Occupancy rates in different locations will vary, as a result of some locations being more popular than others.

		<ul style="list-style-type: none"> ▪ Affordable housing: Any proposal to incorporate affordable housing within the site would be assessed as part of a future DA, should the rezoning proceed. ▪ Council cannot enforce employment generation. The figure quoted in the Planning Proposal is an estimate only. ▪ Community facilities: Council's ongoing reviews of Section 94 Developer Contributions Plans will assist in ensuring that local facilities are managed in the best way possible, and for the maximum amount of users possible. It should be noted that planning for public schools and student intakes is the responsibility of the NSW government. ▪ F6/open space: The planning for the F6 motorway is being undertaken by the NSW Government. Council's Land Reservation Map in the Rockdale LEP 2011 shows the proposed reservation for that project. However, no plans are in place for the F6 extension and the F6 reservation corridor represents a broader city-wide concern for Council in terms of potential open space loss that go beyond this specific planning proposal. Council continues to maintain a close watching brief on this issue.
Cobb, Watt & Barrett	<ul style="list-style-type: none"> ▪ The site should remain low density, consistent with the surrounding locality ▪ Buildings should not be higher than four storeys ▪ Large number of dwellings will introduce social problems ▪ On street vehicle parking will increase, commercial land will add to that issue ▪ Rocky Point Road is already overburdened, any extra roads will terminate at Rocky Point Road in any case, or impact on existing rat runs ▪ Existing road users do not want an additional set of traffic lights at Rocky Point Road ▪ Any workers will use vehicles which will need to be parked, adding further pressure on surrounding streets ▪ Infrastructure cannot sustain this huge proposal ▪ Noise, garbage removal and constant movement of people will disrupt the lifestyle of current and future residents in the locality 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Amenity impacts: social problems can exist in all types of development. It cannot be attributed to large number of dwellings. Noise issues and waste services currently exist in the industrial zone and the local surrounds. Development controls are put in place to manage such impacts in new developments. ▪ The Voluntary Planning Agreement, as outlined, will deliver \$5.5 million of public benefit to the local community.

	<ul style="list-style-type: none"> ▪ “Sugar on the Table” VPA mentioned but no details 	
Corones	<ul style="list-style-type: none"> ▪ The scale of the proposal seems disproportionate, given the site is not located adjacent to a transport hub or town centre ▪ All residential and commercial traffic will need to use Rocky Point Road, which will have local and sub-regional impacts given other multi-storey developments that have been constructed ▪ Building heights are considerably taller than other developments in the area, while the Floor Space Ratio is far greater than currently in the RLEP 2011 for the site ▪ There is a danger of the rezoning setting a precedent for further rezonings on the industrial land North of the site ▪ The proposed commercial area is very large and is questionable given the location, bringing into question the traffic congestion and car parking problems that may arise ▪ The prospect of approximately 450 townhouses and apartments plus the commercial / retail businesses seems a gross overdevelopment of the site ▪ VPA reference: Local traffic management – too constrained. Other facilities in Leo Smith Reserve will be dissected by F6. ▪ Fund gap for RCC 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ The Local Area Traffic Management study identified in VPA will allow Council to identify and treat traffic concerns in the vicinity of the Development. Traffic issues resultant from the Development will be resolved through the Development Assessment Process. ▪ Council has other funding sources, including development contributions, which will address the shortfalls of funding in relation to upgrades to Scarborough Park South and environs. ▪ F6/open space: The planning for the F6 motorway is being undertaken by the NSW Government. Council’s Land Reservation Map in the Rockdale LEP 2011 shows the proposed reservation for that project. However, no plans are in place for the F6 extension and the F6 reservation corridor represents a broader city-wide concern for Council in terms of potential open space loss that go beyond this specific planning proposal. Council continues to maintain a close watching brief on this issue.
Peek	<ul style="list-style-type: none"> ▪ The number of dwellings proposed seems inordinately large for the area for which it is intended ▪ The scale of development is completely out of character with the existing locality, and will bring many problems ▪ Main concern is the amount of traffic that the proposal will engender, including further afield, such as Princes Highway ▪ The development would result in 8 sets of traffic lights between Ramsgate Road and the Rocky Point Road / Princes Highway junction 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Provision of any pedestrian and cycleway paths would need to be in accordance with Council’s relevant engineering requirements and policies relating to pathway connectivity, which is unlikely to involve separation of pedestrian and cycleway paths given the cost of providing these assets.

