

REZONING REVIEW – Briefing Report

Date of referral:	23 August 2018	
Department ref. no:	RR_2018_BSIDE_001_00	
LGA:	Bayside	
LEP to be amended	Rockdale Local Environmental Plan 2011	
Address:	119 Barton Street, Monterey	
Reason for review:	<input checked="" type="checkbox"/> Council notified the proponent that it will not support proposed amendment	<input type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support
Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided?	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required Comment: The application form states that there are no reportable political donations or gifts to disclose.	

SUMMARY OF THE PROPOSAL

The planning proposal proposes to:

- rezone the site from RE2 Private Recreation to R3 Medium Density Residential under the Rockdale Local Environment Plan (LEP) 2011;
- introduce a maximum floor space ratio (FSR) of 0.6:1;
- introduce a maximum height of building of 8.5m; and
- introduce a minimum lot size of 450m².

The rezoning review request states that the intended outcomes of the planning proposal are to improve an underused site, enable development opportunities for land near public transport, and support increased housing supply, diversity and affordability as promoted within the former Draft Eastern City District Plan, the Greater Sydney Region Plan and section 9.1 Ministerial Directions.

The accompanying schematic design proposes 28 townhouses.

A voluntary planning agreement has been discussed between the proponent and Bayside Council, but no formal offer has been made.

The proposed zoning, height of building and FSR maps are provided in **Attachment E**.

Locality and context

The site is in the Bayside local government area (Figures 1 & 2, next page) and is:

- 1.6km from the Kogarah Health and Education Precinct;
- 130m to the west of The Grand Parade;

- 1.4km to the east of the Princes Highway; and
- 2.3km to the east of Kogarah train station.

Development within the immediate vicinity of the site consists of low-density and medium-density housing comprising dwellings, dual occupancies and townhouses. The surrounding area is zoned R3 Medium Density Residential.

The planning proposal is not the result of any specific strategy and is not within any study areas or planned precincts.



Figure 1: Aerial view of subject site (outlined in yellow).

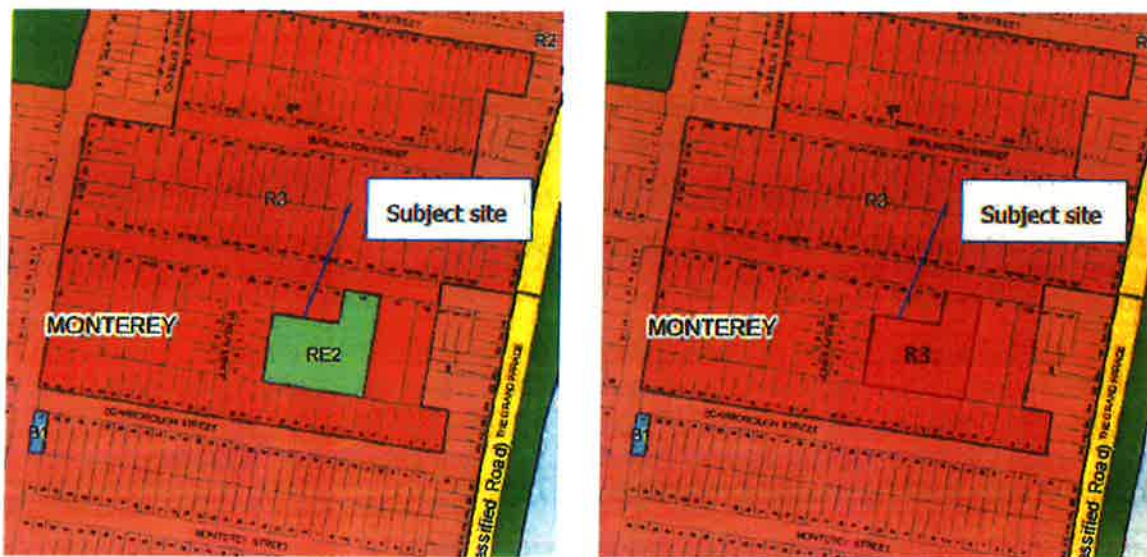


Figure 2: Current zoning (left) and proposed zoning for the site (right).

Site description

The site at 119 Barton Street, Monterey is legally described as Lot 2 DP 857520. It is a rectangular battle-axe block with a total area of 7218m² and frontage of approximately 35m to Barton Street.

The site comprises a single-storey clubhouse on the southern boundary, two bowling greens along the western and northern boundaries and a car park along the eastern boundary. Access is via Barton Street.

