Attachment A

Planning Proposal: Local Environmental Plan - 12-22 and 24 Rothschild Avenue, Rosebery

Planning Proposal:

12-22 & 24 Rothschild Avenue,

Rosebery

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

~~September 2018~~ *July 2019*

Sydney2030/Green/Global/Connected
city of villages

CITY OF SYDNEY 2030

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Planning Proposal request – 12-22 and 24 Rothschild Avenue, Rosebery

Appendix A Schematic Design testing undertaken by City of Sydney Urban Designers.

Appendix B Contamination Site Investigation Report – Environmental Investigations Australia

Appendix C Traffic Impact Assessment – GTA Consultants

Appendix D Flood Impact Assessment – Cardno

Executive summary

The City of Sydney (the City) has prepared this Planning Proposal for two separate lots at 12-22 and 24 Rothschild Avenue, Rosebery (the sites), in response to a request from the site owner, Maville Park Pty Ltd, to change the planning controls.

This Planning Proposal explains the intent of, and justification for, proposed amendments to the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) as is applies to the sites. It has been prepared by the City in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning***, Industry*** and Environment's 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

The site, comprising 'Site D', located to the north, and 'Site H', located to the south, has a combined total site area of 8,403 square metres. The site is bound by Rothschild Avenue, Cress Street, Mentmore Avenue and a partially completed through-site link at the north of the site. Existing development on the site includes three interconnected buildings that currently comprise office uses and an at-grade open air car park. A heritage listed inter-war warehouse is located on the southern portion of the site (Site H) that has been adaptively reused for office use.

Under existing Sydney LEP 2012 controls, the site is zoned B4 Mixed Use, has a maximum building height of 22 metres and maximum floor space ratio (FSR) of 1.5:1 with an additional 0.5:1 FSR for the provision of Green Square community infrastructure. The site's B4 Mixed Use zone permits retail, commercial and residential uses on the site.

The City prepared this Planning Proposal following a detailed review of the proponent's planning proposal request. The City has made various changes to planning controls proposed by the proponent to address issues related to building bulk and scale, incorporation of retail and commercial uses, relationship to existing heritage items on site, public domain and amenity.

This Planning Proposal is to amend the Sydney LEP 2012 to:

- amend the relevant Height of Building map in clause 4.3 of the LEP to increase the maximum building height control from 22 metres to a maximum of 29 metres for Site D fronting Rothschild Avenue 27 metres for 'Site D' fronting Mentmore Avenue. The maximum building height control is to be reduced from 22 metres to a maximum of 9 metres for Site H;

- amend the relevant Floor Space Ratio map in clause 4.4 of the LEP to increase the maximum floor space ratio from 1.5:1 to 1.75:1 for 'Site D' and reduce the floor space ratio for 'Site H' from 1.5:1 to 1:1; and

- require an active street frontage at the north-east corner of 'Site D'; and

- require all floor space on 'Site H' remain non-residential floor space.

The amendment will facilitate a new mixed-use development retaining the existing commercial office use located within the heritage listed warehouse on site of approximately 2,100 square metres, about 200 square metres of retail uses fronting the through-site link to the north, about 180 residential apartments, establishment of a six metre publicly accessible heritage curtilage to the north of the heritage warehouse and basement car parking.

This Planning Proposal proposes changes to the maximum building height and FSR which allows for a number of improvements compared to existing controls:

- Retention and protection of the heritage item: the redistribution of currently available floor space from 'Site H', containing the heritage listed warehouse, to 'Site D', and a requirement that floor space on 'Site H' be used for non-residential purposes, will ensure the heritage item is retained and protected from encroachment by future development.
- Improved built form design: development on 'Site D' will have a five-storey street wall height and setbacks for additional storeys that reduce impacts to surrounding buildings.
- Incorporation of employment uses: the heritage listed warehouse will be retained as commercial space with potential for new retail premises to be incorporated on site to introduce more activity to the widened heritage curtilage.
- Improved permeability across the site: the new six metre heritage curtilage will establish a clear and distinct visual separation between the new buildings and the heritage listed warehouse.
- Completion of the through site link to north: the Sydney DCP 2012 identified through-site link to the north of 'Site D' will improve the pedestrian network connecting Rothschild Avenue and Mentmore Avenue.
- Compliance with *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*: the built form, that is facilitated with this Planning Proposal, ensures requirements for visual privacy, solar and daylight access, apartment sizes, building depth and natural ventilation can be satisfied.
- Design excellence: design excellence floor space or height can be awarded where development demonstrates design excellence through a competitive design process, providing the opportunity to achieve a high architectural quality outcome.

The City has prepared a draft site-specific amendment to the Sydney Development Control Plan 2012 (draft DCP) to ensure the objectives and intended outcomes of this Planning Proposal are achieved. The draft DCP controls relate to the built form, through-site links, parking, vehicular access and design excellence. Built form controls include building height in storeys, building setbacks and street wall heights. The draft DCP will be publicly exhibited with this Planning Proposal.

1 Site identification

1.1 Site identification

The site comprises two separate lots as follows:

- Lot 1 DP 314957, Lot 5 DP 309149, Lot A DP 322620, Lot B DP 308922, Lot 408 DP 315228, known as 12-22 Rothschild Avenue, Rosebery, identified as 'Site D'.
- Lot 1 DP 456612, Lot 2 DP 456612, Lot 410 DP 7534, Lot 456 DP 7534, known as 24 Rothschild Avenue, Rosebery, identified as 'Site H'

The lots are shown in Figure 1.

Figure 1: Land affected by this Planning Proposal

1.2 Site Location

The site is located in Rosebery in the Green Square Urban Renewal Area (Green Square) in the City of Sydney.

The site has three road frontages: Rothschild Avenue to the east, Cressy Street to the south and Mentmore Avenue to the west. Epsom Road is located approximately 100 metres north and connects with Southern Cross Drive, which is less than one kilometre east.

The site is within easy walking distance of the Green Square Town Centre (Town Centre) and Green Square train station located about one kilometre north-west from the furthest point on the site.

Once completed, the Town Centre will include a new library below a public plaza, centrally located adjacent to mixed use commercial and residential development. Council is also delivering a community and cultural precinct, new aquatic and recreation centre, public open space and parks.

The train station provides up to ten train services per hour, providing a direct connection between the area and Central Sydney about 5kms to the north and to Sydney Airport, about 6kms to the south.

The site is also well served by other forms of transport including bus services that operate directly in-front of the site on Rothschild Avenue and active transport, with on-street bike lanes along Rothschild Avenue.

A number of parks are within close proximity of the site, including Sweet Acres Park and playground to the south of the site on the opposite side of Cressy Street. Larger public open space areas such as Sydney Park and Moore Park are located around 1.5 kilometres west and north-east.

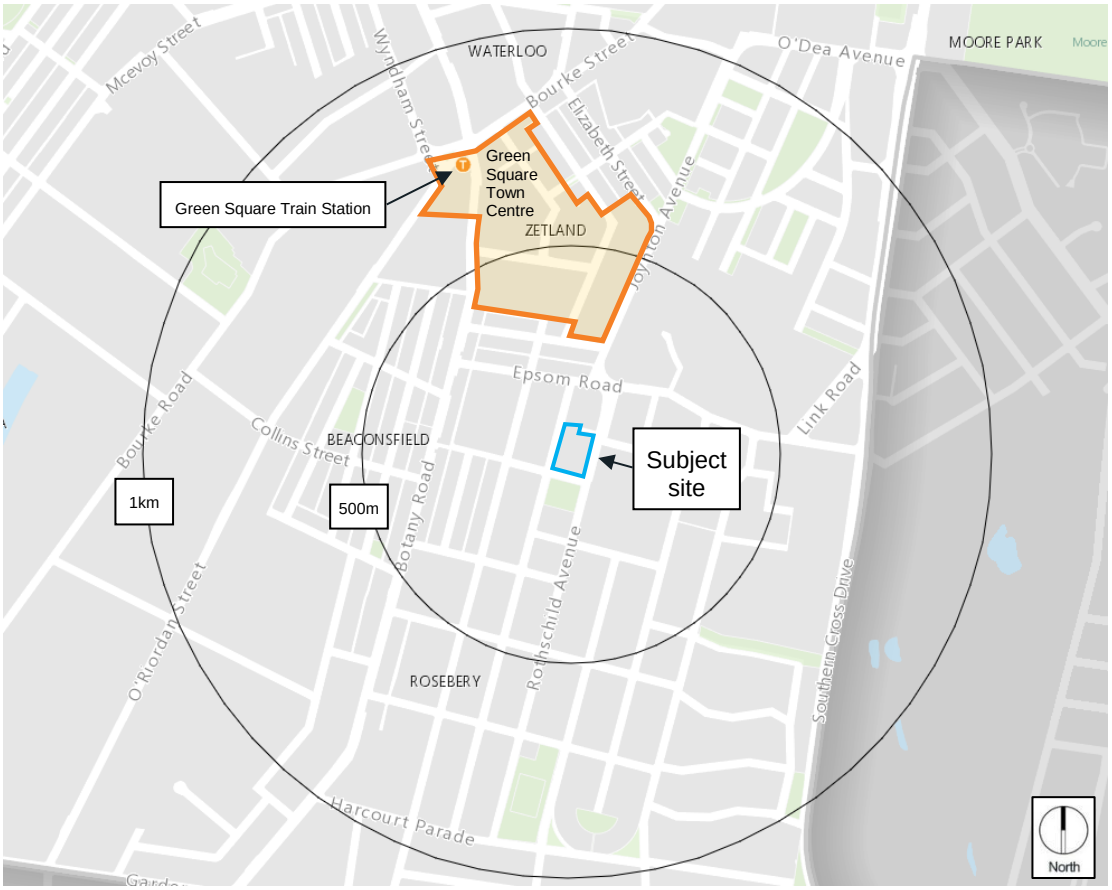


Figure 2: Site location and context.

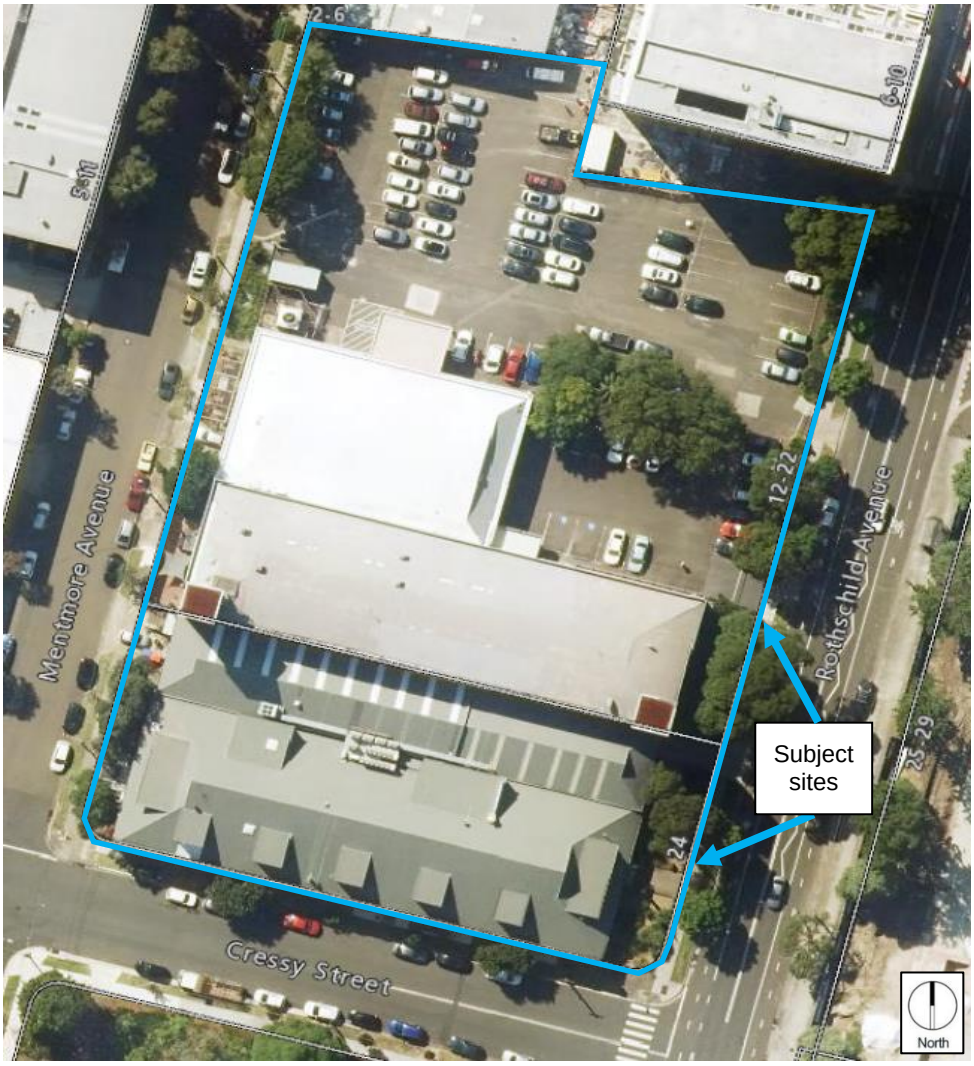


Figure 3: Aerial photo of the site

1.3 Site characteristics

The site is generally rectangular in shape and has a total area of approximately 8,403 square metres.

