Voluntary Planning Agreement

Bayside Council

ABN 80 690 785 443

AND

Monterey Equity Pty Limited

ABN 99 605 980 283

Bartier Perry Pty Limited
ABN 30 124 690 053
Level 10, 77 Castlereagh Street, Sydney NSW Australia
Phone: +61 2 8281 7800 Fax 61 2 8281 7838
www.bartier.com.au

109669301 - 181316 (SXG)

Table of Contents

Date 27 November **2020**

Parties

Council	Bayside Council ABN 80 690 785 443
Address	444 – 446 Princes Highway Rockdale NSW 2216
Representative	Manager Strategic Planning – Clare Harley
Attention	Contract Manager – John Furestad
Contact Telephone	9562 1622 / 9562 1667
Contact Email	clare.harley@bayside.nsw.gov.au / john.furestad@bayside.nsw.gov.au

Developer	Monterey Equity Pty Limited ABN 99 605 980 283
Address	17 Frenchmans Road Randwick NSW 2031
Attention	Director – Peter Wohl c/- DP Loewy and Co 2A Mona Road Darling Point NSW 2027
Contact Person	Nick Winberg Director, Centurion Project Management
Contact Telephone	0403 000 968
Contact Email	Nick.winberg@centuriongroup.com.au

Background

A The Developer is the registered proprietor of the Land.

B The Land is zoned RE2 Private Recreation pursuant to the *Rockdale Local Environmental Plan 2011* and currently comprises buildings, greens/sports fields and a car park.

C The Land was previously used for the purpose of a bowls club but more recently has been used as a place of public worship.

D On 10 August 2017, the Developer lodged the Planning Proposal with Council, which sought to rezone the Land to R3 Medium Density Residential pursuant to the LEP and introduce applicable development standards relating to minimum lot size, maximum building height and maximum floor space ratio.

E On 11 April 2018, the Developer made an offer to Council for the provision of a monetary contribution to facilitate the Planning Proposal and to be applied to a public purpose. On 20 February 2020, the Developer (through its legal representative) made an updated offer for the Contribution and it is this updated offer that is the subject of this Deed.

Operative Provisions

1 Planning Agreement under the EPA Act

1.1 Status of this Deed

(a) The parties agree that this Deed is a planning agreement within the meaning given to that term in section 7.4(1) of the Environmental Planning and Assessment Act 1979.

(b) The planning agreement constituted by this Deed applies to the Land and the Planning Proposal.

2 Operation

2.1 Commencement

(a) The Parties agree that this Deed takes effect on the execution of this Deed by all of the Parties to it.

(b) The party who executes this Deed last is to insert, on page 1, the date on which they did so and provide a copy of the fully executed and dated Deed to all other Parties to this Deed.

3 Definitions and Interpretation

3.1 Definitions

In this Deed, the following definitions will apply:

Business Day means any day except a bank or public holiday throughout New South Wales or a Saturday or Sunday;

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Contribution means the monetary contribution in the sum of **$750,000.00**, as outlined at clause 6 of this Deed.

Council means Bayside Council ABN 80 690 785 443.

CPI means the Consumer Price Index (All Groups – Sydney) published by the Australian Bureau of Statistics.

Deed means this Deed and includes any schedules, annexures and appendices to this Deed.

Developer means Monterey Equity Pty Limited ABN 99 605 980 283.

Dispute means a dispute or difference between the parties under or in relation to this Deed.

EPA Act means the *Environmental Planning and Assessment Act 1979*.

Explanatory Note means an explanatory note prepared under clause 25E(1) of the Regulation.

Land means the land comprised in Lot 2 in Deposited Plan 857520 and known as 119 Barton Street, Monterey, and includes any lot created by the consolidation or subdivision of those lots from time to time.

LEP means the *Rockdale Local Environmental Plan 2011*.

Offer means the offer made on behalf of the Developer (in the form of the email from Landerer and Company dated 20 February 2020) to enter into this Deed for the Contribution and which is included under Schedule 2 of this Deed.

Parties means the parties to this Deed.

Planning Proposal means the document proposing amendments to the LEP, lodged by the Developer with Council on 10 August 2017 and which is included under Schedule 1 of this Deed.

Public Purpose means the public purpose to which the Contribution will be applied, subject to clause 6 of this Deed, being the improvement of active transport links and improvement and/or development of new play spaces and recreational facilities across Monterey, including the foreshore along the Grande Parade and Scarborough Park.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

3.2 **Interpretation**

In this Deed, unless the context otherwise requires:

(a) words denoting any gender include all genders;

(b) headings are for convenience only and do not affect interpretation;

(c) the singular includes the plural and vice versa;

(d) any schedule or annexure attached to this Deed forms part of it;

(e) a reference to a party includes its legal personal representatives, successors and permitted assigns;

(f) a reference to a person includes a corporation, trust, partnership, unincorporated body or other entity, whether or not it comprises a separate legal entity;

(g) a reference to a statute or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;

(h) unless expressly stated to be otherwise, the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar inclusive expressions; and

(i) a reference to this Deed means this Deed and includes any variation or replacement of this Deed.

3.3 No fettering clause

The Developer acknowledges that Council cannot fetter in advance the exercise of any of its statutory discretions, whether by way of contract, estoppel or otherwise, in relation to any application relating to the Land to be lodged with the vendor in its capacity as a governmental authority nor pre-determine any decision in respect of any such application.

3.4 Warranties

The Parties warrant to each other that they:

(a) have full capacity to enter into this Deed, and

(b) are able to fully comply with their obligations under this Deed.

3.5 Further agreements

The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

3.6 Surrender of right of appeal

The Developer is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Deed in so far as the subject-matter of the proceedings relates to this Deed.

4 Section 7.11, 7.12 and 7.24 of the EPA Act

4.1 Application of section 7.11, 7.12 and 7.24

This Deed does not exclude the application of sections 7.11, 7.12 and 7.24 of the EPA Act in respect of any development applications for the future redevelopment of the Land.

4.2 Benefits

Benefits obtained by Council under this Deed are not to be taken into consideration in determining any development contribution under section 7.11 of the EPA Act in respect of any development applications for the future redevelopment of the Land.

4.3 Offer by the Developer

The Developer acknowledges that this Deed is in the terms of the Offer made by the Developer in connection with the Planning Proposal.

5 Planning Proposal

5.1 Lodgment of Planning Proposal

(a) The Developer has lodged the Planning Proposal with Council.

(b) The Planning Proposal seeks the following changes to the LEP in relation to the Land:

i) the rezoning of the Land from RE2 Private Recreation to R3 Medium Density Residential;

ii) introduce a minimum lot size development standard of 450sqm for the Land, where no minimum lot size development standard currently applies;

iii) introduce a maximum height of buildings development standard of 8.5 metres for the Land, where no maximum height of buildings development standard currently applies;

iv) introduce a maximum floor space ratio development standard of 0.6:1 for the Land, where no maximum floor space ratio development standard currently applies; and

v) updating of the Land Zoning, Lot Size, Height of Buildings and Floor Space Ratio maps to reflect i) to iv) above.

(c) As part of the Planning Proposal, and pursuant to section 7.4(1)(a) of the EPA Act, the Developer has made the Offer to enter into this Deed to facilitate the Planning Proposal and make provision of the Contribution.

(d) The Planning Proposal envisages the future redevelopment of the Land for residential purposes in accordance with the proposed changes to the LEP outlined under clause 5.1(b) of this Deed.

(e) Nothing in this Deed relieves the Developer of its statutory obligations under the EPA Act to obtain the necessary development consent/s for any such future redevelopment of the Land.

(f) Nothing in this Deed fetters Council's discretion under the EPA Act in assessing and determining as it sees fit any future development applications for a future redevelopment of the Land.

6 Monetary Contribution

6.1 In accordance with the Offer, the Developer is to pay the Contribution in the amount of **$750,000.00** to the Council for the Public Purpose.

6.2 Despite clause 6.1, the Council may apply the Contribution towards any other public purpose which satisfies section 7.4(2) of the Act, other than the Public Purpose, if the Council reasonably considers that the public interest would be better served by applying the Contribution towards that other public purpose.

6.3 The Contribution is to be immediately paid in one instalment of **$750,000.00** on the day that the new LEP under the Planning Proposal comes into force.

6.4 The Contribution is taken to have been made upon the receipt by Council of the full amount required under this Deed in cash or by unendorsed bank cheque or by the deposit via electronic funds transfer, and clearance of the full amount, into a bank account nominated by Council.

6.5 The Contribution is to be indexed in accordance with quarterly movements in the CPI from the date of this Deed until the date the Contribution is paid in full to Council.

7 Dispute Resolution

7.1 Dispute resolution – expert determination

(a) This clause applies to a Dispute between the Parties to this Deed concerning a matter arising in connection with this Deed that can be determined by an appropriately qualified expert if:

(i) the Parties to the Dispute agree that it can be so determined, or

(ii) the Chief Executive Officer of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion that the Dispute can be determined by a member of that body.

(b) Such a Dispute is taken to arise if one party gives another party a notice in writing specifying particulars of the Dispute.

(c) If a notice is given under clause 7.1(b), the Parties are to meet within 14 Business Days of the notice in an attempt to resolve the Dispute. At every such conference, each party must be represented by a person having authority to agree to a resolution. All aspects of every such conference, except the fact of the occurrence, will be privileged.

(d) If, within 28 Business Days of a notice being given, the Parties have not resolved the Dispute, the Dispute must be referred to expert determination and be determined by an expert. If, within a further 10 Business Days, the Parties have not agreed upon an expert, the expert must be nominated by the Australian Commercial Disputes Centre.

(e) The expert determination must be conducted in accordance with the Guidelines for Expert Determination of the Australian Commercial Disputes Centre. Except where the parties otherwise agree in writing or the Guidelines for Expert Determination of the Australian Commercial Disputes Centre otherwise provide:

(i) each party must bear its own costs and pay one half of the expert's fees and expenses;

(ii) the expert must not act as an arbitrator; and

(iii) the determination of the expert will be final and binding on the Parties.

7.2 **Dispute Resolution – Mediation**

(a) This clause applies to any Dispute arising in connection with this Deed other than a Dispute to which clause 7.1 applies.

(b) Such a Dispute is taken to arise if one party gives another party a notice in writing specifying particulars of the Dispute.

(c) If a notice is given under clause 7.2(b), the Parties are to meet within 14 Business Days of the notice in an attempt to resolve the Dispute.

(d) If, within 28 Business Days of a notice being given, the Parties have not resolved the Dispute, the Parties are to mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.

(e) If the Dispute is not resolved by mediation within a further 28 Business Days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.

(f) Each party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.

(g) The Parties are to share equally the costs of the President, the mediator, and the mediation.

7.3 Nothing in this clause 7 will prejudice the right of a party to institute proceedings to enforce payment due under this Deed or to seek injunctive or urgent declaratory relief.

7.4 Notwithstanding the existence of a Dispute, the parties must continue to perform their respective obligations under this Deed unless excused from performance by another provision of this Deed.

8 Enforcement

8.1 **Breach of Deed**

(a) This clause applies to a breach of the Developer's obligations under this Deed.

(b) Council it may give the Developer written notice specifying the particulars of the breach, the means for rectifying the breach (if such exist), the reasonable timeframe for rectification of the breach or compensation Council will accept in a reasonable timeframe in lieu of the rectification of the breach.

(c) Nothing in this clause prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Developer, including but not limited to seeking relief in an appropriate court.

9 Risk

9.1 Risk

The developer performs this Deed at its own risk and its own cost.

9.2 Release

The developer releases Council from any Claim it may have against Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of Council's negligence or default.

9.3 Indemnity

The Developer indemnifies Council from and against all Claims that may be sustained, suffered, recovered or made against Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of Council's negligence or default.

10 Registration and Caveat

10.1 Acknowledgment

The Developer, being the registered proprietor at the time of execution of this Deed, acknowledges that Council requires the registration of this Deed on the folio of the Land under section 7.6 of the EPA Act and that, on registration by the Registrar-General, this Deed will be binding on and enforceable against the registered proprietor of the Land from time to time as if each registered proprietor for the time being had entered into this Deed.

10.2 Consents to registration

Not later than 10 Business Days after this Deed has been executed by the Parties, the Developer must, at its cost, obtain the consents to the registration of this Deed from each and every person who has an estate or interest in the Land.

10.3 Developer and Landowner's obligations

The Developer (being the registered proprietor at the time of execution of this Deed) must:

(a) not later than 10 Business Days after this Deed has been executed by the Parties:

(i) deliver to the Council in registrable form required by NSW Land Registry Services an instrument to procure the registration of this Deed on the title to the Land duly executed by the Developer (being the registered proprietor at the time of execution of this Deed) and any other person required by NSW Land Registry Services to execute such instrument; and,

(ii) provide all relevant consents to the registration (including the consents required under clause 10.2) to NSW Land Registry Services; and

(iii) arrange for the production of the certificate of titles for the Land to the Council or NSW Land Registry Services for the purpose of registration of this Deed; and

(b) immediately upon receiving the registrable form instrument executed by the Council, lodge the instrument and all other necessary documents with the NSW Land Registry Services to enable this Deed to be registered, and

(c) do all other things reasonably necessary to enable this Deed to be registered pursuant to section 7.6 of the EPA Act.

10.4 **Release**

Council must execute and give to the Developer any forms required by NSW Land Registry Services to remove the registration of this Deed from the folio/s for the Land after the Developer has complied with all its obligations under this Deed to Council's satisfaction.

10.5 **Registration expenses**

The Developer must pay Council's expenses including registration fees, legal costs and disbursements in relation to the registration of this Deed and its subsequent removal from the title to the Land.

10.6 **Caveatable interest**

The Developer acknowledges that the rights under this Deed give Council a caveatable interest in the Land and consents to the Council registering such a caveat.

10.7 **Restriction on dealings**

(a) The Developer (being the registered proprietor at the time of execution of this Deed) not to:

(i) sell or transfer the Land or any part of it, or

(ii) assign the Developer's rights or obligations under this Deed, or novate this Deed,

to any person unless:

(iii) the Developer or the Landowner (as the case may be) has, at no cost to the Council, first procured the execution by the person to whom the Land, or part thereof, is to be sold or transferred or the Developer's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and

(iv) the Council has given written notice to the Developer or the Landowner (as the case may be) stating that it reasonably considers that the purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and

(v) the Developer or the Landowner (as the case may be) is not in breach of this Deed, and

(vi) the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.

(b) Subject to clause 10.7(c), the Developer and the Landowner (as the case may be) acknowledges and agrees that it remains liable to fully perform its obligations under this Deed unless and until it has complied with its obligations under clause 10.7(a).

(c) Clause 10.7(a) does not apply in relation to any sale or transfer of the Land if this Deed is registered on the title to the Land at the time of the sale.

11 Notices

11.1 Notices given under this Deed:

(a) must be in writing and clearly readable in the English language;

(b) must be signed by the party giving or making it (or signed on behalf of that party by its authorised representative); and

(c) may be delivered to a party by hand or by prepaid post to that party's address shown in page 1 of this Deed or to such other address or person as a party may specify by notice given in accordance with this clause.

11.2 A notice is taken to be duly given and received:

(a) if delivered by hand, when delivered; or

(b) if delivered by prepaid post, three Business Days after being deposited in the mail with postage prepaid.

11.3 Despite clause 11.2, notices received after 5.00pm in the place of receipt or on a non-Business Day are taken to be received at 9.00am on the next Business Day.