	<ul style="list-style-type: none"> ▪ Rat runs could eventuate, particularly along Sunbeam Avenue, as people try to avoid 3 sets of traffic lights ▪ Consideration should be given now, rather than in the future, to widening and removing barriers for roads including Production Lane, Sunbeam Avenue and Margaret Lane ▪ It is positive that facilities are proposed to be improved as part of the proposal, however questions arise over where users of facilities will park their vehicles, and where car parking overflow will occur ▪ Pedestrian footpaths and cycleways should be separated, to avoid pedestrian / cyclist conflicts. ▪ VPA: support for sport facilities improvement but worried about parking. 	<ul style="list-style-type: none"> ▪ The Voluntary Planning Agreement provides funding for Council to undertake a Master Plan for Scarborough Park. Detailed design issues such as separated pedestrian and cycles will be addressed through the associated community consultation. ▪ The upgrades identified in the Voluntary Planning Agreement do not propose to intensify the uses of the existing sporting facilities. Therefore, no increase in parking requirements has been identified. 	
Peebles, S	<ul style="list-style-type: none"> ▪ Oppose the rezoning and redevelopment of the site ▪ There will be a loss of privacy, particularly with so many proposed dwellings overlooking and overshadowing my property on the Northern and Eastern boundaries ▪ Increased noise from Rocky Point Road, given the proposal to demolish the dwelling immediately West of my property, and this dwelling acts as a buffer to noise between my property and Rocky Point Road ▪ There are inadequacies in the proposed plans, including the (i) 1.2m separation distance between the rear fences of residents in Margate Street and the boundary fence of the Darrell Lea site, and (ii) the retaining wall starts at No. 8 Margate Street, not No. 2 ▪ The building envelope height of 8.5 metres to the rear of existing dwellings in Margate Street assumes the retaining wall and the houses in Margate Street are on the higher side of the land, which is incorrect for No.'s 2 & 4 Margate Street ▪ Currently, there is a setback of approximately 7.8 metres between my rear fence and the existing Darrell Lea building, however the proposed plan shows a separation 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls: Currently, the subject site is occupied by industrial development. An inevitable outcome of rezoning non-residential zoned and to residential is that there is the potential for privacy or overshadowing/solar access issues. These can be managed through appropriate urban design and built form elements (such as window placement and privacy screening), as well as fencing and landscaping treatments. These can be considered as part of any future DA(s) for the subject land. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. <p>While the Planning Proposal includes indicative plans in order to demonstrate what could be pursued as part of a future DA for the site, it should not be assumed that these will be the final plans that would be submitted. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process.</p>	

	<p>distance of just 2 metres from the rear boundary, which is too close from a noise, privacy and overshadowing point of view</p> <ul style="list-style-type: none"> ▪ Given that I am legally blind I am concerned about who may be able to see in to, and access, my property without my knowledge ▪ A building height of ten storeys is too high for the locality. ▪ Development control issues: If the planning proposal proceeds, the following amendments should be made: (i) there be no increase in overshadowing on my property at No. 2 Margate Street; (ii) the green space at the rear of No. 2 Margate Street be extended to the rear of No. 6 Margate Street; (iii) new dwellings bordering the rear of No. 6 Margate Street be restricted to one storey in height; (iv) noise and privacy screening be placed along all perimeters of my property; (v) a minimum setback of 7.8 metres be implemented from my rear boundary; (vi) adequate lighting be installed in all public spaces adjoining my property to discourage antisocial behaviour; (vii) no overhanging trees be planted on the boundaries of my property to ensure security and maintain low maintenance of the green space; (viii) amendments be made to the Voluntary Planning Agreement (VPA). ▪ VPA Proposed Inclusions: Covered bus stops on both sides of Rocky Point Road between Ramsgate Road and Calvary Hospital; the proposed park include facilities for children with disabilities like a wheelchair accessible swing; a hoist be installed in each of the pools including the outdoor 50 meter pool at Sans Souci; The path which leads from Ramsgate Primary school on Florence Street and runs along the park beside Tonbridge Oval and gives access to Tonbridge Street be upgraded. Currently it floods and fast running water flows into the creek making it a dangerous journey to school for children and their parents/grandparents; 	<ul style="list-style-type: none"> ▪ The amendments that have been requested (apart from those relating to the VPA) are matters that relate to specific issues concerning the submission maker's property. Adjoining landowners will have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ Voluntary Planning Agreement: The public benefits identified within the Voluntary Planning Agreement was negotiated between the applicant and Rockdale City Council. A range of works and upgrades were provided to the proponent as part of the VPA discussions. The works proposed in the VPA are those selected by the applicant. ▪ As part of the Scarborough Park Master Plan the community will be consulted in regards the embellishment of the proposed park and pedestrian facilities.
