

Sydney Local Environmental Plan - Amendment - 57 Ashmore Street and 165-175 Mitchell Road, Erskineville

Proposal Title : **Sydney Local Environmental Plan - Amendment - 57 Ashmore Street and 165-175 Mitchell Road, Erskineville**

Proposal Summary : **Proposed amendment to Sydney LEP 2012 to apply new planning controls to the land at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville (known as the Goodman land) which was deferred from the plan.**

PP Number : **PP_2013_SYDNE_005_00** Dop File No : **13/10049-1**

Proposal Details

Date Planning Proposal Received : **12-Jun-2013** LGA covered : **Sydney**

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

State Electorate : **HEFFRON** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **57 Ashmore Street**

Suburb : **Erskineville** City : **Sydney** Postcode : **2043**

Land Parcel :

Street : **165-175 Mitchell Road**

Suburb : **Erskineville** City : **Sydney** Postcode : **2043**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Dan Cutler**

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RPA Contact Details

Contact Name : **Lila Contziu**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Sydney City subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	2	No. of Dwellings (where relevant) :	1,765
Gross Floor Area :	122,000.00	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : Under Sydney LEP 2012 Council proposed to apply zones B4 and B2 across the Goodman land and apply very prescriptive height controls (more than one height per lot) ranging up to 35 metres and a floor space ratio (FSR) of 1.75:1.

The certificate issued by the Department authorising exhibition of Sydney LEP 2012 conditioned that the plan apply a FSR of 2.75:1, a height control of 60 metres and Zone B4 Mixed use across the entire site. This condition was imposed in recognition of the strategic significance of this precinct and the significant cost of delivering essential infrastructure including drainage, stormwater management and remediation.

During the public exhibition of Sydney LEP 2012, Council received over 500 submissions objecting to the height and FSR controls for the Goodman land. As a result Council resolved to defer the Goodman land from the plan.

In March 2012 the Minister for Planning and Infrastructure released a media statement rejecting the height control of 60 metres exhibited for the Goodman land and supporting Council's decision to defer the site from Sydney LEP 2012.

Sydney LEP 2012 was made in December 2012.

Council has included a project timeline which has the proposal being finalised by the end of 2013, approximately 6 months from the date a Gateway Determination would be issued.

The planning proposal does not request the Minister's plan making functions be delegated to Council for this proposal. Council has since advised it would be happy to accept delegation for this proposal.

External Supporting Notes : This proposal relates to land at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville which is known as the Goodman land. The Goodman land makes up about 7 hectares of the 17 hectare Ashmore Precinct urban renewal area. The Ashmore Precinct is anticipated

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to provide about 3,300 homes when fully redeveloped and of this number the Goodman land will provide about 1765 dwellings.

Sydney Local Environmental Plan 2012 applies height controls ranging from 9 to 27 metres and floor space ratio controls of between 1 and 1.75:1 to the majority of the Ashmore Precinct, some of which has already been redeveloped for residential purposes.

Currently, the Goodman land is deferred from Sydney LEP 2012 and South Sydney LEP 1998 and South Sydney DCP apply. Under the South Sydney controls the land is zoned for mixed use residential and a maximum FSR of 1.25:1 and a height limit of 17 metres (5 storeys) is permitted.

Council is proposing to amend Sydney LEP 2012 to apply new standard instrument compliant zones (B2 Local centre and B4 Mixed use) and increase the height and floor space ratio controls from those available under the South Sydney LEP and DCP to facilitate the redevelopment of the Goodman land for a mix of residential and commercial uses.

In preparing the planning proposal, Council has undertaken extensive urban design, flood mitigation, traffic and transport, landscape design, economic feasibility and social sustainability studies.

Council has also considered concerns the community expressed during the exhibition of the previous draft controls, including:

- (a) building heights, particularly the impact of 9 storeys on surrounding Victorian terraces;
- (b) scale and density of development including FSRs;
- (c) overshadowing;
- (d) proposed building type in relation to traditional terraces;
- (e) stormwater management;
- (f) provision of adequate building setbacks;
- (g) loss of city views from Sydney Park;
- (h) inability of existing traffic and transport infrastructure to accommodate the proposed increase in population.

Council's traffic and transport studies have identified that by the time the Ashmore Precinct is fully built there has to be improved public transport services (both bus and rail) to meet the demand from the new population. The planning proposal indicates that Council will continue liaising with the relevant State agencies to ensure the provision of services are in place as development commences.

