

RELEVANT INFORMATION FOR CENTRAL SYDNEY PLANNING COMMITTEE

FILE: S064382-04 **DATE:** 05 December 2013
TO: Central Sydney Planning Committee Members
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant to Item 6 - Post-Exhibition of Planning Proposal - Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville and Draft Ashmore Development Control Plan and Infrastructure Plan - At Central Sydney Planning Committee 05 December 2013

Alternative Recommendation

At its meeting on 3 December 2013, the Planning and Development Committee endorsed an alternative recommendation to Council. It is recommended that the Central Sydney Planning Committee endorse the alternative recommendation outlined in this memorandum. The changes are shown with deleted text shown as ~~strikethrough~~ and inserted text as **bold underlined italics** and are to read as follows.

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of the *Planning Proposal - Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville* and draft *Sydney Development Control Plan 2012 amendment – Ashmore Precinct*, as outlined in the subject report and Attachment F to the subject report;
- (B) the Central Sydney Planning Committee approve the revised *Planning Proposal - Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville* as amended and shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*;
- (C) the Central Sydney Planning Committee approve an amendment to the Planning Proposal shown at Attachment A, that amends Schedule 1 of the Sydney Local Environmental Plan 2012 to permit “depot, hardware and building supplies, timber yard, light industry, and warehouse or distribution” as permissible uses on the land at 57 Ashmore Street, Erskineville;**
- (D)** (C) the Central Sydney Planning Committee note the recommendation to Council’s Planning and Development Committee on 3 December 2013 that Council approve the revised *Sydney Development Control Plan 2012 amendment – Ashmore Precinct*, as amended and shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan in so far as it applies to sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville, and that it will come into effect on the date of the public notice given in accordance with Clause 21 of the

Environmental Planning and Assessment Regulation 2000 in so far as it applies to the remainder of the sites in the Ashmore Precinct;

- (E) ~~(D)~~ authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal and the development control plan to correct any minor drafting errors;
- (F) ~~(E)~~ the Central Sydney Planning Committee note the *Ashmore Infrastructure Plan 2013*, shown at Attachment C to the subject report, will be reviewed every six months, and published on the City's website for review by all stakeholders; and
- (G) ~~(F)~~ the Central Sydney Planning Committee note the *Ashmore Infrastructure Plan 2013* to be used as a framework document to continue discussions with the relevant State Government agencies on the provision of essential Infrastructure.

Background

The subject report details the outcomes of the public exhibition of a planning proposal for two sites at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville (both of these sites are owned by Goodman), and draft planning controls for Ashmore that would amend *Sydney Development Control Plan 2012*

Zoning of Site 57 Ashmore Street, Erskineville

City staff met with Goodman to discuss the outcomes of the public exhibition of the draft planning controls and the recommended planning controls for their two sites at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville. These two sites are the subject of the Planning Proposal, shown at Attachment A to the subject report.

The Planning Proposal proposes to zone the land at 57 Ashmore Street, Erskineville "B2 Local Centre" to facilitate future retail uses including a new supermarket on part of the land. The retail uses would serve the new and existing residents in Ashmore and surrounding neighbourhoods.

The "B2 Local Centre" zoning precludes the current land uses which are predominantly warehousing and distribution as these types of uses do not support the zone's objectives. The B2 Local Centre zone applies to a number of locations across the city. Whilst "existing use rights" provide some certainty, the ability to attract future tenants may be constrained by the inability to expand and intensify under existing use right circumstances. Goodman have made a late submission requesting that the following uses be added to the "B2 Local Centre" zone to safeguard current and future tenants:

'Depot, hardware and building supplies, timber yard, light industry, and warehouse or distribution'.

Following a review City Planning staff support this request as these uses would have a minimal impact on incoming development and will provide the landowner more certainty. The recommended amendment is minor as it includes only those land uses which are currently in operation and therefore does not trigger re-exhibition of the Planning Proposal. The Department of Planning and Infrastructure have confirmed that this can be facilitated through an amendment to Schedule 1 of the *Sydney Local Environmental Plan 2012*, which specifies additional permitted uses on land at a specific address. The use of Schedule 1 ensures that there are no implications for other land zoned B2 Local Centre.

Edit to Attachment F

That the Central Sydney Planning Committee note:

The first response to submitter 4 (Goodman) on page 3 of Attachment F contains a typing error. In the 'Comment' column the first response should read:

*The draft controls provide an FSR of 1.75:1 plus 10% for design excellence (max FSR 192.1:1) building heights up to 27 metres – 8 Storeys). The City undertook economic feasibility testing in 2011 which concluded the controls are ~~not~~ economically feasible. Goodman does not critique this work or provide evidence of why the draft controls are **not** economically feasible.*

Prepared by: John Davies, Specialist Planner

TRIM Document Number: 2013/464232

Approved



**Graham Jahn, Director City Planning,
Development and Transport**