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## Bayside Planning Panel

**1/05/2018**

Item No	<b>5.1</b>
Subject	<b>Planning Proposal: 119 Barton Street, Monterey</b>
Report by	Matthew Hardwick, Urban Planner
File	F17/902

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### Summary

In August 2017 City Planning Works submitted a draft Planning Proposal to Bayside Council for the purpose of rezoning land at 119 Barton Street, Monterey.

The draft Planning Proposal seeks to:

- rezone the land from RE2 Private Recreation zone to R3 Medium Density Residential zone
- introduce Development standards as follows:
  - apply a maximum Floor Space Ratio (FSR) development standard of 0.6:1
  - apply a maximum Height of Building development standard of 8.5m
  - apply a Minimum Lot Size development standard of 450m<sup>2</sup> for the subject land.

The proposal to rezone the subject land provides an opportunity for the site to be consistent with the zoning and development standards for the broader R3 Medium Density Residential zone in the immediate locality. The site currently has no FSR, Height of Building or Minimum lot size controls in the Local Environmental Plan.

Should the Planning Proposal be supported by Council and the NSW Department of Planning & Environment, the rezoning of the land would enable Development Applications to be considered by Council.

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### Officer Recommendation

That Bayside Planning Panel recommend to Council:

That pursuant to section 3.34 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) the draft Planning Proposal for land known as 119 Barton Street, Monterey be submitted to the Department of Planning & Environment (DPE) for a Gateway determination.

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### Background

Applicant:	City Planning Works
Proponent:	Monterey Equity Pty Ltd
Owner:	Monterey Equity Pty Ltd
Allotments subject to Planning Proposal:	Lot 2 DP 857520

The subject site previously accommodated the Sir Francis Drake Bowling Club. The site incorporates a total land area of approximately 7,218m<sup>2</sup>. An aerial photo (Figure 1) and relevant LEP extracts (Figures 2-5) for the site are provided below that describe the current planning controls. The subject site is shown outlined in red.