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Cooper	<ul style="list-style-type: none"> ▪ Density of development inappropriate for the locality ▪ To increase the number of residences by 450 would result in a minimum of 1,000 additional people in the locality, having a vast impact on all resources ▪ Given the topography of the land, the development will be highly visible ▪ The number of vehicles will have a huge impact on Rocky Point Road and turning movements to/from Weeney Street ▪ There cannot be certainty in stating that 400 jobs will be provided given the current uncertainty faced by Harvey Norman and other lessors in attracting suitable tenants ▪ The building height for the site should be a maximum of 4 storeys ▪ VPA: His contribution towards sporting facilities, upgrade of Scarborough Park and a new children's playground and childcare centre are very commendable and sound wonderful. However, his outlay towards these will not even be 10% of what he will gain by erecting 450 apartments etc. 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Topography/building heights: The Gateway determination issued for the Planning Proposal acknowledges the issue of the topography and building heights. A paragraph was included in the exhibited Planning Proposal, and included an explanatory diagram to demonstrate the intent of the proposed height plane. The intention of the building height plane is to manage building height in a way that transitions across the site, and reduces the visible bulk and scale of any future development within the site. ▪ Employment generation: there can never be precisely quantified with any development. The figure quoted in the Planning Proposal is an estimate. ▪ The Voluntary Planning Agreement proposes \$5.5 million of Public Benefit, which is 14% of the proposed Planning Uplift and is a contribution to the community.
Sanbar-Carovigno	<ul style="list-style-type: none"> ▪ Object to the current development proposal, particularly the R4 High Density Residential zone ▪ We do not want the development to tower against the entire suburb and substantially increase the population of the area to make it feel like the Sydney CBD ▪ We want to ensure that Margate Street doesn't become a main road for residents to access the beach, as the proposed development will not have direct access to Ramsgate Beach or The Grand Parade ▪ If the proposal proceeds there will be a high probability of traffic increasing in Margate Street ▪ We are happy to have a development on the site that does not detriment the area or tower against surrounding houses 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above

Akratos	<ul style="list-style-type: none"> ▪ The character and amenities of the Ramsgate locality need to be considered, as well as the wishes of local residents ▪ Object to the scale of the proposal, including building heights and density ▪ The proposed development is an over-development of the site, out of character for the Ramsgate locality, and will place pressure on traffic, public transport, schools and medical services ▪ The proposal could set a precedent for further high rise development in the locality ▪ Currently, the only sites within the Rockdale LGA that accommodate buildings of a comparative height to those proposed within the site are within Rockdale Town Centre and Wollie Creek, which are more suitable locations ▪ While Kogarah and Rockdale railway stations can be serviced by buses from the site, Carlton railway station is not serviced by buses, and car parking at Kogarah and Rockdale railway stations is beyond capacity ▪ The sudden increase in heights from the Southern end of Margate Street will severely impact the privacy of residences on surrounding streets ▪ The details of dwelling mix outlined in the planning proposal indicate that an additional 650 children would require day care and schooling in the locality. Despite the childcare centre proposed for the site, facilities in the locality would not cope. ▪ Improvements to the area included in the proposal focus mainly on improvements to the site itself ▪ The 400 new jobs mentioned in the report is positive, however, this may be an overestimation, depending on the mix of proposed commercial uses ▪ Current developments on the Western side of Rocky Point Road are more in keeping with the area and will reduce the impacts of privacy on residents and minimise the strain on local amenities 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls: Currently, the subject site is occupied by industrial development. An inevitable outcome of rezoning non-residential zoned and to residential is that there is the potential for privacy or overshadowing/solar access issues. These can be managed through appropriate urban design and built form elements (such as window placement and privacy screening), as well as fencing and landscaping treatments. These can be considered as part of any future DA(s) for the subject land. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. <p>While the Planning Proposal includes indicative plans in order to demonstrate what could be pursued as part of a future DA for the site, it should not be assumed that these will be the final plans that would be submitted. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process.</p> <ul style="list-style-type: none"> ▪ The submission maker notes the intention to provide a childcare centre within the site. It is likely that the market would dictate whether any other additional childcare centres emerge in the locality. It should be noted that planning for public schools, student intakes and public transport patronage is the responsibility of the NSW government and that is taken into account when the NSW Government, makes its determination on planning proposals. ▪ It should be acknowledged that the VPA includes a child care centre and several other benefits that extend beyond the site and would therefore benefit residents in the wider locality. ▪ Employment generation: there can never be precisely quantified with any development. The figure quoted in the Planning Proposal is an estimate.