12 General

12.1 Relationship between the Parties

Except as expressly provided to the contrary in this Deed, nothing in this Deed will constitute the Parties as principal and agent, employer and employee, partners or otherwise liable for the acts or omissions of any other party.

12.2 Entire agreement

This Deed records the entire agreement between the Parties in relation to its subject matter. It supersedes all prior contracts, arrangements, understandings or negotiations by, or between, the Parties in relation to the subject matter of this Deed.

12.3 **Further assurance**

Each party must (at its own expense) do all things that any other party reasonably requires of it to give the other party the full benefit of any obligations owed to the other party and expressed in this Deed.

12.4 **Counterparts**

This Deed and any variation of this Deed may be executed and take effect in two or more counterparts, each of which when taken together, will constitute one and the same instrument.

12.5 **Survival**

All warranties, releases, exclusions and limitations of liability, indemnities, terms with respect to intellectual property and confidential information in this Deed will remain valid and binding following expiry or termination of this Deed. Any other provision by its nature intended to survive expiry or termination of this Deed survives expiry or termination of this Deed.

12.6 **No waiver**

The failure, delay or omission by a party to exercise, or to partially exercise, a right, power or remedy under this Deed does not operate as a waiver of that right, power or remedy. A party which exercises, or partially exercises, a right, power or remedy maintains its right to further exercise the same right, power or remedy or to exercise another right, power or remedy. A party waives a right, power or remedy only by explicitly doing so in a written notice to the other party and the waiver is strictly limited to the matters specified in the notice.

12.7 **Cumulative rights**

The rights, powers, authorities, discretions and remedies of a party under this Deed do not exclude any other right, power, authority, discretion or remedy.

12.8 **Severability**

If any provision of this Deed is determined by a court or other competent tribunal or authority to be illegal, invalid or unenforceable then:

(a) where the offending provision can be read down so as to give it a legal, valid and enforceable operation of a partial nature it must be read down to the extent necessary to achieve that result;

(b) where the offending provision cannot be read down then that provision must be severed from the Deed in which event, the remaining provisions of this Deed operate as if the severed provision had not been included; and

(c) the legality, validity or enforceability of that provision in any other jurisdiction or of the remaining provisions in that or any other jurisdiction is not affected,

but only to the extent that is consistent with giving substantial effect to the intentions of the parties under this Deed.

12.9 **Variation**

This Deed can only be amended, supplemented or replaced by another document publicly notified and signed by the Parties in accordance with the Regulation.

12.10 **Governing law and jurisdiction**

This Deed is governed by the law of New South Wales. Each party submits to the jurisdiction of the courts in New South Wales in connection with matters concerning this Deed.

12.11 **Explanatory Note**

Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Deed.

13 Costs

13.1 The Developer agrees to pay Council's legal costs incurred to give effect to this Deed including but not limited to, the costs of preparing, negotiating and executing this Deed and any other related document within 28 Business Days of a written demand by Council for such payment.

Schedule 1 – Planning Proposal

Planning Proposal

Rockdale Local Environmental Plan 2011

Rezoning of land at 119 Barton Street, Monterey to R3, Medium Residential Density

Bayside Council

April 2019

Contents

Table of revisions

Version 1	August 2017
Version 2	April 2019

F17/902

Introduction

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to *Rockdale Local Environmental Plan 2011 (Rockdale LEP 2011)*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment guides, including 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Comprising the former Francis Drake Bowling Club, the site is a large battle axe lot at 119 Barton Street, Monterey. With a northern frontage of approximately 35 metres to Barton Street, the site has a total area of 7,218 sqm. The site is proximate to commercial centres at Brighton-Le-Sands, 1.6km to the north, Ramsgate commercial centre 1.2km to the south and Kogarah commercial centre 1.5km to the north west. It is also 1.5km from the St George Hospital precinct which has been designated for major education/health development with employment of up to 10,000.

A site-specific zoning of RE2 Private Recreation applies to the subject land. However, the land lies within an R3 Medium Density Residential zone that surrounds it on all four sides. This Planning Proposal seeks to amend the current zoning under RLEP 2011 from Private Recreation (RE2) to Medium Density Residential (R3) to make permissible the redevelopment of the subject land at 119 Barton Street.

The Planning Proposal will be achieved by:

- Amending the Rockdale LEP 2011 Land Use Map for the former Sir Francis Drake Lawn Bowls Club at 119 Barton Street in accordance with Part 4 of this report;
- Establishing a Building Height that is consistent with the existing land uses of the subject area, i.e. 8.5m
- Establishing an FSR that is the same as the surrounding area, currently 0.6:1 in the Rockdale LEP 2011; and
- Establishing a minimum lot size of 450m^2.

An analytical study conducted by Rothelowman has produced a model for potential development yield and building typology. By way of example, this concept illustrates the capacity of the subject site to accommodate 28 two and three-bedroom townhouses under a fully compliant proposal with Council current guidelines for R3.

Rezoning of the site will not deprive the community of open space. The site was previously operating as a private use bowling club with access limited to club members. Additionally, there is considerable open space 400m to the west at Scarborough Park, and 150m to the east, at Cook Park on the bay front.

The objective of the current scheme is to increase the number and diversity of dwellings in the subject area which is within proximity to an identified strategic centre. The relevant objectives of the Planning Proposal are as follows:

- *To provide increased housing consistent with the surrounding residential zoning of the locality*
- *To provide quality housing choices that are consistent with the existing zoning of the neighbourhood.*
- *Provide a feasible and sustainable economic use of the subject site.*

The proposal is compliant with all relevant SEPPs and the Minister's Section 9.1 Directions (formerly Section 117 Directions) under the EPA Act.

F17/902

Part 1 - Objectives and Intended Outcomes

Currently, the subject site is underutilised and does not meet its full development potential. Located on the site is a redundant lawn bowls facility with a low capacity for improvement. Changes to the land use zoning and development standards identified below, will allow the site to potentially accommodate a residential development of high quality design. The objectives of the rezoning and LEP amendments proposed in the planning proposal are:

- To improve an underutilised site that does not meet its full potential through enabling development to be permitted that is consistent with development in the surrounding locality;
- To enable development opportunities within walking distance of public transport.;
- To support the increase of housing promoted in the Eastern City District Plan across the Bayside LGA by monitoring the delivery of the five-year housing target of 10,150 dwellings while recognising significant growth in infill areas;
- By promoting housing diversity and affordability by providing additional residential accommodation which is an objective of the Greater Sydney Regional Plan – A Metropolis of Three Cities; and the Eastern City District Plan;
- To meet the directions of Section 9.1 Directions (formerly S.117 Directions) of the Environmental Planning and Assessment Act 1979 relating to the promotion of a variety of housing types to meet future needs within residential zones; and
- To meet the directions of Section 9.1 Directions of the Environmental Planning and Assessment Act 1979 in relation to integrating land use and transport.

It is intended that the Planning Proposal will form a site-specific amendment to the RLEP 2011. The intended outcomes of the Planning Proposal are to amend *Rockdale LEP 2011* as follows:

- **Rezone the subject land to R3 Medium Density Residential (as is the land surrounding the site to all sides);**
- **Establish a site-specific maximum building height of 8.5 m (as is the land surrounding the site to all sides);**
- **Establish a site-specific maximum floor space ratio (FSR) of 0.6:1 (as is the land surrounding the site to all sides); and**
- **Establish a minimum lot size of 450m^2 (as is the land surrounding the site to all sides).**

A site-specific zoning of RE2 Private Recreation applies to the subject land. However, the land lies within a R3 Medium Density Residential zone that surrounds it on all four sides.

Census statistics shows that houses in Monterey are dwellings primarily occupied by older people who are likely to be empty nesters remaining in family homes which are now larger than their needs in terms of bedroom numbers.

Regarding accessibility to modes of public transport for residents, the subject land lies within easy walking distance of bus services along Chuter Ave (270m west) and the Grand Parade (130m east). The Grand Parade is serviced by bus routes travelling north, Route 303 (Sans Souci to Circular Quay), and south, Route 478 (Ramsgate to Rockdale). An express service, Route X03, operates between Sans Souci and Circular Quay during peak periods Monday to Friday providing access to the city (Central Station) within 30 mins. Chuter Ave is serviced by Route 947 (operated by Transdev NSW), which runs between Hurstville to Kogarah.

The Eastern City District Plan (District Plan) supports the increase of housing across the Bayside LGA by monitoring the delivery of the five-year housing target of 10,150 dwellings while recognising significant growth in infill areas. Housing diversity and affordability are also major considerations in the strategic

direction of LGAs located in the District. An increase in the proportion of people that are ageing and/or disabled has highlighted a need for the delivery of diverse housing which includes smaller homes, group homes, adaptable homes and aged care facilities.

The Greater Sydney Region Plan – A Metropolis of Three Cities (Regional Plan) anticipates that 725,000 new homes will be needed by 2036. The Plan highlights the importance of facilitating a '30 minute city' by integrating housing, employment and public transport.

The proposal is consistent with the Regional Plan as it will accelerate the delivery of housing to contribute to the State Government target of 725,000 homes by 2036. These homes will be provided within established centres supported by public transport, utilities, social infrastructure and employment opportunities within the Kogarah strategic centre, which lies approximately 1.6km from the subject site. The Kogarah priority health and education precinct is planned to provide at least 10,000 jobs. The proposal will permit infill medium density development to meet the needs of growing number of small households within a locality otherwise dominated by detached dwelling houses. The proposal will provide an opportunity to revitalise an existing suburb through the redevelopment of a disused facility to create an improved streetscape. Redevelopment of the site has the potential to encourage a healthy community through the provision of communal open space, sustainable design and end of journey facilities that encourage cycling in this relatively flat area.

Section 9.1 Directions

Direction 3.1 Residential Zones

The first relevant s9.1 Direction is 3.1 – Residential Zones whose objectives are:

(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
(c) to minimise the impact of residential development on the environment and resource lands.

The development of townhouses on the subject site will be consistent with the planning for the area which seeks medium density housing, will increase the choice of housing which is currently and predominantly single dwellings, and will make good use of existing open space and public transport infrastructure. Services such as water, sewerage and electricity are available in the street. No adverse impact on the environment at large will result from the infilling of residential development on the subject site.

Direction 3.4 Integrating land use and transport

The objective of Direction 3.4 is to:

ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and
(b) increasing the choice of available transport and reducing dependence on cars, and
(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
(d) supporting the efficient and viable operation of public transport services, and
(e) providing for the efficient movement of freight.

F17/902

Where this direction applies, a planning proposal must include provisions that are consistent with the principles of *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*, and *The Right Place for Business and Services – Planning Policy*[1].

As mentioned above, the subject site is serviced by a number of bus services, along Chute Avenue and the Grand Parade. The proposal satisfies the objectives of Direction 3.4.

Though the planning proposal does change the existing RE2 – Private Recreation zoning to R3 - Residential, it will provide an increased and diverse supply of housing within approximately 2km of the Kogarah Strategic Health Centre. The proposal makes use of existing transport infrastructure and, therefore, it is consistent with the policy.

Direction 7.1 Implementation of A Plan for Growing Sydney

Direction 7.1 applies to land within the former local government area of Rockdale. Its objective is to:

- *give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.*

Refer to discussion regarding consistency with strategic direction under Part 3-B below.

[1] Department of Planning and Environment. Policy Directions for Plan Making. (Page 17)

F17/902

Part 2 - Explanation of Provisions

A – Provisions that are shown on control maps

2.1 – land use zoning

The subject site is zoned RE2 Private Recreation under the Rockdale Local Environmental Plan 2011, the objectives of the RE2 Zone are as follows:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Permissible and prohibited uses within the zone are summarised in Table 1 below. The former Francis Drake Bowling Club constituted development for the purpose of a registered club (outdoor). Residential development is prohibited within the RE2 zone.

TABLE 1: DEVELOPMENT STANDARDS UNDER ROCKDALE ENVIRONMENTAL PLAN 2011 - Part 2 Permitted or Prohibited Development

CONTROL	PROPOSAL
Clause 2 Permitted without consent	Roads
Clause 3 Permitted with consent	Boat launching ramps; Building identification signs; Business identification signs; **Community facilities**; Environmental facilities; Environmental protection works; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Water supply systems
Clause 4 Prohibited	Any development not specified in item 2 or 3

As mentioned above, the subject site is currently zoned RE2 – Private Recreation with the surrounding area being R3 – Medium Density Residential. Residential development under the current zoning is prohibited. Notwithstanding, this planning proposal is for the change in land use zoning from RE2 to R3, which is justified as it is consistent with the surrounding zoning and will accommodate a townhouse-style development such as the neighbouring site at 125 Barton Street.

2.2 – Minimum subdivision lot size

The site does not currently incorporate a minimum lot size control under Clause 4.1 of the RLEP 2011. However, the immediate area has a minimum lot size of 450m^2 and proposal will be consistent with this provision. The objectives of this Clause are as follows:

(a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
(b) to minimise any likely impact of subdivision, and development on subdivided land, on the amenity of neighbouring properties,
(c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

Amending this Clause will ensure that the subdivision pattern for the site is consistent with the surrounding area, maintain amenity of neighbouring properties and ensure that lots sizes are sufficient to accommodate relevant development.

2.3 – Height of Building

Building height for the subject site is not currently prescribed under clause 4.3 in the RLEP 2011. Though the site is excluded from the Height of Buildings Map, the immediate area has a maximum height of 8.5m. The objectives of this clause are as follows:

(a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,
(b) to permit building heights that encourage high quality urban form,
(c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,
(d) to nominate heights that will provide an appropriate transition in built form and land use intensity

The planning proposal will establish a maximum building height of 8.5m, which is consistent with the prevailing height limit for the subject area. Amending the map referred to in clause 4.3 to include the subject site meets the above objectives.

2.4 – Floor Space Ratio (FSR)

FSR for the subject site is not currently prescribed under Clause 4.4 in the RLEP 2011. Though the site is excluded from the FSR Map, the immediate area has a maximum FSR of 0.6:1. The objectives of this Clause are as follows:

(a) to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale,
(b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties,
(c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

Currently, the subject site is exempt from the RLEP 2011 Floor Space Ratio map (see figure 6). Amending the FSR of the site to a density that is consistent with the surrounding area will have no unreasonable adverse impact on the amenity, extent of overshadowing or privacy of the adjoining properties.

B – All provisions

Development standards applicable to the subject land are summarised in Table 2 below.

TABLE 2: DEVELOPMENT STANDARDS UNDER ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011

CONTROL	PROPOSAL
Clause 4.1 Minimum subdivision lot size	**Not applicable.** The subject land is not identified on the Minimum Lot Size Map (Sheet LSZ_005). A minimum lot size of 450m^2 is proposed which is consistent with the surrounding area. Refer to section **4 Mapping** below.
Clause 4.3 Building Height	**Not applicable.** The subject land is not identified on the Floor Space Ratio Map (Sheet HOB_005). A site-specific maximum building height of 8.5m, consistent with that permissible within the surrounding R3 medium density zone, is proposed to be applied to the subject land. Refer section **4 Mapping** below.
Clause 4.4 FSR	**Not applicable.** The subject land is not identified on the Floor Space Ratio Map (Sheet FSR_005). A site-specific maximum floor space ratio of 0.6:1, consistent with that permissible within the surrounding R3 medium density zone, is proposed to be applied to the subject land. Refer section **4 Mapping** below.
Clause 5.9 Preservation of trees or vegetation	**Not relevant.** No amendment of Clause 5.9 is proposed.
Clause 5.10 Heritage conservation	No amendment of Clause 5.10 is proposed. Subject land is not identified as a heritage item under this instrument nor does it lie within a conservation area identified on the RLEP 2011 Heritage Map (Sheet HER_005). The subject land does, however, lie within 150 metres of Cook Park along the Grand Parade to the east, which is identified as an item of local heritage significance (I168) under schedule 5 of RLEP 2011.
Part 6 Additional Local Provisions	**Not relevant.** No amendment of Part 6 is proposed.