The planning proposal identifies the site no longer operates as a bowling club.

Current planning provisions

The site is zoned RE2 Private Recreation under the Rockdale LEP 2011. It is not subject to any other development standards.

The site does not contain any heritage-listed items and there are no heritage items in the immediate vicinity of the site.

The current zoning, height, FSR and lot size maps are provided in **Attachment E**.

Background

The rezoning review request made by Mecone, on behalf of Monterey Equity Pty Ltd, seeks to rezone the site at 119 Barton Street, Monterey and introduce development standards onto the rezoned land under the Rockdale LEP 2011.

The planning proposal states that it seeks to achieve the following outcomes:

- to improve an underused site that does not meet its full potential by enabling development to be permitted that is consistent with the surrounding locality;
- to enable development opportunities for land that is within walking distance of public transport;
- to support the increase of housing across the Bayside LGA promoted in the former draft district plan by monitoring delivery of the five-year housing target while recognising significant growth in infill areas;
- by promoting housing diversity and affordability, which is an objective of the Greater Sydney Region Plan and the Eastern City District Plan;
- to meet the section 9.1 Ministerial Directions of the *Environmental Planning and Assessment Act 1979* relating to the promotion of a variety of housing types to meet future needs; and
- to meet the section 9.1 Directions relating to integrating land use and transport.

On 1 May 2018, the Bayside Local Planning Panel considered the draft planning proposal along with a report prepared by Council staff recommending the proposal be submitted to the Department for Gateway determination. The panel agreed with the Council staff recommendation as it was of the view that the proposed rezoning will allow for development in character with the adjoining residential land (**Attachment F**).

The planning proposal was initially reported to the 13 June 2018 Council meeting, where it was deferred subject to a general manager briefing to further understand the matter.

The planning proposal was subsequently reported to the 11 July Council meeting (**Attachment G**), where Council resolved not to support the proposal. No reason was given for the decision (**Attachment H**).

Council staff advised in their submission responding to the rezoning review request that at the 11 July Council meeting it was discussed that the further loss of private recreation opportunities in the Bayside LGA was not desirable and private recreation facilities such as tennis courts and bowling clubs provide recreation and social opportunities to the community (**Attachment K**).

The applicant submitted the rezoning review request as Council confirmed in writing that it does not support the planning proposal.

The rezoning review request is based on the planning proposal considered at the 11 July Council meeting.

INFORMATION ASSESSMENT

Does the proposal seek to amend a zone or planning control that is less than five years old?

No, the Rockdale LEP 2011 commenced on 5 December 2011.

Strategic merit test

Consistency with the relevant regional plan outside the Greater Sydney region, district plan within the Greater Sydney region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.

Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment have announced that such a plan will be updated before being able to be relied on.

Eastern City District Plan

The rezoning review documentation provides an assessment of the planning proposal's consistency with the relevant planning priorities set out in the Eastern City District Plan.

The rezoning review documentation states that the proposal supports *Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport* by facilitating infill medium-density housing opportunities that are supported by social infrastructure, public transport, connections to the Kogarah Health and Education Precinct and proximity to high-quality public open space.

The rezoning review documentation also states that the provision of new housing stock resulting from the rezoning will facilitate housing opportunities for moderate income earners and will be connected by public transport networks to the district, which are anticipated to improve.

The rezoning review documentation also states that the district plan expresses a need for housing to be coordinated with local infrastructure, adequate access to public transport and strategic centres that provide jobs and services. Strategic centres accessible from the site via public transport include the Sydney CBD, Miranda (southern district) and the Kogarah Health and Education Precinct (Eastern City and South District).

The rezoning review documentation notes that because of the site's proximity to these centres and access to public transport, the planning proposal will support the objectives of the district plan.

Consistency with a relevant local strategy that has been endorsed by the Department.

No local strategies have been endorsed by the Department, however the rezoning review documentation discusses the following local strategies.

Bayside 2030 – Community Strategic Plan 2018-2030

The rezoning review documentation provides an assessment of the planning proposal's consistency with the relevant planning priorities set out in the Bayside 2030 – Community Strategic Plan 2018-2030. The documentation states that the planning proposal broadly aligns with the strategic directions of the community strategic plan because:

- it will contribute to an increase in housing supply, making housing more affordable;
- it will provide residential development that is within 30 minutes of employment centres accessed by public transport; and

- the subject site is close to the Kogarah Health and Education Precinct.