Figure 1 – Aerial Photo of Subject site

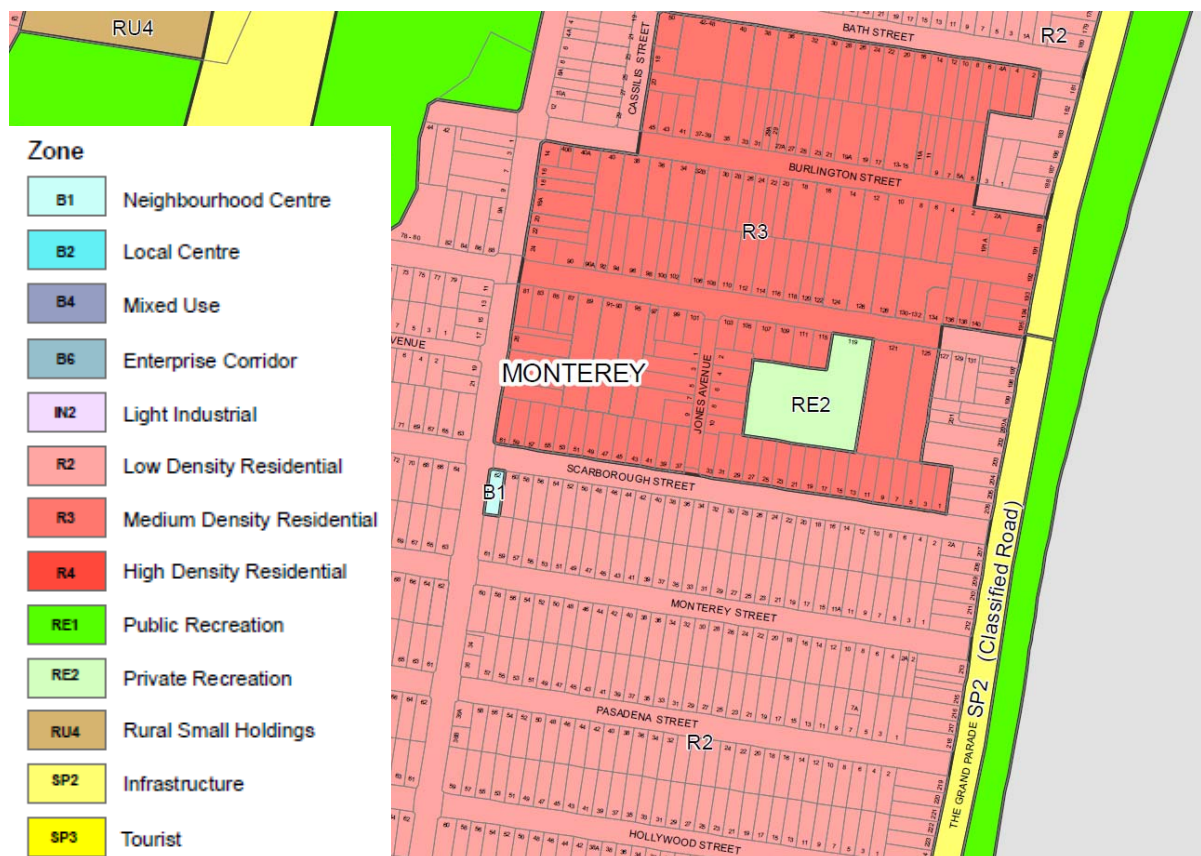


Figure 2 – RLEP 2011 Zoning (RE2 Private Recreation)



**Maximum Floor Space Ratio (n:1)**

D	0.5
F	0.6
N	1
S1	1.5
S2	1.8
T1	2
T2	2.2
U1	2.5
U2	2.85
V1	3
V2	3.1
V3	3.4
W	3.5
X	4
	Refer to Clause 4.4