Control Maps

Tile 005 of *Rockdale LEP 2011* control maps shows land use zoning, minimum lot size, FSR and Height of Building for the subject site. Proposed changes and the amended development control maps are provided under Part 4 'Mapping' below.

F17/902

Part 3 - Justification

A Need for the planning proposal

A1 Is the planning proposal a result of any strategic study or report?

As noted below, the proposal meets many strategic objectives but the site is too small to have been featured in any strategic plans for the area.

Cook Park Plan of Management and Masterplan 2010

Cook Park is a large public recreation area that spans approximately 8 kilometers along the Botany Bay foreshore from the Cooks River to the mouth of the Georges River. Due to its size and local significance, Cook Park is the focal point for a number of suburbs on the western shore of Botany Bay. The Cook Park Plan of Management and Masterplan sets out the strategic direction for the park and minimising impacts from surrounding areas.

Part 5 of the Plan outlines the strategy for conserving the park's environment, heritage and character. This is relevant to the proposal as views of Botany Bay, through the park, are available along Barton Street. The proposed change of use will be consistent with the values of this section which outline the conservation of heritage, social and natural value, visual quality, and recreational space.

As a part of this proposal, the site will have a maximum building height of 8.5m with an FSR of 0.6:1. Strategies identified in the Masterplan, such as establishing green links and maintaining view corridors, have been recognised and are encompassed in the objectives, **Section 4.1**, below.

Figure 1: Extract – *Cook Park – Plan of Management and Masterplan*

F17/902

Open Space & Recreation Strategy 2010

In 2010, Rockdale City Council released a strategy to enhance the quality of open space and recreational areas. The Open Space & Recreation Strategy set goals that are consistent with the key strategic direction of The Rockdale City Plan 2009-2018. These goals are:

- A City with a Sense of Pride
- A Liveable City with Lifestyle Qualities
- A Connected and Accessible City
- A City with Viable Business and Employment Opportunities

A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Due to the very restrictive nature of the current zoning, RE2 Private Recreation, there is no other way to achieve economic and orderly use of the site other than by a rezoning.

B Relationship to strategic planning framework

B1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

There are no strategies of sufficient detail to state that the proposal has been brought into existence following the adoption of such strategies. However, all of the more generalised strategies, such as the exhibited draft district plans, support a conversion of the subject site into a minor residential development (potentially 28 dwellings). It is completely consistent with surrounding zoning.

Eastern City District Plan

In March 2018, the Greater Sydney Commission finalised the Eastern City District Plan, setting out priorities and actions for Greater Sydney's Eastern City District. The proposed priorities and actions for a productive and liveable East District focused on planning a city of people and of great places as well as supply of a range of housing and employment opportunities. It is guided by the aim of establishing 30-minute cities, where people are 30 minutes from jobs and services by public transport and 30 minutes from local services by active transport. This is projected to be achieved by responding to the planning priorities outlined in the District Plan.

The planning proposal's consistency with the priorities in the District Plan are discussed in the table below.

TABLE 3: EASTERN CITY DISTRICT PLAN

PLANNING PRIORITY	CONSISTENCY
Infrastructure and collaboration	
Planning Priority E1. Planning for a city supported by infrastructure	The planning proposal will provide additional housing within close proximity to a number of bus services along Grand Parade, which will optimise the use of existing public transport infrastructure.

F17/902

TABLE 3: EASTERN CITY DISTRICT PLAN	
PLANNING PRIORITY	**CONSISTENCY**
Planning Priority E2. Working through collaboration	The planning proposal will allow for the delivery of further housing in collaboration with the State and Local Government and the community.
Liveability	
Planning Priority E3. Providing services and social infrastructure to meet people's changing needs	The District Plan identifies an increase in the proportion of people that are ageing and/or disabled and highlighted the need for the delivery of diverse housing which includes smaller homes, group homes, adaptable homes and aged care facilities. The proposal will remove the redundant blowing club use and replace it with housing which is more suitable for the changing needs of the locality and will provide a wide range of housing for community members.
Planning Priority E4. Fostering healthy, creative, culturally rich and socially connected communities	The proposed terraced housing will create a more socially active environment than currently exists. The residential accommodation will be within walking distance to Brighton Le Sands town centre, Kogarah Health and Education and a number of recreational opportunities. Bicycle parking will be provided in the scheme which will be detailed in the future Development Application. The promotion of walking and cycling will improve the health of future residents and reduce traffic congestion.
Planning Priority E5. Providing housing supply, choice and affordability, with access to jobs and services	The draft District Plan has a housing target for Bayside Council of an additional 10,150 dwellings between 2016-2021. The proposal enables increased housing supply and choice with varying typologies which are accessible to jobs and services. The additional supply of residential accommodation would contribute to the affordability of housing within the area.
Planning Priority E6. Creating and renewing great places and local centres, and respecting the District's heritage	The proposal seeks to provide a well-designed built environment with fine grain urban form which is consistent with the adjoining properties and will create a great place.
Productivity	
Planning Priority E10. Delivering integrated land use and transport planning and a 30-minute city	Future residents will be located within walking distance of businesses in Brighton Le Sands and Kogarah health and Education Precinct (which is a strategic centre in the Eastern City and South District Plans). The site is also within 30 minutes of Sydney CBD and Miranda which are both strategic centres and provide a range of employment services. The planning proposal will deliver integrated land use and transport planning, by locating well-designed housing in close proximity to public transport and employment centres.
Sustainability	
Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections	Some of the actions in this planning priority seek to expand the urban tree canopy in the public realm and refine the detailed design and delivery of the green grid opportunities. Sydney's Green Grid identifies Barton Street as a Boulevard Street Green Link from an urban centre to Botany Bay. There is an opportunity to provide landscaping along Barton Street which will be explored further at the Development Application stage.
Planning Priority E19. Reducing carbon emissions	The proposal promotes environmental efficiency by increasing development potential in an existing centre with good infrastructure and facilities and services

F17/902

TABLE 3: EASTERN CITY DISTRICT PLAN	
PLANNING PRIORITY	**CONSISTENCY**
and managing energy, water and waste efficiently	within walking distance of the site. Sustainability measures are to be further considered during the detailed design phase.

Greater Sydney Regional Plan – A Metropolis of Three Cities

The Greater Sydney Regional Plan, "A Metropolis of Three Cities" provides a long-term guide for land use planning for the greater Sydney region. The Greater Sydney Regional Plan (The Regional Plan) is a result of a review undertaken of a Plan for Growing Sydney 2014, which revealed that while most of the directions of A Plan for Growing Sydney were still relevant, they required updating or strengthening to respond to new challenges for planning greater Sydney towards 2056.

The vision for the region is to transform into a metropolis of three cities; Western Parkland City, Central River City and Eastern Harbour City. The subject site is located within the southern portion of the Eastern Harbour CBD City.

The Plan sets additional housing targets of 46,550 in the next 0-5 years and 157,500 up to 2036 for the Eastern City. These homes are to be provided within established centres supported by public transport, utilities, social infrastructure and employment opportunities within the Kogarah Collaboration area, which is a prioritised health and education precinct within 1.6km of the subject site.

Furthermore, the Plan places an emphasis on the need for the 'missing middle' housing types to become more prevalent in the right locations. The 'missing middle' refers to medium density housing such as villas and townhouses within existing areas, that provide greater housing variety. The 'missing middle' housing typologies are said to be best suited in transitional areas between urban renewal precincts and existing neighbourhoods as follows:

- Residential land around local centres where links for walking and cycling help promote a healthy lifestyle;
- Areas with good proximity to regional transport where more intensive urban renewal is not suitable due to challenging topography or other characteristic;
- Lower density parts of suburban Greater Sydney undergoing replacement of older housing stock; and
- Areas with existing social housing that could benefit from urban renewal and which provide good access to transport and jobs.

The Planning Proposal is consistent with the Plan in regards to the above as it will contribute to meeting additional housing targets within the Eastern City District and provide infill 'missing middle' development which is in demand in locations such as the subject site.

The Plan also applies 10 Directions across 4 criteria to develop the Metropolis of Three Cities vision. An assessment of the proposal against the relevant criteria and objectives is provided in the table below:

TABLE 4: GREATER SYDNEY REGIONAL PLAN	
OBJECTIVES	**RESPONSE**
Infrastructure and collaboration	
A city supported by infrastructure • Infrastructure supports the three cities • Infrastructure aligns with forecast growth • Infrastructure adapts to future needs • Infrastructure use is optimised	The Planning Proposal is in a location which is supported by arterial road networks including the Grand Parade to the east and Rocky Point Road (which connects to the Princes Highway) to the west. Public transport is considered to be good in the area providing connections to local, strategic and priority precincts and anticipated to improve. Future infrastructure projects such as the F6 being investigated are also projects which highlight why the Planning Proposal should be supported to ensure the land use is optimises.
A Collaborative City • Benefits of growth realized by collaboration of governments, community and business	The Planning Proposal would support additional housing stock being located in proximity to a planned collaboration area – the Kogarah Health and Education Precinct, in turn supporting its growth.
Liveability	
A City for people • Services and infrastructure meet communities changing needs • Communities are healthy, resilient and socially connected • Greater Sydney's communities are culturally rich with diverse neighbourhoods • Greater Sydney celebrates the arts and supports creative industries and innovation	The Planning Proposal would provide additional housing supply of a diverse nature serviced by adequate access to local and strategic centres and priority precincts. Furthermore, the Planning Proposal site is located in close proximity to parkland and the waterfront of Botany Bay to the east and Scarborough Park to the east highlighting the suitability of the site in regards to liveability.
Housing the City • Greater Housing Supply • Housing is more diverse and affordable	The Planning Proposal would provide additional housing supply of varying typologies on otherwise unused land. The additional supply would contribute to the affordability of housing within the area.
A city of great places • Great places that bring people together • Environmental heritage is conserved and enhanced	The proposal seeks to provide a great place with a fine grain urban form which allows for greater social interaction than the current use.
Productivity	
A well connected city • A metropolis of three cities - integrated land use and transport creates walkable and 30-minute cities • The Eastern, GPOP and Western Economic Corridors are better connected and more competitive • Freight and logistics network is competitive and efficient • Regional transport is integrated with land use	The proposal will be well connected with services and facilities, with Brighton Le Sands and Kogarah Health and Education Precinct within walking distance and Sydney CBD and Miranda within 30 minutes of the site.
Jobs and skills for the city • Harbour CBD is stronger and more competitive • Greater Parramatta is stronger and better connected	The proposal will provide further housing in close proximity to the Kogarah Health and Education Precinct and the proposal will increase the number of people living closer to jobs accessible via public transport.

F17/902

TABLE 4: GREATER SYDNEY REGIONAL PLAN	
OBJECTIVES	**RESPONSE**
• Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City • Internationally competitive health, education, research and innovation precincts • Investment and business activity in centres • Industrial and urban services land is planned, protected and managed • Economic sectors are targeted for success	
Sustainability	
A city in landscape • The coast and waterways are protected and healthier • A cool and green parkland city in the South Creek corridor • Biodiversity is protected, urban bushland and remnant vegetation is enhanced • Scenic and cultural landscapes are protected • Environmental, social and economic values in rural areas are maintained and enhanced • Urban tree canopy cover is increased • Public open space is accessible, protected and enhanced • The Green Grid links parks, open spaces, bushland and walking and cycling paths	There is an opportunity to provide further landscaping to Sydney's Green Grid along Barton Street, this will be explored further during the Development Application stage.
An efficient city • A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change • Energy and water flows are captured, used and re-used • More waste is re-used and recycled to support the development of a circular economy	The proposal will integrate housing with public transport and facilities and services within walking distance which will reduce the need to travel by car.
A resilient city • People and places adapt to climate change and future shocks and stresses • Exposure to natural and urban hazards is reduced • Heatwaves and extreme heat are managed	These objectives are not applicable to the planning proposal.

B2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

To the extent possible for such a minor proposal, it is consistent with the former Rockdale's local strategy under which all of the surrounding land has been zoned Residential, R3, as is proposed in this case. There is no reason to believe that the strategy has changed following amalgamation of the Rockdale and Botany Bay City Councils into the Bayside Council.

F17/902

Bayside Community Strategic Plan 2018-2030

The Bayside Community Strategic Plan's aim is to guide growth in the Bayside LGA over a 12 year span. The plan outlines four key themes and directions that will inform Council's Delivery Program, which will set out the outcomes Council will work towards, and the annual Operational Plans that describe Council's activities towards achieving those outcomes.

TABLE 5. BAYSIDE COMMUNITY STRATEGIC PLAN 2018-2030		
STRATEGIC DIRECTIONS	**HOW WE WILL GET THERE**	**CONSISTENCY**
THEME ONE – Bayside will be a Vibrant Place		
Our places are people-focussed	Local areas are activated with cafes, restaurants and cultural events	The Planning Proposal will provide additional housing supply of a diverse nature serviced by adequate access to local and strategic centres and priority precinct. It will contribute to the creation of a socially active environment and will seek to provide a well-designed built environment which is consistent with the adjoining properties. The residential accommodation will also be within walking distance to Brighton Le Sands town centre, Kogarah Health and Education Precinct and a number of recreational opportunities. Bicycle parking will be provided in the scheme which will be detailed in the future Development Application. The promotion of walking and cycling will improve the health of future residents and reduce traffic congestion.
	Places have their own village atmosphere and sense of identity	
	My community and council work in partnership to deliver better local outcomes	
	The public spaces I use are innovative and put people first	
	There is an appropriate and community-owned response to threats	
Our places connect people	Walking and cycling is easy in the City and is located in open space where possible	
	We are one community with shared objectives and desires	
	Our heritage and history is valued and respected	
Our places are acceptable to all	Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	
	SMART Cities – making life better through smart use of technologies	
	Assets meet community expectations	
	Bayside provides safe and engaging spaces, places and interactions	
	People who need to can access affordable housing	
	We welcome visitors and tourists to our City	
My place will be special to me	Local developments reflect innovative, good design and incorporate open space and consider vertical families	
	Bayside will be a 30 minute City – residents work locally or work off-site – no-one has to travel for more than 30 minutes to work	
	Traffic and parking issues are a thing of the past	
	Road, rates and rubbish are not forgotten	
	Gateway sites are welcoming and attractive	
THEME TWO – In 2030 our people will be connected in a smart city		
We benefit from technology	Council engages with us and decision making is transparent and data driven	The proposal seeks to provide a well-designed built environment with fine grain

