

Council Meeting

11/07/2018

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| Item No | 8.2 |
| Subject | Planning Proposal - 119 Barton Street, Monterey |
| Report by | Michael McCabe, Director City Futures |
| File | F17/902 |

Summary

Council resolved on 13 June 2018 to defer the consideration of this matter until a General Manager's Briefing had taken place. Now that this Briefing has occurred, the matter is once again before Council for consideration.

This report seeks a Council resolution to submit a draft Planning Proposal for 119 Barton Street, Monterey to the Department of Planning and Environment for a Gateway Determination.

The draft Planning Proposal seeks to:

- Rezone the subject site from RE2 Private Recreation Zone to R3 Medium Density Residential Zone; and
- Introduce Development standards as follows:
 - apply a maximum Floor Space Ratio (FSR) development standard of 0.6:1;
 - apply a maximum Height of Building (HOB) development standard of 8.5m; and
 - Apply a Minimum Lot Size (LSZ) development standard of 450sq.m. for the subject land.

The draft Planning Proposal seeks the application of the same planning controls as apply to the surrounding lots which are currently zoned R3 Medium Density. The subject site currently has no FSR, Height of Building or Minimum Lot Size controls in the Local Environmental Plan.

On 1 May 2018 the Bayside Planning Panel considered the draft Planning Proposal and recommended to Council that it be forwarded to the Department of Planning and Environment for a Gateway determination. The Bayside Planning Panel is of the view that the proposed rezoning will allow for development in character with the adjoining residential area.

If Council supports the Planning Proposal and the Department of Planning and Environment issue a Gateway Determination the Planning Proposal will be placed on public exhibition for community feedback.

Officer Recommendation

- 1 That Council endorse the Planning Proposal for Gateway Determination based on the recommendation of the Bayside Planning Panel dated 1 May 2018.
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- 2 That Council submit the draft Planning Proposal for 119 Barton Street, Monterey to the Department of Planning and Environment, for a Gateway Determination, pursuant to section 3.34 of the Environmental Planning & Assessment Act 1979 (EP&A Act).

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 7,218m². An aerial photo (Figure 1) and relevant *Rockdale Local Environmental Plan 2011* extracts (Figures 2-5) for the site describe the current planning controls. The subject site is outlined in red.