The site that is the subject of this Planning Proposal comprises of two individual lots on separate titles. The lot to the north, 12-22 Rothschild Avenue is referred in this report as 'Site D'. The lot to the south at 24 Rothschild Avenue that includes the heritage listed warehouse is referred as 'Site H' as shown in Figure 1.

The site's eastern boundary fronts Rothschild Avenue and is about 106 metres in length. The site's other boundaries are: a 75 metre frontage to Cressy Street to the south; a 114 metre frontage to Mentmore Avenue to the west; and 38 metre frontage to the existing through site link and a 38 metre frontage to the adjoining property to the north.

Existing development on the site consists of three adjoining buildings. A two-storey inter-war warehouse style building, identified as a local heritage item under the Sydney LEP 2012 and has been adapted to accommodate office uses. A three-storey masonry building and connected single-storey element, which both include office uses, is located towards the centre of the site adjacent to the car park.

The northern portion of the site is used for an at grade car park for occupants and associated servicing for the site. There are currently 98 car parking spaces on the site with vehicle access from Mentmore Avenue and Rothschild Avenue.

The existing vegetation contained within the site is generally located around the existing buildings and adjacent to the site's boundaries. The vegetation is typically in the form of trees and shrubs within existing gardens beds. Several large trees are located adjacent to the future through-site link to the north of the site and in the setback between the boundary and heritage item to the southern portion of the site.

The site is generally level, however there is a slight slope towards the south-west corner and includes a risk of flooding along the Rothschild Avenue frontage during significant weather events.

Figures 4 to 7 show existing development on the site.

Figure 4: View looking north-east showing the existing heritage building on the south-east corner of the site, at Cressy Street and Rothschild Avenue.

Figure 5: View looking north-west towards the subject site and the existing heritage item at Cressy Street and Mentmore Avenue.

Figure 6: Looking north towards the Cressy Street frontage and the southern elevation of the existing heritage item.

Figure 7: View towards the existing carpark on the subject site and adjacent residential apartment development on the opposite side of Rothschild Avenue.

1.4 Surrounding development

The surrounding context varies in land use and built form. The site is located within Green Square and several adjacent sites are in the process of being redeveloped from light industrial uses to mixed-use developments that include ground floor retail and commercial uses and residential apartments above.

To the immediate north, is a seven-storey building that is close to completion for 100 residential apartments, communal open space, connection to the future through-suite link and frontages to Mentmore Avenue and Rothschild Avenue. Adjoining the site to the north-east is 6-10 Rothschild Avenue, a recently completed eight-storey mixed-use building that includes ground floor retail uses that front the completed eastern section of the future through-site link.

To the east is a large redevelopment site at 25-55 Rothschild consisting of 14 buildings that includes residential apartments, child care centres, retail uses and the provision of public open space and several through-site links. Of this development, three seven-storey buildings will front Rothschild Avenue. One of which has been recently been completed.

To the west is a six-storey residential apartment building that has recently completed construction adjacent to the intersection of Mentmore Avenue and Cressy Street. Local heritage item Mentmore House is located at 5-11 Mentmore Avenue and has been adaptively reused for office use. To the south-west of the site at 23-29 Mentmore Avenue is an existing single-storey warehouse that is currently being used for light-industrial uses. The site, however has approval for the construction of a six-storey residential apartment building which is yet to commence building works.

Figures 8 - 15 show existing development surrounding the subject site.

Figure 8: Looking north along Mentmore Avenue showing adjoining residential development and the subject site on the right.

Figure 9: Looking along Rothschild Avenue showing adjoining residential development and the subject site to the left.

Figure 10: View towards adjacent heritage item Mentmore House located on Mentmore Avenue, opposite the subject site.

Figure 11: View across the carpark to Mentmore House, adjoining development and the future through-site link.

Figure 12: View to the south-west of the site with a single-storey light industrial warehouse. The site holds approval for a residential apartment building.

Figure 13: View towards Sweet Acres Park and the adjoining Otto development at 14 Mentmore Avenue.

Figure 14: View of the existing through-site link at 6-10 Rothschild Avenue, the western section is yet to be completed.

Figure 15: Looking north along Rothschild Avenue displaying the existing vegetation along the eastern boundary of the site.

2 Existing LEP planning controls

The Sydney LEP 2012 contains zoning and principal development standards for the site. These are discussed below.

2.1 Zoning

Zoning is shown in the Land Zoning Maps referred to in clause 2.2 of the Sydney LEP 2012.

The site is zoned B4 Mixed Use, shown in the extract at Figure 16. The objectives of this zone including providing a mix of compatible land uses including business, office, residential retail and other development in accessible locations to maximise public transport patronage and encourage walking and cycling.

The zoning permits a broad range of uses including retail, commercial and residential accommodation. This Planning Proposal does not seek to change the existing zoning.

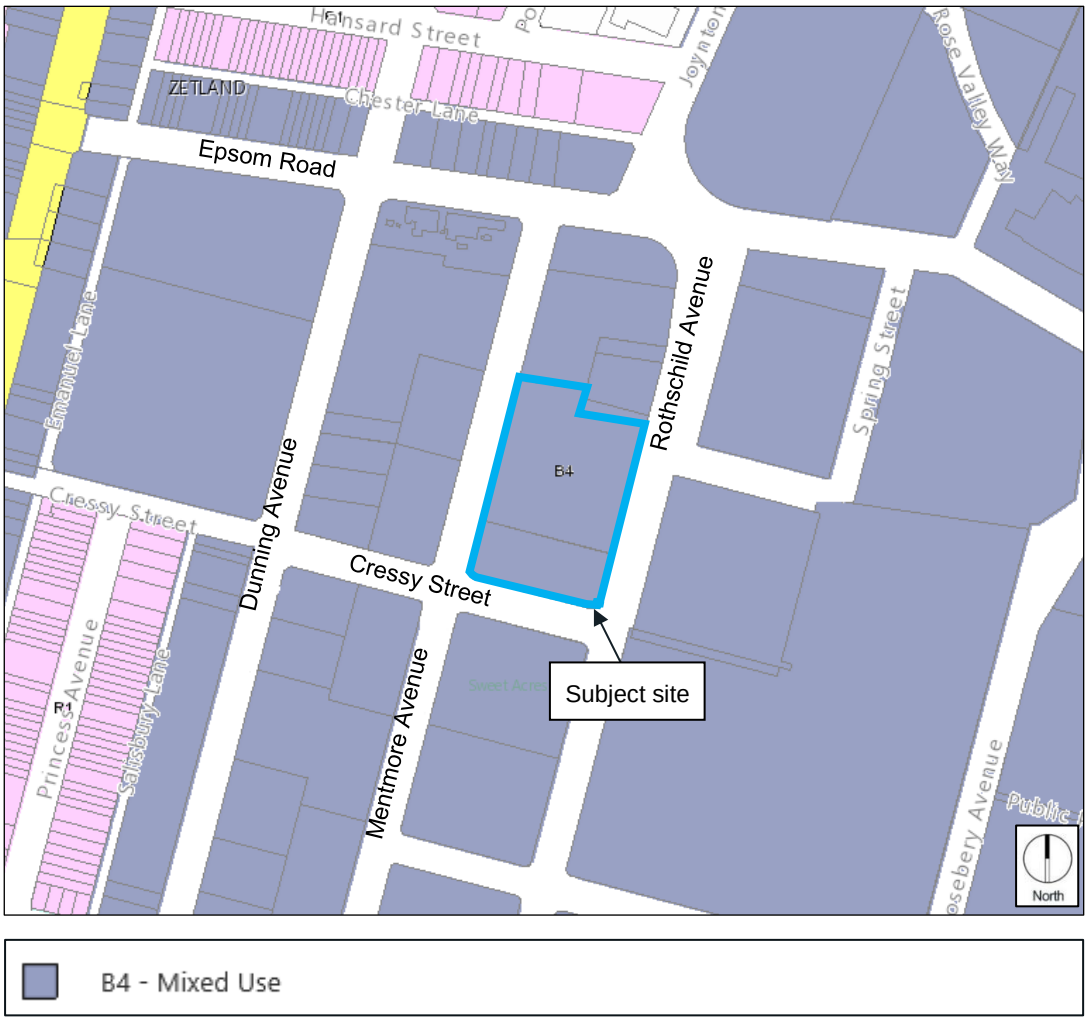


Figure 16: Extract from Sydney LEP 2012 Zoning Map

2.2 Building height

Maximum building height is shown on the Building Height Maps referred to in clause 4.3 of the Sydney LEP 2012.

The sites have a maximum building height control of 22 metres across the site. It is currently eligible for up to 10 per cent additional building height or FSR (not both) under clause 6.21 of the Sydney LEP 2012, subject to demonstrating design excellence.

This Planning Proposal is to amend the relevant Building Height Map to increase the maximum building height.