F17/902

	We can access information and services online and through social media	urban form. This will be consistent with the adjoining properties and will create a socially active environment. The Planning Proposal site's close proximity to parkland and the waterfront of Botany Bay to the east and Scarborough Park to the east highlighting the suitability of the site in regards to liveability will promote walking and cycling, will improve the health of future residents and reduce traffic congestion. The Planning Proposal would provide additional housing supply of a diverse nature serviced by adequate access to local and strategic centres and priority precincts. The proposal is suitable for the changing needs of the locality and will provide a wide range of housing for community members.
	We are a digital community	
	Technological change has been harnessed and we are sharing the benefits	
We are unified and excited about our future	Community leadership is developed and supported	
	We are all included and have a part to play in the City	
	The City is run by, with and for the people	
	We are proud of where we live	
The community is valued	Aboriginal culture and history is recognised and celebrated	
	We are a healthy community with access to active recreation and health education	
	All segments of our community are catered for – children, families, young people and seniors	
	Opportunities for passive and active activities are available to community members, including people with pets	
	The value of pets in the community is recognised and they are welcomed across the city	
We treat each other with dignity and respect	We can participate in cultural and arts events which reflect and involve the community	
	Flexible care/support arrangements for seniors, children and people with disabilities are available across the LGA	
	Cultural diversity is reflected and celebrated in the City's activities	
	Our public buildings are important community hubs and are well maintained and accessible	
THEME THREE – In 2030 Bayside will be green, leafy and sustainable.		
Our waste is well managed	I can reduce my waste through recycling and community education	The proposal promotes environmental efficiency by the integration housing with public transport and facilities and services within walking distance which will reduce the need to travel by car. Sustainability measures are to be further considered during the detailed design phase. There is also an opportunity to provide further landscaping to Sydney's Green Grid along Barton Street, this will be explored further during the Development Application stage.
	Illegal dumping is a thing of the past	
We are prepared for climate change	We understand climate change and are prepared for the impacts	
	Our City is prepared for/able to cope with severe weather events	
	Our streetscapes are green and welcoming	
We increase our use of renewable energy	Our City promotes the use of renewable energy through community education	
	Our City models use of renewable energy and reports gains benefits to the community	
Waterways and green corridors are regenerated and preserved	Water is recycled and re-used	
	The community is involved in the preservation of our natural areas	
	We have an enhanced green grid/tree canopy	

F17/902

THEME FOUR – In 2030 we will be a prosperous community		
Opportunities for economic development are recognised	Major employers support/partner with local small business	The proposal, which will provide additional housing, will be well connected with services and facilities. Brighton Le Sands and Kogarah Health and Education Precinct are within walking distance and Sydney CBD and Miranda within 30 minutes of the site. The proposal will integrate housing with public transport and facilities and services within walking distance which will increase the number of people living closer to jobs accessible via public transport and therefore reduce the need to travel by car.
	We are an international hub for transport and logistics-related business	
	Industrial lands and employment lands are preserved – partnering with major employers to support local jobs	
Local housing, employment and business opportunities area generated	Bayside will be a 30 minute City – residents work local or work off-site – no-one has to travel for more than 30 minutes to work	
	Council is a major employer, supports local apprenticeships and cadetships	
	People who need to can access affordable housing	
The transport system works	We can easily travel around the LGA – traffic problems/gridlock are a thing of the past	
	We can easily travel to work by accessible, reliable public transport	
We are prepared for a sharing economy	Innovative businesses are supported to locate in Bayside	
	Local Plans and regulations have kept pace with the sharing economy	

B3 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

No SEPPs are contradicted by the planning proposal for the rezoning of the subject land that is totally encompassed by the existing low density residential development designated for conversion to medium density development. There is no inconsistency with the SEPPs.

Consistency with the State Environmental Planning Policies is provided in Table 6, below.

Table 6: Consistency with State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
1	Development Standards	(Repealed by *RLEP 2011*)
14	Coastal Wetlands	Not Applicable
15	Rural Landsharing Communities	Not Applicable
19	Bushland in Urban Areas	Not Applicable
21	Caravan Parks	Not Applicable
22	Shops and Commercial Premises	Not Applicable
26	Littoral Rainforests	Not Applicable
29	Western Sydney Recreation Area	Not Applicable
30	Intensive Aquaculture	Not Applicable
32	Urban Consolidation (Redevelopment of Urban Land)	(Repealed)
33	Hazardous and Offensive Development	Not Applicable
36	Manufactured Home Estates	Not Applicable
39	Spit Island Bird Habitat	Not Applicable
44	Koala Habitat Protection	Not Applicable
47	Moore Park Showground	Not Applicable
50	Canal Estate Development	Not Applicable

F17/902

Table 6: Consistency with State Environmental Planning Policies		
No.	**Title**	**Consistency with Planning Proposal**
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
55	Remediation of Land	The Planning Proposal includes a Contamination Assessment (**Appendix 5**) 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.
59	Central Western Sydney Regional Open Space and Residential	Not Applicable
60	Exempt and Complying Development	(Repealed by *RLEP 2011*)
62	Sustainable Aquaculture	Not Applicable
64	Advertising and Signage	Not Applicable
65	Design Quality of Residential Flat Development	Not Applicable
70	Affordable Housing (Revised Schemes)	Not Applicable
71	Coastal Protection	Not Applicable
	(Affordable Rental Housing) 2009	Not Applicable
	(Building Sustainability Index: BASIX) 2004	The proposal will comply with the relevant requirements at the DA stage.
	(Exempt and Complying Development Codes) 2008	Not Applicable
	(Housing for Seniors or People with a Disability) 2004	Not Applicable
	(Infrastructure) 2007	Not Applicable
	(Kosciuszko National park Alpine Resorts) 2007	Not Applicable
	(Kurnell Peninsula) 1989	Not Applicable
	(Major Development) 2005	Not Applicable
	(Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
	(Miscellaneous Consent Provisions) 2007	Not Applicable
	(Penrith Lakes Scheme) 1989	Not Applicable
	(Rural Lands) 2008	Not Applicable
	(SEPP 53 Transitional Provisions) 2011	Not Applicable
	(State and Regional Development) 2011	Not Applicable
	(Sydney Drinking Water Catchment) 2011	Not Applicable
	(Sydney Region Growth Centres) 2006	Not Applicable
	(Three Ports) 2013	Not Applicable
	(Urban Renewal) 2010	Not Applicable
	(Western Sydney Employment Area) 2009	Not Applicable
	(Western Sydney Parklands) 2009	Not Applicable

See Table 7 below which reviews the consistency with the formerly named State Regional Environmental Plans, now identified as deemed SEPPs.

Table 7: Consistency with deemed State Environmental Planning Policies		
No.	**Title**	**Consistency with Planning Proposal**
8	(Central Coast Plateau Areas)	Not Applicable

F17/902

9	Extractive Industry (No.2 – 1995)	Not Applicable
16	Walsh Bay	Not Applicable
18	Public Transport Corridors	Not Applicable
19	Rouse Hill Development Area	Not Applicable
20	Hawkesbury-Nepean River (No.2 – 1997)	Not Applicable
24	Homebush Bay Area	Not Applicable
26	City West	Not Applicable
30	St Marys	Not Applicable
33	Cooks Cove	Not Applicable
	(Sydney Harbour Catchment) 2005	Not Applicable

B4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The first relevant s9.1 Direction is 3.1 – Residential Zones whose objectives are:

(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
(c) to minimise the impact of residential development on the environment and resource lands.

As noted above, the rezoning of the subject site to R3:

- will be consistent with the planning for area which seeks medium density housing,
- will increase the choice of housing which is currently and predominantly single dwellings, and
- will make good use of existing open space and public transport infrastructure.

Services such as water, sewerage and electricity are available in the street. No adverse impact on the environment at large will result from the infilling of residential development on the subject site.

The objectives of Direction 3.4, Integrating Land Use and Transport, are to:

ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and
(b) increasing the choice of available transport and reducing dependence on cars, and
(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
(d) supporting the efficient and viable operation of public transport services, and
(e) providing for the efficient movement of freight. Where this direction applies

Through changing the existing RE2 – Private Recreation zoning to R3 - Residential, the proposal will provide an increased and diverse supply of housing within approximately 2km of the Kogarah Strategic Health Centre. As mentioned above, the subject site is well serviced by a number of bus routes, close to the site, along Chute Avenue and the Grand Parade. The proposal satisfies the objectives of Direction 3.4

Direction 7.1 - Implementation of A Plan for Growing Sydney, applies to land within the former local government area of Rockdale. Its objective is to:

give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

F17/902

As noted elsewhere in this report, the proposal is entirely consistent with the strategic direction sought for its locality.

See Table 8 below which reviews the consistency with the Ministerial Directions for LEPs under section 9.1 of the *Environmental Planning and Assessment Act 1979.*

Table 8 - Consistency with applicable Ministerial Directions

1. Employment and Resources

No.	Title	Consistency with Planning Proposal
1.1	Business and Industrial Zones	Not Applicable
1.2	Rural Zones	Not Applicable
1.3	Mining, Petroleum Production & Extractive Industries	Not Applicable
1.4	Oyster Aquaculture	Not Applicable
1.5	Rural Lands	Not Applicable

2. Environment and Heritage

No.	Title	Consistency with Planning Proposal
2.1	Environmental Protection Zones	Not Applicable
2.2	Coastal Protection	Not Applicable
2.3	Heritage Conservation	Not Applicable
2.4	Recreation Vehicle Areas	Not Applicable
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	It is consistent, see above.
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable
3.3	Home Occupations	Not Applicable
3.4	Integrating land use and Transport	It is consistent, see above.
3.5	Development near Licensed Aerodromes	The site is located outside of the ANEF contour map and would be of a height that won't impact upon the operation of the airport.
3.6	Shooting ranges	Not Applicable
3.7	Reduction in non-hosted short term rental accommodation period	Not Applicable

4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	Not Applicable
4.2	Mine Subsidence and Unstable Land	Not Applicable
4.3	Flood Prone Land	Not Applicable
4.4	Planning for Bushfire Protection	Not Applicable

5. Regional Planning

No.	Title	Consistency with Planning Proposal
5.1	Implementation of Regional Strategies	Not Applicable
5.2	Sydney Drinking Water Catchments	Not Applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5	Development on the vicinity of Ellalong...	Not Applicable
5.6	Sydney to Canberra Corridor	Not Applicable
5.7	Central Coast	Not Applicable
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable
5.9	North West Rail Link Corridor Strategy	Not Applicable

F17/902

5.10	Implementation of Regional Plans	Not Applicable
5.11	Development of Aboriginal Land Council land	Not Applicable

6. **Local Plan Making**

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	Not Applicable
6.2	Reserving land for Public Purposes	Not Applicable
6.3	Site Specific Provisions	It is consistent, see above.

7. **Metropolitan Planning**

No.	Title	Consistency with Planning Proposal
7.1	Implementation of A Plan for Growing Sydney	It is consistent, see above.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not Applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not Applicable
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not Applicable
7.9	Implementation of Bayside West Precincts 2036 Plan	Not Applicable
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable

C Environmental, social and economic impact

C1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is fully developed and does not accommodate any critical habitat, threatened species, etc.

C2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No other environmental effects, other than those reported above, have been identified.

C3 How has the planning proposal adequately addressed any social and economic effects?

No other social or economic effects, other than those reported above, have been identified.

D State and Commonwealth interests

D1 Is there adequate public infrastructure for the planning proposal?

As noted above, the locality is rich in public infrastructure, especially public transport and open space.

F17/902

D2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth public authorities have not yet been consulted.

E Conclusions

E1 Economic and orderly use of the site

The objectives of the EPA Act include, at S5(a)(ii),

the promotion and co-ordination of the orderly and economic use and development of land ...

Formerly used as a bowling club which included a registered club encompassing the service of alcohol and a small number of gambling machines, the site use never-the-less fell into financial difficulties due to changing community preferences. This situation has been repeated in many locations throughout both Sydney and the nation as old pastimes give way to new and different choices. If the site could not make an economic return, even with its associated registered club, it is clear that no other similar use (tennis courts, croquet, etc) will be more successful.

If the economic and orderly use of the site is to be achieved, a rezoning to some other use than private recreation is required. The most obvious use is one that is the same as the area surrounding the site, Residential R3 with the same Building Height and FSR.

As noted above, there is strategic planning support for the provision of housing in the general area of the now Bayside City (formerly Rockdale City) and this site meets the necessary strategic imperatives of proximity to transport and the designated growth centres.

E2 Impact of the proposal

As may be seen from the proposal's architectural drawings, the very acceptable and not unreasonable impact of the proposal will fall upon those surrounding houses which have enjoyed the twin benefits of adjoining private open space and lack (thus far) of medium density redevelopment for which the locality has been designated. Development of the site as currently proposed may create minor privacy impacts, from the upper bedroom storeys of the proposed townhouses (subject to detailed design). Such an impact is within the range of that expected in any transition to medium density development. It will be no worse than if new development occurred next door rather than behind the existing houses.

Distances between windows of the proposed new and the existing will exceed the old AMCORD standard of 9m and the equivalent under the Apartment Design Guide of SEPP 65 (which itself is not applicable to the development). Adopting the development standards of the surrounding area will make all medium density housing in the area equal in impact and within the bounds framed by the zoning controls.

Based on the potential concept design, overshadowing will not be a general issue due to the favourable orientation of the site, the separation distances between new and proposed buildings and the limited building height of 8.5m.

E3 Summary conclusions

- The proposal aligns exactly with the zoning surrounding the subject site on all four sides in terms of land use, density expressed in FSR, building height and minimum lot size.

F17/902

- Rezoning of the site will not deprive the community of open space. The site was previously operating as a private use bowling club with access limited to club members. Additionally, there is considerable open space 400m to west at Scarborough Park, and 150m to the east, at Cook Park on the bay front.
- Demonstrably, as shown in the proposed architectural plans appended, development of the site is possible in accordance with all planning controls contained in the Rockdale LEP and DCP. This means that the impact of the proposal is within the acceptable bounds prescribed in the LEP and DCP.
- Development of the site will not give rise to unacceptable or unreasonable impacts on surrounding housing which is slated for redevelopment as medium density residential.
- Located between Chuter Avenue and The Grand Parade, the site is well served by bus routes. It is also proximate to the St George Hospital precinct which has been designated as a major health/education precinct under the Greater Sydney Region Plan.
- The proposal is compliant with all relevant SEPPs and the Minister's s9.1 Directions under the EPA Act.

F17/902

Part 4 – Mapping

To assist the community in understanding the proposed amendment(s), the following maps are provided as part of this application:

- Site context map – this should identify the site(s) subject to the Planning Proposal;

Figure 2: Site and its surrounds. Extract from 'Urban Design Analysis' report prepared by Rothe Lowman, January 2016.

Figures 3 to 8 below illustrate the current control maps as well as proposed controls. The control maps that need to be amended subject to this planning proposal are land use zoning, height of building and floor space ratio.