Figure 1 – Aerial Photo of Subject site

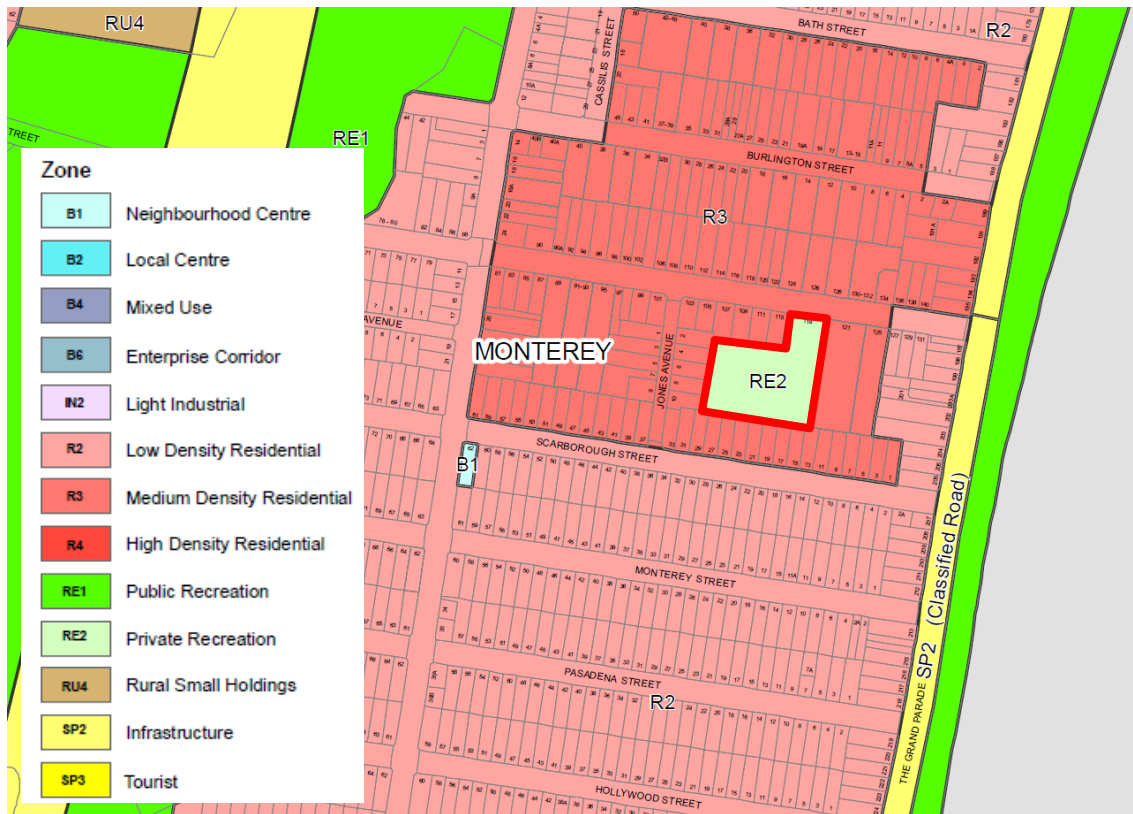


Figure 2 – RLEP 2011: Zoning (RE2 Private Recreation)

