

ITEM 9. PUBLIC EXHIBITION – NORTH ROSEBERY PRECINCT – DRAFT PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN AMENDMENT

FILE NO: S111824

SUMMARY

Redevelopment of the North Rosebery precinct presents an opportunity to make a positive contribution to the City's *Sustainable Sydney 2030* vision and targets through the delivery of approximately 3,000 new dwellings and 6,050 square metres of public open space. It will also deliver associated public domain improvements, including four new streets, pedestrian and bicycle links and a landscaped setback along Rothschild Avenue.

The North Rosebery precinct is situated between the Epsom Park precinct to the north and the Rosebery Estate to the south and is within the Green Square Urban Renewal Area. It is generally bounded by Epsom Road, Dalmeny Avenue, Kimberley Grove and Rothschild Avenue. A site map is at **Figure 1**.

This report seeks Council approval to publicly exhibit two key documents:

- a draft planning proposal to amend the primary planning controls within the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012), shown at **Attachment A**; and
- a draft amendment to the *Sydney Development Control Plan 2012* (Sydney DCP 2012), shown at **Attachment B**.

The draft planning controls will introduce detailed provisions to guide future redevelopment of the North Rosebery precinct and provide greater certainty for development proponents, the community and Council.

The owner of the second largest site in the precinct, 1-3 Rosebery Avenue, made a submission to the public exhibition of draft Sydney LEP 2012 and draft Sydney DCP 2012. Their submission requested a change to their site's heritage listing and uplift in height and Floor Space Ratio (FSR) commensurate with controls for adjacent sites. The requested changes were not included in the final LEP or DCP. However, Council and the Central Sydney Planning Committee (CSPC) noted that consideration would be given as to whether a planning proposal should be prepared in the future.

In reviewing the controls for 1-3 Rosebery Avenue, the City has also considered the wider North Rosebery precinct. This wider scope review responds to landowner interest in commencing redevelopment and also offers an opportunity to better coordinate future development and secure greater public benefit. The City has worked collaboratively with key landowners in the precinct during this review process.

The proposed controls include some amendments to height and Floor Space Ratio (FSR) controls to ensure an optimum built form outcome. They also include greater detail on public domain upgrades including streets, open spaces, pedestrian links and setbacks and amendments to heritage controls for 1-3 Rosebery Avenue to increase development potential on this constrained site.

RECOMMENDATION

It is resolved that:

- (A) Council approve *Draft Planning Proposal: North Rosebery Precinct* shown at Attachment A to the subject report, for submission to the Minister for Planning and Infrastructure with a request for a Gateway Determination;
- (B) Council approve *Draft Planning Proposal: North Rosebery Precinct* for public authority consultation and public exhibition in accordance with the Gateway Determination;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal following receipt of the Gateway Determination;
- (D) Council approve *Draft Sydney Development Control Plan 2012 amendment – North Rosebery Precinct*, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the draft Planning Proposal as per the Gateway Determination; and
- (E) Council note that following consideration of any submissions, and refinements as necessary, *Draft Planning Proposal: North Rosebery Precinct* and *Draft Sydney Development Control Plan 2012 amendment – North Rosebery Precinct*, will be reported back to Council for final approval.

ATTACHMENTS

Attachment A: Draft Planning Proposal: North Rosebery Precinct dated May 2013

Attachment B: Draft Sydney Development Control Plan 2012 amendment: North Rosebery Precinct dated May 2013
(Note – This attachment will be circulated separately from the Agenda Paper and to Councillors and relevant senior staff only. A copy will be available for viewing on Council’s website and at the One Stop Shop and Neighbourhood Service Centres.)

Attachment C: Additional information relating to 1-3 Rosebery Avenue

Attachment D: Heritage Inventory Sheet for 1-3 Rosebery Avenue

BACKGROUND

1. The North Rosebery precinct is situated in the suburb of Rosebery between the Epsom Park precinct to the north and the Rosebery Residential Estate to the south. It is generally bounded by Epsom Road, Dalmeny Avenue, Kimberley Grove and Rothschild Avenue. **Figure 1** shows the location and extent of the precinct.



Figure 1 - North Rosebery Precinct

2. The precinct has a total area of approximately 18 hectares. It consists of 46 lots in 14 ownerships. There are also 23 lots held in a single strata plan and 3 strata owned residential developments that have been completed in recent years.
3. The current land use is predominantly light industrial and commercial, with some new residential as noted. Approximately 15 hectares remain in non-residential use.