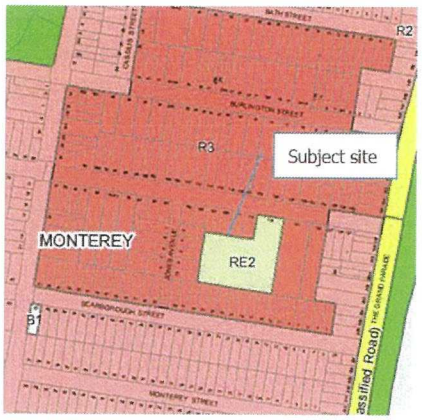

Figure 3: The land use zoning map as per RLEP 2011

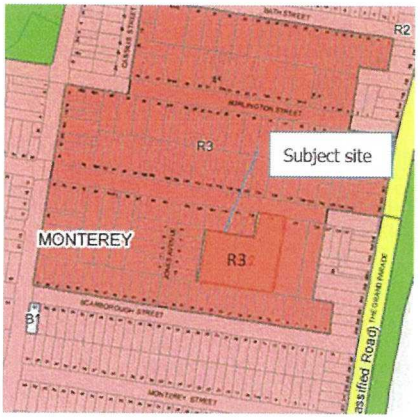

Figure 4: The proposed land use zoning map as amended

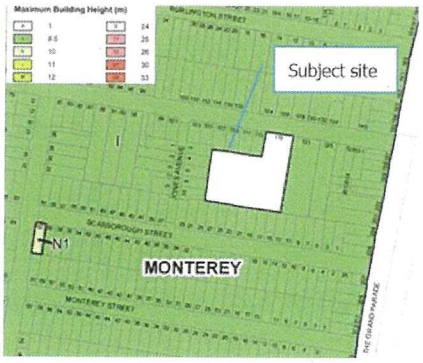

Figure 5: The height of building map as per RLEP 2011

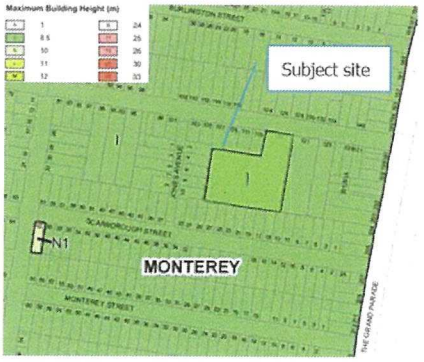

Figure 6: The proposed height of building map as amended

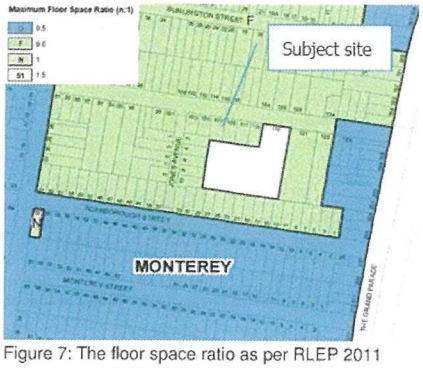

Figure 7: The floor space ratio as per RLEP 2011

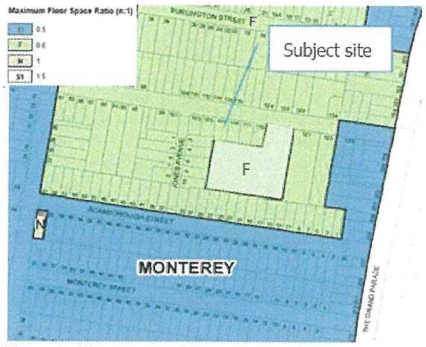

Figure 8: The proposed floor space ratio map as amended

F17/902

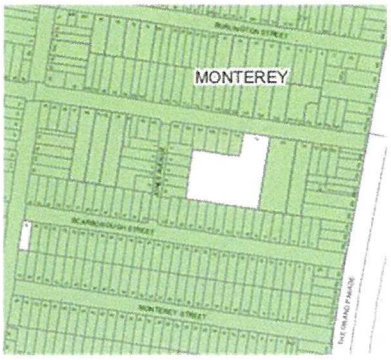

Figure 9: The minimum lot size as per RLEP 2011

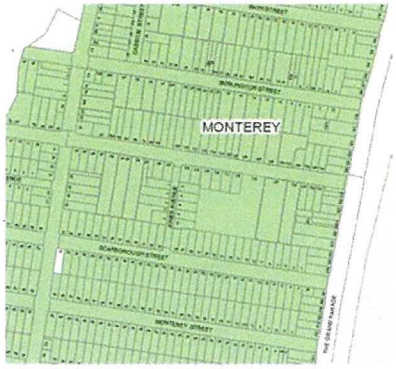

Figure 10: The proposed minimum lot size map as amended

F17/902

Part 5 - Community Consultation

Community consultation process will be defined post submission in consultation with Council's 'Place Outcomes' team.

Part 6 – Project Timeline

The project timeline will be completed in consultation with Council's 'Place Outcomes' team after submission of the Planning Proposal.

The table below provides a proposed timeframe for the project.

Table 9 - Approximate Project Timeline

Task	Timing
Date of Gateway determination	Estimated mid-May 2019
Anticipated timeframe for the completion of required technical information	Not applicable
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Estimated June 2019
Commencement and completion dates for public exhibition period	Estimated June 2019
Dates for public hearing (if required)	Not applicable
Timeframe for consideration of submissions	Estimate early July 2019
Timeframe for the consideration of a PP following exhibition	Estimated July 2019
Consideration of PP by Council (Council Meeting)	Estimated August 2019
Date of submission to the department to finalise the LEP	Estimated September 2019
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	Estimated October 2019
Anticipated publication date	Estimate November 2019

Appendix 1 - Supporting environmental assessment, design and engineering studies

The Planning Proposal is supported by the urban design study and the following schematic master plan drawings prepared by Rothelowman:

Drawing No.	Issue/Rev	Description	Date
SK00.02	P2	Ground floor / level 1 masterplan	21/01/2016
SK00.03	P2	Level 2 masterplan	21/01/2016
SK00.04	P1	Solar analysis – Mar, Sep, Dec	21/01/2016
SK00.05	P1	Solar analysis – June	21/01/2016
SK01.01	P2	Townhouse Type A – Floor plans	21/01/2016
SK01.02	P2	Townhouse Type B – Floor plans	21/01/2016

The following relevant documents are appended to this Proposal:

- Survey plan prepared by Project Surveyors dated 26 August, 2015;
- Geotechnical assessment report prepared by Douglas Partners dated 4 March, 2016;
- Stormwater management overview report and drawings prepared by ADG dated 9 March 2016;
- Traffic impact assessment prepared by Colston Budd Rogers & Kafes Pty Ltd dated February 2016

F17/902

Appendix 2 – Subject site, locality and regional context

2.1 Site description

The subject land, comprising the former Francis Drake Bowling Club, is a large battle axe lot known as 119 Barton Street, Monterey. It has the legal description of Lot 2 DP 857520. With a northern frontage of approximately 35 metres to Barton Street, the site has an eastern (side) boundary shared with the part one- part two-storey 'Oak Flats' townhouse development at 121 Barton Street. The irregular western (side) boundary measures approximately 155 metres and adjoins the rear yards of residential development at Nos. 107-115 Barton Street and Nos. 2-10 Jones Avenue. The southern (rear) boundary, approximately 95 metres in length, abuts the rear yards of residential development at 13-29 Scarborough Street. The total area of the site is approximately 7,218 sqm. The location and context of the site are shown in the aerial photograph below.

Legend
Subject land, 119 Barton Street
Cook Park, The Grand Parade (I168)
Adjoining medium-density residential development

The Francis Drake Bowling Club ceased operations on March 23, 2015. Remaining on the site is a single-storey building comprising club/event space. Also on the site are two bowling greens and an at-grade parking area accommodating 53 parking spaces as well as a loading zone. Soft landscaping within the site is limited, confined for the most part to the south west corner of the site. There are no significant trees existing on the site. The property is currently occupied by St Pope Kyrillos VI & St Habib Girgis Coptic Orthodox Church.

The land is zoned **RE2 Private Recreation** under the *Rockdale Local Environmental Plan 2011 (RLEP 2011)*. It is not identified as a heritage item under this instrument nor does it lie within a conservation area identified on the RLEP 2011 Heritage Map (Sheet HER_005). The subject land does, however, lie within proximity of Cook Park along the Grand Parade 150 metres to the east, which is identified as an item of local heritage significance (I168) under schedule 5 of RLEP 2011.

F17/902

2.2 Surrounding development and land uses

A site-specific zoning of RE2 Private Recreation applies to the subject land. However, the land lies within a R3 Medium Density Residential zone that surrounds it on all four sides. Surrounding the R3 zone is an area zoned R2 Low Density Residential. In spite of the R3 zoning, residential development in the immediate context of the subject land is dominated by single and two-storey detached dwellings with the exception of medium density developments at 123 Barton Street and 125 Barton Street, east of the subject site, comprising the Oaks Flats townhouse development and a seven-villa development, respectively. There are some newer houses on Grand Parade but those in the streets away from the bay front are generally older and less changed.

150m to the east of the subject land is Cook Park, which provides accessible public green space adjoining Lady Robinsons Beach and the foreshore of Botany Bay. Public open space is also located 400m to the west at Scarborough Park and the AS Tanner Reserve. The latter parks surround Scarborough Ponds and the Toomevara Lane Chinese Market Gardens.

Nearby commercial centres include the Brighton-Le-Sands commercial centre 1.6km to the north, Ramsgate commercial centre 1.2km to the south and Kogarah commercial centre 1.5km to the north west. Isolated commercial uses such as cafes and other eateries are scattered along Chuter Avenue and the Grand Parade.

Legend
Subject land
R3 Medium Density Residential zone
Cook Park, The Grand Parade (I168)
Public Open Space
Early education facilities, Bambino's Kindergarten and the Montessori By-the-Bay

F17/902

2.2.1 Development typical of the locality

Two-storey dweling at 115 Barton St, Image: Googlemaps

Single-storey dweling at 126 Barton St, Image: Googlemaps

Townhouse development at 121 Barton St, Image: Googlemaps

F17/902

2.3 Regional context and transport

2.3.1 Population and census statistics

Monterey is a small suburb in southern Sydney, 15 km south of the Sydney CBD in the local government area of Bayside City and is part of the St George area. Monterey extends to President Avenue in the north and Emmaline Street to the south. The mostly residential suburb is bounded by the shores of Botany Bay to the east and Scarborough Park to the west. Commercial uses are scattered along Chuter Avenue and the Grand Parade. At the time of the 2011 census, Monterey had a population of 4,344 persons with a median age of 40 years compared to a median age of 35 years in the metropolitan region[2].

At 2011, Monterey contained a total of 1,943 dwellings with an average household size of 2.43 persons compared to 2.7 persons across Metropolitan Sydney (as per ABS, Sydney – Significant Urban Area). There is a greater proportion of single person households in Monterey relative to New South Wales, 28.2% and 22.3% respectively (refer TABLE 1 below). Notwithstanding, Monterey has less than half the number of single-bedroom dwellings compared with Greater Sydney.

TABLE 10: COMPARISON OF HOUSEHOLD COMPOSITION (MONTEREY/ METRO SYDNEY)

HOUSEHOLD COMPOSITION	MONTEREY %	METRO SYDNEY %
Family households	68.8	73.2
Single person households	28.2	22.3
Group households	2.9	4.5

TABLE 11: COMPARISON OF DWELLING COMPOSITION (MONTEREY/ METRO SYDNEY)

DWELLING COMPOSITION	MONTEREY %	METRO SYDNEY %
0 bedroom (includes bedsitters)	0.9	1.0
1 bedroom	2.6	7.0
2 bedroom	41.1	25.9
3 bedroom	34.4	36.2
4 bedroom	19.1	28.0
Not stated	1.9	1.8

The conclusion we draw from the statistics and the characteristics of the houses in Monterey is that dwellings tend to be occupied by older people who are likely to be empty nesters remaining in family homes which are now larger than their needs in terms of bedroom numbers.

2.3.2 Transport

The subject land lies 2.4 km from Kogarah Railway Station to the north west, well outside of the 800m (ten minute) pedestrian catchment relevant for considerations of modal split[3].

However, the subject land lies within easy walking distance of bus services along Chuter Ave (270m west) and the Grand Parade (130m east). The Grand Parade is serviced by bus routes travelling north, Route 303 (Sans Souci to Circular Quay), and south, Route 478 (Ramsgate to Rockdale). An

[2] *Australian Bureau of Statistics*, 2011 Census QuickStats: Monterey (NSW), accessed 07 Oct, 2015, at http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/SSC11578?opendocument&navpos=220
[3] NSW Department of Planning, 2004, *Planning Guidelines for Walking and Cycling*, accessed http://www.planning.nsw.gov.au/plansforaction/pdf/guide_pages.pdf

express service, Route X03, operates between Sans Souci and the Circular Quay during peak periods Monday to Friday providing access to the city (Central Station) within 30 mins. Chuter Ave is serviced by Route 947 (operated by Transdev NSW), which runs between Hurstville to Kogarah.

At the 2011 Census, the most common method of travel to work for employed residents of Monterey was by car, 62.5% as driver and 5.2% as passenger. The location of bus and train services, as discussed above, is not reflected in greater usage by Monterey residents of bus services in combination with train services compared with Metropolitan Sydney as a whole (refer figure 3 below). 15.5% of employed people in Monterey travelled to work on public transport compared with 21.4% across the Sydney region.

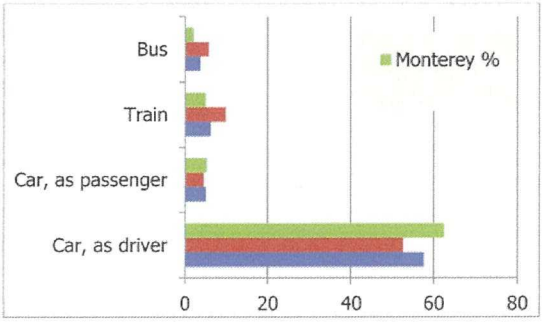

Figure 3: Comparison of journey to work modal split – Monterey, Metro Sydney and NSW

F17/902

Appendix 3 – 3D study model

An analytical study conducted by Rothelowman has produced a model for development yield and building typology. This concept illustrates the capacity of the subject site to accommodate 28 two and three-bedroom townhouses, as shown in Figures 10 and 11 below.

Figure 11 – 3D study model, looking south – north

Figure 12 – 3D study model, looking north – south

F17/902

Appendix 4 – Rockdale Development Control Plan 2011

TABLE 12 – Rockdale Development Control Plan 2011		
CONTROL	**PROPOSAL**	**COMPLIANCE**
4.3.1 (8) Landscape Area Landscaped areas, as defined in Rockdale LEP, must be provided at the following rates: Low and medium density residential – 25% of site area Required: 3 Bedroom dwellings – 219 sqm x 0.25 = 56 sqm 2 Bedroom dwellings – 121.5 sqm x 0.25 = 30.4 sqm	Proposed landscaped areas have been provided in accordance with the relevant requirements for two and three bedroom dwellings under the Rockdale DCP. 2 bedroom dwellings will have a minimum of 40.5 sqm per unit, while 3 bedroom dwellings will provide a generous minimum of 108 sqm per unit.	**Complies**
4.3.2 Private Open Space Each dwelling must be provided with a minimum private open space area as specified in the following table: Multi Dwelling Housing 2 bedroom – $40m^2$ 3 bedroom – $50m^2$	Private open space, in accordance with the requirements of this section, is considered for the proposed new dwellings on the subject site. See drawing SK00.02 of proposed schematic masterplan by Rothelowman architects.	**Complies**
4.3.3 Communal Open Space The development must provide a communal area for the benefits of its residents at the rate of $5m^2$ for each dwelling within the development. 28 dwellings x $5m^2$/dwelling = $140m^2$	A recreation area, located adjacent to the visitor car parking, is proposed to provide approximately $175m^2$ of communal open space.	**Complies**
4.6 Car parking, access and movement Parking Rates Development is to provide on-site parking in accordance with the following rates: • 1 space/studio, 1 and 2 bedrooms apartments – 15 x 1 = 15 spaces • 2 spaces/3 bedrooms apartments or more - 13 x 2 = 26 spaces • Visitor parking: 1 space/5 Dwellings – 41/5 = 8.2 spaces Total spaces required: 49.2	Provision of car parking per dwelling is compliant with DCP requirements. Visitor car parking is non-compliant by 2 spaces. 6 visitor spaces provided 8 visitor spaces required	**Complies** **Does not comply**

F17/902

Bayside Council
Serving Our Community

Council Meeting **13/06/2018**

Item No	8.9
Subject	**Planning Proposal - 119 Barton Street, Monterey**
Report by	John McNally, Senior Urban Planner - Strategic Planning
File	F17/902

Summary

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.

