

Proposed amendment to planning controls applying to the North Rosebery Precinct under Sydney LEP 2012

Proposal Title :	Proposed amendment to planning controls applying to the North Rosebery Precinct under Sydney LEP 2012		
Proposal Summary :	City of Sydney Council is proposing to amend planning controls applying to land known as the North Rosebery Precinct under Sydney Local Environmental Plan 2012. The proposed amendments respond to urban design work and heritage reviews undertaken by Council which suggest that several sites within the precinct have greater development potential than is currently permitted. While several sites will receive increases to their development potential under Council's proposal, some sites will have their development potential reduced. The buildings on the land at 1-3 Rosebery Avenue are listed as local heritage items under Sydney LEP 2012. As a result of a heritage review, Council proposes to remove the southern most warehouse on the site from the heritage listing in schedule 5 of Sydney LEP 2012.		
PP Number :	PP_2013_SYDNE_003_00	Dop File No :	13/09768-1

Proposal Details

Date Planning Proposal Received :	06-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 :	Precinct		

Location Details

Street :	25-55 Rothschild Ave		
Suburb :	Rosebery	City :	Sydney
Land Parcel :		Postcode :	2018
Street :	5-13 Rosebery Ave		
Suburb :	Rosebery	City :	Sydney
Land Parcel :		Postcode :	2018
Street :	1-3 Rosebery Ave		
Suburb :	Rosebery	City :	Sydney
Land Parcel :		Postcode :	2018
Street :	57-65 Epsom Rd		
Suburb :	Rosebery	City :	Sydney
Land Parcel :		Postcode :	2018

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Street :	12-20 Rosebery Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	108 Dalmerrey Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	22-40 Rosebery Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	102 Dalmerrey Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	42-60 Rosebery Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	94-100 Dalmerrey Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	83-92 Dalmerrey Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	84-86 Dalmerrey Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	62-73 Rosebery Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	3-11 Primrose Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	6-8 Crewe Pl			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	19 Rosebery Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				
Street :	21 Rosebery Ave			
Suburb :	Rosebery	City :	Sydney	Postcode : 2018
Land Parcel :				

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Street : **23-25 Rosebery Ave**

Suburb : **Rosebery** City : **Sydney** Postcode : **2018**

Land Parcel :

Street : **14-16 Primrose Ave**

Suburb : **Rosebery** City : **Sydney** Postcode : **2018**

Land Parcel :

Street : **18 Primrose Ave**

Suburb : **Rosebery** City : **Sydney** Postcode : **2018**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Dan Cutler**

Contact Number : **9228647500**

Contact Email : **daniel.cutler@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Lila Contziu**

Contact Number : **9246756900**

Contact Email : **lcontziu@cityofsydney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub **Metro Sydney City subregion** Consistent with Strategy : **Yes**
Regional Strategy :

MDP Number : **NA**

Date of Release :

Area of Release (Ha) **0.00**

Type of Release (eg **N/A**

Residential /
Employment land) :

No. of Lots : **0**

No. of Dwellings **386**
(where relevant) :

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government **Yes**

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

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Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

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 the North Rosebery precinct which is situated in the suburb of Rosebery between the Epsom Park precinct to the north and the Rosebery Residential Estate to the south. The precinct is generally bounded by Epsom Road, Dalmeny Avenue, Kimberley Grove and Rothschild Avenue. Figure 1 on page 8 of Council's report shows the location and extent of the precinct.

The North Rosebery Precinct is about 18 hectares in size. While the predominant land uses are light industrial the area has been transitioning to residential over recent years. The precinct is currently zoned B4 Mixed Use which permits residential development and about 3 hectares have been redeveloped recently for residential buildings.

As a result of a submission to Sydney LEP 2012, Council and the Central Sydney Planning Committee resolved to review the planning controls applying to land at 1-3 Rosebery Avenue. In reviewing the controls for this site Council has also reviewed the controls applying to the wider precinct.

Urban design work and heritage reviews undertaken by Council suggest that several sites within the precinct have greater development potential than is currently permitted.

While several sites will receive increases to their development potential under Council's proposal, some sites will have their development potential reduced.

Council has advised that the proposed amendments will create capacity to deliver about 386 additional dwellings. Council has not provided any information about potential job creation but this is expected to be minimal as the precinct will predominantly accommodate residential development with some opportunity for small retail and office development.