4. The precinct is characterised by large footprint, low-rise buildings generally within large street blocks. Landscaped setbacks, verges and mature street trees are a defining feature.
5. The primary planning controls that apply to the precinct under Sydney LEP 2012 and Sydney DCP 2012 are:
 - (a) B4 Mixed Use zoning;
 - (b) a maximum building height of 15 metres (4 storeys), except for sites at 1-3 Rosebery Avenue and 57-65 Epsom Road which have a maximum of 18 metres (4 storeys) and 29 metres (8 storeys) respectively;
 - (c) a maximum base FSR of 1:1, except for 57-65 Epsom Road which has a maximum of 1.5:1;
 - (d) an achievable additional FSR of 0.5:1 on all sites subject to the provision of public benefits (“community infrastructure”); and
 - (e) heritage listings covering the full extent of 1-3 Rosebery Avenue and part of 23-25 Rosebery Avenue.

Rationale for the review

6. The landowner of 1-3 Rosebery Avenue, the second largest site in the precinct, made a submission during the public exhibition of the draft Sydney LEP 2012. The submission requested a change to the heritage listing of the site and uplift in the FSR and height controls.
7. The requested changes were not incorporated into the final Sydney LEP 2012 or Sydney DCP 2012 approved by Council and the Central Sydney Planning Committee (CSPC) in March 2012 and May 2012, respectively.
8. Council and the CSPC noted that consideration was being given as to whether a planning proposal would be prepared in the future to amend the planning controls. Preliminary assessment showed that the site has development potential which would exceed the current controls.
9. In reviewing the controls for 1-3 Rosebery Avenue and its context, the City has also reviewed the controls for the wider precinct in which the site is located. The draft planning controls recommended in this report cover the wider precinct, North Rosebery.
10. In late 2012, the owner/developer of 42-60 Rosebery Avenue and 94-100 and 102 Dalmeny Avenue expressed an interest in redeveloping their site for residential purposes. Discussions on this site formed part of the precinct review.
11. The decision to widen the scope of the review was driven in part by the change in character of the area from industrial to residential that is already occurring. By providing more detailed and area specific controls, the change in character can be effectively managed to achieve a higher design quality and appropriately scaled built form.

Review of the Planning Controls

12. During the review process, the City met individually with key landowners in the precinct to discuss the proposed process and develop appropriate controls for their sites.
13. The scope of the review of the planning controls and the key amendments are discussed below.
14. The draft controls complement and refine the current planning controls for the precinct. The detailed controls proposed will sit within the Sydney LEP 2012 and under a new 'Specific Area' in Section 5 of the Sydney DCP 2012.

Heritage

15. The owner of 1-3 Rosebery Avenue made a submission to the draft Sydney LEP 2012 requesting a reduction in the heritage listing of their property and a subsequent uplift in height and FSR controls.
16. The existing office building and warehouse at 1-3 Rosebery Avenue is listed as a heritage item in the Sydney LEP 2012.
17. The item is the former premises for a number of manufacturing companies, including Moffat-Virtue and National Springs, and was built in 1943. It demonstrates the industrial and commercial development that was prevalent in North Rosebery in the first half of the 20th Century.
18. The original 1943 office building and warehouse was extended through the 1950s, 1960s and 1970s. The extensions are a reflection of the growth of manufacturing in the area during this period. Attachment C contains additional information and images which show the site at present and its historical development.
19. The submission to the draft Sydney LEP 2012 from the owner of 1-3 Rosebery Avenue includes a heritage assessment by Graham Brookes and Associates. The assessment argues that the warehouse buildings have been altered to such an extent that they no longer demonstrate the development that occurred in North Rosebery in the 1940s.
20. The assessment also contends that the original 1943 office building best illustrates the association of the site with the area's manufacturing history and that the additions have no distinctive architectural qualities.
21. The submission requests that the heritage listing should only include the original 1943 office building and the height and FSR controls should be amended to reflect the resulting increased development potential of the site.
22. The City's own heritage review finds that the original building and its additions continue to exhibit industrial characteristics and context. The association of the site with the area's manufacturing history is illustrated not only by the office building, but through the various additions. The office was not designed as a stand-alone building and, as such, the warehouse building is a vital interpretive element.
23. The buildings have architectural group value and significant streetscape presence. Furthermore, the buildings are an important representative example of their era, of which there are now few examples.