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Sydney Water	<ul style="list-style-type: none"> Sufficient capacity exists in both Sydney Water's water and wastewater servicing infrastructure to accommodate future development within the site, and all requirements for future development can be addressed at the Section 73 application phase 	<ul style="list-style-type: none"> Noted.
NSW Roads & Maritime Services	<ul style="list-style-type: none"> RMS will grant approval to the provision of traffic signals at the proposed intersection, subject to several conditions Detailed traffic analysis will need to be completed and submitted to the RMS as part of any future master plan (Staged) Development Application for the subject site Agreement should be reached between RMS, Council and the proponent on full geometric design of the proposed signalised intersection, including any land dedication requirements, prior to the gazettal of the Planning Proposal 	<ul style="list-style-type: none"> It is noted that the RMS have no objection to the Planning Proposal. Full geometric design and detailed traffic configurations are more appropriately addressed in a future Staged Development Application for the subject site.
HAVE YOUR SAY SUBMISSIONS (ROCKDALE CITY COUNCIL WEBSITE)		
Submission Maker	Issue	Response
Pillar	<ul style="list-style-type: none"> Object to buildings in excess of three storeys in height, and of high density The locality is already congested and excessive density leads to unnecessary social problems 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Social problems are a broad societal issue not specifically connected to this planning proposal.
Heath	<ul style="list-style-type: none"> Oppose the proposed development as Rocky Point Road is a major road connecting North-South traffic flows between the St George area and Southern Sydney suburbs 	<ul style="list-style-type: none"> Traffic/transport/parking: Noted – refer to previous Council responses above

	<ul style="list-style-type: none"> Higher population densities should only be permitted near rail transport, and the site is too far from rail services Bus services in the locality are already stretched, and no plans exist for the expansion of bus services VPA: Improved recreational facilities are positive, but will not eliminate traffic congestion Rezoning industrial land to residential will reduce the supply of industrial land in the St George area, thereby leading to residents of the locality needing to travel outside of the area for work 	<ul style="list-style-type: none"> The Planning Proposal seeks to retain part of the site to B6 Enterprise Corridor, which would mean that part of the site retains employment land.
Catorall	<ul style="list-style-type: none"> VPA: New facilities would be great for the St George area, including leash free areas for dogs 	<ul style="list-style-type: none"> The community will be provided the opportunity to have input into the Scarborough Park Master Plan in relation to detailed design.
Heber	<ul style="list-style-type: none"> VPA: Why is the proposal considering a SHARED pedestrian and cycle link? Every nearby Sydney council realises this puts pedestrians at risk and slows down cyclists so they can only use the link for recreational use rather than for cycling as transport. Rockdale should be specifying all new cycling infrastructure as separated if they are to be in high pedestrian areas, like this development proposes to be. Separate your modes of transport RCC, it's not rocket science. Bikes and pedestrians do not mix, bikes and cars do not mix. 	<ul style="list-style-type: none"> The Voluntary Planning Agreement provides funding for Council to undertake a Master Plan for Scarborough Park. Detailed design issues such as separated pedestrian and cycles will be address through the associated community consultation.
Blue & Hogan	<ul style="list-style-type: none"> Traffic monitoring should be undertaken on Margate Street after construction is finished, and if the amount of traffic substantially increases, then traffic calming measures (such as chicanes) should be implemented The traffic lights at the intersection of Ramsgate Road and Rocky Point Road should be reconfigured to permit a right-hand turn onto Rocky Point Road from West-bound Ramsgate Road 	<ul style="list-style-type: none"> Traffic/transport/parking: Noted – refer to previous Council responses above Development controls: refer to previous Council responses above The Voluntary Planning Agreement proposes that the Child Care Centre is to be located within the development site. However if an alternate site has been identified, through mutual agreement, the child care centre may be located outside the development site.