Sydney LEP 2012 currently applies the following controls to the North Rosebery Precinct:

- Zone B4 Mixed Use;
- a maximum building height of 15 metres (4 storeys), except for sites at 1-3 Rosebery Avenue (18 metres or 4 storeys) and 57-65 Epsom Road (29 metres or 8 storeys);
- a maximum base FSR of 1:1, except for 57-65 Epsom Road which has a maximum of 1.5:1;
- an achievable additional FSR of 0.5:1 on all sites subject to the provision of public benefits ("community infrastructure"); and
- heritage listings covering the full extent of 1-3 Rosebery Avenue and part of 23-25 Rosebery Avenue.

Council proposes to increase height and floor space ratio controls applying to the majority of the North Rosebery Precinct.

Council advises that some sites in the southern part of the precinct are constrained by virtue of their small site area and that current height and FSR controls are unachievable. Council proposes to reduce floor space ratio and height controls on these sites.

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The buildings on the land at 1-3 Rosebery Avenue are listed as local heritage items under Sydney LEP 2012. As a result of a heritage review, Council proposes to remove the southern most warehouse from the heritage listing in schedule 5 of Sydney LEP 2012 and the heritage map as shown at attachment A of the planning proposal.

Representatives of the owners of the land at 25-55 Rothschild Avenue and 5-13 Rosebery Avenue met with the Department of Planning and Infrastructure on 1 May 2013 to discuss concerns with the controls proposed by Council for the site. Council is proposing to apply a base floor space ratio control of 1:1 with the potential to increase this by up to 0.75:1 after a merit assessment and the provision of essential infrastructure. Currently Sydney LEP 2012 applies a floor space ratio control of 1:1 with the potential to achieve an additional 0.5:1.

The land owner is concerned that the controls proposed are too low given the large size of the site and its proximity to the Green Square Town Centre. The landowner is proposing that a base floor space ratio control of 1.5:1 be applied to the site with potential to achieve an additional 0.5:1 subject to merit assessment and entering into an agreement to provide essential infrastructure with Council.

The landowner is also concerned about the highly detailed and prescriptive height of building controls proposed by Council for the North Rosebery Precinct.

Council has advised that due to the former industrial nature of the North Rosebery Precinct there is a large amount of infrastructure required to accommodate the additional population generated by residential development. The sort of infrastructure required, including new streets, flood management works and public open space, cannot be delivered via section 94 contributions alone.

Council has prepared an accompanying development control plan amendment which will set out more detailed design controls for the North Rosebery Precinct.

Adequacy Assessment

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

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

Comment : Council advises the objective of the planning proposal is to apply planning controls to the North Rosebery Precinct that are consistent with the development potential of the area and will encourage redevelopment for residential and commercial purposes.

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

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

Comment : Council proposes to increase height and floor space ratio controls applying to the majority of the North Rosebery Precinct.

However, Council advises that some sites in the southern part of the precinct are constrained by virtue of their small site area and that current height and FSR controls are unachievable. Council proposes to reduce floor space ratio and height controls on these sites.

The proposed changes to height and floor space ratio controls are detailed on the height of building and floor space ratio maps at attachment A to Council's planning proposal.

Rather than increase the base floor space ratio controls on sites, Council proposes to increase the amount of additional floor space available via existing clause '6.14 - Community infrastructure floor space at Green Square' of Sydney LEP 2012. Clause 6.14 permits the planning authority to grant an additional amount of floor space to a site subject to merit assessment and the developer entering into an agreement with Council to provide essential infrastructure.

Proposed amendment to planning controls applying to the North Rosebery Precinct under Sydney LEP 2012

Council is proposing very detailed height controls resulting in multiple height limits on single lots in some cases. This may limit the site's ability to respond to market conditions and unforeseen urban design issues during the development application stage.

Council advises that it has undertaken extensive urban design work in preparing the planning proposal and that the controls contained within it will provide for additional development capacity while maintaining good public amenity and appropriate built form as well as ensuring that adequate infrastructure is provided to sustain an increase in population. Council's urban design studies do not form part of the planning proposal material.

Council also proposes to amend Sydney LEP 2012, Schedule 5 - Environmental heritage by replacing the words "National Springs" with "Moffat Virtue" in the name of item I1379. This will have the effect of removing the southern most warehouse on the land at 1-3 Rosebery Avenue from the heritage listing.

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

3.3 Home Occupations

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

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

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

SREP (Sydney Harbour Catchment) 2005

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 :

Inconsistent with 117 Direction 3.1, the proposed amendment contains provisions that will reduce the capacity for residential development on certain land in the North Rosebery Precinct. This inconsistency is minor as there are other sites in the precinct which will have greater capacity to deliver residential development under the proposed amendment.

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Council has estimated that the new controls have potential to deliver an additional 386 dwellings compared with the current controls.