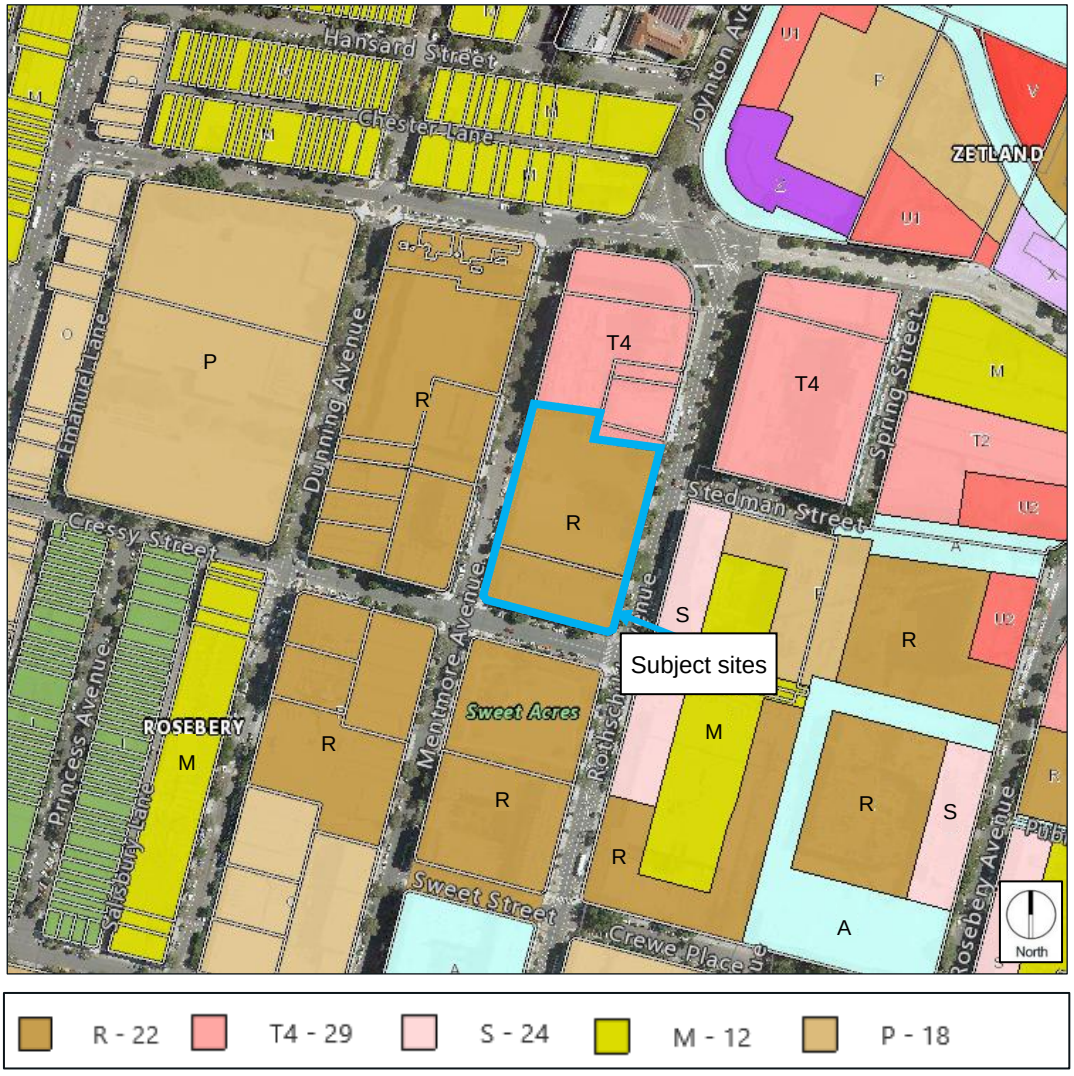


Figure 17: Extract from Sydney LEP 2012 Building Height (in metres) Map

2.3 Floor Space Ratio

Maximum floor space ratio controls are shown in the Floor Space Ratio (FSR) Maps referred to in clause 4.4 of the Sydney LEP 2012.

The sites have a maximum floor space ratio control of 1.5:1. Under clause 6.14 of Sydney LEP 2012 the site is eligible for 0.5:1 additional FSR, subject to the delivery of community infrastructure, which in this instance is the provision of a through-site link along the northern part of the site, as identified on the Through-Site Link Map of the Sydney DCP 2012.

Clause 6.21 of Sydney LEP 2012 specifies that an additional 10 percent of height or FSR (not both) is permissible on sites where design excellence is demonstrated through a competitive design process.

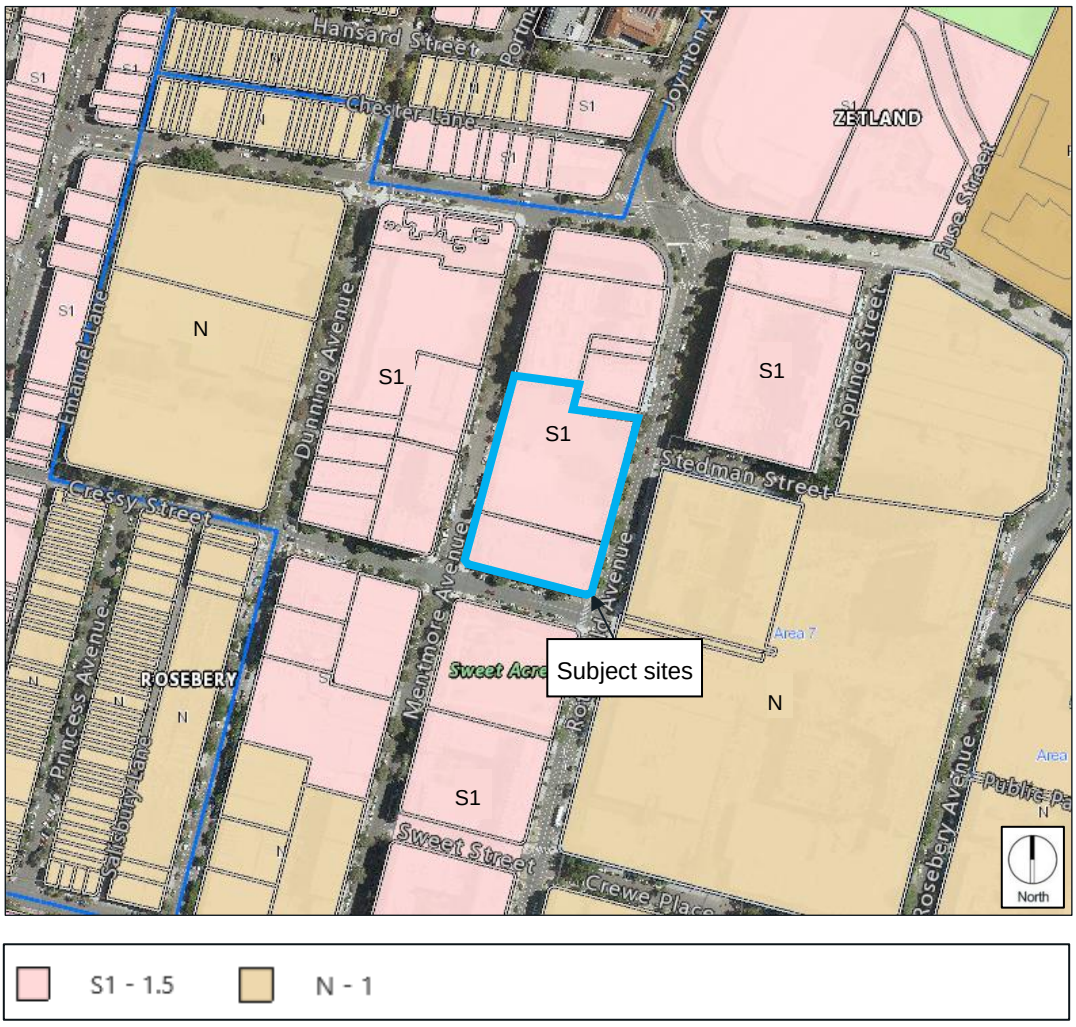


Figure 18: Extract from Sydney LEP 2012 Floor Space Ratio Map

2.4 Heritage

The southern portion of the site includes a local heritage item identified under schedule 5 of the Sydney LEP 2012.

- Heritage Item I1382, 'Former warehouse including interior'

The area surrounding the subject site is not a heritage conservation area, however there are two local heritage items located close to the west of the site as follows:

- Heritage Item I1378, 'Mentmore House'
- Heritage Item I1376, '"Paradise Garage" warehouse including interior'

Figure 19: Heritage Map, Sydney LEP 2012

2.5 Planning proposal request

In February 2017, a concept development application was lodged for the construction of a new seven storey residential apartment building around a central communal courtyard including a two-storey element cantilevered above the heritage listed warehouse. The proposal included adaptation and subdivision of the warehouse to include several townhouses.

The development application was refused in November 2017 as the proposal did not adequately conserve the heritage listed warehouse building and the proposed built form did not demonstrate an appropriate form, building height, bulk, scale or setback that responded sympathetically to the surrounding built form.

Following the refusal of the development application, the City has worked with the landowner to explore potential built form outcomes that are appropriate to the context of the site.

In December 2017, Ethos Urban planning consultants submitted a Planning Proposal (request) to the City on behalf of the landowner, Maville Park Pty Ltd, supported by justification reports to change the planning controls in the Sydney LEP 2012. The request was for:

- increase the Height of Buildings Map in the Sydney LEP 2012 from 22 metres to 29 metres;
- approximately 18,375 square metres of gross floor area accommodating commercial, retail and residential uses, equating to about 0.90:1 on 'Site H' (existing FSR) and 2.77:1 on 'Site D';
- four eight storey building envelopes with a building envelope depth of 26 metres to accommodate about 16,435 square metres of residential floor space in 208 residential apartments;
- two basement levels including 219 car spaces, 19 motorcycle spaces, 248 bicycle spaces and storage; and
- the adaptive reuse of the heritage listed warehouse to accommodate non-residential uses.

The request and supporting documentation prepared by the landowner and consultant team is appended to this Planning Proposal.

The City prepared this Planning Proposal following a detailed review and assessment of the proponent's proposed development concept. It includes a number of revisions to the requested planning controls to address issues relating to bulk and scale, adaptive reuse of the heritage listed warehouse, relationship to surrounding development and the ability of any future development on the site to achieve the amenity requirements of the Apartment Design Guide (ADG) and Sydney DCP 2012. Urban design testing that is appended to this Planning Proposal has been undertaken by the City to demonstrate that the amended envelope is able to comply with the ADG.

This Planning Proposal and draft DCP, prepared by the City, addresses the issues arising from the assessment of the proponent's planning proposal request.

3 Objectives and Intended Outcomes

This Planning Proposal will enable the redevelopment of 12-22 and 24 Rothschild Avenue, Rosebery to:

- achieve an appropriate mix of residential, retail and commercial uses that can achieve the maximum floor space permitted under existing controls and meet the B4 Mixed Use zone objectives;
- ensure the preservation and ongoing adaptive reuse of the heritage listed warehouse and protection of the heritage values;
- ensure a maximum FSR is established that is suitable to the site and any impacts on surrounding uses are reduced and maintained within acceptable levels;
- facilitate the delivery of market housing in an area with good access to public transport, social infrastructure, employment opportunities, good and services;
- ensure an active frontage to Rothschild Avenue and a through-site link to the north of ‘Site D’;
- ensure new buildings achieve design excellence and improve the amenity and existing contribution of the site to the surrounding area;
- ensure new development responds appropriately to the surrounding context and provides an appropriate transition between the existing local heritage item and public open space;
- ensure existing residential development can achieve the development standards prescribed in *State Environmental Planning Policy no 65 – Design of Quality Residential Apartment Development* and the Apartment Design Guide; and
- ensure any development on the site is sympathetic to the heritage listed warehouse, reinforces the street alignment and improves pedestrian amenity.

4 Explanation of provisions

4.1 Sydney Local Environmental Plan 2012

Building height

This Planning Proposal seeks amendments to the Height of Buildings Map Sheet 18 of the Sydney LEP 2012, in accordance with the proposed FSR Map shown at Part 6 of this Planning Proposal and described in Table 1:

Location	Existing control	Proposed control	Design excellence
Heritage building on Site H	22 metres 6 storeys	9 metres 2 storeys	Not eligible for design excellence ***bonus***
Rothschild Avenue frontage on Site D	22 metres 6 storeys	29 metres 8 storeys	29 metres 9 storeys
Mentmore Avenue frontage on Site D	22 metres 6 storeys	27 metres 7 storeys	27 metres 8 storeys

Table 1: Existing and proposed maximum building height controls.

Floor space ratio

This Planning Proposal seeks amendments to the FSR Map Sheet 18 in the Sydney LEP 2012, in accordance with the proposed FSR Map shown at Part 6 of this Planning Proposal and described in Table 2:

Location	Existing control	Proposed control	Design excellence
Site H	1.5:1 and 0.5:1 CIFS*	1:1	Not eligible for design excellence ***bonus***
Site D	1.5:1 and 0.5:1 CIFS*	1.75:1 and 0.5:1 CIFS*	Eligible for 10% design excellence floor space or height.

Table 2: Existing and proposed maximum FSR controls.

This Planning Proposal ensures the preservation of the heritage listed warehouse by reducing the FSR on ‘Site H’ and transferring it to the adjacent ‘Site D’.