	<ul style="list-style-type: none"> A substantial bus shelter is required at the corner of Rocky Point Road and Weeney Street, as the sun is incredibly hot during the Summer months for people waiting at that stop The proposed childcare centre should be built within the site and not in Leo Smith Reserve or any other adjoining sporting ground Any footpaths or cycleways should not be built directly adjacent to houses within Margate Street (i.e. behind fences of properties bordering the Southern end of Leo Smith Reserve) 	<ul style="list-style-type: none">
Garner	<ul style="list-style-type: none"> The proposal should not be given any special treatment over the existing locality in respect to height of building controls The high density is a major issue given that public transport, surrounding roads, doctors, schools and shopping facilities are already stretched to their limits Improving Production Avenue and constructing traffic lights at Weeney Street will not help the traffic situation Bus services will need to be increased to service the development VPA: There should be a requirement for both a doctor and a childcare centre to be integrated within the development 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above The Voluntary Planning Agreement has identified a child care centre to be included within the development site. Council cannot <i>require</i> that a child care centre and a doctor’s surgery be provided as part of the Planning Proposal or development assessment process. Furthermore, the market would typically dictate where child care and medical centres establish themselves within the locality, once sufficient demand is generated.
Cummings	SEE EARLIER IDENTICAL WRITTEN SUBMISSION	N/A – SEE EARLIER IDENTICAL WRITTEN SUBMISSION
Peebles, M	<ul style="list-style-type: none"> Against the proposed rezoning of the subject land The scale and density of the proposal are more than three times the limit now permitted by the RLEP 2011 The infrastructure of the locality cannot sustain such development The proposal would establish a dangerous precedent for similar development Rockdale Town Centre and Wolli Creek are the only precincts where buildings of a comparative height are 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above Infrastructure already exists in the locality, such as water, sewer, electricity and telecommunications, which has serviced the existing Darrell Lea factory over time. The extent to which this infrastructure would need to be upgraded to support higher density development would be determined at the time of any future DA(s) for the site, with

	<p>currently permitted under the RLEP 2011, and unlike both these sites, the Darrell Lea site is not located adjacent to major roads and rail links</p> <ul style="list-style-type: none"> ▪ The improvements proposed for infrastructure are related directly to the site, not the locality. For example, traffic lights at Weeney Street will not improve traffic management on Rocky Point Road ▪ The proposal contains no improvements to external roads, traffic flows, public transport, the capacity of local schools and medical facilities ▪ Traffic management issues relating to Rocky Point Road, Margate Street and Ramsgate Road require investigation and resolution ▪ Given that the site is not located close to a railway station, public transport issues relating to the carriage of users by bus to local railway stations is an issue ▪ VPA: There are limited educational, child minding and medical facilities available in the locality, and the introduction of higher density development will place additional pressure on these services ▪ Employment generation of 400 jobs cannot be guaranteed, especially when considering the evidence of long term vacancies in other similar types of development ▪ The cumulative impacts from other developments should be considered, such as the proposed 77 bed retirement home within the Kogarah LGA, opposite the subject site ▪ Residential development is viewed as a better use of the site than industrial development, but it must be sustainable and in the interests of the local community ▪ VPA: Margate Street has become an overused speedway linking Rocky Point Road and Ramsgate Road. The current traffic volume and excessive speeds are too much for what is supposed to be a residential street. Although \$100,000 is to be allocated for a traffic study, this does not ensure that the current situation will improve. 	<p>those infrastructure agencies responsible for the upgrade and determination of capacities for that infrastructure.</p> <ul style="list-style-type: none"> ▪ The VPA associated with the proposal highlights the intention to provide a childcare centre within the site. It is likely that the market would dictate whether any other additional childcare centres emerge in the locality. It should be noted that planning for public schools and student intakes is the responsibility of the State government. ▪ The employment generation figure quoted in the Planning Proposal is an estimate only. ▪ Cumulative impacts would be better determined at the time of assessing a future DA for the subject land, in order to have a better understanding of the likely dwelling numbers and associated vehicle movements to be generated from a particular DA. ▪ The exhibition period provides an opportunity for Council to receive submissions and determine what the main concerns of local residents are, in order to seek a balance between development interests and what is in the interests of the local community.