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 7,218m^2. 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

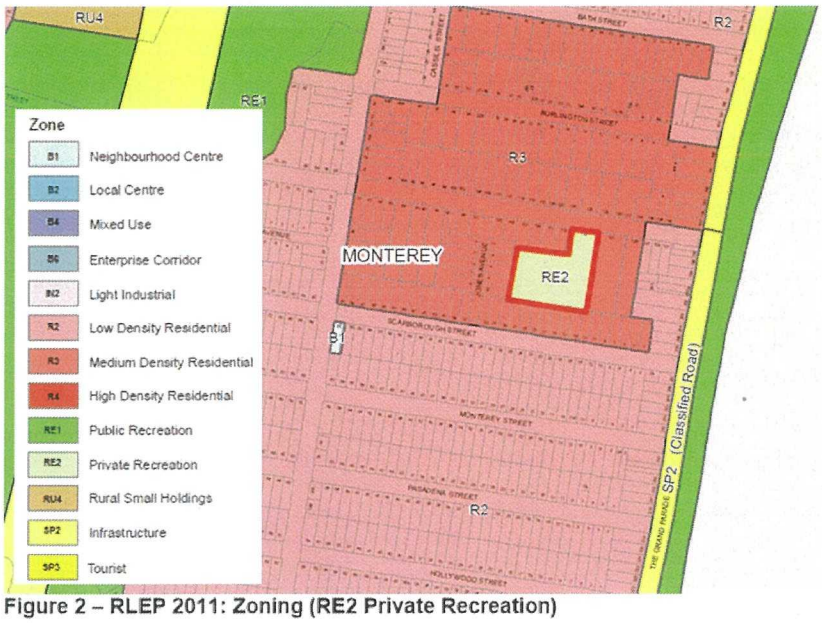

Figure 2 – RLEP 2011: Zoning (RE2 Private Recreation)

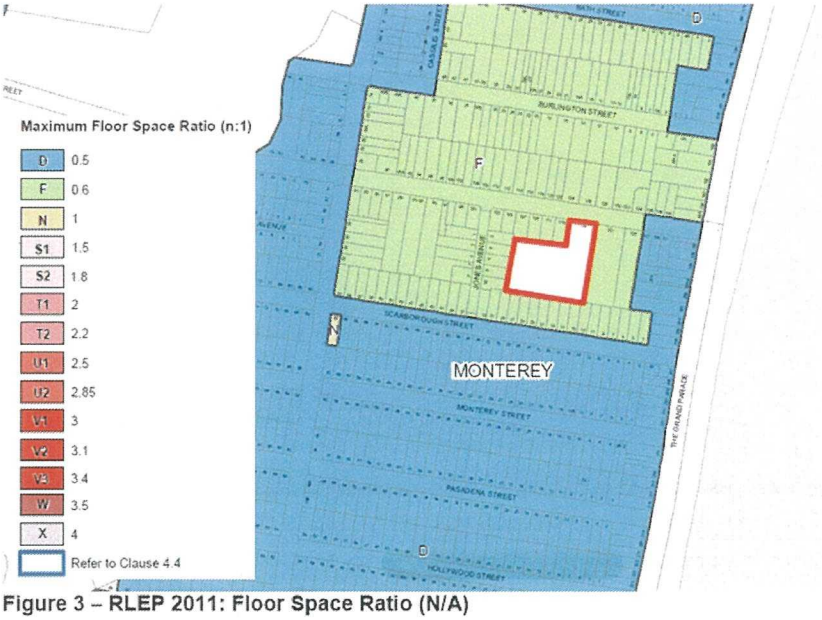

Figure 3 – RLEP 2011: Floor Space Ratio (N/A)

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

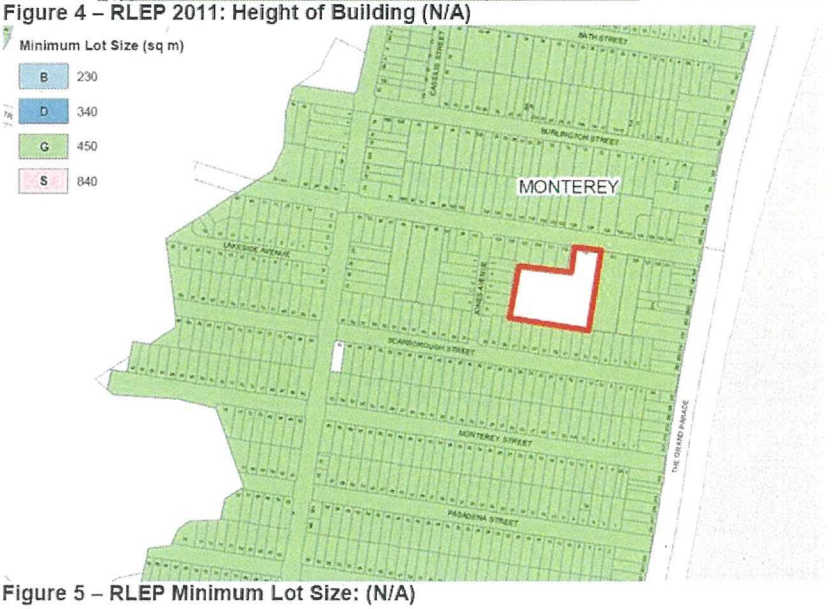

Figure 5 – RLEP Minimum Lot Size: (N/A)

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	**What a RPA must do:** 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. Comment: 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.	**YES**
3.4 Integrating Land Use and Transport	**What a RPA must do:** 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 *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)* (guidelines). Comment: 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.	**YES**

Ministerial Direction	Planning Proposal Consistency with Direction	Consistent
7.1 Implementation of A Plan for Growing Sydney	**What a RPA must do:** A RPA must ensure that a Planning Proposal is consistent with A Plan for Growing Sydney. Comment: ***Direction 2.1:*** Aims to provide more housing and a diverse choice of housing as population growth accelerates. ***Direction 2.2:*** Aims to facilitate urban infill projects, and urban renewal around transport corridors providing diverse housing close to jobs. ***Direction 2.3:*** Aims to improve the choice of housing, as the needs of the population changes. 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. 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.	**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)	(1) ***Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal*** (2) *(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:*	**YES**

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
	(3) (a) *the planning authority has considered whether the land is contaminated, and* (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* (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.* Comment: 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.	

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	*Objective 10:* Aims to have greater housing supply. *Objective 11:* Aims to offer more diverse and affordable housing stock Comment: 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.	**YES**
District Plans		
Eastern City District Plan	*Planning Priority E5* Aims to increase housing stock, and offer great choice in housing. Comment: 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.	**YES**
Local Strategies		
Rockdale Urban Strategy	Strategy Principles: *Residential Character:* Aims to ensure that precincts and streets are developed in ways that are consistent with and reinforce the overall character of their neighbourhood. *Comment:* 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.	**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
	4.2 Streetscape and Site Context *Comment:* 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. 4.3 Open Space and Landscape Design *Comment:* The site is compatible with the DCP controls relating to the use of appropriate landscaping to both provide privacy and enhance the streetscape. 4.4.2 Solar Access *Comment:* 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. 4.6 Car Parking, Access and Movement *Comment:* 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. 5.1 Low and Medium Density Residential *Comment:* 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.	

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.

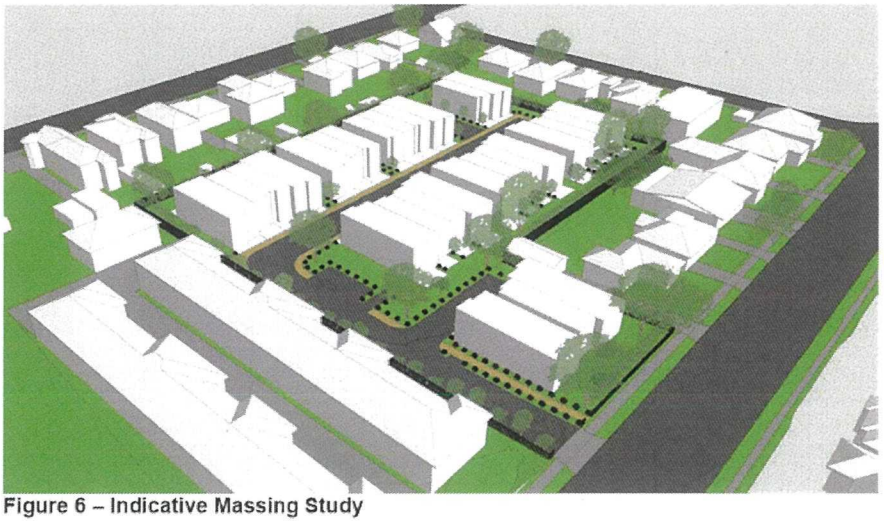

Figure 6 – Indicative Massing Study

Financial Implications

Not applicable	☒
Included in existing approved budget	☐
Additional funds required	☐

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) ⇨⇨⇨⇨

Bayside Council
Serving Our Community

Council Meeting **11/07/2018**

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 craft 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 standarcs 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 stancard 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 Builcing or Minimum Lot Size controls in the Local Environmental Plan.

On 1 May 2018 the Baysice 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 feecback.

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.

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 7,218m^2. 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)

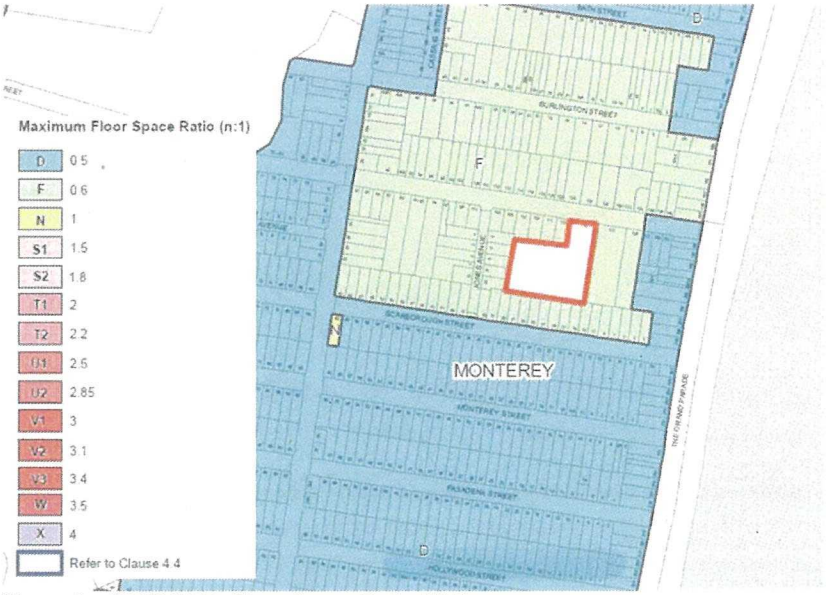

Figure 3 – RLEP 2011: Floor Space Ratio (N/A)

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

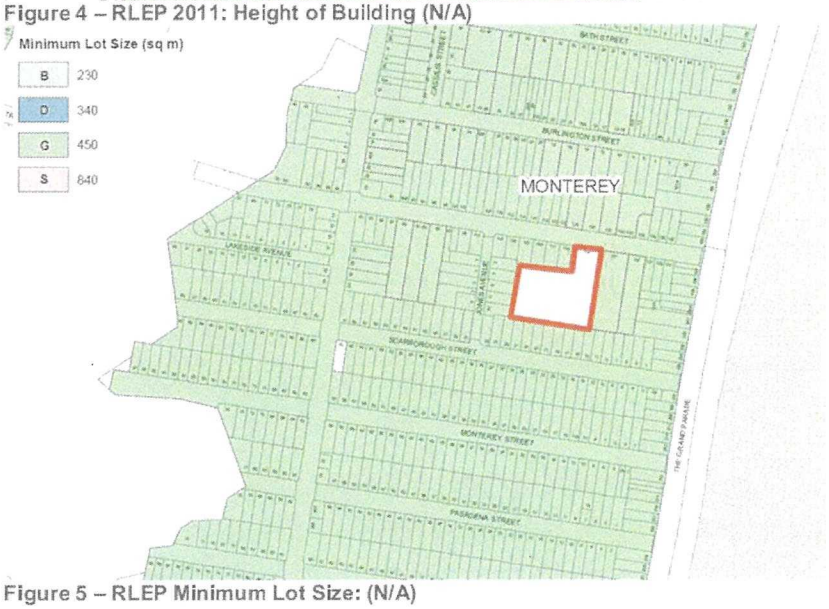

Figure 5 – RLEP Minimum Lot Size: (N/A)

Site Description

The subject site is legally known as Lot 2 DP 857520 and is locatec 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 couble 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 stancard of 450sq.m for the subject land.

Table 1 icentifies a comparison of the current, proposed and surrouncing 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	450m²	450m²

Table 1: Proposed changes to development standarcs

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 amenc the zoning and development standards to enable consistency with the surrounding R3 Medium Density Resicential 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 surrouncing 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	**What a RPA must do:** 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. Comment: 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.	YES
3.4 Integrating Land Use and Transport	**What a RPA must do:** 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 *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)* (guidelines). Comment: 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.	YES

Ministerial Direction	Planning Proposal Consistency with Direction	Consistent
7.1 Implementation of A Plan for Growing Sydney	**What a RPA must do:** A RPA must ensure that a Planning Proposal is consistent with A Plan for Growing Sydney. Comment: ***Direction 2.1:*** Aims to provide more housing and a diverse choice of housing as population growth accelerates. ***Direction 2.2:*** Aims to facilitate urban infill projects, and urban renewal around transport corridors providing diverse housing close to jobs. ***Direction 2.3:*** Aims to improve the choice of housing, as the needs of the population changes. 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 resicential development has the potential to provide diversity in the local housing stock. The Planning Proposal enables development for medium density town houses to be consicered. The Planning Proposal is consistent with Direction 2.2 as the current use of the site has been exhaustec, the planning proposal will enable infill cevelopment, providing diverse housing stock within close proximity of public transport and the Kogarah Priority Health and Ecucation Precinct.	**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 proviced 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)	(1) ***Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal*** (2) *(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:*	YES

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
	(3) (a) *the planning authority has considered whether the land is contaminated, and* (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* (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.* Comment: The Planning Proposal incluced a Contamination Assessment (**Attachment 3**) which was assessec 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.	

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 anc District Plans anc Strategies include outcomes and specific actions for a range of different matters inclucing housing and employment targets, anc icentify regionally important natural resources, transport networks anc 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	*Objective 10:* Aims to have greater housing supply. *Objective 11:* Aims to offer more diverse and affordable housing stock Comment: The Planning Proposal is consistent with the Greater Sydney Regional Plan, as it would enable the consideration of medium censity developments increasing the housing stocks, and allowing for more diverse housing stock.	YES
District Plans		
Eastern City District Plan	*Planning Priority E5* Aims to increase housing stock, and offer great choice in housing. Comment: 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.	YES
Local Strategies		
Rockdale Urban Strategy	Strategy Principles: *Residential Character:* Aims to ensure that precincts anc streets are developed in ways that are consistent with and reinforce the overall character of their neighbourhood. *Comment:* The locality is currently characterised by villa style medium density cevelopment, as well as detached single and double storey dwellings. The Planning Proposal is an opportunity to create consistency, anc enforce the existing character on a site that has exhausted its previous use.	YES
Rockdale Development Control Plan 2011 (DCP)	The Planning Proposal is consistent and compatible with the Rockcale 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
	4.2 Streetscape and Site Context *Comment:* 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 cevelopment is integrated, and complementary to the existing character of the locality. 4.3 Open Space and Landscape Design *Comment:* The site is compatible with the DCP controls relating to the use of appropriate landscaping to both provide privacy and enhance the streetscape. 4.4.2 Solar Access *Comment:* The planning Proposal would facilitate similar medium density developments as to what is surrounding the site. The FSR anc Height controls, along with the DCP would facilitate adequate solar access both for neighbouring cwellings and any future development. 4.6 Car Parking, Access and Movement *Comment:* 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. 5.1 Low and Medium Density Residential *Comment:* 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.	