To arrive at the FSR of 1.75:1 on ‘Site D’, 0.5:1 of floor space on ‘Site H’ (being 2,474sqm [site area] * 0.5:1 = 1,237sqm) has been transferred to ‘Site D’. The 0.5:1 FSR that can be achieved where community infrastructure is being provided is being extinguished because no community infrastructure is required on ‘Site H’.

The resulting floor space on ‘Site D’ is 10,377.50sqm (being 1,237sqm {from ‘Site H’} + {5,930sqm [site area] * 1.5:1 = 8,895sqm or 1.75:1). It is however noted that there are slight differences accounted for because of mapping requirements. In addition, the site an additional 0.5:1 FSR can be achieved where community infrastructure is being provided.

The redistribution of floor space, the Green Square Community infrastructure floor space and 10% additional floor space awarded through a competitive design process will result in a total FSR of 2.475:1 for 'Site H', generally equivalent to the amount of floor space that can be achieved on the combined sites under the current planning controls.

Active frontages

This Planning Proposal seeks to introduce a new Active Frontages Map (Sheet 18) in the Sydney LEP 2012 to identify an active frontage to the through-site link to the north of Site D, in accordance with the proposed Active Street Frontages Map shown at Part 6 of this Planning Proposal.

New provisions at Part 7, Division 4 of Sydney LEP 2012, relating to the active street frontage are described in the drafting instructions shown at Figure 20.

Site specific

This Planning Proposal seeks amendment to Part 6, Division 5 Site Specific Provisions of the Sydney LEP 2012 to insert a site-specific clauses, to:

- require that only non-residential floor space can be provided on 'Site H';
- ensure Clause 6.14 – 'Community infrastructure floor space' no longer applies to 'Site H' (to limit the total FSR for 'Site H' to 1:1, ensuring any future development is sympathetic to the heritage values of the warehouse); and
- ensure Clause 6.21 – 'Design excellence' no longer applies to 'Site H' (limiting the potential for a substantial future redevelopment of 'Site H' that would adversely impact the otherwise intact heritage-listed warehouse).

Drafting instructions are shown at Figure 20.

Drafting instructions

6.XX 24 Rothschild Avenue (Site H):

(1) This clause applies to 24 Rothschild Avenue, Rosebery, being Lots 1 and 2 DP 456612 and Lots 410 and 456 DP 7534.

(2) Development cannot exceed the maximum permitted floor space ratio for the land as shown on the Floor Space Ratio Map. Clause 6.14 Community Infrastructure floor space at Green Square and Clause 6.21(7)(b) Design Excellence does not apply to a building on land to which this clause applies.

(3) No part of the floor space is to be used for a residential purpose or tourist and visitor accommodation.

6.XX 12-22 Rothschild Avenue (Site D):

(1) This clause applies to 12-22 Rothschild Avenue, Rosebery, being Lot 1 DP 314957, Lot 5 DP 309149, Lot A DP 322620, Lot B DP 308922 and Lot 408 315228.

(2) Clause 6.21(7)(a) does not apply to the development on the subject land to which this clause applies.

7.XX Active street frontages:

(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages.

(2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:

(a) entrances and lobbies (including as part of mixed use development),
(b) access for fire services,
(c) vehicular access.

(5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

Figure 20: Drafting instructions

The City has also prepared a draft DCP containing detailed site-specific planning controls. It includes provisions relating to the public domain, design excellence requirements, land use, building envelopes and location, bulk and massing, street frontage heights, setbacks and vehicle entrances. The draft Sydney DCP 2012 amendment will be publicly exhibited with this Planning Proposal.

This Planning Proposal and draft DCP will facilitate a mixed-use development comprising of approximately:

- approximately 2,100 square metres of commercial/office use to be retained within the heritage listed warehouse;
- approximately 200 square metres of retail space at the north-east of the site;

- 14,500 square metres of residential floor space, resulting in about 180 apartments (assuming an average of 80 square meters per apartment);
- two buildings of up to 8/9 storeys fronting Rothschild Avenue and up to 7/8 storeys fronting Mentmore Avenue.

The development will facilitate:

- completion of a partially completed through-site link connecting Rothschild Avenue and Mentmore Avenue at the northern end of 'Site D';
- establishment of a six metre publicly accessible heritage curtilage to the north of the warehouse;
- retention of the heritage warehouse;
- setbacks that align future development with the heritage listed warehouse through a seven metre landscaped setback fronting Rothschild Avenue and five metre setback on Mentmore Avenue.

5 Justification

5.1 Development outcomes

This Planning Proposal and draft DCP is informed by an assessment of the built form and development controls proposed by the proponent in their planning proposal request and further urban design testing has undertaken by the City to ensure the building envelope is able to comply with the amenity provisions of the ADG.

This Planning Proposal will ensure the protection and continued adaptive reuse of the heritage listed warehouse through the redistribution of the of the floor space that cannot be achieved on 'Site H' to the adjacent 'Site D' to the north. This will facilitate demolition of the existing buildings on 'Site D' that have reached the end of their functional life, and construction of new, predominantly residential buildings.

The new buildings will have a maximum height of 29 metres and up to nine storeys fronting Rothschild Avenue and 27 metres and up to eight storeys fronting Mentmore Avenue. The buildings will include a five storey street wall, communal open space and landscaping on the roof level.

The new buildings will be setback from Rothschild and Mentmore Avenue, retaining the existing vegetated setback alignment of the heritage item. The upper levels of the building will be further set back three metres from the street wall to create a tiered built form.

The existing two-storey heritage item at the south of the site ('Site H') will be retained and a new six metre heritage curtilage between the item and the new buildings to the north of the site will be established. The heritage curtilage will be publicly accessible, improving pedestrian amenity and the permeability of the site.

The building envelope includes articulation along the street frontage to break up the perceived length and bulk of the building.

The commercial and retail uses will be located on the ground floor of the development, including about 2,100 square metres of commercial office use retained within the heritage listed warehouse and retail tenancies in the north-east of the new buildings the through-site link to the north of the site, mirroring the location of retail uses within the existing adjoining development to the north.

This Planning Proposal will facilitate approximately 180 residential apartments distributed across two buildings. The proposed built form allows for communal private open space area to be located in the middle of the site providing separation between the new residential buildings.

A through-site link to the north of the site will be completed as commenced by the adjoining development to the north-east.

The proposed structure and land use plan, building height plan and setback plan are shown in Figures 21 to 24.

Figure 21: Structure and land use plan

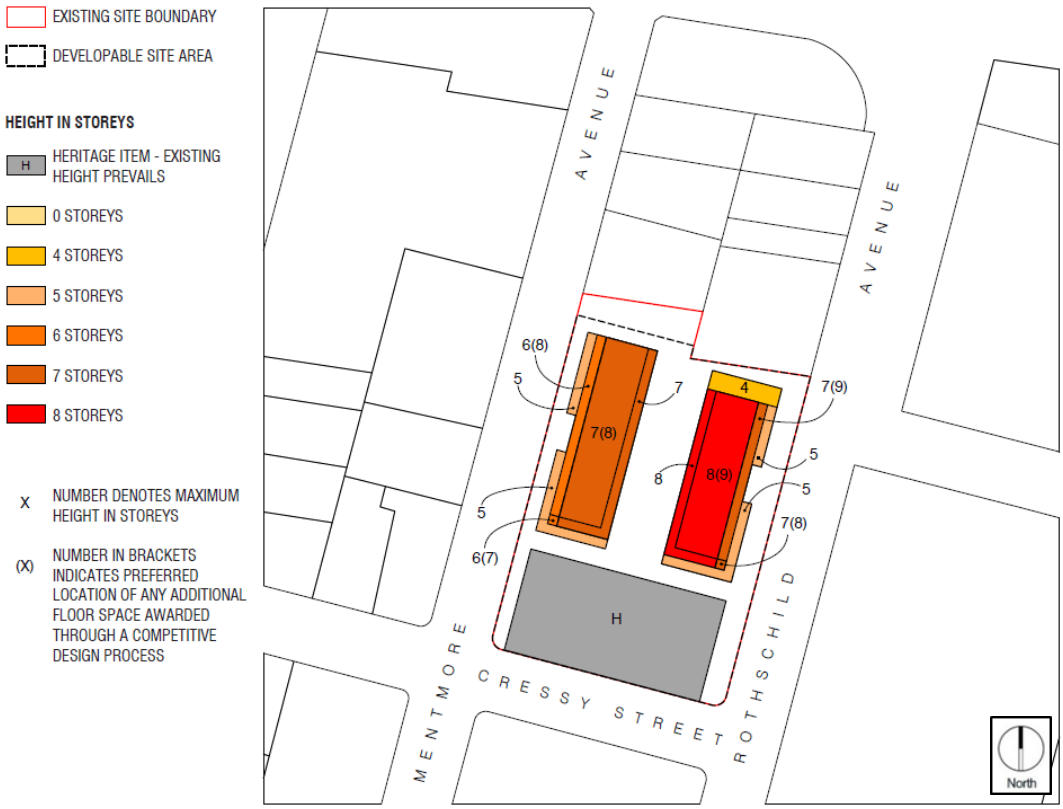


Figure 22: Building height plan

Figure 23: Building setback plan

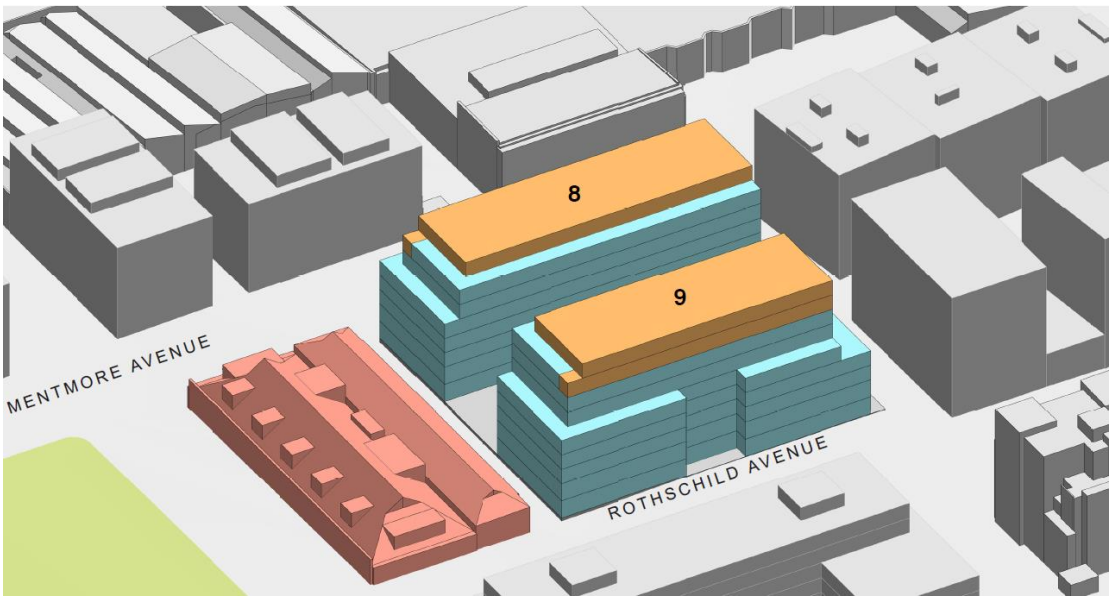


Figure 24: Axonometric view of the proposed building envelopes

5.2 Outcomes of this Planning Proposal and draft DCP

The proposed changes to the Sydney LEP 2012 and Sydney DCP 2012 controls result in various improvements compared to development possible under existing controls as discussed below.

Height and FSR

The change to building heights in the Sydney LEP 2012, described at Table 1, shows the existing and proposed maximum building height controls. The change in FSR on the site is described at Table 2.

