



12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery

Proposal Title : **12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery**

Proposal Summary : **The planning proposal seeks to amend the Sydney Local Environmental Plan 2012 (LEP) for 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery to:**

- **Increase the maximum building height from between 18 and 22 metres to 29 metres; and**

- **increase the maximum floor space ratio from 1.5:1 to 2:1.**

PP Number : **PP_2016_SYDNE_003_00** Dop File No : **16/04077**

Proposal Details

Date Planning Proposal Received : **22-Mar-2016**

LGA covered : **Sydney**

Region : **Metro(CBD)**

RPA : **Council of the City of Sydney**

State Electorate : **SYDNEY**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **12-20 Rosebery Avenue**

Suburb : **Rosebery**

City : **Sydney**

Postcode : **2018**

Land Parcel : **Lot 2 DP 229802**

Street : **22-40 Rosebery Avenue**

Suburb : **Rosebery**

City : **Sydney**

Postcode : **2018**

Land Parcel : **Lot 100 DP 730818**

Street : **108 Dalmeny Avenue**

Suburb : **Rosebery**

City : **Sydney**

Postcode : **2018**

Land Parcel : **Lot 1 DP 311533**

DoP Planning Officer Contact Details

Contact Name : **Wayne Williamson**
Contact Number : **0292286585**
Contact Email : **wayne.williamson@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Tim Aldham**
Contact Number : **0292467846**
Contact Email : **taldham@cityofsydney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 380 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 10

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the A/Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **The site is situated within the North Rosebery Precinct, in the south eastern corner of the Green Square Urban Renewal Area. This precinct is undergoing significant urban renewal from light industrial and commercial uses to residential uses. The site has a total area of 15,198 square metres and is zoned B4 Mixed Use.**

The site is currently occupied by 2 storey commercial units, car parking and minor landscaping.

12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery

The surrounding land uses include industrial and commercial uses, while other sites are at various stages of residential redevelopment.

The proponent contends that the current height and density controls are inconsistent with those of surrounding sites in the precinct and do not reflect the full redevelopment potential of the site. Increasing the FSR and height will result in a more efficient use of a site, which is well serviced by transport, social infrastructure and other complementary uses.

It is noted the provisions for design excellence in the Sydney LEP 2012 and a site specific Development Control Plan are applicable if the building height is increased to 25 metres or more.

Council is seeking delegation to carry out the Minister's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act). Delegation is considered appropriate as the matter is of local significance.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The proposal has the following objectives:**

- **Enable the orderly mixed use redevelopment of 12-40 Rosebery Avenue and 108 Dalmeny Avenue;**
- **ensure that new development responds appropriately to the surrounding built form context including existing industrial and residential uses and future residential development;**
- **allow for the delivery of a childcare centre on site to service local residents; and**
- **enable the delivery of a variety of housing sizes and types to encourage diversity in the future residential population.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to amend the Sydney LEP 2012 as follows:**

- **Amend the Height of Buildings Map sheet 18 and Floor Space Ratio Map sheet 18; and**
- **include a new clause under 'Division 5 Site Specific Provisions' in the Sydney LEP 2012 to limit the potential FSR achievable under clause 6.21 Design excellence to 0.16:1 and ensure the building heights mapped are not exceeded under clause 6.21.**

Note: Clause 6.21 provides an additional 10% building height or FSR for building's greater than 25 metres, if a building design exhibits design excellence. The intent of the proposed local clause is to limit the sites' design excellence bonus to 8% to account for a larger base FSR being provided by this proposal.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 6—Number of Storeys in a Building**
- SEPP No 22—Shops and Commercial Premises**
- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**
- SEPP No 33—Hazardous and Offensive Development**
- SEPP No 55—Remediation of Land**
- SEPP No 60—Exempt and Complying Development**
- SEPP No 64—Advertising and Signage**
- SEPP No 65—Design Quality of Residential Flat Development**
- SEPP No 70—Affordable Housing (Revised Schemes)**
- SEPP (Building Sustainability Index: BASIX) 2004**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Housing for Seniors or People with a Disability) 2004**
- SEPP (Infrastructure) 2007**
- SEPP (Major Projects) 2005**
- SEPP (Temporary Structures and Places of Public Entertainment) 2007**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **The proposal is not considered to be inconsistent with any SEPPs and section 117 Directions.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided is considered adequate for the purposes of public exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Public consultation will be undertaken in accordance with the Gateway determination. Council suggests an exhibition period of 28 days, which is considered acceptable.**