On 28 March 2012 the Minister for Planning and Infrastructure issued a press release stating that he would be working with the Transport Minister to ensure public transport capacity in the Ashmore Precinct was increased as developments proceed. Council is proposing to establish a working group with Transport for NSW in this regard.

Adequacy Assessment

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

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

Comment :

Council advises that the objective of this proposal is to apply standard instrument planning controls to the Goodman land in the Ashmore Precinct so that it can be incorporated into Sydney LEP 2012.

The proposed standard instrument controls for the Goodman land are consistent with Council's strategic vision for the Ashmore Precinct and will increase development potential from that available under the current South Sydney controls.

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

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

Comment : **Council proposes to achieve the objectives of the planning proposal by amending Sydney LEP 2012 maps as follows:**

Land zoning map

Apply Zone B4 Mixed use to the land at 165-175 Mitchell Road and Zone B2 Local centre to the land at 57 Ashmore Street.

Height of building map

Apply height limits ranging from 9 metres to 27 metres on areas where Council's urban design work has indicated buildings should go.

Apply a height limit of 3 metres to land identified for key infrastructure like public open space, roads and footpaths.

Council is proposing very detailed height controls resulting in multiple height limits across the two Goodman sites. This may limit the site's ability to respond to market conditions and unforeseen urban design issues during the development application stage. This approach does however provide some certainty to the community and landowner about future development on the site.

Floor space ratio map

Apply a floor space ratio control of 1.75:1 across the Goodman land.

Consequential map amendments

To incorporate the Goodman land into Sydney LEP 2012 amendments are required for the Land Application Map, Acid Sulfate Soils Map, Land Use and Transport Integration Map, Land Reservation and Acquisition Map, Flood Prone Land Map, Retail Premises Map and Public Transport Accessibility Map.

No amendments to the written instrument are proposed.

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

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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 1—Development Standards

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

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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? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **See explanation of provisions.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **There has been extensive community consultation over eight years in the development of planning controls for the Ashmore Precinct. Council proposes to notify all relevant stakeholders about the public exhibition of the proposal, including landowners and the local community.**

Council advises it has had ongoing meetings with the landowner of the subject sites, Goodman, to advise them of the progress and recommendations of the various studies undertaken. The proposed timeframe for the reporting of draft planning controls has also been discussed.

Council proposes to exhibit the planning proposal for at least 28 days in accordance with section 5.5.2 of 'A Guide to Preparing Local Environmental Plans'.

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 :

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

57 Ashmore Street and 165-175 Mitchell Road, Erskineville were deferred from Sydney LEP

2012 and this proposal is to apply planning controls under the new LEP for this land.

Assessment Criteria

Need for planning proposal :

The Ashmore Precinct (including 57 Ashmore Street and 165-175 Mitchell Road) has been identified by Council and the Department as an urban renewal area capable of making a significant contribution to the Sydney LGA'S housing targets.

The land was rezoned from industrial to mixed use residential under South Sydney LEP 1998 and South Sydney DCP applies a floor space ratio control of 1.25:1 and a height limit of 17 metres (5 storeys).

To develop the Goodman land for residential purposes Council requires the landowner to deliver a significant amount of infrastructure on the site including public open space, storm water mitigation works and through site pedestrian, cycle and road links. Council acknowledges that for the developer to accommodate these costs and future development to remain viable an increase to the South Sydney controls is required.

Extensive testing undertaken by Council has suggested that the controls in this proposal respond adequately to community concerns about impact to surrounding development while maintaining the viability of future development on the Goodman land.

To apply new controls to the Goodman land an amendment to Sydney LEP 2012 is required. A planning proposal is the best mechanism for doing this.

Consistency with strategic planning framework :

The proposal is generally consistent with the Metropolitan Plan 2036, draft Metropolitan Strategy 2031 and draft Sydney City Subregional Strategy. The proposal aims to increase housing diversity and capacity close to public transport and the Erskineville and Newtown local centres.

Council advises that the built form controls will allow future development to respond to the principles set out in SEPP 65 Design quality of residential flat development.

The proposal is consistent with Council's strategic vision set out in 'Sustainable Sydney outin 'Sustainable Sydney 2030'.

Environmental social economic impacts :

Council advises the Grey Headed Flying-fox (*Pteropus poliocephalus*), which is likely to be found in and around the subject sites, is listed as a vulnerable species in the Threatened Species Conservation Act 1995 and as a threatened species under the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth.

In addition, the Atlas of NSW Wildlife on the National Parks and Wildlife website records sighting of other threatened species (2 animal species and 1 plant species). Section 34A of the Environmental Planning and Assessment Act 1979 requires a Council to consult with the NSW Office of Environment and Heritage before an LEP is made if in the opinion of Council critical habitat or threatened species, populations or ecological communities, or their habitats will or may be adversely affected by the proposed LEP.