Council's proposal will reduce height and floor space ratio controls for some sites, reducing their potential employment floor space capacity. The proposal is not inconsistent with section 117 direction 1.1 as it does not reduce the total potential floor space area for employment uses and related public services in business zones due to the fact that other sites will have their capacity increased.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided:
1. height of building maps,
2. floor space ratio maps, and
3. heritage maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : 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.

Notification of the public exhibition is proposed to be on Council's website and in the Sydney Morning Herald and a relevant local newspaper. Exhibition material is proposed to be on display at Council's customer service centres.

The cover letter from Council accompanying the planning proposal "requests that the Gateway Determination is issued to require a 60 day public exhibition period". This extended exhibition period is consistent with the State Government's focus on public consultation outlined in the new planning system for NSW White Paper. The Gateway Determination generally sets minimum exhibition periods and does not prevent councils from exhibiting for longer.

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.

Council instigated this planning proposal in response to a submission received during the public exhibition of Sydney LEP 2012.

Assessment Criteria

Need for planning proposal : Council has identified that land within the North Rosebery Precinct can accommodate additional building height and density without compromising public amenity. To achieve

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Consistency with strategic planning framework :

the additional development capacity an amendment to the planning controls applying to the precinct under Sydney LEP 2012 is required.

A planning proposal is the best mechanism for amending these controls.

The proposal is generally consistent with the Metropolitan Plan 2036, draft Metropolitan Strategy 2031 and draft City of Sydney Subregional Strategy. The proposal aims to increase housing diversity and capacity close to public transport and the Green Square Town Centre planned major centre.

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 2030'.

Environmental social economic impacts :

Environmental impacts

Council advises there are significant trees on the boundary between 1-3 Rosebery Avenue and 5-13 Rosebery Avenue. The proposal recommends that these trees be retained and protected through the implementation of a 15 metre setback contained in the accompanying development control plan.

The proposal increases permissible heights throughout the precinct which could result in unacceptable overshadowing of the public and private domain. Council's proposal states that the urban design testing undertaken in its preparation will ensure that shadow impacts are kept to a minimum.

Contaminated land is a potential environmental issue. However, it is noted that the precinct is already zoned B4 Mixed Use and that the permissibility of residential development in the precinct is not a result of this proposal. Contamination studies will be required at development application stage.

Council is currently developing a Flood Management Study and Plan for the wider Alexandria Canal Catchment, within which the subject precinct is located. The final Flood Management Plan will inform future changes to planning controls. While the subject precinct is within this study area, it is known that it does not experience significant flooding issues. Furthermore, there are appropriate provisions within Sydney LEP 2012 to deal with flooding.

Social and economic impacts

Increased density and height controls, along with the current mixed use zoning, would encourage residential development which would in turn provide greater housing choice.

The retention of most of the heritage warehouse at 1-3 Rosebery Avenue would most likely ensure that some commercial uses were retained in the precinct which would provide important local employment and give the neighbourhood a true mixed use character.

The proposal also provides for 6,000 square metres of public open space in the form of two local parks. This is an important benefit for both the existing and new community and will act as a social connector.

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Assessment Process

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

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

Public Authority : **Office of Environment and Heritage**
 Consultation - s56(2)(d) : **Transport for NSW**
 : **Sydney Water**
 : **Adjoining LGAs**

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 :

Documents

Document File Name	DocumentType Name	Is Public
Cover letter.pdf	Proposal Covering Letter	Yes
Documentation - Draft Planning Proposal - North Rosebery Precinct.pdf	Proposal	Yes
Documentation - Draft DCP Amendment - North Rosebery Precinct.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
3.3 Home Occupations
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
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. The proposal be completed within 12 months of the date of the Gateway

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Determination.

3. Council consult with Sydney Water, Transport for NSW and Botany Bay Council. This can occur concurrently with the public exhibition of the planning proposal.

4. Council amend the planning proposal to include the urban design studies which formed the basis of the planning controls contained in the proposal.

Supporting Reasons :

The planning proposal should proceed. The controls proposed by Council will increase the North Rosebery Precinct's residential development capacity by 386 dwellings and ensure that new development provides good public amenity and appropriate built form.

While the detailed height of building controls contained in the planning proposal could restrict the site's ability to respond to market conditions and unforeseen urban design issues during the development application stage, Council advises that extensive testing has been undertaken in formulating these controls. This work should form part of the planning proposal to explain and justify the proposed controls.

Council advises that it intends to finalise the planning proposal by the end of 2013. This is ambitious as the proposed amendments relate to an entire precinct and a 12 month time frame is considered to be more realistic.

Signature:



Printed Name:

Tim ARCHER

Date:

14 . 6 . 13