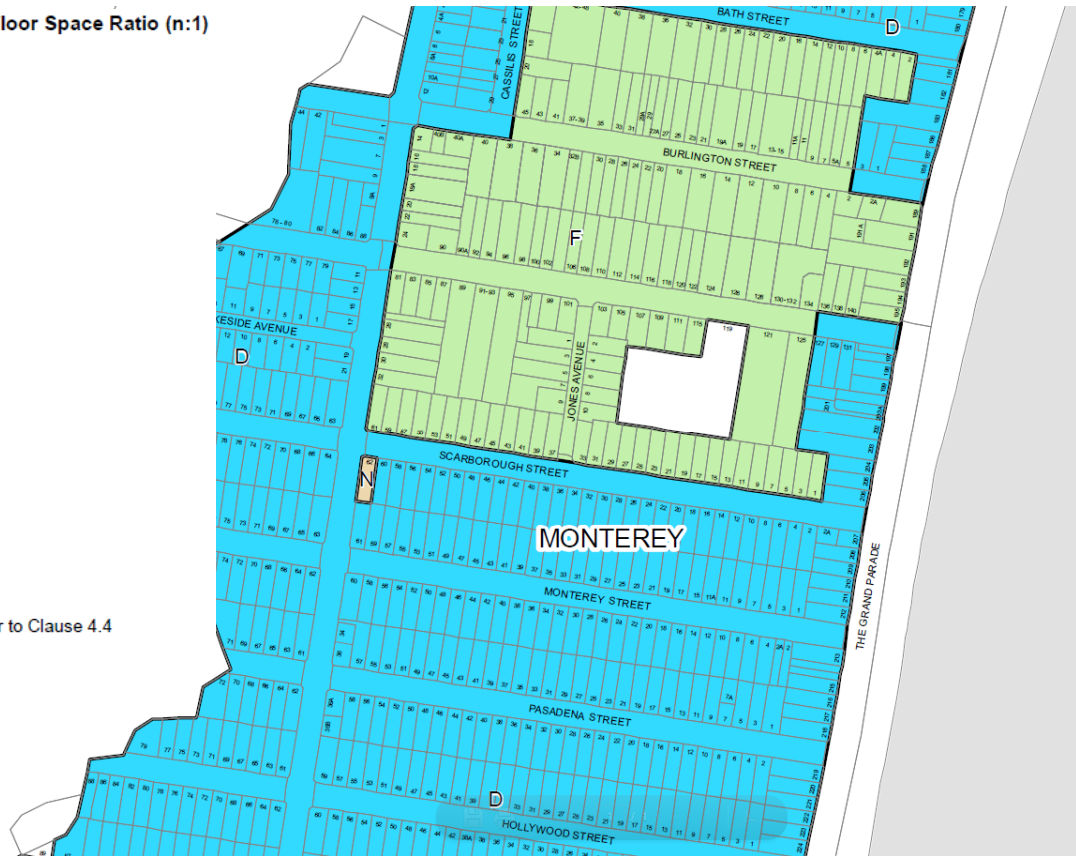


Figure 3 – RLEP 2011 Floor Space Ratio (N/A)

**Maximum Building Height (m)**

I	8.5
M	12
N1	13
N2	14.5
O1	15
O2	16
P1	17.5
P2	18
Q1	19
Q2	20.5
R1	21
R2	22
S	24
T1	26.5
T2	27
T3	28
T4	29
T5	29.5
U1	31
U2	33
X	46
Y	51
	Refer to Clause 4.3

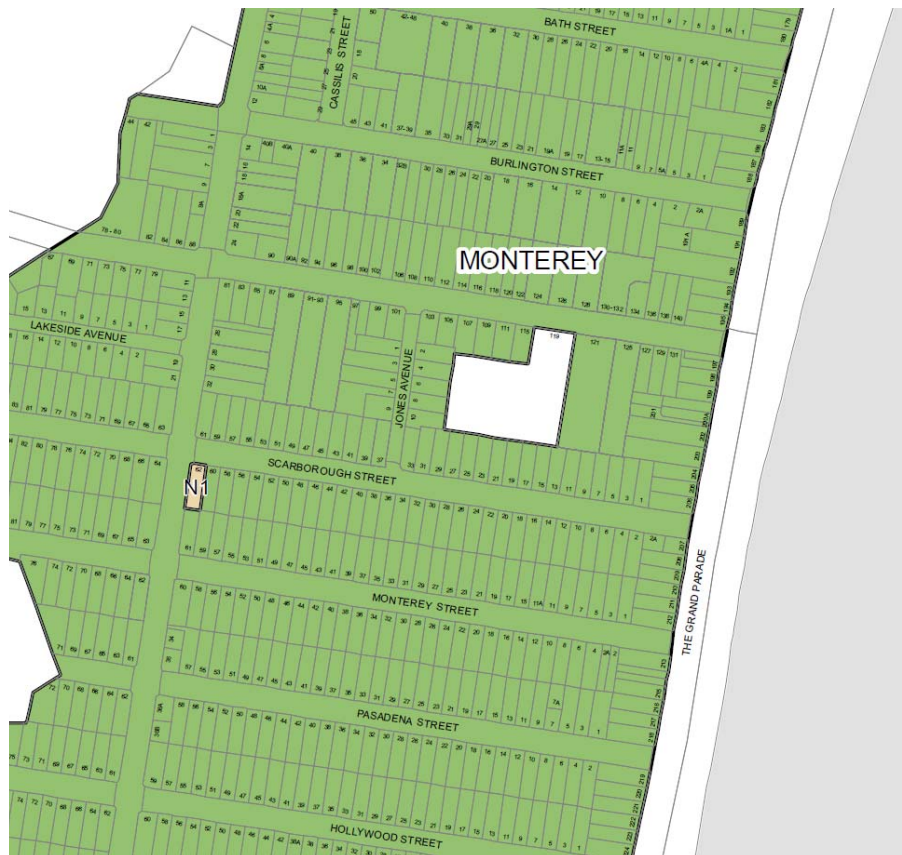


Figure 4 – RLEP 2011 Height of Building (N/A)