To account for the complete and intact nature of the heritage listed warehouse and to prevent further significant development of this site, the mapped FSR for 'Site H' would reduce from 1.5:1 to 1:1. This floor space would be effectively transferred to the adjoining 'Site D', which would see the mapped FSR increase from 1.5:1 to 1.75:1. Under clause 6.14 of the Sydney LEP 2012, an additional 0.5:1 of FSR is available where community infrastructure is provided.

As the site is more than 5,000 square metres in area, any future development application is required to undertake a competitive design process to achieve design excellence. Clause 6.21 of Sydney LEP 2012 specifies that an additional 10 percent of height or FSR (not both) is permissible on sites where design excellence is demonstrated through a competitive design process.

It is noted the calculation of the community infrastructure and design excellence floor space is only applicable to Site D. Site H is excluded from the calculation of any additional community infrastructure floor space or design excellence floor space to ensure any future development is not excessive to its location and is sympathetic to the heritage values of the warehouse.

The building envelopes shown in the draft DCP accommodate the maximum amount of floor space available (including any design excellence floor space). It is therefore assumed that any future development on site would opt for the design excellence bonus to be awarded as additional floor space.

The City has undertaken urban design testing to ensure the building envelope for Site D is consistent with the surrounding context and sympathetic to the heritage listed warehouse. The proposed changes can be achieved without compromising the amenity of surrounding uses and adjacent residential developments. The urban design testing is appended to this Planning Proposal.

Generous building setbacks and additional secondary setbacks will minimise any overshadowing of the public domain and heritage building. The setbacks will also limit the perceived height, bulk and scale of the future development. The publicly accessible heritage curtilage and through-site link will improve pedestrian amenity, provide a distinction and separation between the adjacent buildings and taller building heights to improve the visual appearance of the streetscape.

Heritage

This Planning Proposal also seeks to amend the Sydney LEP 2012 to retain and preserve the form and visual prominence of the heritage listed warehouse on the southern lot, known as Site H, as follows:

- ensure the retention of the heritage building by reducing the building height and floor space controls to retain the building's current form;
- ensure the continued adaptive reuse of the heritage listed warehouse for employment uses by limiting uses on Site H to non-residential uses only;
- establish a six metre publicly accessible heritage curtilage to provide a distinct separation between the heritage listed warehouse and any future development on Site D; and
- require building envelopes on Site D be appropriately setback to ensure and overshadowing and adverse bulk and scale impacts to the heritage item are minimised and not dominated by a new development.

Street wall heights and setbacks

The increase to the maximum building height control allows new street wall heights and setbacks for upper storeys to be introduced. These will help to reduce the built form appearance as a result of the proposed increased building heights.

It is proposed to introduce a new five-storey street wall to both street frontages and the adjacent to the heritage item. Any additional storeys above the street wall will be setback an additional three metres. A four storey street wall height is proposed for the north-east corner of the building fronting the completed through-site link to provide suitable building separation between the future development and existing buildings.

The proposed development concept includes landscaped deep soil setbacks on the Rothschild Avenue and Mentmore Avenue frontages that align with the heritage listed warehouse. The new buildings will be setback seven metres from the eastern site boundary and five metres from the western site boundary. The setback will provide deep soil zones for the retention of existing mature vegetation and new landscaping to soften the built form, improve the amenity and character of the streetscape and provide a sensitive response to the heritage item.

Through-site link

The proposed changes facilitate the completion of an existing part through-site link to the north of the site to connect Rothschild and Mentmore Avenues. Ground floor retail tenancies will front the eastern section of the through-site link, mirroring adjacent retail uses, contributing further activity and security to the pedestrian network.

The draft DCP also identifies a six metre heritage curtilage that the landowner may elect to be publicly accessible, providing a further through site link. Irrespective, the six metre heritage curtilage will provide a clear visual separation between the future development on the site and the heritage listed warehouse. This separation will also minimise adverse bulk, scale and overshadowing impacts to the heritage item from future development on 'Site D'.

Improved mix and distribution of uses

The proposed development concept incorporates a mix of retail, commercial and residential uses. These uses are consistent with the objectives of the B4 Mixed Use zone.

The proposed uses have been strategically located on the site to ensure an effective outcome that delivers employment uses and retail activity in a suitable location while minimising impacts to surrounding residential developments. The proposal focuses retail uses to the north of the site adjacent to existing retail premises fronting the northern side of the through-site link, away from residential uses elsewhere on the site.

Commercial/Office uses are to be located in the heritage listed warehouse, a continuation of its existing use and will provide a suitable interpretation of the original use of the warehouse. The ongoing adaptive reuse of the warehouse retains the heritage item, contributing to the streetscape.

Design excellence

A Design Excellence Strategy has been integrated into the site-specific provisions of the draft DCP and address the requirements of the City of Sydney Competitive Design Policy. The proponents have nominated to undertake a Competitive Design Alternatives Process and in accordance with the policy, a minimum of three competitors are required.

The Competitive Process boundary will be clearly defined to exclude the heritage item from the competitive design process. The Design Excellence Strategy will however require the design of any future development to suitably respond to the heritage listed warehouse.

The draft DCP includes design excellence provisions detailing the required strategy, competitive design process, competition boundaries and location of design excellence bonus.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The proposed building envelope allows the proposed residential development to comply with the requirements in *State Environmental Planning Policy No 65 – Design Quality of Residential Development* (SEPP 65) including appropriate apartment sizes and layouts, building depth, natural ventilation and solar and daylight access.

Solar and daylight access is important for apartment buildings, reducing the reliance on artificial lighting and heating, improving energy efficiency and residential amenity. The proposed controls have been developed to ensure an appropriate percentage of apartments receive direct sunlight. The taller built elements are located along the eastern boundary of the site maximising solar access.

Under the Apartment Design Guide, every habitable room must be naturally ventilated and the majority of apartments are to be naturally cross-ventilated. Natural cross-ventilation is achieved by apartments having more than one aspect with

exposure to prevailing winds or significantly differing pressure regions. The proposed scheme is based on a similar ADG-compliant building envelope located on an adjacent site, which receives sufficient cross ventilation and solar access. Schematic design plans were developed by the City to test viability with regard to solar access and cross ventilation for the eastern building envelope fronting Rothschild Avenue. The plans demonstrated the building envelope was capable of achieving appropriate ADG compliance and as this is the taller building, the western building envelope fronting Mentmore Avenue would also be able to achieve ADG compliance. The plans are appended to this Planning Proposal.

Open Space

The proposed scheme provides about 2,000 square metres of communal open space at ground level which is equal to 25 percent of the combined site. There is also an opportunity for the provision of communal landscaped space on the roof.

Community facilities

Green Square is a rapidly changing urban renewal area with a planned growth in population to 61,000 people by 2030. This Planning Proposal does not increase total FSR across the site, and therefore the planned population growth in Green Square and supporting infrastructure, already accounts for the new residents to the sites following redevelopment.

The City anticipates that the Green Square Town Centre will provide sufficient social infrastructure to meet the needs of new residents in the wider area.

New parks and open space have been delivered in Rosebery and Green Square as a result of recent development, the sites are directly adjacent to the recently opened Sweet Acres Park, and the recently upgraded Turruwul Park. Sydney Park is a 30 minute walk or 10 minute cycle from the subject site.

The City has entered into a facilities sharing agreement between the City and the Department of Education and Communities to deliver a new primary school at Green Square Town Centre. The City will continue to work with the Department of Education and Communities, updating them on dwelling completions and population increases as a result of new development, and working with them to deliver new school locations and expand capacity at existing schools.

This highlights that the City continues to advocate for the provision of services and facilities outside of the City's direct control.

Public and active transport

The proposed scheme will result in residential dwellings and employment uses close to existing public and active transport infrastructure.

The sites have direct access to public transport through the bus stops located directly in-front of the site on Rothschild Avenue which includes frequent bus services to Bondi Junction, Central Sydney and beyond. The site is in walkable distance to Green Square train station located about one kilometre to the north-west.

The site is well served by the existing active transport network. The wide footpaths along Rothschild Avenue and 40 kilometre per house speed limit along Mentmore Avenue and Cressy Street provide a favourable environment for walking and cycling. Dunning Avenue, about 100 metres to the west of the site, provides north and south bicycle connections and has been identified by the City as the location of future separated cycleways.

Traffic, parking and vehicular access

The traffic study appended to this report notes that a mixed-use redevelopment of the site, comprising of predominantly residential uses, would result in an improved traffic impact, compared to a similar scale solely commercial redevelopment.

The proposed development includes basement car, motorcycle and bicycle parking. The exact mixture and provision of vehicle parking is subject of a future development application and will be in accordance with rates established by the Sydney LEP 2012 and Sydney DCP 2012, which are consistent with the City's objective to reduce private car usage. At approximately 170 spaces, this would be an increase to the 90 spaces currently provided on site.

The primary vehicular access point to the basement is to be located on Mentmore Avenue to minimise disruptions to public transport services and traffic flow on Rothschild Avenue.

The site is located close to the Rosebery Traffic and Transport Study area, which the City has commissioned to ascertain the current and future transport and road capacity available within the southern portion of Rosebery. The study is to identify opportunities to improve the road network efficiency and public transport capacity.

The City has also been working with Transport for NSW on a Transport Action Plan for the Green Square Urban Renewal Area to identify opportunities and implement measures to improve active and public transport capacity in the short-term.

Footpath widening and deep soil planting

The proposed development allows for greater ground level building setbacks along Rothschild Avenue and Mentmore Avenue. The seven metre and five metre setbacks will include deep soil planting in the form of existing mature vegetation and new landscaping. The additional setbacks will improve the amenity of the public domain and the character of the streetscape.

Contamination

The planning proposal request was accompanied by a Contamination Site Investigation Report, included at Appendix B. A number of areas of environmental concern were identified including contaminated levels in shallow fill, groundwater and the presence of an underground petroleum storage system on site.

Remediation is therefore required prior to construction and residential occupation on the site. The City's Environmental Health Unit reviewed the proposal and recommended that the submitted reports and remediation strategy is to be reviewed and approved by a NSW accredited site auditor prior to Council granting consent for the development.

Flooding

A Flood Impact Assessment prepared by Cardno accompanied this Planning Proposal and is included at Appendix D. The proposed scheme includes basement entries that are above the minimum flood planning level to satisfy the interim flood policy requirement and the location of the residential floor space is located 0.3 metres above the surrounding surface level, consistent with policy requirements. The Proposal is therefore able to achieve compliance with the relevant sections of the Sydney DCP 2012.

5.4 Need for this Planning Proposal

Q1. Is the Planning Proposal the result of any strategic study or report?

This Planning Proposal is a result of a request from the landowner to change the planning controls relating to the sites.

The landowner undertook a number of studies in support of the request, including an economic statement, acoustic assessment, site contamination investigation, traffic assessment and heritage impact assessment, which are appended to this Planning Proposal.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This Planning Proposal is to change height and FSR controls on the site to facilitate a mixed use development.

As such, a planning proposal is required to amend the Sydney LEP 2012.

5.5 Relationship to strategic planning framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including any exhibited draft plans or strategies)?

A Metropolis of Three Cities – the Greater Sydney Region Plan

A Metropolis of Three Cities – the Greater Sydney Region Plan is the NSW Government's overarching strategic plan for growth and change in Sydney. The 20 year plan with a 40 year vision seeks to transform Greater Sydney into a metropolis of three cities being the Western Parkland City; the Central River City; and the Eastern Harbour City.

It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The plan aspires to deliver the following outcomes:

- liveability – enhancing cultural and housing diversity and designing places for people;
- productivity – developing a more accessible and walkable city and creating conditions for a stronger economy;
- sustainability – valuing green spaces and landscape, improving efficiency of resources and creating a resilient City; and
- infrastructure – ensuring infrastructure supports new developments and governments, community and businesses collaborate to realise the benefits of growth.

To achieve these goals and address challenges 10 overarching strategic directions inform potential indicators and objectives. Objectives of particular relevance to this Planning Proposal include: Objective 7 Communities are healthy, resilient and socially connected; Objective 10 Greater housing supply; Objective 12: Great places that bring people together; Objective 13 Environmental heritage is identified, conserved and enhanced; Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities; and Objective 34 Energy and water flows are captured, used and re-used.