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of December 2016. The Department considers a 12 month project timeline for completion is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **The Sydney LEP 2012 was gazetted in December 2012.**

Assessment Criteria

Need for planning proposal : **The most appropriate means of achieving the objectives for the site is progressing an amendment to Sydney LEP 2012 by way of a planning proposal. This will provide an opportunity to deliver significant public benefit and allow the community and surrounding landowners an opportunity to comment on changes, providing greater certainty for all affected stakeholders.**

Consistency with strategic planning framework : **A Plan for Growing Sydney provides a key priority for Green Square to “provide capacity for additional mixed-use development in Green Square including offices, retail, services and housing”. This should increase housing affordability and choice as a high priority for meeting Sydney’s future housing need. New housing should be supported by social infrastructure and be in or near strategic centres which will make the living environment more attractive.**

The proposal also meets several directions of Council's Sustainable Sydney 2030 community plan, such as integrating housing and transport and providing vibrant local communities and economies.

Environmental social economic impacts : **The site is located in an urban mixed use area that does not contain any known critical habitat or threatened species, populations or ecological communities or habitats.**

Environmental impacts that may result from this proposal, include:

Overshadowing

The combination of proposed building heights, breaks in the north-south building footprints and limiting the east-west buildings to three storeys results in good solar access to the internal courtyards and a high level of compliance with minimum solar access provisions in the Apartment Design Guide. Further detailed design will be considered at the development application stage.

Traffic and parking

The proponent engaged Parking and Traffic Consultants Ltd to examine the impact of an increase in FSR from 1.5:1 to 2:1 (which equates to an increase from approximately 290 dwellings to approximately 380 dwellings) and found that it is likely to result in an increase of up to 26 vehicular movements across the AM and PM peak. Further, the study found the increased density would result in an additional 85 off-street parking spaces compared to what is currently permissible. The study concludes that the proposal will result in no notable impact on the operation of the local road network and an acceptable level of service will still be provided.

Flooding

Council has developed the Alexandra Canal Flood Management Study and Plan for the catchment and the site falls within this catchment. The site is not subject to any flooding issues, however, redevelopment of the site will be subject to flooding provisions under Sydney LEP 2012, which will ensure that future development will not result in adverse

impacts on local flood behaviour.

Contamination

The site is currently occupied by industrial and commercial uses which may have an associated risk of contamination. Detailed information relating to contamination will be required as part of any future development application. Remediation of land may be required.

Heritage

The site does not contain any heritage items, nor is it within a heritage conservation area.

Council does not anticipate this proposal will give rise to any unforeseen social or economic effects.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Transport for NSW
Transport for NSW - Roads and Maritime Services
Sydney Water
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **Utility services including electricity, telecommunications, water, sewer and stormwater are all currently available on the site. It is expected that these services would be upgraded by the developer, where required, to support the proposed development. Consultation with relevant authorities during public exhibition of the planning proposal will confirm the capacity of current utilities to serve the site.**

Documents

Document File Name	DocumentType Name	Is Public
CouncilLetter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Urban Design Report.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

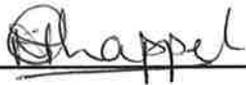
- S.117 directions:
- 2.3 Heritage Conservation**
 - 3.1 Residential Zones**
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 - 4.1 Acid Sulfate Soils**
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Additional Information : **It is recommended that the planning proposal proceed, subject to the following conditions:**

- 1. The planning proposal be publicly exhibited for a period of not less than 28 days.**
- 2. Council is to consult with:
Transport for NSW,
Roads and Maritime Services,
Sydney Water
Ausgrid, and
Sydney Airport.**
- 3. A public hearing is not required.**
- 4. The planning proposal is to be finalised within 12 months from the date of the gateway determination.**

Supporting Reasons : **The proposal is supported as it will supply housing choice close to a planned strategic centre, jobs and public transport.**

Signature:



Printed Name:

Sandy Chappel Date: 7-4-16