Table 4: Strategic Planning Framework

Urban Context and Evaluation

An Urban Design Report has been preparec **(Attachment 4)** for the subject Planning Proposal. The mass modelling incluced in the Urban Design Report incluces an indicative *maximum* building envelope anc massing study (see Figure 6 below). The built form that is illustratec 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 acverse amenity impacts on acjacent properties and neighbourhood character.

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

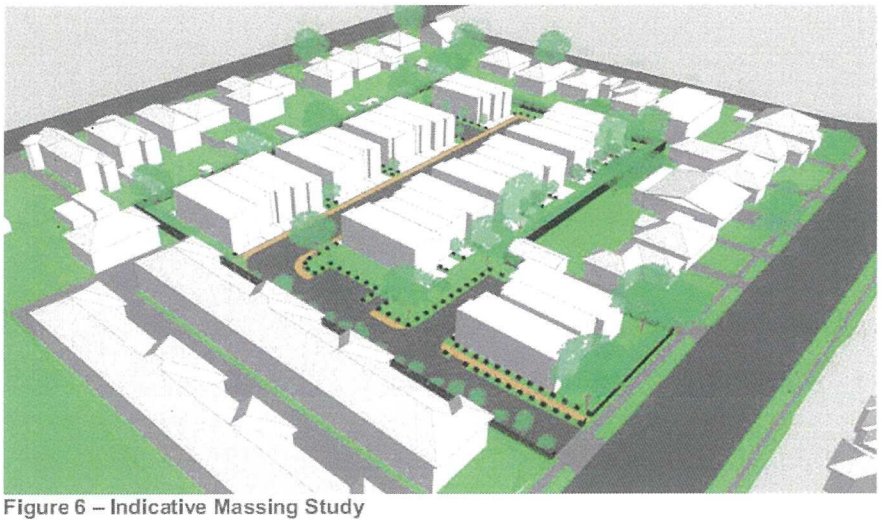

Figure 6 – Indicative Massing Study

Financial Implications

Not applicable	☒
Included in existing approved budget	☐
Additional funds required	☐

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, inclucing any government agencies that are to be consulted.

Attachments

1 Planning Proposal (uncer separate cover)
2 Traffic Report (under separate cover)
3 Contamination Assessment (under separate cover)
4 Urban Design Report (under separate cover) ⇨⇨⇨⇨

NSW GOVERNMENT Planning Panels

REZONING REVIEW
RECORD OF DECISION
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DECISION	Thursday 8 November 2018
PANEL MEMBERS	Carl Scully (Chair), John Roseth, Sue Francis
APOLOGIES	Ron Bezic
DECLARATIONS OF INTEREST	Ed McDougall, Michael Nagi, Joe Awada and Andrew Tsounis were all conflicted on this matter having voted on the proposal at a council meeting on 11 July 2018.

REZONING REVIEW
2018SCL069 – Bayside – RR_2018_BSIDE_001_00 at 119 Barton Street Monterey (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:
- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION
The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:
- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
  - ☐ not demonstrated strategic merit
  - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION
In the Panel's view, the proposal has strategic merit as it contributes to housing supply and diversity in a location supported by social infrastructure and public transport. As a medium-density development, it is appropriately located within an area similarly zoned R3 and also intended for medium-density development.

The proposal also has site-specific merit as the proposed controls are consistent with those in other areas zoned for medium density in the Rockdale Local Environmental Plan 2011 and specifically the adjoining land. Based on the urban design analysis of the supporting schematic design, the proposal's impact on surrounding land will be reasonable.

The Panel notes that the council's planning officers and the Bayside Local Planning Panel recommended that the proposal be submitted to the Department for Gateway determination. The Panel also notes that the elected council's refusal to proceed with the planning proposal was based on a general reluctance to lose any land zoned for private recreation rather than on any strategic or site-specific considerations.

PANEL MEMBERS	
Carl Sully (Chair)	John Roseth
Sue Francis	

SCHEDULE 1		
1	**PANEL REF – LGA – DEPARTMENT REF - ADDRESS**	2018SCL069 – Bayside – RR_2018_BSIDE_001_00 119 Barton Street Monterey
2	**LEP TO BE AMENDED**	Rockdale Local Environmental Plan 2012
3	**PROPOSED INSTRUMENT**	The proposal seeks to rezone from RE2 Private Recreation to R3 Medium Density Residential and introduce a maximum floor space ratio, a maximum building height and a minimum lot size control for the site.
4	**MATERIAL CONSIDERED BY THE PANEL**	• Rezoning review request documentation • Briefing report from Department of Planning and Environment
5	**MEETINGS AND SITE INSPECTIONS BY THE PANEL**	• **Site inspection & Briefing with Department of Planning and Environment (DPE):** 8 November 2018 at 9.30am o Panel members in attendance: Carl Scully (Chair), John Roseth, Sue Francis o Department of Planning and Environment (DPE) staff in attendance: Laura Locke, Alexander Galea, Lewis Demerezi • **Briefing with Council & Proponent:** 8 November 2018 at 11.30am o Panel members in attendance: Carl Scully (Chair), John Roseth, Sue Francis o Department of Planning and Environment (DPE) staff in attendance: Laura Locke, Alexander Galea, Lewis Demerezi o Council representatives in attendance: Clare Harley o Proponent representatives in attendance: Kate Bartlett, Shari Lowe

8.3 Voluntary Planning Agreement - oOh!media Fly Pty Ltd

RESOLUTION

Minute 2019/006

Resolved on the motion of Councillors Tsounis and Nagi

1 That the word 'annual' is deleted from clauses 10.1 (a) and 10.1 (b) from the Voluntary Planning Agreement (VPA) between Council and oOh!media Fly Pty Ltd.

2 That Council notes the outcomes of the public exhibition of a Voluntary Planning Agreement (VPA) between Council and oOh!media Fly Pty Ltd in relation to Development Applications for the conversion or replacement of existing outdoor advertising signage with digital signage and the VPA be executed in accordance with Council Delegations.

Division called by Councillors Tsounis and Nagi

For: Councillors Tsounis, Saravinovski, Kalligas, Sedrak, Morrissey, Curry, Rapisardi, Nagi, Ibrahim, Poulos, McDougall, Macdonald, Bezic, Barlow and Awada

The Motion was declared carried.

8.4 Planning Proposal - 119 Barton Street, Monterey: Rezoning Review

RESOLUTION

Minute 2019/007

Resolved on the motion of Councillors Awada and Macdonald

That Council resolves to retain its role as the Planning Proposal Authority for the Planning Proposal at 119 Barton Street, Monterey.

Division called by Councillors Awada and Macdonald

For: Councillors Tsounis, Kalligas, Sedrak, Morrissey, Curry, Rapisardi, Nagi, Ibrahim, McDougall, Macdonald, Bezic, Barlow and Awada

Against: Councillor Saravinovski

Abstained: Councillor Poulos

The Motion was declared carried.

NSW GOVERNMENT | Planning & Environment

Gateway Determination

***Planning proposal (Department Ref: PP_2019_BSIDE_001_00)**: to amend the Rockdale Local Environmental Plan 2011 by rezoning the land at 119 Barton Street, Monterey to R3 Medium Density Residential and introduce a maximum building height, floor space ratio and minimum lot size.*

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Rockdale Local Environmental Plan (LEP) 2011 to rezone the land at 119 Barton Street, Monterey to R3 Medium Density Residential and introduce a maximum building height, floor space ratio and minimum lot size should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
   (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

2. Consultation with public authorities/organisations under section 3.34(2)(d) of the Environmental Planning and Assessment Act 1979 is not required for this planning proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

4. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 29th day of May 2019.

Amanda Harvey
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning and Public Spaces

PP_2019_BSIDE_001_00

Written Submissions – Have Your Say				
Submission	**Support for PP**	**Support for VPA**	**Issue**	**Council Officer Response**
1.	Yes, but with changes	No	• I own a villa at Barton St and whilst I appreciate the site needs to be developed, I believe the number of dwellings (28) and being 2 & 3 bedrooms will bring too much traffic to an area that can already be very busy...especially weekdays when Barton Street is a major thoroughfare between Rocky Point Road and the Grand Parade. I expect there will an overflow of cars parking on Barton Street both from owners and visitors; • Even if the proposal met the number of visitor spaces (8) which it doesn't, I would have concerns about the impact on the local area which is very busy in the nicer weather as people access the beach areas; and • I might support the proposal if there was either less dwelling or not all were 2/3 bedrooms.	• The Planning Proposal proposes to rezone the land from RE2 Private Recreation to R3 Medium Density Housing in order to facilitate a future development of the site; • At this stage, the development shown in the Planning Proposal supporting documents is indicative only; • This indicative development scenario was peer-reviewed by an independent traffic consultant and no concerns were raised about any potential impact a future development might have on the surrounding road network; • However, if the land is rezoned to R3, any future development proposal will be subject to a Development Assessment application where issues such traffic and parking matters will be further assessed.
2.	No	No	• The development of this land will negatively impact the surrounding properties, immediate community and council area in general and as a land owner I do not support this Planning Proposal; • There is very limited Private Recreation areas of this size in Bayside Council and council is often seeking to purchase land for this purpose. The current tenant of the property is a community based church organisation who provide services and support to their members & wider community; and • The size of the development will impact the privacy of the existing bordering residences and overshadowing is also a concern.	• Council has not previously sought to purchase the land when it became available and has no plans to do so; • Tenancy matters are a private matter between the tenant and the owner of the land. While Council may wish to a community use on private land, it has no control over such matters other than what is afforded by the permitted uses in the LEP; • If the land is rezoned to R3, any future development proposal will be subject to a Development Assessment application where any impact on privacy or overshadowing be fully assessed.
3.	Yes but with changes	Yes	• More off street parking be allocated within the site, current parking on Barton Street is already limited; and • Building Height limit of 8.5m is "strictly" adhered to.	• If the land is rezoned to R3, any future development proposal will be subject to a Development Assessment application where traffic and parking matters will be fully assessed; • The maximum Height of Building standard being sought is 8.5m to match that of the surrounding residential area; • Any additional height sought as part of any future development will need to be considered as part of a future Development Assessment application, which would need to include a request for an exception to a development standard under clause 4.6 of the LEP.

4.	No	No	• The windows from the back of this development would look straight into my kitchen, my living room and my bedroom. When I built this home we could have no windows on the side of my home due to the fact that it would invade the privacy of our neighbours. Now we will have no privacy in the back of our home or in our back yard. This development is too close to the back fence - it is not like it is a house which has to be a certain distance from the fence. There is so much loss of green space in our area - a development on this site will result in the permanent loss of green space which we as ratepayers cannot get back. I am totally opposed.	• The development shown in the Planning Proposal supporting documents is indicative only; • If the land is rezoned to R3, any future development proposal will be subject to a Development Assessment application where issues such as the interface between existing and proposed buildings, and overshadowing and privacy impacts, will be fully assessed; • It is unfortunate that private recreation land is being proposed for redevelopment, however the land is in private ownership. Council has no ownership of the land and has no intentions of purchasing the land. It is therefore within the remit of the private owner to make what they perceive to be the best possible use of the land for a future residential development.
5.	No	No	• I oppose this planning proposal because it was purchased as recreational zoning. There is already a dwindling amount of this type of space in the area. I am concerned that allowing this change would open the floodgates for similar properties to sell and redevelop. It is a terrible precedent to set; • The fact of the matter is that owner purchased this property fully knowing what the zoning was. It was zoned like that for a reason. To preserve a way of life. I believe that it is pretty cheeky to want to change that after the fact. I don't blame them for having a go but this is not some small parcel. It is a substantial piece of open space that could be used for something for the community; • Beyond the legalities, I also have personal reasons for being against the development; • My home is behind the property. When looking at the plans. I couldn't help but notice how close this was going to be to my back yard. Essentially, the homes would be staring down into my yard and home. I think that it is every person's right to have some degree of privacy in their home and yard. In the submitted plans, there would be nearly none! Not to mention the shade effects it would have on a normally sunny yard; • 28 town homes on a 7,000 square meter block is excessive. This is by no means medium density. To me this is high density. If each house had 2 cars, that is an additional 50 cars on an already congested street; • Also, mentioning the $750,000 payment to the council is ridiculous. They would need to pay something regardless because of the value of the project. Please don't make it seem like they are doing this out of the kindness of their own hearts. It is an insult.	• It is unfortunate that private recreation land is being proposed for redevelopment, however the land is in private ownership. Council has no ownership of the land and has no intentions of purchasing the land. It is therefore within the remit of the private owner to make what they perceive to be the best possible use of the land for a future residential development; • The development shown in the Planning Proposal supporting documents is indicative only; • If the land is rezoned to R3, any future development proposal will be subject to a Development Assessment application where issues such as the interface between existing and proposed buildings, privacy and overshadowing issues, and traffic and parking matters, will be fully assessed; • The financial contribution being proposed as part of a Planning Agreement is the subject of separate negotiations between Council and the proponent, and is facilitated by section 7.4 of the Environmental Planning and Assessment Act 1979.
6.	No	No	N/A	N/A

7.	No	No	N/A	N/A
8.	No	No	• We are writing to express our concern with regard to the proposed development at 119 Barton Street, Monterey. • As the owners of a property in Scarborough Street which backs onto the development site, we have a number of concerns: Zoning • The proposed development site is zoned 'recreational' and should remain so. The site was originally a bowling club and is currently used as a church. It is important to retain open space areas particularly with the loss of open space due to the construction of the M6. Privacy • Given the height of the proposed buildings and their proximity to the property boundary, the development will affect our privacy with the second storey windows of three of the townhouses having direct views into our backyard. Overdevelopment • The proposed construction of 28 townhouses on a 7,000 square metre block is a high density development in an area of medium density housing. Parking • The proposal indicates that there will be one car parking space for each 2 bedroom townhouse and two car parking spaces for each 3 bedroom townhouse with only 6 visitor parking spaces for the entire development. With the number of cars most households possess and the unlikelihood of only 6 visitors to the entire complex at any given time, this will lead to a large number of cars being parked in Barton Street which already has a shortage of car parking spaces for the existing residents. Traffic • The proposed 15 two bedroom townhouses and 13 three bedroom townhouses provide car parking space for 41 cars. Even assuming that the residents only have the number of cars to match the spaces available, this is still an additional 41 cars coming and going in a relatively busy street which will add to the volume of traffic and congestion in the local area: • We hope that you will consider our objections concerning the proposed development. We look forward to your response.	• It is unfortunate that private recreation land is being proposed for redevelopment, however the land is in private ownership. Council has no ownership of the land and has no intentions of purchasing the land. It is therefore within the remit of the private owner to make what they perceive to be the best possible use of the land for a future residential development; • The development shown in the Planning Proposal supporting documents is indicative only; • The indicative Planning Proposal was peer-reviewed by an independent traffic consultant and no concerns were raised about any potential impact a future development might have on the surrounding road network; • If the land is rezoned to R3, any future development proposal will be subject to a Development Assessment application where issues such as the interface between existing and proposed buildings, privacy and overshadowing issues, and traffic and parking matters, will be fully assessed.
9.	No	No	N/A	N/A