This Planning Proposal is consistent with several relevant objectives as it will:

- promote urban renewal of a site which is well situated close to public transport;
- conserve and enhance the heritage building;
- takes a place based approach
- accelerate supply of new and diverse residential accommodation; and
- incorporate environmental sustainable measures.

Eastern City District Plan

The *Eastern City District Plan sets* out the NSW Government vision, planning priorities and actions for the Eastern City District, including the City of Sydney. It establishes a 20 year plan to achieve the 40 year vision. The plan aims to provide 157,500 additional homes and between 662,000 – 732,000 jobs. It also responds to the Region Plan's four desired outcomes in more detail as outlined below:

- liveability – ensuring place-based planning and design excellence that builds on local strengths and focuses on public places and open spaces;
- productivity – fostering the nation's financial and business capital, domestic and international tourists, innovation health and education precincts, cultural and arts sector, night time economies and employment lands;
- sustainability – maintaining and managing green infrastructure, improving the way buildings and precincts are planned and designed, lowering carbon emissions and supporting the more efficient use of resources;
- infrastructure – facilitating major transport, health and education investments either committed or planned and how they adapt to increasingly rapid change in technology.

This Planning Proposal is consistent with the following planning priorities from the Eastern City District Plan:

- Planning Priority E3: Providing services and social infrastructure to meet people's changing needs – Following the completion of the through-site link at the north of the site, the land will be dedicated to Council to complete the through site link connecting Rothschild Avenue to Mentmore Avenue. The Plan encourages universal design of places ensuring people can easily access services and facilities in the area they live. It will also encourage a greater cross-section of people to live physically active and socially connected lives.
- Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport - This Planning Proposal significantly increases potential for residential dwellings on the site. While importantly there is no total increase in FSR across the site, so it has been incorporated into the future planning and infrastructure provision of Green Square, floor space is 'unlocked' by the Planning Proposal. This Planning Proposal will contribute towards the Eastern City District's housing supply target of 157,500 new dwellings, including 18,300 new dwellings in the City of Sydney. It will provide a range of one-, two- and three-bedroom apartments which have good access to jobs, services, facilities and public transport.
- Planning Priority E10: Delivering integrated land use and transport planning for a 30-minute city - This Planning Proposal will involve redevelopment of the site for mixed-use purposes. At a local level, the proposed development concept satisfies the objective of a 30-minute city as it will include access to local

employment opportunities and improve permeability via the establishment of a through site link. It is also close to existing public transport with good access to employment in Central Sydney within 30 minutes travel time.

- Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently - This Planning Proposal will amend the planning controls to ensure the built form responds to the surrounding context and sustainability measures are incorporated into the design and development, including increased energy and water efficiency targets.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Sustainable Sydney 2030 is the vision for sustainable development of the City of Sydney to 2030 and beyond. It includes 10 strategic directions to guide the future of the City of Sydney. This plan outlines the City's vision for a 'green', 'global' and 'connected' City of Sydney and sets targets, objectives and actions to achieve that vision. This Planning proposal is aligned with the following relevant strategic directions and objectives:

- Direction 2: A leading environmental performer – Redevelopment of the site, facilitated by this Planning Proposal, will deliver new building stock with significantly better environmental performance than the current development. This will reduce the energy consumption of future development and directly contribute towards the City's target for a reduction in emissions of 30% by 2030.
- Direction 3: Integrated transport for a connected City – The site is directly adjacent to a high frequency bus route on Rothschild Avenue with bus services departing every five minutes in peak hours, connecting the site with Central Sydney, Bondi and Kingsford. Frequent bus services operate along Botany Road, approximately 200 metres from the site. The site is within walking distance to Green Square train station with up to 10 train services per hour to Central Sydney, Sydney Airport and connections to the wider rail network.
- Direction 4: A City for walking and cycling – This Planning Proposal will encourage active transport by facilitating the delivery of new residential, retail and commercial floor space in a reasonable walking and/or cycling distance to a range of existing and planning services and facilities. The new uses and design of the ground floor will lead to a greater activation of the public domain and a greater sense of security encouraging further pedestrian activity.
- Direction 6: Vibrant local communities and economies – This Planning Proposal will result in a new residential development, while preserving the heritage listed building to be used for commercial uses and retail uses fronting the through-site link. The non-residential activity will provide local services and employment opportunities. The design of the development will improve the public domain and encourage street activity, which will positively contribute towards fostering a sense of community.
- Direction 7: A cultural and creative city – Any development application process will ensure the provision of high quality public art. This will promote liveability and quality of life of the community and contribute towards the cultural vitality of the City.
- Direction 8: Housing for a diverse population – There is currently no residential development on the site. Redevelopment through this Planning Proposal will provide new residential apartments, which will cater for the needs of the growing and diverse population and contribute to the City's housing targets. The site will

also be subject to the Green Square Affordable Housing Scheme as required under the Sydney LEP 2012.

- Direction 9: Sustainable development, renewal and design – This Planning Proposal will amend the planning controls to ensure the built form responds to the surrounding context and delivers a high level of amenity for future residents. Any design excellence process will ensure high quality sustainable measures are incorporated into the design and development, including increased energy and water efficiency targets.

Q5. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

This Planning Proposal's consistency with current State Environmental Planning Policies (SEPPs) is summarised in Table 2. SEPPs which have been repealed or have not finalised are not included in the table.

This Planning Proposal's consistency with Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed SEPPs, is summarised in Table 3.

Table 2: Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP No 1 – Development Standards	Consistent, this Planning Proposal does not contain provisions that contradict of hinder the application of this SEPP.
SEPP No 14 – Coastal Wetlands	Not applicable.
SEPP No 19 – Bushland in Urban Areas	Not applicable.
SEPP No 21 – Caravan Parks	Not applicable.
SEPP No 30 – Intensive Agriculture	Not applicable.
SEPP No 33 – Hazardous and Offensive Development	Not applicable.
SEPP No 36 – Manufactured Home Estates	Not applicable.
SEPP No 44 – Koala Habitat Protection	Not applicable.
SEPP No 47 – Moore Park Showground	Not applicable.
SEPP No 50 – Canal Estate Development	Not applicable.
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 55 – Remediation of Land	Consistent. There is no proposed change to the zoning. This Planning Proposal does not contradict or hinder applicable of this SEPP. The proponent has provided evidence indicating that the site can be made suitable for residential uses.
SEPP No 62 – Sustainable Aquaculture	Not applicable.
SEPP No 64 – Advertising and Signage	Not applicable.

State Environmental Planning Policy	Comment
SEPP No 65 – Design Quality of Residential Apartment Development	Consistent. The proposed change to the controls enable a development that is capable of complying with the SEPP and Apartment Design Guide.
SEPP No 70 – Affordable Housing (Revised Schemes)	Consistent – this Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP. The Green Square Affordable Housing Scheme applies to this site under Sydney LEP 2012.
SEPP (Affordable Rental Housing) 2009	This SEPP does not apply to land in Green Square.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Coastal Management) 2018	Not applicable.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable.
SEPP (Exempt and Complying Development Codes) 2008	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Infrastructure) 2007	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Integration and Repeals) 2016	Not applicable.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (State and Regional Development) 2011	Not applicable.
SEPP (State Significant Precincts) 2005	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.

State Environmental Planning Policy	Comment
SEPP (Three Ports) 2013	Not applicable.
SEPP (Urban Renewal) 2010	Consistent. The site is located within the Green Square Urban Renewal Area. This Planning Proposal is consistent with the SEPP's aims to provide higher density mixed-use development with access to services, facilities and public domain areas associated with existing and future public transport services.
SEPP (Vegetation in Non-Rural Areas) 2017	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.

Table 3: Consistency with Regional Environmental Plans

State Environmental Planning Policy	Comment
Sydney REP No 8 (Central Coast Plateau)	Not applicable.
Sydney REP No 9 – Extractive Industry (No2 – 1995)	Not applicable.
Sydney REP No 16 – Walsh Bay	Not applicable.
Sydney REP No 20 – Hawkesbury-Nepean River (No 2 – 1997)	Not applicable.
Sydney REP No 24 – Homebush Bay Area	Not applicable.
Sydney REP No 26 – City West	Not applicable.
Sydney REP No 30 – St Marys	Not applicable.
Sydney REP No 33 – Cooks Cove	Not applicable.
Sydney REP (Sydney Harbour Catchment) 2005	Not applicable.

Q6. Is the Planning Proposal consistent with applicable Section 117 Ministerial Directions?

This Planning Proposal's consistency with applicable section 117 Ministerial directions is outlined in Table 4.

Table 4: Consistency with Ministerial directions

Direction	Comment
Employment and Resources	

	Direction	Comment
1.1	Business and Industrial Zones	Consistent. The subject site is zoned B4 Mixed Use under the Sydney LEP 2012. The zone permits retail, commercial and residential uses with development consent. This Planning Proposal will not reduce the total potential floor space available for employment uses. This Planning Proposal is consistent with the objectives and requirements of this direction as the proposed development concept will facilitate the ongoing use of the heritage listed warehouse as an office and provide new retail spaces to enhance the vitality of the area and provide employment opportunities in the community.
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
Environment and Heritage		
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	A heritage listed warehouse listed under the Sydney LEP 2012 is located within the site. This Planning Proposal seeks to retain and protect this heritage item by transferring the floor space from 'Site H' containing the heritage item to the adjoining 'Site D' to the north. The redevelopment of the site resulting from this Planning Proposal will be designed so it is sympathetic to the heritage values and character of the heritage listed warehouse.
2.4	Recreation Vehicle Areas	Not applicable
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Consistent. This Planning Proposal does not contain provisions that will reduce the permissible residential density of the land. The Proposal will facilitate the delivery of approximately 180 new dwellings on the site, increasing the amount and variety of housing in the City of Sydney local area.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable

	Direction	Comment
3.4	Integrating Land Use and Transport	Consistent. This Planning Proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).
3.5	Development Near Licensed Aerodromes	Not applicable. The site is not in an Australian Noise Exposure Forecast (ANEF) contour zone.
3.6	Shooting Ranges	Not applicable
Hazard and Risk		
4.1	Acid Sulfate Soils	Consistent. This Planning Proposal does not contradict or hinder application of acid sulfate soil provisions in Sydney LEP 2012. The site is on Class 5 Acid Sulfate Soil.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. This Planning Proposal does not change the uses or intensity of development permitted on the site. Any future development on the site can be suitably designed to mitigate any potential flood risk.
4.4	Planning for Bushfire Protection	Not applicable
Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport: Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Consistent. This Planning Proposal is consistent with the Eastern City District Plan.
Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. This Planning Proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. This Planning Proposal will not affect any land reserved for public purposes.

	Direction	Comment
6.3	Site Specific Provisions	Consistent. This Planning Proposal does not contradict or hinder the application of this direction.
Metropolitan Planning		
7.1	Implementation of *A Plan for Growing Sydney*	Consistent. The aim of this direction is to give legal effect to the principles, directions and priorities contained in A Plan for Growing Sydney (Plan). In March 2018, this Plan was replaced by the A Metropolis of Three Cities – the Greater Sydney Region Plan. Section 5.7 of this Planning Proposal discusses how the proposal is consistent with A Metropolis of Three Cities – the Greater Sydney Region Plan.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable

5.6 Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site is located in an urbanised area and does not contain any known critical habitat or threatened species, populations or ecological communities, or their habitats. This Planning Proposal supports new street tree planting and the retention of the existing areas of vegetation along the site boundaries through a setback of the new buildings that matches the setback of the existing heritage item on site.