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Corones	<ul style="list-style-type: none"> ▪ The indicative master plan for the proposed development highlights that new road linkages, and the construction of traffic lights at Weeney Street, would only benefit residents within the site ▪ The proposed development and subsequent construction of the proposed signalised intersection would make it more dangerous for everyone else turning right onto Rocky Point Road from land East of Rocky Point Road 	<ul style="list-style-type: none"> ▪ Traffic/transport/parking: Noted – refer to previous Council responses above
Kohilas	<ul style="list-style-type: none"> ▪ Major privacy concerns with the proposed development and traffic signals resulting in queued vehicles impeding privacy from road ▪ We do not object to the proposal, as we are located in an area of transition, with apartments being constructed in the locality, however, we seek that the applicant plant screening trees 3 metres in height on our property facing Rocky Point Road, to alleviate privacy impacts on our property 	<ul style="list-style-type: none"> ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process.
Dragone	<ul style="list-style-type: none"> ▪ While most residents do not object to the area being rezoned for residential use, it is the number of storeys and dwellings that people are opposed to ▪ Any development must be sustainable and consider community interests ▪ Council should ensure that there is not be a shortfall in car parking ▪ Do not shadow neighbouring properties with monstrosities like has been, and continues to be, done between Wolli Creek and Kogarah 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process.
Wilson	<ul style="list-style-type: none"> ▪ There should be adequate car parking for both occupants and visitors, which should also take into consideration that 	<ul style="list-style-type: none"> ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls: Council does not have the ability to enforce this.

	<p>for apartments of 2 or more bedrooms it is highly likely that there will be two cars registered at that address</p> <ul style="list-style-type: none"> ▪ The proposed development will likely have a significant impact on local traffic, particularly as it is a long way from transport hubs and therefore the overall number of apartments should be reduced ▪ The quality of the build should be secured via quadrupling the bond for building defects, and that internal walls, floors and ceilings be constructed at 4 times existing minimum specifications 	
Wood	<ul style="list-style-type: none"> ▪ Don't want Scarborough Park turned into another foreshore Ramsgate area which faces littering problems and disturbances to the environment ▪ Cycleways and pedestrian walking paths bring disturbance to the bird life in the creek ▪ People will not have space to park their vehicles ▪ Stop trying to urbanise local wetlands in Scarborough Park ▪ Not representing resident's views with high rise ghettos and then trying to change the natural environment 	<ul style="list-style-type: none"> ▪ There is a significant population within the immediate locality that already utilise Scarborough Park. Littering issues and disturbances to the environment already exist and are managed by Council. Changes to this are not pertinent to this specific planning proposal. ▪ The riparian corridor is located some distance east of the subject land, therefore the provision of pedestrian footpaths and cycleways adjoining the subject site would not impact the riparian corridor. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ The exhibition period provides an opportunity for Council to receive submissions and determine what the main concerns of local residents are, in order to seek a balance between development interests and what is in the interests of the local community.
Degney	<ul style="list-style-type: none"> ▪ The site is not close to trains, and the additional road traffic will not improve, no matter what is done 	<ul style="list-style-type: none"> ▪ Traffic/transport/parking: Noted – refer to previous Council responses above

	<ul style="list-style-type: none"> Rocky Point Road is a nightmare now, however all residents get is overdevelopment VPA: These developments are not good for the City, and the “carrots” offered to the community are not going to solve the traffic and density problems that will follow, refer to Wollli Creek 	
Farleigh	<ul style="list-style-type: none"> Strongly object to the proposed development The excision of a significant proportion of an important local employment precinct is inconsistent with and at odds with long standing Government policy Should the rezoning proceed, there would be pressure in the future to rezone other industrial / employment land in this precinct The proposal is nothing short of overdevelopment in a low scale, low density suburban context, that isn’t part of, and doesn’t adjoin, a recognised centre that has good public transport Traffic conditions along Rocky Point Road are already strained during peak hours and also on weekends, and a new signalised intersection will not alleviate this, but rather worsen the traffic loads and intersection functioning The proposal is not transport oriented development and there is no reason to contemplate development of this bulk, scale and intensity Supporting documents concede that the site is located well beyond the 800 metres (10 minute) walkable distance to a railway station Buildings of the height proposed are excessive and without justification Placing 10 storey buildings directly abutting industrial properties is actually creating a new amenity problem, not resolving one The sight lines used appear to be from the lowest points of adjoining properties, rather than floor levels of existing 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. The NSW Department of Planning & Environment are currently undertaking work on industrial and employment land within the Sydney South subregion. The results of that work would assist in determining the appropriateness of considering the rezoning of any additional industrial land within the locality. The Planning Proposal includes the rezoning of a portion of the site to B6 Enterprise Corridor, which would enable commercial development within the site, which will integrate with the remaining industrial land within the locality. The exhibition period provides an opportunity for Council to receive submissions and determine what the main concerns of local residents are, in order to seek a balance between development interests and what is in the interests of the local community.