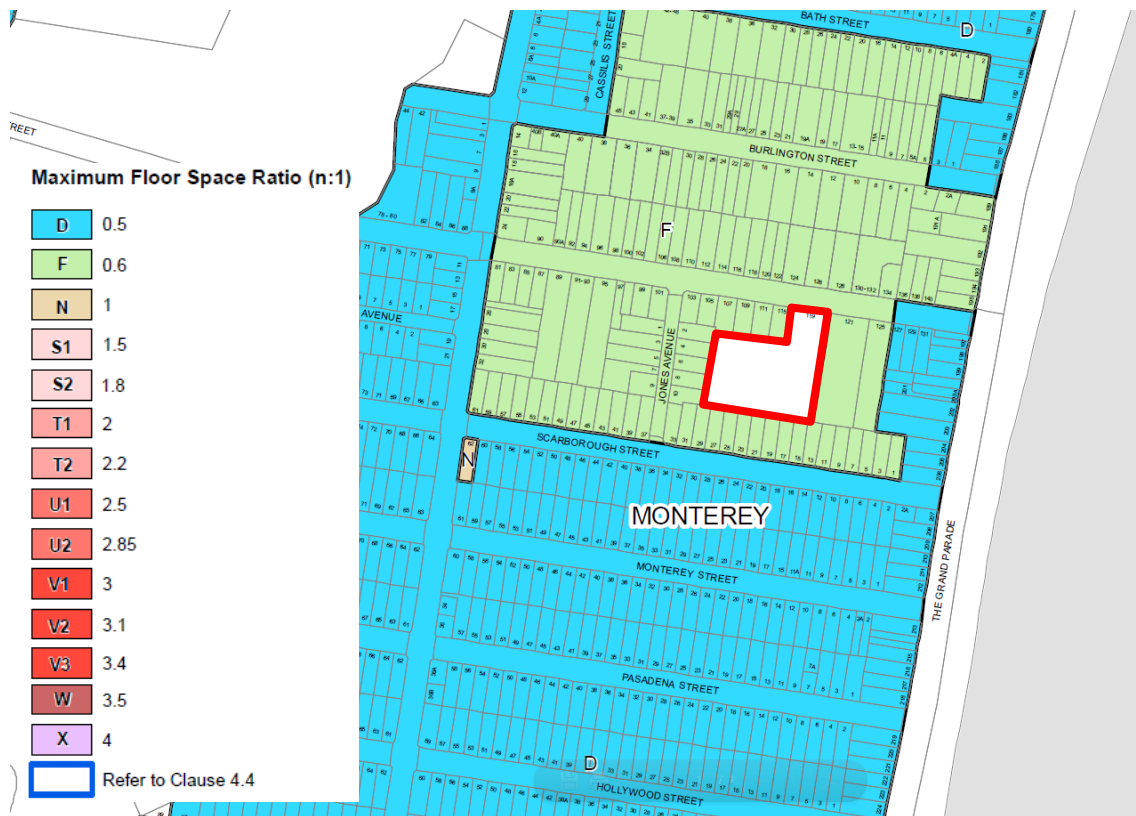


Figure 3 – RLEP 2011: Floor Space Ratio (N/A)

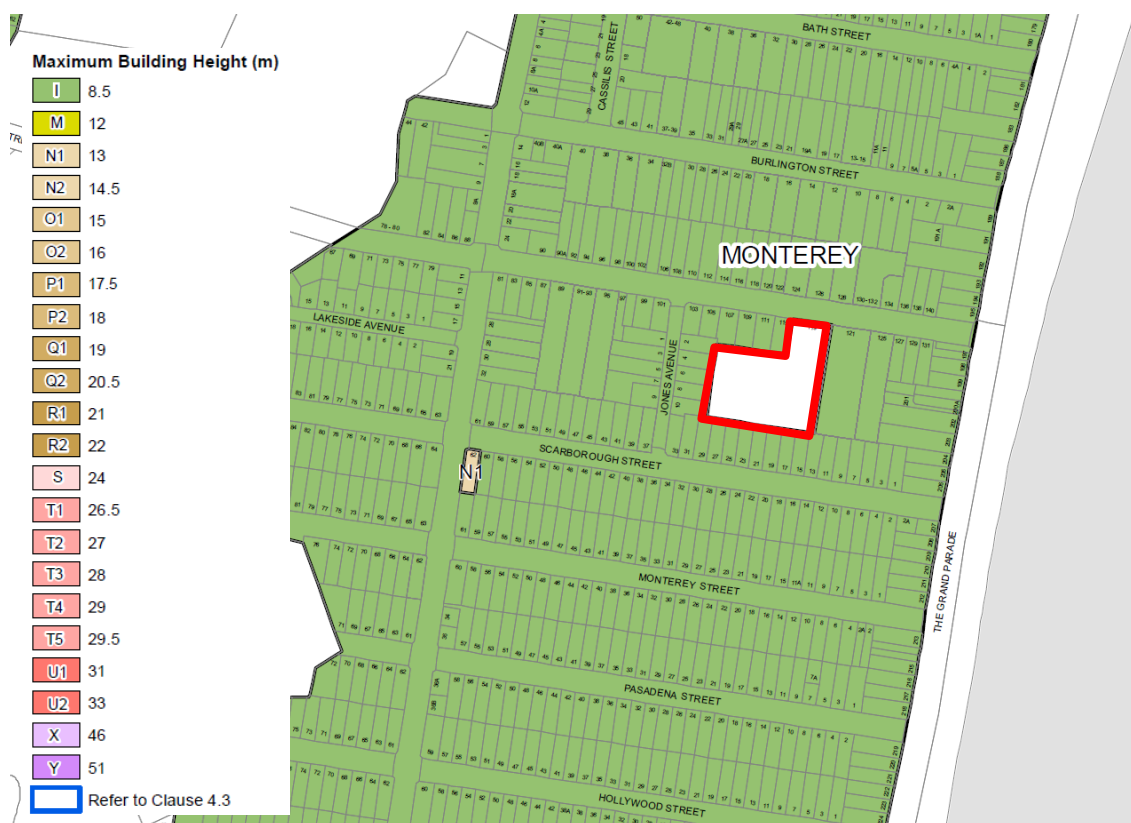


Figure 4 – RLEP 2011: Height of Building (N/A)