As part of any future redevelopment of the site, resulting from this Planning Proposal, the City will consider environmental impacts that may be generated by the development. This will include the assessment of street trees, communal open space areas for residential development and additional vegetation that can be incorporated into the design development and the through-site links.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This Planning Proposal is to amend the maximum building height and floor space control applicable to the site under the Sydney LEP 2012. The changes will help to provide a development that is suitable for commercial, retail and residential purposes. Any environmental effects have been identified and the proposed scheme has been developed in collaboration with the proponent. Design principles to ensure the environmental effects such as overshadowing and noise attenuation are appropriately managed have been incorporated into the draft DCP. Environmental impacts are discussed in section 5.2 of this Planning Proposal and urban design testing for ADG amenity impacts and overshadowing of the adjacent heritage item and park is appended to this Planning Proposal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

This Planning Proposal will facilitate redevelopment of the site. However it does not propose an increase in the density above what is currently permissible under the Sydney LEP 2012. The proposed concept design will introduce residential to the existing commercial uses on the site and provide for retail uses. However it will not result in an increase in residential or worker population greater than that already anticipated under the existing planning controls and is not expected to result in any negative social or economic effects.

Redevelopment of the site will offer a range of social and economic benefits including improving the amenity, accessibility and vitality of the public domain within the area through retail activation, the through-site links and greater building setbacks. It will also increase consumer choice, provide additional employment opportunities and increase housing choice.

A range of public benefits that are made possible by change the height controls, including retention, preservation and activation of the existing heritage item and the adjacent additional through-site link. The public benefits will ensure the provision of additional landscaping through a greater building setback on Rothschild and Mentmore Avenues.

5.7 State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is located in an area that is well serviced by public transport. Frequent bus services are located within walking distance from the site on Rothschild Avenue. The site is also within walking distance to Green Square train station and other bus services available on Epsom Road.

The traffic and parking assessment report prepared by GTA consultants states that there are no significant traffic or transport issues that would prevent the proposed scheme from being approved.

This Planning Proposal will not result in a total increase to FSR, however it does unlock the floor space from ‘Site H’ and transfers it to ‘Site D’. As such the proposed level of density has been anticipated under the Sydney LEP 2012.

All utility services including electricity, telecommunications, water, sewer and stormwater are currently available on the site. It the site is redeveloped it is expected that the developer will upgrade these services to support the proposed development including a new substation. Consultation with relevant authorities during public exhibition of this Planning Proposal will confirm the capacity of current utilities to service the site.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination will advise the public authorities to be consulted as part of this Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

6 Mapping

This Planning Proposal is to amend the relevant Building Height and Floor Space Ratio Map in *Sydney Local Environmental Plan 2012* by:

- Changing the building height control from 22 metres to a maximum of 29 metres along Rothschild Avenue for Site D and from 22 metres to 27 metres along Mentmore Avenue. The building height control for Site H fronting Cressy Street will reduce from 22 metres to 9 metres.
- Changing the floor space ratio control from 1.5:1 to a maximum of 1.75:1 for Site D and reducing the control from 1.5:1 to a maximum of 1:1 for Site H.
- Introduce an active frontage map and identify an active frontage on the north-east corner of 'Site D'.

An extract of the existing Height of Buildings map is shown at Figure 25 and the proposed amended map is shown at Figure 26.

An extract of the existing Floor Space Ratio map is shown at Figure 27 and the proposed amended map is shown at Figure 28.

An extract of the new Active Frontages map is shown at Figure 29.