24. The City has worked with the owners of 1-3 Rosebery Avenue through the review process to address these heritage constraints and achieve an optimum built form outcome. The proposed changes to heritage, height and FSR controls for this site are a reflection of this detailed work.
25. The draft controls propose an amendment to the heritage listing of item I1379 in Schedule 5 of the Sydney LEP 2012.
26. It is proposed that the listing is amended to remove the southern-most lot of the site (Lot 1, DP 19528). Part 2 and Map 5 of the draft Planning Proposal shown at Attachment A illustrate the amendment. This reflects the conclusion of the City's heritage specialists that the southern-most bay of the warehouse has low heritage significance and may be removed.
27. The City's heritage inventory sheet for 1-3 Rosebery Avenue has been updated accordingly to reflect the work undertaken during the review and is at Attachment D.

Floor Space Ratio and Community Infrastructure Floorspace

28. FSR controls were examined to ensure that they are achievable and to establish potential for any increases.
29. Clause 6.14 of Sydney LEP 2012 provides all sites within the precinct access to an additional FSR of up to 0.5:1 subject to the provision of community infrastructure. This is known as community infrastructure floorspace.
30. Community infrastructure includes, for example, new streets, flood management works and public open space and is complementary to infrastructure delivered through Section 94 contributions.
31. For sites where an increase in FSR is proposed, the base FSR has been retained and the uplift is achieved through increasing the additional FSR achievable for the provision of community infrastructure.
32. This approach will ensure that increases in density over and above current limits will only be permitted if a substantial public benefit is secured at development application stage via a Voluntary Planning Agreement.
33. Individual sites where changes to FSR controls are recommended are discussed below.

1-3 Rosebery Avenue

34. The reduction in heritage listing, as discussed above, and detailed work to examine the potential for sympathetic additions and adaptive reuse of the existing building, has informed an increase in the maximum achievable FSR for this site.
35. The base FSR remains at 1:1, while the additional FSR achievable subject to the provision of community infrastructure is increased to 0.75:1.
36. At this amended density, the maximum height of built form on site would exceed 25m. This would trigger the design excellence clause of the Sydney LEP 2012 which requires a competitive design process. The maximum achievable FSR on this site will be 2:1, including design excellence floorspace.

25-55 Rothschild Avenue and 5-13 Rosebery Avenue

37. These sites are in single ownership. The sites have a current FSR control of 1:1, with an additional 0.5:1 achievable subject to the provision of community infrastructure.
38. Testing shows that density can be increased on this site while still achieving a variety in building form and scale, a high level of amenity on site and to neighbouring sites and good solar access to the public and private domain.
39. The base FSR remains at 1:1, while the additional FSR achievable subject to the provision of community infrastructure is increased to 0.75:1.

42-60 Rosebery Avenue and 94-100 and 102 Dalmeny Avenue

40. These sites are in single ownership. The current FSR control is 1:1 with an additional achievable FSR of 0.5:1 subject to the provision of community infrastructure.
41. Testing shows that density can be increased on this site while responding to predominant building heights along Rosebery Avenue and Dalmeny Avenue and providing good solar access and a high level of amenity to the site and neighbouring sites.
42. The base FSR remains at 1:1, while the additional FSR achievable subject to the provision of community infrastructure is increased to 1:1.

Sites in southern part of the precinct

43. Some sites in the southern part of the precinct are constrained by virtue of their small site area. These sites currently have an FSR control of 1:1 and an additional achievable 0.5:1 subject to the provision of community infrastructure.
44. Urban design testing shows that the maximum permitted FSR of 1.5:1 is unachievable on these sites as it would result in unacceptable building heights which do not allow adequate solar access to adjacent properties and do not allow for a suitable transition in height. The proposed specific changes are:
 - (a) omit 23-25 Rosebery Avenue from the area to which clause 6.14 Community Infrastructure Floorspace applies. This will effectively reduce the site's FSR to 1:1;
 - (b) change the additional FSR achievable through clause 6.14 for 3-11 Primrose Avenue and 14-16 Rosebery Avenue. The achievable additional FSR is proposed to be 0.25:1, giving a total FSR of 1.25:1. This is effectively a 0.25:1 reduction; and
 - (c) omit 18 Rosebery Avenue from the area to which clause 6.14 applies and also reduce its base FSR. The proposed maximum FSR for this site is 0.8:1.
45. Maps 3 and 4 of the draft Planning Proposal, shown at Attachment A, show the proposed FSRs.