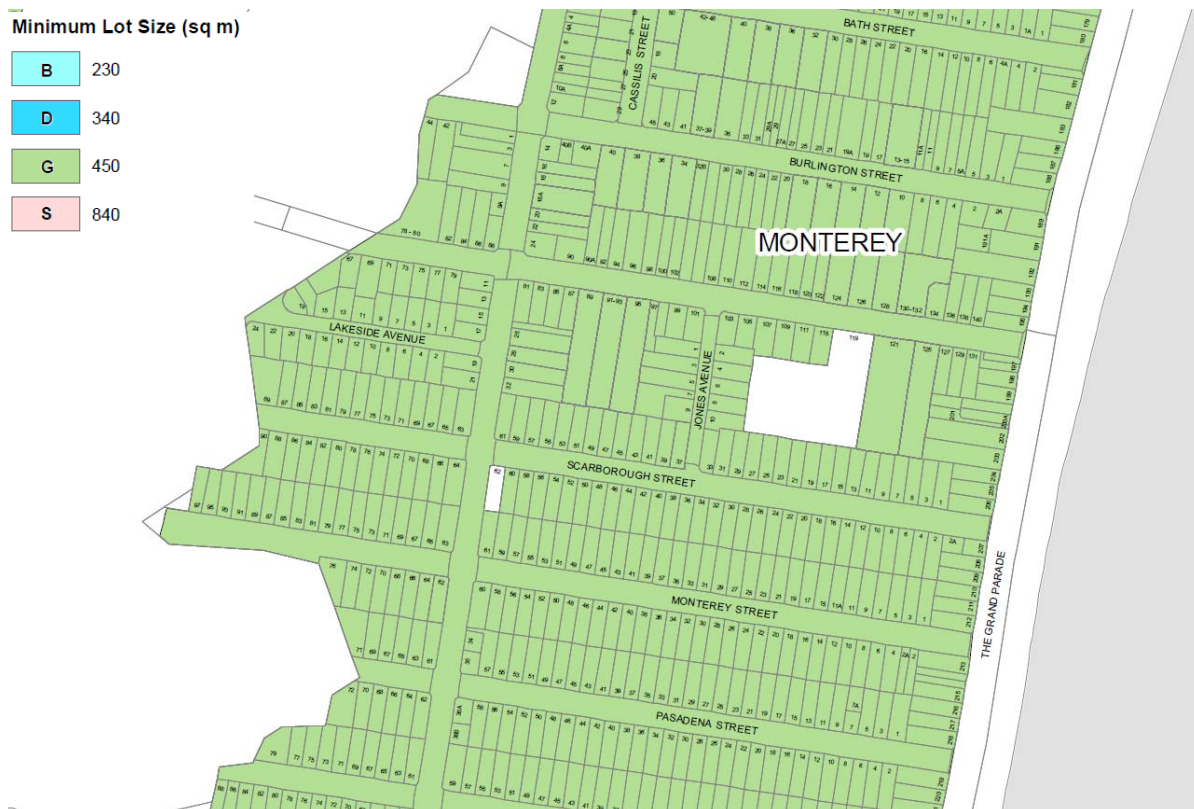


Figure 5 – RLEP Minimum Lot Size (N/A)

### Site Description

The subject site is legally know as Lot 2 DP 857520 and is located on the southern side of Barton Street, between Jones Avenue to the west and The Grand Parade to the East, in Monterey. The 7218sqm site is a battle axe shape with the handle frontage to Barton Street being approximately 34 metres.

### Surrounding Land Uses

Adjoining the site to the east are strata townhouse developments at 121 and 125 Barton Street, as well as similar townhouse developments at 89 – 95 Barton Street. Surrounding development is characterised predominately of detached single and double storey dwellings.

### Intent of Planning Proposal

To enable Development Applications to be considered by council for developments that would be consistent with the surrounding developments and proposed controls.

### Current Planning Controls

An extract of the relevant Rockdale LEP 2011 Zoning, Floor Space, Minimum Lot Size and Height maps for the site (outlined in red) and immediately surrounding land is provided in Figures 2 - 5.