Cook Park Plan of Management and Master Plan 2010

The rezoning review documentation provides an assessment of the planning proposal's consistency with the relevant planning priorities set out in the Cook Park Plan of Management and Master Plan 2010. It states that Cook Park is a large public recreation area that spans approximately 8km along the Botany Bay foreshore and is the focal point for several suburbs on the western shore of Botany Bay, such as Monterey.

The Cook Park management plan sets out the strategic direction for the park and minimises impacts from surrounding areas. Part 5 of the plan outlines the strategy for conserving the park's environment, heritage and character.

The rezoning review documents state that the proposal is consistent with the plan relating to the conservation of heritage, social and natural value, visual quality and recreational space.

Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The proposal states it is responding to a change in circumstances as the operation of the bowling club has ceased.

Site-specific merit test

The natural environment (including known significant environmental values, resources or hazards).

Natural environment

The rezoning review documentation states there are no known critical habitats, threatened species or ecological communities on the site that would preclude the proposed land-use change and redevelopment of the site.

Traffic

The rezoning review documentation states that the traffic implications of the proposed schematic design submitted with the planning proposal are as follows:

- the subject site is accessible by public transport within a 300m walking distance;
- the planning proposal provides adequate car parking provisions;
- the access and internal layout of the schematic design can be provided with relevant Australian Standards;
- the proposed schematic design would result in a minor increase in traffic during the morning and afternoon peak periods; and
- the surrounding road network can accommodate traffic from the proposed development with no noticeable effects on the surrounding road network.

Overshadowing

The rezoning review documentation states that the schematic design demonstrates suitable solar access and overshadowing impacts on adjoining land. This is achieved by:

- adopting the Rockdale LEP 2011 planning controls that apply to the adjoining residential land for the subject site;
- providing adequate building separation between the proposed townhouses and nearby dwellings and associated private open spaces; and

- the favourable orientation of the site.

Contamination

The rezoning review documentation states that a contamination assessment was undertaken by Martens Consulting in March 2016. It found that the site can be made suitable for the proposed residential development provided a remediation action plan is developed and implemented throughout the various stages of the site's development.

The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.

The rezoning review documentation states:

- the use of the site as a bowling club has ceased due to changing community preferences. The proposal seeks to optimise the site's use through an amendment to the land-use zoning and planning controls. The proposed zoning and planning controls are consistent with the surrounding land;
- included with the planning proposal is a schematic design for a medium-density residential development comprising 28 townhouses; and
- the planning proposal and associated schematic design have been developed to minimise the impact on adjoining land in relation to solar access, overshadowing and scale and to be consistent with the character of the area.

The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The rezoning review documentation states that the redevelopment of the site that would be facilitated by this planning proposal will likely place less of a strain on the local road network than the bowling club use.

The planning proposal states that the site is supported by good public transport services in the area. It also states that it would not result in any reduction in public open space but rather involve rezoning underused private land to provide housing near strategic centres, public transport and north-south arterial road corridors.

COUNCIL VIEWS

The Department wrote to Council on 27 August 2018 advising of the rezoning review request. Council responded on 5 September 2018 (**Attachment K**).

Council states in its submission that Council officers supported the planning proposal when it was assessed against the strategic planning framework. Some of the key considerations were traffic, contamination and urban design, which were addressed in studies included as part of the planning proposal.

Council staff recommended in a report to the Bayside Local Planning Panel on 1 May 2018 that the panel recommend to Council that the planning proposal be forwarded to the Department for a Gateway determination. The report considered that the proposed zoning and development standards were consistent with the surrounding development.

At Council's meeting of 11 July 2018, Council resolved not to support the planning proposal. Council did not provide any reasons for the resolution.

Council's submission in response to the rezoning review request states that at the Council meeting it was argued that the further loss of private recreation opportunities was not desirable as privately held recreation facilities such as tennis courts and bowling clubs provide recreation and social opportunities to the community.

ATTACHMENTS

Attachment A – Planning proposal dated August 2017

Attachment B – Rezoning review cover Letter

Attachment C – Acceptance letter

Attachment D – Proponent's rezoning review report

Attachment E – Current and proposed LEP maps

Attachment F – Bayside Local Planning Panel recommendation dated 1 May 2018

Attachment G – Council report dated 11 July 2018

Attachment H – Council resolution dated 11 July 2018

Attachment I – Traffic report

Attachment J – Urban design study

Attachment K – Council's response to rezoning review request

Contact officer: Alexander Galea
Senior Planning Officer
Phone: 8289 6793