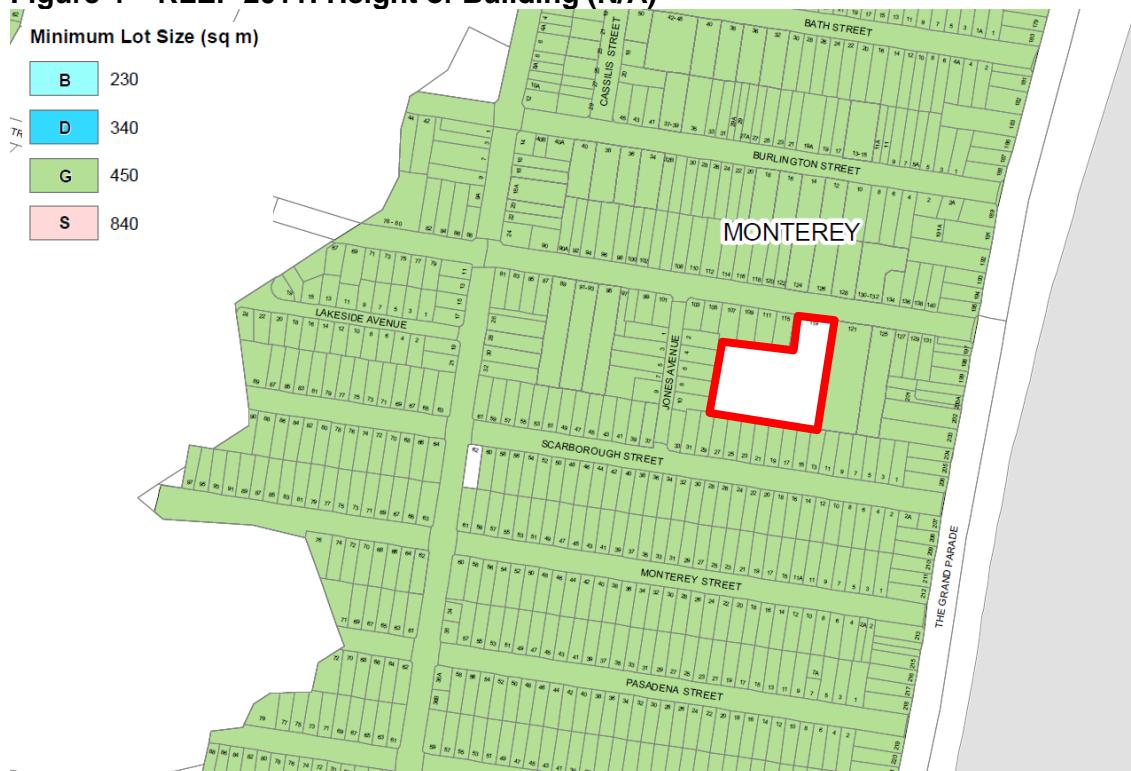


Figure 5 – RLEP Minimum Lot Size: (N/A)

Site Description

The subject site is legally known 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. The

7218sq.m. 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.

Planning Proposal Summary

The Planning Proposal (**Attachment 1**) seeks the following amendment to the *Rockdale Local Environmental Plan 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 (HOB) development standard of 8.5m; and
- Apply a Minimum Lot Size (LSZ) development standard of 450sq.m for the subject land.

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

| Development Standard | Existing | Proposed | Surrounding |
|-----------------------------|------------------------|-------------------------------|-------------------------------|
| Zoning | RE2 Private Recreation | R3 Medium Density Residential | R3 Medium Density Residential |
| Height of Building | N/A | 8.5m | 8.5m |
| Floor Space Ratio | N/A | 0.6:1 | 0.6:1 |
| Minimum Lot Size | N/A | 450m ² | 450m ² |

Table 1: Proposed changes to development standards

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.