## Planning Proposal Summary

The Planning Proposal (**Attachment 1**) seeks the following amendment to the Rockdale LEP 2011:

- Rezone the site from RE2 Private Recreation to R3 Medium Density Residential zone;
- Apply a maximum Floor Space Ratio (FSR) development standard of 0.6:1
- Apply a maximum Height of Building development standard of 8.5m
- Apply a Minimum Lot Size development standard of 450m<sup>2</sup> for the subject land.

Table 1 identifies a comparison of the current and proposed zoning and development standards for the site, based on the provisions of the Rockdale LEP 2011.

Table 1: Proposed changes to development standards

<b>119 Barton Street Monterey</b>		
<b>Development Standard</b>	<b>Existing</b>	<b>Proposed</b>
Zoning	RE2 Private Recreation	R3 Medium Density Residential
Height of Building	N/A	8.5m
Floor Space Ratio	N/A	0.6:1
Minimum Lot Size	N/A	450m <sup>2</sup>

## Planning Proposal Assessment

The site was formerly used as a bowling club, for private recreation purposes. Under the current RE2 Private Recreation zoning, there are no development standards that apply in relation to building height, floor space ratio or minimum lot size. The site is no longer used as a bowling club, and the Planning Proposal provides an opportunity to amend the zoning and development standards to enable consistency with the surrounding R3 Medium Density Residential zone, under the Rockdale LEP 2011. The proposed zoning and development standards identified in the Planning Proposal are considered to represent a logical and justifiable amendment to the Rockdale LEP 2011.

### ***Proposed Zoning***

The proposed R3 Medium Density Residential zone is considered to be the most logical zoning outcome for the subject land, given the consistency in zoning with the adjoining land, and uses.

### ***Proposed Floor Space Ratio***

The proposed application of a 0.6:1 Floor Space Ratio (FSR) to the subject land is considered appropriate for the site, as it is consistent with the existing FSR of 0.6:1 that applies to land surrounding the subject site.

### ***Proposed Height of Building***

The proposed application of an 8.5 metre height limit is considered appropriate for the subject site, as it is consistent with the existing height limit of 8.5 metres that applies to land surrounding the subject site.

### ***Proposed Minimum Lot Size***

The proposed application of a 450m<sup>2</sup> minimum lot size is considered appropriate for the subject site, as it is consistent with the surrounding land that has an existing minimum lot size of 450m<sup>2</sup>.

### ***Traffic and Vehicular Access***

An independent traffic consultant (Bitzios) reviewed the Traffic Report submitted with the Planning Proposal (**Attachment 2**) and raised no concerns about the impact a potential Development Application could have on the surrounding road network.

The report concluded that there are no traffic or transport issues identified that would preclude the consideration of a Development Application resulting from the Planning Proposal.

### ***Environmental Planning & Assessment Act 1979***

The NSW Department of Planning & Environment's *A Guide to Preparing Planning Proposals* - issued under s3.3 (3) of the *Environmental Planning and Assessment Act 1979* - provides guidance and information on the process for preparing Planning Proposals. The assessment of the submitted Planning Proposal by Council staff has been undertaken in accordance with the latest version of this *Guide* (dated August 2016).

### ***Section 9.1 Ministerial Directions***

Section 9.1 Ministerial directions (Section 9.1 directions) set out what a RPA must do if a S9.1 direction applies to a Planning Proposal, and provides details on how inconsistencies with the terms of a direction *may* be justified.

An assessment of the Planning Proposal against the applicable S9.1 directions is provided in Table 2 below:

Table 2: Planning Proposal consistency with S9.1 directions.