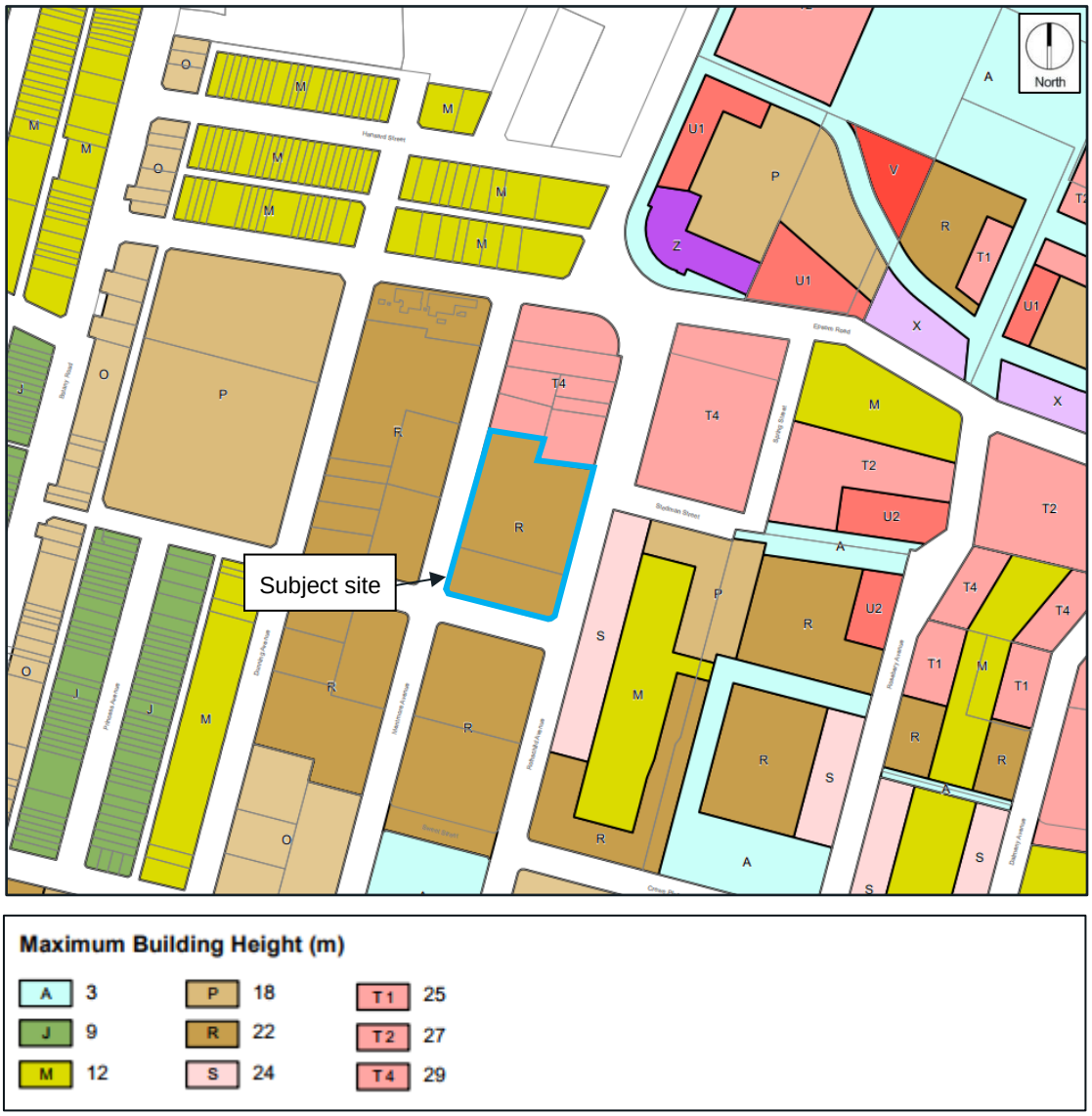


Figure 25: Extract of existing Height of Buildings Map: Sheet HOB_018

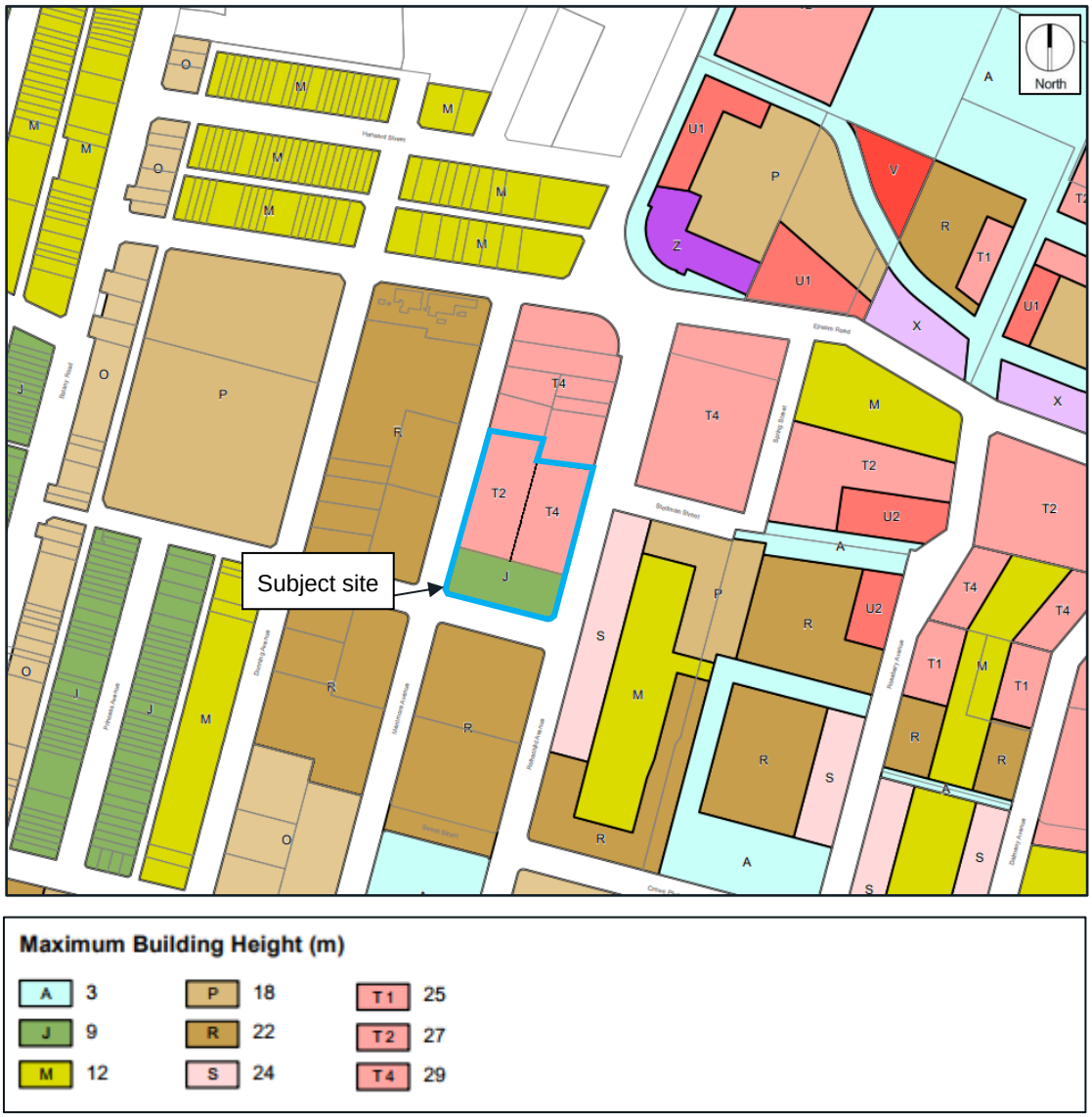


Figure 26: Proposed amended Height of Buildings Map: Sheet HOB_018

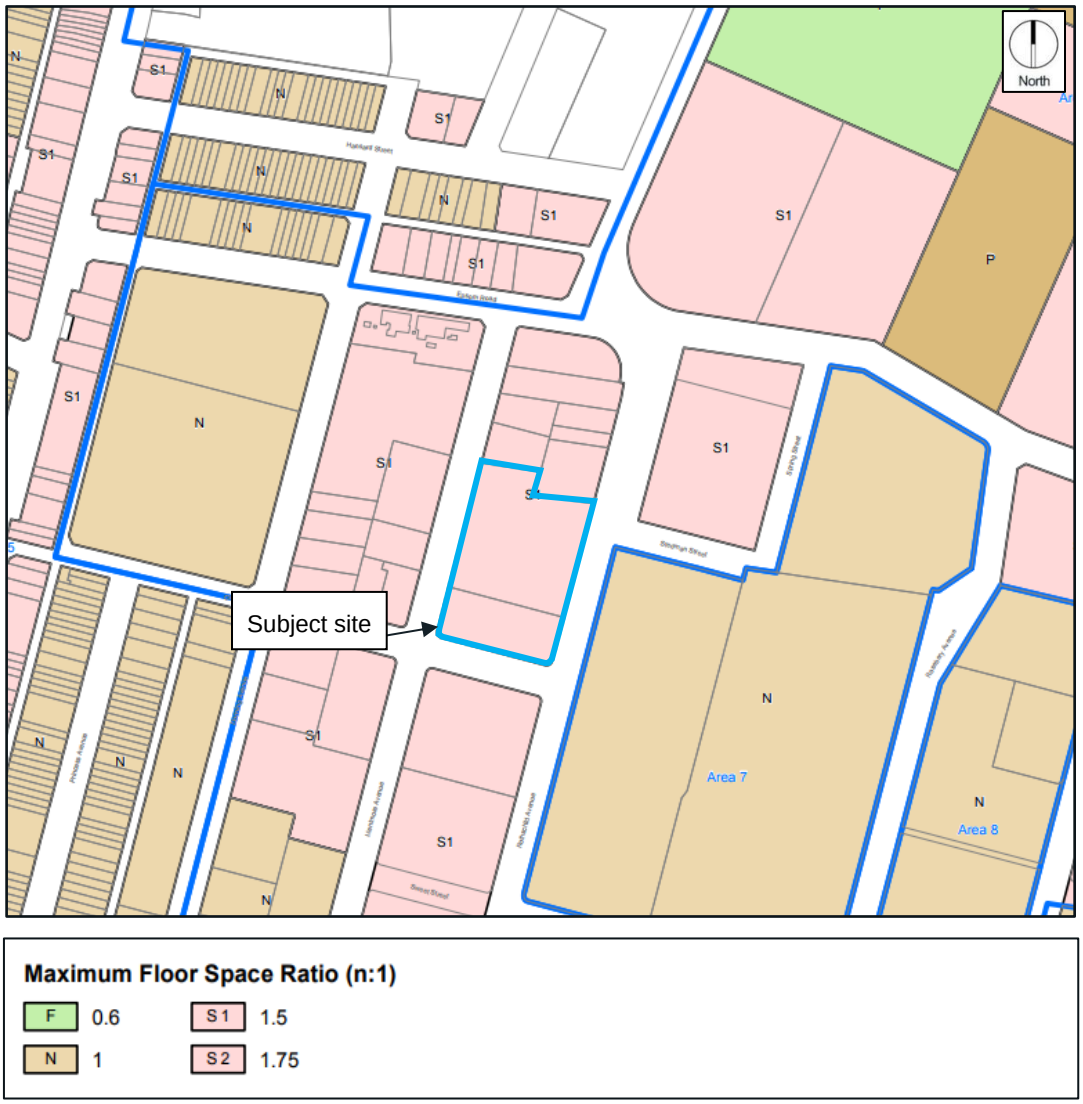
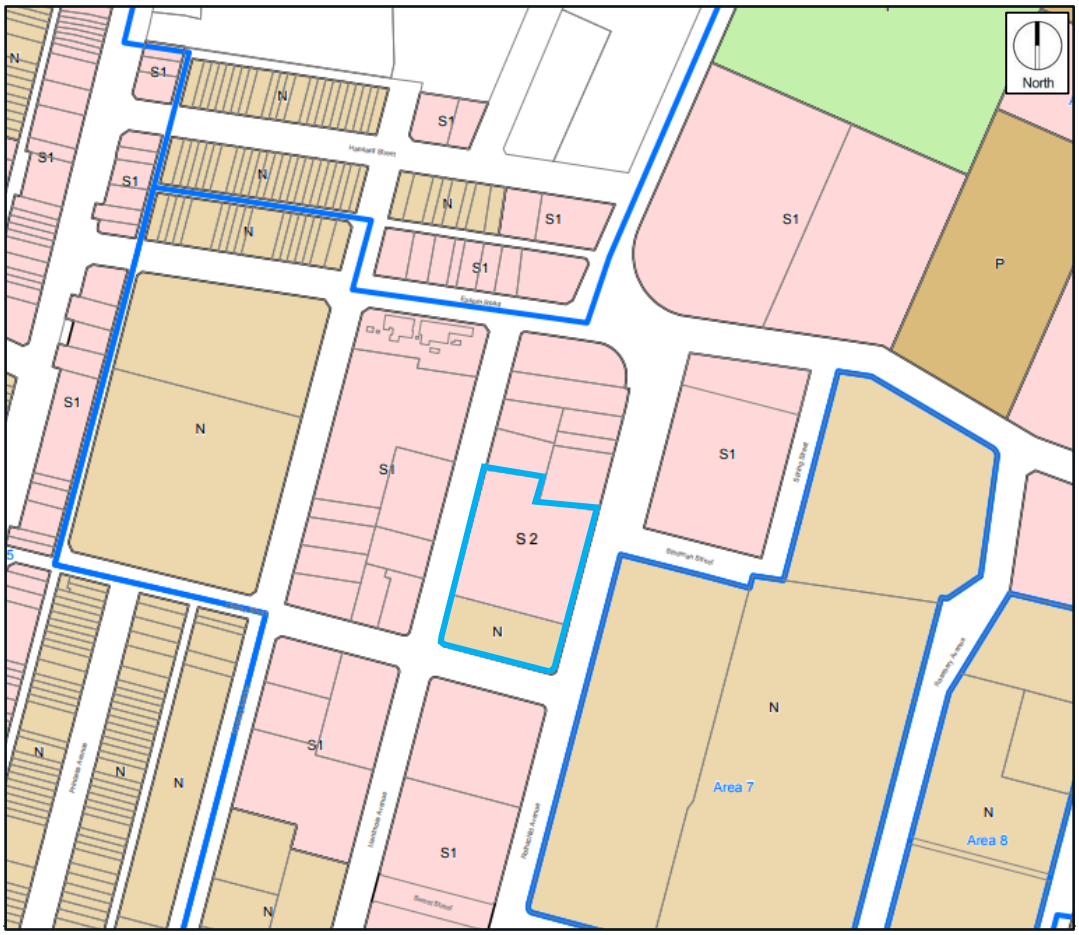


Figure 27: Extract of existing Floor Space Ratio Map: Sheet FSR_018


North
S1
N
S2
P
Area 7
Area 8

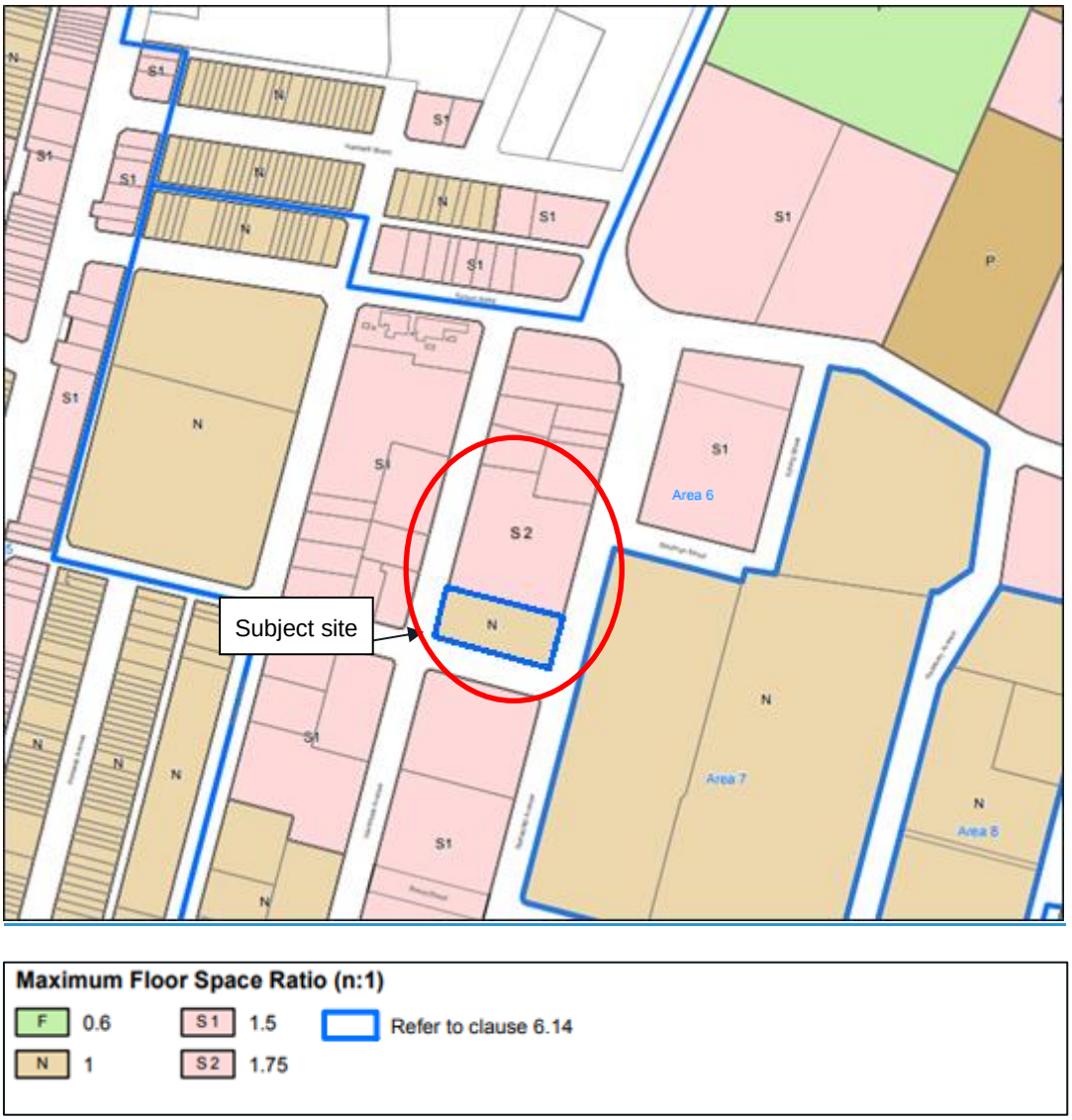


Figure 28: Proposed amended Floor Space Ratio Map: Sheet FSR_018

Figure 29: Proposed new amended Active Frontage Map: Sheet AF_018

7 Community consultation

Public consultation will be undertaken in accordance with the Gateway Determination issued by the Greater Sydney Commission, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of this Planning Proposal on the City of Sydney website, relevant local newspaper(s) circulating widely and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is expected this Planning Proposal will be publicly exhibited for at least 28 days in accordance with section 5.5.2 of “A guide to preparing local environmental plans’.

It is proposed that exhibition material will be made available on the City of Sydney website, at Town Hall House at 456 Kent Street, Sydney. The exhibition will coincide with the exhibition of an accompanying draft Sydney DCP 2012 amendment.

Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the gateway determination.

8 Project timeline

The proposed project timeline is shown in Table 5. It will assist with tracking this Planning Proposal's progress through its various stages of consultation and approval. It is estimated this amendment to Sydney Local Environmental Plan 2012 will be completed by May 2019.

Table 5: Proposed project timeline

Stage	Timeframe
Submit Planning Proposal to Department of Planning, ***Industry*** and Environment seeking gateway determination	September 2018
Receive gateway determination	November 2018
Public exhibition and public authority consultation of Planning Proposal and DCP amendment	January 2019
Review of submissions received during public exhibition and public authority consultation	February 2019
Council and Central Sydney Planning Committee approval of Planning Proposal and DCP amendment	April 2019
Drafting of instrument and finalisation of mapping	May 2019
Amendment to Sydney Local Environmental Plan 2012 legally drafted, made and published on NSW legislation website.	June 2019