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:

| Ministerial Direction | Planning Proposal Consistency with Direction | Consistent |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 3.1 Residential Zones | <p>What a RPA must do:</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> <p>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.</p> | YES |
| 3.4 Integrating Land Use and Transport | <p>What a RPA must do:</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> | YES |

| Ministerial Direction | Planning Proposal Consistency with Direction | Consistent |
|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 7.1 <i>Implementation of A Plan for Growing Sydney</i> | <p>What a RPA must do:</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>Direction 2.1: Aims to provide more housing and a diverse choice of housing as population growth accelerates.</p> <p>Direction 2.2: Aims to facilitate urban infill projects, and urban renewal around transport corridors providing diverse housing close to jobs.</p> <p>Direction 2.3: 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> | YES |

Table 2: Planning Proposal consistency with S9.1 directions

State Environmental Planning Policies (SEPPs)

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

| Name of SEPP | Compliance of Planning Proposal with SEPP | Complies Y/ N |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) | <p>(1) <i>Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal</i></p> <p>(2) (1) <i>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> | YES |

| Name of SEPP | Compliance of Planning Proposal with SEPP | Complies Y/ N |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| | <p>(3) (a) the planning authority has considered whether the land is contaminated, and</p> <p>(4) (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</p> <p>(5) (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.</p> <p><u>Comment:</u> The Planning Proposal included a Contamination Assessment (Attachment 3) which was assessed by Council staff. The assessment raised 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.</p> | |

Table 3: Planning Proposal consistency with applicable SEPPs

There are no other SEPPs 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:

| Name of Strategic Plan | Directions, priorities, objectives and actions | Consistency – Yes/No |
|----------------------------------------|--------------------------------------------------------------------|----------------------|
| Regional Plans | | |
| A Plan for Growing Sydney | Refer to the assessment under the heading 'S9.1 directions', above | YES |
| Subregional Plans – A Plan for Growing | Refer to the assessment under the heading 'S9.1 directions', above | YES |

| Name of Strategic Plan | Directions, priorities, objectives and actions | Consistency – Yes/No |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Sydney - Central Subregion | | |
| 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 |
| District Plans | | |
| 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 |
| Local Strategies | | |
| 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) | 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. | |

| Name of Strategic Plan | Directions, priorities, objectives and actions | Consistency – Yes/No |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| | <p><u>4.2 Streetscape and Site Context</u></p> <p><i>Comment:</i> 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. 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><i>Comment:</i> 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><i>Comment:</i> 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> <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> | |

Table 4: Strategic Planning Framework

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 and massing study (see Figure 6 below). The built form that is illustrated is indicative of what could be achieved if the proposed controls are introduced.

Councils' planning and design staff have reviewed the Urban Design Report and believe that the proposed controls can be used to manage and implement built form outcomes which will not have adverse amenity impacts on adjacent properties and neighbourhood character.

The developer is still required to submit a separate Development Application to provide more site specific detail about the development, which will be subject to further community consultation.



Figure 6 – Indicative Massing Study

Financial Implications

- | | |
|--------------------------------------|-------------------------------------|
| Not applicable | <input checked="" type="checkbox"/> |
| Included in existing approved budget | <input type="checkbox"/> |
| Additional funds required | <input type="checkbox"/> |

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.

Attachments

- 1 Planning Proposal (under separate cover)
- 2 Traffic Report (under separate cover)
- 3 Contamination Assessment (under separate cover)
- 4 Urban Design Report (under separate cover) [!\[\]\(cdf2842d82858164c68c92720a337fb9_img.jpg\) !\[\]\(3973dad7f2f3eafb2c144deb79d5c822_img.jpg\) !\[\]\(78688513da7a924039ac16e546d7bf8b_img.jpg\) !\[\]\(508a1136d49b79584e89f03b586dfa9e_img.jpg\)](#)