Council proposes to consult with the Office of Environment and Heritage.

The management of stormwater both in the precinct and the adjacent areas is a significant factor associated with the redevelopment of the wider Ashmore precinct. Council is currently developing a Flood Management Study and Plan for the Alexandria Canal Catchment, within which the subject sites are located. Once completed a Flood Risk Management Plan will be undertaken which will determine appropriate strategies to manage stormwater in the area.

Sydney LEP 2012 includes planning controls that ensure future development manages the impacts of flooding and stormwater. These are supported by planning controls in the Sydney DCP 2012.

New development in the Ashmore Precinct will help manage flooding within the site and surrounding areas by increasing pervious surfaces, creating storm water detention systems and augmenting existing drainage.

Increased development controls for the Goodman land create potential for overshadowing and loss of views from surrounding development. Council's urban design testing suggests that the development potential on the site has been maximised while keeping adverse amenity impacts to surrounding development to a minimum.

Due to the former industrial nature of the Goodman land it is likely that there will be some site contamination. Council advises that site contamination issues will be considered as part of any future development application. It is noted that residential development is already permitted on the Goodman land under the South Sydney controls.

When fully redeveloped the Ashmore Precinct will accommodate around 6,000 new residents. This will put pressure on social infrastructure like schools, child care centres and open space.

Council advises it is working with the relative State Government agencies to ensure there is sufficient capacity built into their programs to accommodate the future population generated by the Ashmore Precinct. The planning proposal aims to provide significant open space on the Goodman land.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 Month	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Department of Education and Communities Transport for NSW Office of Environment and Heritage - NSW National Parks and Wildlife Service Transport for NSW Transport for NSW - Roads and Maritime Services 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? Yes			
If Yes, reasons :	Council's traffic and transport studies have established that by the time the		

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Precinct is fully built there has to be improved public transport services (both bus and rail) to meet the demand from the new population. The planning proposal indicates that Council will continue liaising with the relevant State agencies to ensure the provision of services are in place as development commences.

On 28 March 2012 the Minister for Planning and Infrastructure issued a press release stating that he would be working with the Transport Minister to ensure public transport capacity in the Ashmore Precinct was increased as developments proceed. Council is proposing to establish a working group with Transport for NSW in this regard.

Documents

Document File Name	DocumentType Name	Is Public
Ashmore proposal .pdf	Proposal	Yes
Ashmore social sustainability].pdf	Study	Yes
Ashmore social sustainability .pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the planning proposal proceed with the following conditions:
1. The proposal be exhibited for at least 28 days,
2. Council consult with Transport for NSW (including Roads and Maritime Services), Office of Environment and Heritage and the Department of Education and Communities. This can occur concurrently with the public exhibition.
3. Council amend the planning proposal to include the urban design studies which formed the basis of the planing controls contained in the proposal.

Supporting Reasons : The planning proposal should proceed. The controls proposed by Council will provide capacity for 1760 new dwellings and ensure that new development delivers good public amenity and appropriate built form. The redevelopment of the Goodman land will also help Council deliver key objectives for the Ashmore Precinct including through site links, essential drainage and storm water works and public open space.

Council has undertaken extensive community consultation already in the preparation of the proposed controls and concerns raised by the landowner and the community have been considered.

In response to concerns raised by the community and landowner, Council has undertaken comprehensive urban design, flood mitigation, traffic and transport, landscape design, economic feasibility and social sustainability studies. This work demonstrates that the development controls proposed will maximise development potential on the Goodman land while ensuring impacts to surrounding development and the local community are kept to a minimum.

Council's studies have indicated that public transport improvements are required as further stages of the Ashmore Precinct are delivered. The proposal indicates that Council will continue to work with Transport for NSW in this regard.

Council is proposing very detailed height controls resulting in multiple height limits accross the two Goodman sites. This may limit the site's ability to respond to market

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conditions and unforeseen urban design issues during the development application stage. This approach does however provide some certainty to the community and landowner about future development on the site and Council advises it has undertaken comprehensive urban design and economic feasibility testing in support of the proposed controls. This work should form part of the planning proposal to explain and justify the proposed building envelopes.

Council advises that it intends to finalise the planning proposal by the end of 2013. This is ambitious as the proposed amendments relate to a large parcel of land and will generate a high level of community interest. A 12 month time frame is considered to be more realistic.

Signature:



Printed Name:

Tim Archer

Date:

18/6/13