Written Submissions – Direct Email/Letter				
Submission	**Support for PP**	**Support for VPA**	**Issue**	**Council Officer Response**
10.	No	No	• The proposal is for 15 two bed rooms and 13, three bedrooms. with a total of 28 residential units. It is in the planning for 41 Parking spots plus 6 visitors; • I have lived on that stretch of the road for last 22 years and have seen the dynamics of the parking evolving over time; • That stretch of the road is next to traffic lights with grand parade: and only right turn over a long stretch of Grand Parade, with very heavy traffic all year round; • In summer Beach goers park along this stretch of the road, once the parking along the beach is full; • The hoons turn onto Barton Street and U turn any and every where along this stretch: and no action happened with all our complaints. I did not mention the noise pollution yet: • Being the only right turn, lots of residents along Grand Parade, park along that stretch and walk to their water viewing homes: eve if they have a full length basement garage: • Plenty of holidays and business travellers, park their vehicles along same stretch of the road, and take the bus (bus stop is very close by). They are parked there for days and weeks; • These proposed dwelling will mostly being dwelled with middle income families. and most probably both parents would be working, thus an average of two vehicles per dwelling. with simple calculations would need at least 56 parking spots in the proposed area; • There is a very well-known coffee shop at the end of the road, with heaps of parked cars at the same stretch of the road; • The report of Colston Budd Rogers & Kafes P/L: refer at 3.3 " Parking provision " to Rockdale City Council DCP 2011, However, this estimate for Rockdale council 2011 era as well you cannot compare Rockdale in general to specific situation, as Barton Street, Monterey; • We, residents along Barton Street, already playing musical chairs with parking. You do not need to insult to the injury; • We are not against development, but we against unjust and unfair development that would enrich some on the expenses of other disadvantage and suffering; after all we are council members and voters for the local government.	• At this stage, the development shown in the Planning Proposal supporting documents is indicative only; • This indicative Planning Proposal was peer-reviewed by an independent traffic consultant and no concerns were raised about any potential impact a future development might have on the surrounding road network; • However, if the land is rezoned to R3, any future development proposal will be subject to a Development Assessment application where issues such traffic and parking matters will be further assessed.
11.	No	No	• I wish to again state my family's support for the Bayside Council's previous opposition to the rezoning of the land at 119 Barton St., Monterey, to R3 Medium Density housing; • I have been a continuous resident of Barton St., Monterey, for 50 years (1970–2020). In that time I have seen many changes to my street and the surrounding community, but I definitely	• It is unfortunate that private recreation land is being proposed for redevelopment, however the land is in private ownership. Council has no ownership of the land and has no intentions of purchasing the land. It is therefore within the remit of the private owner to make

			would not like to see the iconic & historic site, previously occupied by the Francis Drake Bowling Club, rezoned so that numerous two-storey townhouses with associated roads & parking spaces, can be crammed into that area; • I am not against development. I am opposed to any overdevelopment and the rezoning of areas in my neighbourhood to 'medium density' housing. The construction of 28 townhouses on that site, to me constitutes an over-development! • I note that the developer (Monterey Equity Pty. Ltd.) is now offering the possibility of some range of 'public benefits'. In my view, no sugar-coated modifications or monetary trade-offs to get the proposed development approved, can compensate for a rather congested & grandiose, over-development of the Francis Drake Bowling Club site; • There's a significant opportunity here to create a much more attractive development of much smaller scale, with associated landscaped areas, to contribute to low density zoning principles for the Monterey area. Big developments are frequently not simply better, and the current zoning of that site must not be altered simply to accommodate the cramming of more residents into one particular residential site; • The State Government's over-riding 'Gateway' process, in many instances, just seems to provide an easy, facilitating gateway for ambitious developers to get their way and maximise their profits, to the detriment of the local council's and residents' wishes; • I do not want to see the 119 Barton Street site developed to its maximum, over-developed potential, with a complex of 28 double-storey dwellings (2 & 3 bedrooms), that will greatly increase congestion in an already very busy street, and be out of character with the streetscape of most surrounding residences zoned & constructed to a different standard; • It is very easy to downplay the impact of this development (e.g. by the developer, or by traffic reports) to satisfy certain stakeholders (e.g. NSW Department of Planning & certain Councillors) who seem keen for it to go ahead; • One area of developments that never seems to get any attention is the detrimental impact on surrounding residents. My home is surrounded by various properties that have been subject to demolition & redevelopment, each lasting 18 months – 2 years, at considerable construction noise, pollution, and inconvenience to my family; • It seems to be open slather when it comes to permissible construction hours, e.g. construction noise happening as early as 6.00am, and on Sundays and public holidays. Excavator bulldozers & diggers, jack-hammers, concrete cutting,	what they perceive to be the best possible use of the land for a future residential development; • At this stage, the development shown in the Planning Proposal supporting documents is indicative only; • If the land is rezoned to R3, any future development proposal will be subject to a Development Assessment application where the density, scale and massing of development will be fully assessed against its relationship with existing residential properties; • Matters such as construction traffic and hours of construction will be conditioned as part of any future development consent; • The financial contribution being proposed as part of a Planning Agreement is the subject of separate negotiations between Council and the proponent, and is facilitated by section 7.4 of the Environmental Planning and Assessment Act 1979.

			concrete drilling, nail-guns, electric saws, power tools, concrete mixers, etc.! • The proposed development at 119 Barton Street will involve a whole range of noise & pollution impacts for a considerable period of time, particularly with the almost 30 homes & villas surrounding that site. Just one impact will be an extended period of heavy vehicles arriving at the site with materials, along with considerable demolition & excavation materials being carted away; • The continued privacy of those many surrounding homes & villas is another significant issue being threatened by the current rezoning & redevelopment proposal that would allow for the construction of so many 2-storey townhouses, overlooking the existing properties; • A further matter for consideration is the current covid-19 pandemic concerns. If the current serious concerns continue into the future, I cannot see how such a large construction site could go ahead while maintaining the necessary 'social distancing' between all the workers that would be involved on that construction site; • I hope that the Bayside Local Planning Panel will be sympathetic to my views & other resident objections, and will strongly recommend to Council that the 'medium density' rezoning & re-development proposal for the 119 Barton Street site, be NOT SUPPORTED! • Our area does not need to be 'revitalised' by this overdevelopment, it is quite vital enough already, thank you! Our streetscape does not need to be 'improved' by the construction of 28 double storey townhouses on one particular property site! • The Minister for Planning or Delegate should then, NOT over-ride the local opposition to the proposals.	

Bayside Council
Serving Our Community

MINUTES

of a meeting of the
Bayside Local Planning Panel
held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Wednesday 17 June 2020** at **6:00 pm.**

Present

Jan Murrell, Chairperson
Marcia Doheny, Independent Expert Member
Robert Montgomery, Independent Expert Member
Ross Bonthorne, Independent Expert Member
Amber O'Connell, Community Representative

Also Present

Fausto Sut, Manager Governance & Risk
Josh Ford, Coordinator Strategic Planning
John McNally, Urban Planner

The Chairperson opened the meeting at 6:00 pm.

1 Acknowledgement of Country

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past, present and emerging, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

The following apologies were received:

Clare Harley, Manager Strategic Planning

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

Nil

Speakers contributed to the consideration of each item by audio-visual link.

5 Reports – Planning Proposals

5.1 119 Barton Street, Monterey

Panel members have undertaken individual inspections of the site and considered the eleven written submissions received during the exhibition.

The following people spoke at the meeting:

- Mr Pantelis Fotopoulos, neighbour, spoke against the officer's recommendation.
- Kate Bartlett, Planner, spoke in favour of the officer's recommendation and responded to the Panel's questions.

Recommendation to Council

The Bayside Local Planning Panel recommends that the Council endorse the Planning Proposal and forward it to the Department of Planning, Industry and Environment (DPIE) for finalization and making of the Local Environmental Plan amendment, as exhibited, for 119 Barton Street, Monterey (in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979).

Name	For	Against
Jan Murrell	☒	☐
Marcia Doheny	☒	☐
Robert Montgomery	☒	☐
Amber O'Connell	☒	☐

Reason for Panel Recommendation

- The Panel considers the Planning Proposal has both Strategic and Site Specific merit and provides an excellent opportunity for the 'missing middle' townhouse form of housing . As such this will also provide greater choice in the type of housing for future and existing Bayside residents.
- The proposed rezoning to R3 is entirely consistent with the surrounding zoning on all four sides with the same provisions of FSR; height; and minimum lot size to apply as well as the provisions of the Council's DCP. This is a logical and sound planning approach to a site which has not experienced demand for private recreation for many years. The uses permitted in the private recreation zone, such as registered clubs, paint ball or indoor bowling facilities could have negative impacts for the surrounding residential area. The extension of the R3 zone over this site of 7,218 sq m is appropriate and given the density will not create unreasonable impacts for the established residential area.

- It is acknowledged that surrounding residents have enjoyed the benefit of the green space and limited recreational use of the site as a private bowling club in the past. However, the land is zoned RE2 Private Recreation, and is therefore not a community asset and has not been identified for acquisition.
- The Panel notes that the neighbourhood is well endowed with public open space compared to other parts of the local government area.
- The Panel endorses the Officer's recommendation and concurs with the comments made by the Sydney Eastern City Planning Panel earlier in November 2018. In particular that: *The proposal has strategic merit as it contributes to housing supply and diversity in an area supported by social infrastructure and public transport.*

5.2 Post-Exhibition Report: 1-3 Lord Street, Botany

Panel members have undertaken individual inspections of the site.

The following people spoke and / or made a written submission to the meeting:

- Hendry Wan, on behalf of the adjoining church to the west, made a written submission to advise the Church is not opposed to the site being redeveloped, however, expressed concern about the need for a future devlopment to have regard for the heritage significance of the Church and the impact on the eastern stained glass windows.
- Sonny Embleton, Planner, spoke in favour of the officer's recommendation and responded to the Panel's questions.
- Hayden Sterling, Architect, spoke in favour of the officer's recommendation and responded to the Panel's questions.
- Nathan Fuz, Applicant, spoke in favour of the officer's recommendation and responded to the Panel's questions.

Recommendation to Council

1 The Bayside Local Planning Panel acknowledges the written and oral submissions received today and during the Public Exhibition of the Planning Proposal and the officer's response .

2 The Bayside Local Planning Panel, in accordance with Section 3.36(1) of the Environmental Planning & Assessment Act 1979, recommends the Planning Proposal be endorsed by the Council and the following action:

(i) forward a copy of the Planning Proposal and relevant supporting information to the Department of Planning, Infrastructure and Environment (the DPIE); and

ii) liaise with Parliamentary Council to enable the draft Local Environmental Plan to be finalised and notified.

3 The Council adopt the site-specific Development Control Plan as exhibited, with the following amendments:

- **2. Site Context**

  Additional sentences to be added to the last paragraph:

  The interface between any proposed building and the adjoining historic church is of paramount importance. To this end the objectives in this DCP must be carefully incorporated into any design.

  Reason: To ensure that the importance of this interface is highlighted in the DCP.

- **Table 1 – Building Setback**

  Change setback for upper levels on west from 4m to 5.5m

  Reason: a reduced eastern setback is appropriate to provide an increased setback and improved interface with the church to the west.

- **4.3.1 – West Façade Objectives**

  Add objectives along following lines:

  To ensure the appropriate access to light is provided to maintain the significance of the stained glass windows of the adjoining historic church, through careful consideration of the setback, colours and design of façade and roof elements.

  The west façade is to incorporate articulation through building design and variable setbacks. Consideration should be given to incorporating an atrium on this façade and varied roof design to provide an appropriate elevation to the historic church when viewed from Botany Road.

  Reason: To ensure appropriate light conditions are created for the stained glass windows to the east.

- **Re-word 5th dotpoint:**

  To create an active pedestrian access at ground level between the western façade of the building and the western boundary, including seating, soft landscaping and a visual connection to the historic church.

  Reason: To clarify desired outcome.

- **4.3.2 - North Façade**

  Additional objective:

To provide an appropriate visual relationship to the adjoining historic church by stepping the north façade from the minimum front setback on the eastern boundary to a larger setback on the western boundary.

Reason: To have regard to the heritage item when viewed from the public domain.

Name	For	Against
Jan Murrell	☒	☐
Marcia Doheny	☒	☐
Robert Montgomery	☒	☐
Amber O'Connell	☒	☐

Reason for Panel Determination

- The Panel is of the opinion that the interface between the proposed new building and the church is of paramount importance, therefore curtilage, setback, design elements, colours and finishes should be carefully considered in the future built form.
- The planning proposal presents an opportunity to increase the development potential, but also an opportunity to achieve an overall superior outcome to respect the heritage item. This can be achieved by a skilfull design to achieve this balance. The proposed amendments to the DCP are to facilitate a an appropriate outcome.

6 Reports – Development Applications

Nil.

The Chairperson closed the meeting at 7:00 pm.

Certified as true and correct.

Jan Murrell
Chairperson

Schedule 2 – Letter of Offer

From: Alice Spizzo <aspizzo@landerer.com.au>
Sent: Thursday, 20 February 2020 2:46 PM
To: Bernardo Malouf
Subject: RE: VPA - 119 Barton Street, Monterey- Response to 3rd Letter of Offer

Dear Bernardo

We refer to your email and attachments below.

I have discussed this matter with my client who is keen to progress this matter and seeks resolution to the rezoning process which commenced some 2 years ago.

My client is prepared to offer $750,000 as the uplift payment as part of the VPA and rezoning process. That is $250,000 higher than our first offer and $150,000 less than the upper end of the range suggested by the valuer engaged by Council to review my client's valuations.

We are also professionally advised that land prices have either declined or remained the same in Monterey since this process began and therefore in our view $750,000 is a fair offer that Council should accept as my client's final offer.

Please do not hesitate to contact me to discuss.

Thank you

Regards,
Alice Spizzo
Director

LANDERER & COMPANY

Lawyers and Advisers
Level 31 | 133 Castlereagh Street | Sydney NSW 2000 | Australia
aspizzo@landerer.com.au | www.landerer.com.au

All postal correspondence to: PO Box A237 | Sydney South NSW 1235

Direct: Tel: +612 9261 7044 | Mob: +61 419 260 708 | Tel: +612 9261 4242

Executed as a Deed

Executed by
Bayside Council ABN 80 690 785 443
by its authorised officers:

Signature of Authorised Officer

Meredith Wallace
General Manager Bayside Council

Name and Position of Authorised Officer

Signature of Witness

John Furestad

Name of Witness

Executed by
Monterey Equity Pty Limited
ABN 99 605 980 283
in accordance with section 127(1) of the *Corporations Act 2001* (Cth):

Signature of Director and Company Secretary

Name of Director

Signature of Director

Name of witness

Executed as a Deed

Executed by
Bayside Council ABN 80 690 785 443
by its authorised officers:

Signature of Authorised Officer	Signature of Witness
Meredith Wallace General Manager Bayside Council	
Name and Position of Authorised Officer	Name of Witness

Executed by
Monterey Equity Pty Limited
ABN 99 605 980 283
in accordance with section 127(1) of the *Corporations Act 2001* (Cth):

Sole Signature of Director and Company Secretary	Signature of Director
PETER WOTTON	ALICE SPIZZO
Name of Director	Name of witness