Ministerial Direction	Planning Proposal consistency with direction	Consistent
<b>3.1 Residential Zones</b>	<p><b>What a RPA must do:</b></p> <p>The RPA must include provisions that broaden the choice of building types, encourage the provision of housing that will make more efficient use of existing infrastructure and services.</p> <p><u>Comment:</u></p>	<b>YES</b>

Ministerial Direction	Planning Proposal consistency with direction	Consistent
	The Planning Proposal seeks to include provisions that will facilitate medium density in close proximity of existing transport infrastructure, open/recreation space, and nearby services.	
<b>3.4 Integrating Land Use and Transport</b>	<p><b>What a RPA must do:</b></p> <p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> (guidelines).</p> <p><u>Comment:</u></p> <p>The subject site is serviced by several bus services along Chuter Street and the Grand Parade, with connection to larger transport hubs such as Rockdale, and Kogarah as well as direct busses to the Sydney CBD.</p>	<b>YES</b>
<b>7.1 Implementation of A Plan for Growing Sydney</b>	<p><b>What a RPA must do:</b></p> <p>A RPA must ensure that a Planning Proposal is consistent with A Plan for Growing Sydney.</p> <p><u>Comment:</u></p> <p><b>Direction 2.1:</b> Aims to provide more housing and a diverse choice of housing as population growth accelerates.</p> <p><b>Direction 2.2:</b> Aims to facilitate urban infill projects, and urban renewal around transport corridors providing diverse housing close to jobs.</p> <p><b>Direction 2.3:</b> Aims to improve the choice of housing, as the needs of the population changes.</p> <p>Rezoning the subject site from RE2 to R3, reflecting the surrounding zone is considered consistent with Directions 2.1 and 2.3, as the proposal to seek medium density residential development has the potential to provide diversity in the local housing stock. The Planning Proposal enables development for medium density town houses to be considered.</p> <p>The Planning Proposal is consistent with Direction 2.2 as the current use of the site has been exhausted, the planning proposal will enable infill development, providing diverse housing stock within close proximity of public transport and the Kogarah Priority Health and Education Precinct.</p>	<b>YES</b>

### State Environmental Planning Policies (SEPPs)

An assessment of the Planning Proposal against the relevant SEPPs is provided in Table 3, below.

Table 3: Planning Proposal consistency with applicable SEPP's

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
State Environmental Planning Policy	(1) <b>Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal</b>	<b>YES</b>



Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
No 55- Remediation of Land (SEPP 55)	<p>(2) <i>(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p> <p>(3) <i>(a) the planning authority has considered whether the land is contaminated, and</i></p> <p>(4) <i>(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p>(5) <i>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></p> <p><u>Comment:</u> The Planning Proposal included a Contamination Assessment (<b>Attachment 3</b>) which was referred to Council's Environmental Scientist, who provided the following comment:</p> <p><i>"No objections to the rezoning of the land from RE2 private recreation to R3 Medium Density subject to appropriate Phase 2 Detailed Site Assessment, RAP and Validation being required as part of any DA for development of the site, including at grade construction."</i></p>	

There are no other SEPP's applicable to the Planning Proposal.

### **Sydney Regional Environmental Plans (SREPs)**

There are no SREPs applicable to the Planning Proposal.

### **Strategic Planning Framework**

Regional, Sub-Regional and District Plans and Strategies include outcomes and specific actions for a range of different matters including housing and employment targets, and identify regionally important natural resources, transport networks and social infrastructure.

An assessment of the Planning Proposal's consistency with the relevant strategic plans is provided in Table 4, below.

Table 4: Strategic Planning Framework

Name of Strategic Plan	Directions, priorities, objectives and actions	Consistency Yes / N
<b>Regional Plans</b>		
A Plan for Growing Sydney	Refer to the assessment under the heading 'S9.1 directions', above	<b>YES</b>
Subregional Plans – A Plan for Growing Sydney - Central Subregion	Refer to the assessment under the heading 'S9.1 directions', above	<b>YES</b>