Height

46. The current height controls within the precinct are broad, with little variation across individual lots, and lack the necessary detail needed to maximise built form variety and architectural diversity.
47. The primary intent of the urban design work undertaken in reviewing the precinct controls was to test current controls and to provide more detailed building heights within each site.
48. The detailed work undertaken to establish appropriate heights has involved consideration of solar access, overshadowing, residential amenity, public domain interface and bulk, massing and modulation of buildings.
49. Significant uplift in the maximum permissible height is not proposed. Instead, the draft controls show more detailed height controls which specify a range of different heights across each site reflecting an optimum built form outcome. This general approach to height mapping has been adopted for other urban renewal areas such as Ashmore in Erskineville and the Epsom Park precinct in Zetland.
50. Maps 1 and 2 of the draft Planning Proposal, shown at Attachment A, and figures within the draft amendment to Sydney DCP 2012, shown at Attachment B, show the proposed heights.
51. The changes reflect the following broad principles:
 - (a) a general transition in height from the north to the south of the precinct;
 - (b) upper level setbacks of predominantly 4 metres to reduce the perception of bulk and sense of enclosure at street level (a detailed upper level setback map is in the draft amendment to Sydney DCP 2012 at Attachment B);
 - (c) taller buildings and a consistent street wall height of 5 storeys along north-south streets Rothschild Avenue, Rosebery Avenue and Dalmeny Avenue to provide a human scale;
 - (d) lower scale buildings in the middle of large developable lots to ensure a variety of height, scale and building typology to allow for townhouses for example, and a high level of solar access; and
 - (e) taller buildings in the northern part of the precinct which still achieve good solar access to the public and private domain. These are located close to Epsom Road where a taller built form is well established through approved development applications and planning controls.

Public Domain

52. Public domain requirements for street layout, pedestrian links, open space, footpath widening and setbacks are established in the draft amendment to the Sydney DCP 2012. These controls have been informed by the detailed urban design review of the precinct.

Open space

53. In 2007, Council adopted the 'Open Space and Recreation Needs Study'. The recommendations of this study were translated into open space provisions in the *South Sydney Development Control Plan 1997: Urban Design – Green Square* and carried through to Sydney DCP 2012.
54. These provisions identify the North Rosebery precinct as a catchment which is to accommodate 6,000 square metres of public open space. The review of the precinct examined potential locations for this open space.

Street, pedestrian and cycle network

55. Controls in the Sydney DCP 2012 currently require three new streets and one pedestrian link through the precinct.
56. The layout of streets and pedestrian links was reviewed to maximise permeability for pedestrians and cyclists and to provide vehicular access and road frontage to newly created developable lots.
57. Rothschild Avenue has been identified as a potential site for a future separated cycleway. Adequate setbacks to allow for an upgrade of this nature were considered as part of the review process.

Future transport links

58. The City is currently working with Transport for NSW in developing an updated Transport Management and Accessibility Plan for Green Square, known as TMAP2.
59. The alignment of the future Eastern Transit Corridor south of Defries Avenue in the Victoria Park precinct is being considered as part of this review. The corridor will provide a connection from the eastern areas of the Green Square Urban Renewal Areas to Green Square Station and beyond to Central Sydney. It will be composed of existing and proposed roads, including mixed traffic and bus-only carriageways.
60. The City's preferred corridor alignment through the North Rosebery precinct is along Rosebery Avenue. The final alignment provides opportunities for the area around the proposed open space at the corner of Rosebery Avenue and Crewe Place to become a neighbourhood focal point, with active uses located around a potential future bus or light rail stop. Active uses at ground floor are encouraged through provisions in the draft amendment to Sydney DCP 2012.

Street trees

61. There are eight mature Hills Fig trees on the boundary between 1-3 Rosebery Avenue and 5-13 Rosebery Avenue. Previous studies and public submissions have identified these trees as a local landmark and as a defining feature of the precinct.
62. The City's Tree Management Officer provided advice on appropriate setbacks to ensure the protection of the trees. These setbacks were used to inform the proposed building envelopes at 1-3 Rosebery Avenue and 5-13 Rosebery Avenue.
63. The key public domain elements to be provided in the precinct include:

- (a) new streets and pedestrian links which achieve a highly permeable street block pattern and reflect key desire lines through the precinct;
- (b) 6,050 square metres of public open space to be provided as two parks: one of 4,500 square metres to be provided at the northwest corner of Rosebery Avenue and Crewe Place and one linear park of 1,550 square metres as an extension to the existing park on the northern side of Kimberley Grove. These will both serve as local parks and offer opportunities for active and passive recreation for the existing and new communities (the proposed open space locations are mapped in the draft amendment to Sydney DCP 2012 shown at Attachment B);
- (c) landscaped setbacks, particularly along Rothschild Avenue, Epsom Road and Rosebery Avenue. These will provide a buffer for new development along busy road frontages and deliver an improved pedestrian environment; and
- (d) a strip of active uses along Epsom Road and Rosebery Avenue which will provide services to the new community.

