

102-106 Dunning Avenue, Rosebery (Approx. 120 Dwellings and 30 Jobs)

Proposal Title : 102-106 Dunning Avenue, Rosebery (Approx. 120 Dwellings and 30 Jobs)

Proposal Summary : The planning proposal seeks to amend Sydney LEP 2012 at 102-106 Dunning Avenue, Rosebery to:

- rezone the site from B7 Business Park to B4 Mixed Use; alternatively, the same outcomes may be achieved by listing the site on Schedule 1 of Sydney LEP 2012 with an additional permissible use for residential accommodation;
- increase the maximum building height from 18 metres up to 29 metres;
- increase the Floor Space Ratio from 1.5:1 to 2:1;
- require that 10 per cent of any floor area built on the site be for a non-residential use; and
- identify an active street frontage along Dunning Avenue.

PP Number : PP_2017_SYDNE_001_00

Dop File No :

17/03968

Proposal Details

Date Planning
Proposal Received : 07-Mar-2017

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 : 102-106 Dunning Avenue

Suburb : Rosebery

City : Sydney

Postcode :

Land Parcel : Lot 50 DP 1171307

DoP Planning Officer Contact Details

Contact Name : Mary Su

Contact Number : 93732807

Contact Email : mary.su@planning.nsw.gov.au

RPA Contact Details

Contact Name : Dustin Moore

Contact Number : 92659426

Contact Email : dmoore1@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 120 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 30

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

If No, comment :

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

If Yes, 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 Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.

Supporting notesInternal Supporting
Notes :

102-106 Dunning Avenue, Rosebery is a single landholding located in an 'investigation area' in the southern employment lands in the City of Sydney local area.

The site area is 4,949 square metres, is regular in shape and is generally level. The site has frontages to Dunning Avenue on the east, Jones Lane on the west and Morley Avenue on the north.

Existing development consists of four light industrial/warehousing units and ancillary offices with associated car parking at the site's Morley Avenue frontage. It has a total floor area of 3,336 square metres, comprising 2,066 square metres of warehouse and 1,270 square metres of ancillary office space.

The surrounding development is typically characterised by industrial uses, however there are a number of commercial, retail and residential uses within close proximity.

The site is approximately 1.4 kilometres or a 15-20 minute walk to the Green Square town centre and train station. About 4.8 kilometres beyond that is Central Sydney, which can be reached by bus from Botany Road.

To the east is the Rosebery residential estate. South Dowling Street is about 400 metres away. To the south is Gardeners Road and to the south-west is Mascot town centre precinct and train station. To the west is Botany Road.

External Supporting
Notes :**Adequacy Assessment**

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

Is a statement of the objectives provided? Yes

Comment : The planning proposal seeks to:

- facilitate the redevelopment of the site from its current warehouse use to a mixed use development comprising residential, retail and commercial uses;
- ensure that new development responds appropriately to the surrounding built form, land uses and future vision for the area;
- ensure substantial employment generating uses are provided on the site as part of a mixed use development;
- ensure that as residential uses are introduced into the City's employment lands, the infrastructure required to support it is provided; and
- facilitate affordable housing on the site to ensure a diverse community and housing for very low to moderate income workers in the area.

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

Is an explanation of provisions provided? Yes

Comment : The planning proposal seeks to amend planning controls in Sydney Local Environmental Plan 2012 at 102-106 Dunning Avenue Rosebery as follows:

- rezone the land from B7 - Business Park to B4 Mixed Use by amending Land Zoning Map Sheets 11, 12, 18 and 19.
- increase the maximum building height from 18 metres to 29 metres on the eastern portion of the site and 20 metres on the western portion by amending Height of Buildings Map Sheets 11, 12, 18 and 19.
- increase the maximum Floor Space Ratio from 1.5:1 to 2:1 by amending Floor Space Ratio Map Sheets 11, 12, 18 and 19.
- require an active street frontage to Dunning Avenue by:
 - a) inserting a new map (Sheets 11, 12, 18 and 19) titled 'Active Street Frontage Map'; and
 - b) inserting a new clause in Part 7 – Local Provisions – General, Division 4 Miscellaneous.
- require 10% of any floor area achieved on the site to be provided as non-residential floor area by inserting a new clause in Part 6 – Local Provisions – Height and Floor space, Division 5 - Site Specific.

ALTERNATE APPROACH

The planning proposal also includes an alternate approach with regard to the proposed rezoning. The same objectives and outcomes detailed in Part 1 may be achieved by retaining the B7 Business Park zoning and listing the site on Schedule 1 of Sydney LEP 2012 with an additional permissible use for 'residential accommodation'.

The Department considers rezoning the site to B4 - Mixed use to be the preferred approach given the objective of the zone is more appropriate for the proposed scheme.

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

1.1 Business and Industrial Zones
3.1 Residential Zones
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 A Plan for Growing Sydney
5.10 Implementation of Regional Plans

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards
SEPP No 55—Remediation of Land
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

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 :

The planning proposal provides justification for the inconsistency with S.117 direction 1.1 Business and Industrial zones.

The subject site is located within the City's southern employment lands and is identified as an investigation area which could accommodate a mix of uses, including residential development, without having any significant impact on the region's projected need for industrial and business zoned land.