	<p>dwelling, from which the proposed buildings would be highly visible</p> <ul style="list-style-type: none"> Development of the scale and intensity proposed is completely out of character with the low to medium scale development currently in the area The Department of Planning & Environment has commissioned a study to examine employment lands as part of <i>A Plan for Growing Sydney</i>. Any rezoning of existing industrial land should not be contemplated until that study has been completed The proposal is inconsistent with <i>A Plan for Growing Sydney</i> in terms of the impact on employment lands This location is a well-established and successful local business / light industrial hub, and the continued success will be in jeopardy if the precinct is fragmented 	
Vary-Spriggs	<ul style="list-style-type: none"> Against the planning proposal Concerned about overdevelopment, as 450 new homes will have devastating effects on traffic, schools, public transport and existing home owners VPA: Upgrading a baseball field and adding a playground is not taking proper care of the infrastructure required when implementing a high density residential zone Traffic lights won't help There should be a smaller scale, lower height, lower density development if Council and the State government are to rezone industrial land 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. The VPA includes a childcare centre, which is considered to be a beneficial item when implementing a high density residential zone.
Garner	<ul style="list-style-type: none"> The use of the area would be better suited to residential and commercial zoning than its current zoning, however the proposal is overzealous to the detriment of the community The number of units, floor space ratio and building heights are too generous 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process.

	<ul style="list-style-type: none"> ▪ The development would need to offer substantial community benefits to permit the number of units, floor space ratio and building heights proposed ▪ Locations such as Wollie Creek are more appropriate given the proximity to public transport, as opposed to the subject site which would place additional demand on public transport and current infrastructure ▪ The addition of traffic lights on Rocky Point Road does not benefit the community and would re-route motorists to other side streets that have not been planned for increased traffic, therefore it would be beneficial to focus on Production Lane for resident access to the development ▪ Services that the community rely on, such as shopping, medical and schooling are currently limited and the addition of 450 units would place greater strain on these services ▪ The proposed employment numbers for the commercial zoned areas are misleading as looking at any nearby developments would be evidence enough that this target cannot be met, including the current Harvey Norman site where the ground floor is empty and a lease sign has been erected for 8 months ▪ The impacts on the community must be considered ▪ The precedent for future developments must be considered 	<ul style="list-style-type: none"> ▪ The Voluntary Planning Agreement proposes \$5.5 million of public benefit. ▪ Ramsgate shopping centre is located at the intersection of Ramsgate Road and Rocky Point Road, approximately 500 metres south of the subject land. A neighbourhood centre is located approximately 600 metres north of the subject land, at the intersection of Austral Street and Rocky Point Road. It should be noted that planning for public schools and student intakes is the responsibility of the NSW government. The VPA associated with the proposal highlights the intention to provide a childcare centre within the site. It is likely that the market would dictate whether any other additional childcare centres emerge in the locality. Furthermore, the market would typically dictate where medical centres establish themselves within the locality, once sufficient demand is generated. ▪ The employment generation figure quoted in the Planning Proposal is an estimate only. ▪ The exhibition period provides an opportunity for Council to receive submissions and determine what the main concerns of local residents are, in order to seek a balance between development interests and what is in the interests of the local community. 	