Design Excellence

- 64. Sydney LEP 2012 contains provisions to ensure that prominent developments achieve design excellence through a competitive design process. Up to 10% additional height or FSR can be awarded to offset the cost of undertaking such a process.
- 65. Currently the clause in the Sydney LEP 2012 can be interpreted in such a way that the 10% bonus is based on the FSR prior to the award of any applicable community infrastructure floorspace bonus.
- 66. The intent of this clause for the North Rosebery precinct is that the 10% bonus would be calculated on the total FSR of a site, *including* any applicable community infrastructure floorspace.
- 67. A separate planning proposal to amend this clause is currently being prepared.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

- 68. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress.
- 69. The draft planning controls for the North Rosebery precinct are aligned with the following *Sustainable Sydney 2030* strategic directions and objectives:
 - (a) Direction 4 - A City for Walking and Cycling – The layout of streets, pedestrian links and open space within the precinct has been informed by a broader principle of encouraging cycling or walking. Streets and pedestrian links seek to reflect desire lines and to link future community nodes such as the new public open spaces and the commercial uses at the Rothschild/Epsom/Joynton junction.

- (b) Direction 6 - Vibrant Local Communities and Economies – The refinement of planning controls for the precinct will allow the B4 Mixed Use zoning to be better articulated by facilitating residential development while also encouraging active non-residential uses. The amendments will provide an incentive for landowners to redevelop and a vibrant precinct with a mix of residential and other uses will be realised.
- (c) Direction 8 - Housing for a Diverse Population – The precinct will provide a mix of residential dwelling types. It is expected that apartment buildings will be the dominant type in the northern part of the precinct. The southern part will have some lower-rise townhouse style development which will integrate with the low rise single dwellings of the Rosebery Estate. By including different types of dwelling the precinct will cater to a diverse population.
- (d) Direction 9 - Sustainable Development, Renewal and Design – This precinct, once fully developed, will provide an important transition from the Green Square Town Centre and higher density residential areas such as Victoria Park in the north to the important low-rise and low-density Rosebery Estate in the south. As such, an important urban renewal project will be realised in a sustainable way.

Social / Cultural / Community

- 70. The draft planning proposal and amendment to the Sydney DCP 2012 will provide greater certainty to the local community, landowners and developers by laying out in greater detail the City's intended outcomes for the precinct.
- 71. A positive implication for the local community is the significant upgrade of the public domain that will accompany development in the precinct. This will include new streets, pedestrian links, landscaped setbacks and public open space.

Economic

- 72. While the current controls allow a maximum FSR of 1.5:1 for most sites in the precinct, this is subject to the resulting development achieving an appropriate built form as well as contributing to community infrastructure. The urban design testing has shown that, for some sites, achieving this FSR while also achieving acceptable residential and environmental amenity is not possible.
- 73. In these cases, the FSR is proposed to be lowered to reflect more accurately the capacity of the site responding to site constraints.
- 74. Provisions that aim to facilitate orderly and staged redevelopment of the precinct are included in the draft amendment to the Sydney DCP 2012.

BUDGET IMPLICATIONS

- 75. There are no budget implications resulting from the recommended endorsement of the draft planning proposal and draft amendment to the DCP for public exhibition.

RELEVANT LEGISLATION

- 76. *Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.*

CRITICAL DATES / TIME FRAMES

77. The North Rosebery precinct and adjacent precincts have already experienced some development. It is important that future development is guided by appropriate and sufficiently detailed controls that reflect the precinct's redevelopment capacity, constraints and opportunities. It is therefore recommended that the controls be endorsed for public exhibition to ensure certainty for the community, landowners and developers.
78. The approved Planning Proposal will be forwarded to the Department of Planning and Infrastructure with a request for a Gateway Determination which will set the timeframe for the LEP preparation.

PUBLIC CONSULTATION

79. Subject to endorsement by Council and the CSPC, the draft Planning Proposal will be forwarded to the Department of Planning and Infrastructure with a request for a Gateway Determination. If issued, the Gateway Determination will set out the requirements for both public and State agency consultation. It is anticipated that the Gateway Determination will require a public exhibition period of 28 days.
80. Subject to Council endorsement, and to aid public understanding of the proposed controls, the draft DCP amendment will be exhibited at the same time as the draft Planning Proposal. Consultation with both the public and State agencies will occur during the public exhibition.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Tim Aldham, Planner)