An economic analysis prepared by JBA to support the planning proposal provides the justification and rationale for permitting residential uses on the site. The report concludes that proposed rezoning is unlikely to compromise the areas ability to accommodate forecasted growth in employment as there is likely to be capacity in the surrounding southern employment lands to accommodate future employment growth over time.

The Secretary can be satisfied that the inconsistency is of minor significance.

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 and this is considered acceptable.**

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of November 2017. 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?

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 : **A planning proposal is the best way to facilitate the proposed scheme and the intended outcomes.**

Consistency with strategic planning framework :

The planning proposal is consistent with the relevant goals, directions and actions of A Plan for Growing Sydney as it will:

- facilitate redevelopment of the site to include commercial and retail premises, resulting in the creation of new jobs;
- expand Sydney's economic centres to enable the City to compete and strengthen economic growth by creating new opportunities for businesses to invest;
- promote the urban renewal of a site which is accessible by public transport;
- ensure jobs are provided close to where people live;
- encourage the supply of new and diverse residential accommodation; and
- provide more affordable housing.

The planning proposal is consistent with the relevant actions, sub-actions and priorities goals of the draft Central District Plan as it will:

- facilitate redevelopment of the site to include commercial and retail premises, resulting in the creation of new jobs;
- expand Sydney's economic centres to enable the city to compete and strengthen economic growth by creating new opportunities for businesses to invest;
- encourage the supply of new and diverse residential accommodation;
- provide more affordable housing;
- promote the urban renewal of a site which is accessible by public transport;
- ensure jobs are provided close to where people live;
- increase deep soil zones and more landscaped areas; and
- ensure building design contributes to the amenity of the public domain.

Environmental social economic impacts :

ENVIRONMENTAL

The subject site is located in an urban area and does not contain any known critical habitat or threatened species, populations or ecological communities or habitats. The site does not contain any trees.

TRAFFIC AND TRANSPORT

The planning proposal includes a traffic, transport and parking report reviewing the proposed scheme to determine the likely impacts on the area. The report finds the proposed scheme would result in traffic generation of some 10–15 vehicles per hour two-way at peak times, similar to the traffic generated by the existing use. The intersection of Dunning Avenue with Morley Avenue would continue to operate at its existing good level of service, with similar average delays per vehicle. It concludes the proposed scheme would have no noticeable effects on the operation of the surrounding road network.

The proposed scheme will result in residential development close to existing active transport services and infrastructure and is consistent with Government objectives to reduce private car travel and encourage active transport use.

CONTAMINATION

Previous land uses on the site include the manufacture of gaming machines and manufacturing operations including metal plating, with onsite laboratory, chemicals storage areas, off-set printing facility and a network of concrete, subterranean drains.

In 2011, EI Australia undertook a Stage 2 site investigation. The report concluded there is no widespread soil contamination on the site. However, concentrations exceeding human health based Soil Investigation Levels were identified with respect to TCE (southeast corner of the site) and Asbestos (southwest corner of the site). The site can be made suitable for residential development and detailed information relating to contamination will be required at future development application stage to address future land uses, including residential uses. Remediation of land may be required through a future development approval if deemed necessary.

HERITAGE

The site is not identified as a heritage item but is adjacent to two heritage items. A heritage assessment was undertaken by Paul Davies Pty Ltd. The assessment concludes the proposal provides a sound response to the adjacent heritage buildings and the proposed scheme addresses the heritage context of the two adjacent heritage items and creates a street scale and form that is appropriate to the setting.

FLOODING

A flood assessment was prepared by Cardno and concluded the site is mildly flood affected. Peak Maximum Flood levels affecting the site range from 0.739 metres Australian height datum (AHD) on the Dunning Avenue frontage up to 1.735 metres AHD on the corner of Morley Avenue and Jones Lane. The proposed scheme will meet the requirements under the City's Interim Floodplain Management Policy.

SOCIAL AND ECONOMICS

The planning proposal will enable housing supply in an appropriate location while ensuring the wider vision for, and operational viability of, the southern employment lands is not compromised. The proposal also facilitates the provision of affordable housing on the site, by way of a planning agreement with the proponent.

The proposed scheme will result in about 1,000 square metres of commercial floor space equivalent to the employment capacity of 25-30 jobs. This is a reduction to the current commercial floor space of 3,336 square metres and employment capacity of 38-51 jobs. The economic analysis report prepared by JBA concluded the proposed scheme is unlikely to compromise the employment generating potential of the investigation area and although it is likely to reduce the employment numbers compared with the existing development, it will retain a comparable employment function.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - s56(2)(d) :			
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 :			

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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 : **Existing infrastructure servicing the precinct has the capacity to accommodate future development. It is expected that these services would be upgraded by the developer, where required, to support the proposed development.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - 102-106 Dunning Ave.pdf	Proposal	Yes
Request for Gateway determination - 102-106 Dunning Avenue.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 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 A Plan for Growing Sydney
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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:**
 - Roads and Maritime Services; and**
 - Office of Environment and Heritage**
- 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 planning proposal is supported because it facilitates the redevelopment of the site to include commercial and retail premises and increase the supply of new residential accommodation and affordable housing.**

Signature:

Printed Name:


W. Williamson Date: 28/3/2017