Spriggs	<ul style="list-style-type: none"> ▪ There is no analysis of buses passing the closest bus stops during peak hours that are already full or nearly full of passengers. The scale of this development will result in additional queuing / waiting and there are no plans to alleviate this ▪ Fast trains were removed in October 2013 in favour of slower all-stops trains that are frequently overcrowded, which indicates a lack of assessment of the actual public transport options in the area 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ As per the comments above, Council is not the authority charged with the responsibility of providing adequate carparking areas for State government assets and infrastructure. Furthermore, the NSW Department of Planning and Environment supported the Planning 	

	<ul style="list-style-type: none"> There is no reference to vehicle parking at the closest railway station (Kogarah), which is full before 7am weekdays and results in on street parking The major bottleneck in the mornings is the intersection of Rocky Point Road and Princes Highway, and there is no analysis of the impact that more traffic from 500 dwellings will have on this junction Other local developments (such as the apartments being developed in Meurants Lane) have not been considered in relation to cumulative traffic impacts There is no indication of the impact that 500 additional families will have on local schools, and as a parent of a child at Ramsgate Public School, we are aware of the struggles to fit the current students VPA: There is no indication of the impact that 500 additional families will have on local childcare services, merely referencing a proposal for a new centre. As President of Ramsgate Out of School Hours Care centre, we are already at capacity most days and this lack of service needs to be addressed before introducing such a large number of dwellings into the local area There is no mention of local shops and parking at shops, and existing shops in the locality are already full or near full during peak hours and at weekends A more thorough analysis of the impacts should be conducted and plans created to alleviate problems before 500+ dwellings are introduced in such a confined space I object to the scale of the proposal, given the lack of consideration provided in the reports 	<p>Proposal during the Pre-Gateway Review, issuing a Gateway determination for the proposal.</p> <ul style="list-style-type: none"> Community facilities: Council's ongoing reviews of Section 94 Developer Contributions Plans will assist in ensuring that local facilities are managed in the best way possible, and for the maximum amount of users possible. It should be noted that planning for public schools and student intakes is the responsibility of the NSW government. The VPA annexed to the Planning Proposal identifies a 60 place childcare centre for the site. It is likely that the market would dictate whether any other additional childcare centres emerge in the locality. This proposal relates to the rezoning of the land. It should not be taken that the indicative development plans included with the Planning Proposal are the plans that would support any future DA(s) for the subject site. Ramsgate shopping centre is located at the intersection of Ramsgate Road and Rocky Point Road, approximately 500 metres south of the subject land. A neighbourhood centre is located approximately 600 metres north of the subject land, at the intersection of Austral Street and Rocky Point Road. Carparking requirements for these centres have previously been determined as part of historical approvals for those sites. Most centres experience high demand for carparking during peak periods and at weekends. It is anticipated that, given the proximity to the centres in the locality, at least some future residents would walk, cycle or utilise public bus services to negate the need to take their vehicles to these centres.
Savoca	<ul style="list-style-type: none"> In principle, favour the site being rezoned for residential purposes, as it is a much better use than its current industrial use Vehemently opposed to overdevelopment of the site, the number of storeys should be limited to six as a maximum 	<ul style="list-style-type: none"> Support for residential rezoning noted. Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above

	<ul style="list-style-type: none"> ▪ Tall buildings block out natural light and cast shadows, rendering them oppressive to occupy ▪ Schools and doctors are already under pressure ▪ Car parking in Kogarah is a nightmare ▪ Pollution is awful ▪ The locality is already densely populated and the local amenities and traffic systems can't cope ▪ There is no local railway station and users must first drive or board a bus to get there ▪ Recent train timetable changes for Kogarah have impacted on reliability of services ▪ Fervently opposed to a set of traffic lights being installed at Weeney Street, as this will only result in delays and more difficult navigation for existing residents living in streets such as Carroll and Burgess Streets ▪ The site must be developed in a way that ensures a substantial amount of green spaces and trees are incorporated into the design ▪ A park with equipment that is suitable for both younger and older children would be a great asset for the community ▪ Green walls would ensure vibrancy in urban design ▪ Solar power and other sustainable, green, carbon footprint neutral and eco-friendly system sand materials should be used in all aspects of the building and for the longer-term use of residents ▪ Let the area be developed, but make it sustainable in every aspect ▪ Development should not result in the community being overburdened by additional dwellings and residents 	<ul style="list-style-type: none"> ▪ Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ Community facilities: Council's ongoing reviews of Section 94 Developer Contributions Plans will assist in ensuring that local facilities are managed in the best way possible, and for the maximum amount of users possible. It should be noted that planning for public schools and student intakes is the responsibility of the NSW government. ▪ Any future DA(s) prepared for the site would need to considered relevant State Environmental Planning Policies (SEPPs) and Council's prevailing Development Control principles at that point in time, which would include ensuring adequate areas of green space and private open space. ▪ Urban design elements could be considered as part of any future DA(s) for the subject land. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ The provisions of any SEPPs and DCP controls relevant to any future DA(s) for development within the site would assess elements relating to sustainability and "green" design. ▪ Council aims to strike a balance between development interests and the interests of the community, particularly local residents, when assessing any Planning Proposal.
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