Name of Strategic Plan	Directions, priorities, objectives and actions	Consistency Yes / N
Greater Sydney Region Plan	<p><i>Objective 10:</i> Aims to have greater housing supply.</p> <p><i>Objective 11:</i> Aims to offer more diverse and affordable housing stock</p> <p><u>Comment:</u> The Planning Proposal is consistent with the Greater Sydney Regional Plan, as it would enable the consideration of medium density developments increasing the housing stocks, and allowing for more diverse housing stock.</p>	YES
<b>District Plans</b>		
Eastern City District Plan	<p><i>Planning Priority E5</i> Aims to increase housing stock, and offer great choice in housing.</p> <p><u>Comment:</u> As mentioned above; The Planning Proposal is consistent with the Eastern City District Plan, as it would enable the consideration of medium density developments increasing the housing stocks, and allowing for more diverse housing stock.</p>	YES
<b>Local Strategies</b>		
Rockdale Urban Strategy	<p><u>Strategy Principles:</u></p> <p><i>Residential Character:</i> Aims to ensure that precincts and streets are developed in ways that are consistent with and reinforce the overall character of their neighbourhood.</p> <p><u>Comment:</u> The locality is currently characterised by villa style medium density development, as well as detached single and double storey dwellings. The Planning Proposal is an opportunity to create consistency, and enforce the existing character on a site that has exhausted its previous use.</p>	YES
Rockdale Development Control Plan 2011 (DCP)	<p>The Planning Proposal is consistent and compatible with the Rockdale Development Control Plan 2011. The Planning Proposal will not preclude any potential Development Application from complying with the controls set out in the DCP.</p> <p><u>4.2 Streetscape and Site Context</u></p> <p><u>Comment:</u> The RDCP promotes a positive interrelationship between the building and the street. The objectives of the DCP are to ensure development respond to and relate to existing streetscape character.</p> <p>While this is a consideration for DA stage, the DCP will ensure the development is integrated, and complementary to the existing character of the locality.</p> <p><u>4.3 Open Space and Landscape Design</u></p> <p><u>Comment:</u> The site is compatible with the DCP controls relating to the use of appropriate landscaping to both provide privacy and enhance the streetscape.</p> <p><u>4.4.2 Solar Access</u></p> <p><u>Comment:</u> The planning Proposal would facilitate similar medium density developments as to what is surrounding the site. The FSR and Height controls, along with the DCP would facilitate adequate solar access both for neighbouring dwellings and any future development.</p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Consistency Yes / N
	<p><u>4.6 Car Parking, Access and Movement</u></p> <p><i>Comment:</i> The DCP will provide any future development application with controls to provide appropriate parking. The Planning Proposal is to reflect the surrounding zoning, height and FSR and is an appropriate size to allow accommodation of the required amount of parking and access.</p> <p><u>5.1 Low and Medium Density Residential</u></p> <p><i>Comment:</i> The Planning Proposal, will enable a medium density residential development. While the site only has a small street frontage, any development will be able to provide appropriate setbacks from the street.</p>	

### **Urban Context and Evaluation**

An Urban Design Report has been prepared (**Attachment 4**) for the subject Planning Proposal. The mass modelling included in the Urban Design Report includes an indicative maximum building envelope that could result from the amended development standards proposed for the subject land, whilst also modelling maximum developable envelopes for adjoining sites based on current development standards in the Rockdale LEP 2011. As stated in the previous section of this report, the Planning Proposal is seeking the same zoning and development standards that currently apply to all adjoining sites under the Rockdale LEP 2011.

The objectives of this Planning Proposal are to outline the proposed zoning and development standards for the site, not to identify a specific design outcome. However, if the Planning Proposal was to be supported by Council and the Department of Planning & Environment, and be finalised in the future, any proposed Development Application(s) would need to be supported by further detailed urban design analysis, to illustrate the specific design and intended built form outcome proposed for the subject land at that time.

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### **Financial Implications**

There are no financial implications applicable to this report.

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### **Community Engagement**

Should the Planning Proposal proceed through Gateway, community consultation will be undertaken in accordance with Section 3.34(2)(c) of the *Environmental Planning & Assessment Act 1979*. The specific requirements for community consultation will be listed in the Gateway determination, including any government agencies that are to be consulted.

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### **Attachments**

- 1 Planning Proposal
- 2 Traffic Report

- 3 Contamination Assessment
- 4 Urban Design Analysis