

Resolution of Council

27 FEBRUARY 2017

ITEM 9.4

PUBLIC EXHIBITION – 102–106 DUNNING AVENUE, ROSEBERY – PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AND PLANNING AGREEMENT

(S114603)

It is resolved that:

- (A) Council approve Planning Proposal: 102–106 Dunning Avenue, Rosebery, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: 102–106 Dunning Avenue, Rosebery for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Greater Sydney Commission to exercise its delegation under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan;
- (D) Council approve Draft Sydney Development Control Plan 2012: 102–106 Dunning Avenue, Rosebery amendment, shown at Attachment B to the subject report, for public exhibition with the Planning Proposal and in accordance with the Gateway Determination;
- (E) authority be delegated to the Chief Executive Officer to prepare a draft Planning Agreement between the City and the landowner in accordance with the Environmental Planning and Assessment Act 1979 with the following terms:
 - (i) finished affordable housing dwellings are to be provided on site in accordance with the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands under either:

- (a) Option 1 (minimum option) – where the amount of affordable housing floor space is calculated based on the amount of gross floor area built on the site and the agreed market value of the affordable housing floor space. The affordable housing floor space is to be built by the landowner and dedicated or sold to a Tier 1 or Tier 2 community housing provider for no more than \$1; or
 - (b) Option 2 (alternative option) – where affordable housing floor space is provided in addition to that required under Option 1. The landowner can sell the affordable housing floor space to a community housing provider for a capped amount. The capped sale amount is based on recouping the forgone value of the additional floor space on offer for affordable housing, plus an incentive amount, to be agreed between the City and the landowner;
- (ii) dedication to Council of a 1.25 metre deep frontage to Jones Lane (approximately 50 square metres of land) for a footpath, with the value of the land and any associated works-in-kind offset against the amount calculated under the Guideline; and
 - (iii) carparking for affordable housing dwellings, number of spaces to be agreed between the City and the landowner;
- (F) Council note the estimated number of affordable housing dwellings resulting from Option 1, described at clause (E)(i)(a) above, is approximately eight dwellings, depending on the amount of total gross floor area built on the site, the market value of the resulting dwellings and the size of the affordable housing;
 - (G) the draft Planning Agreement be exhibited in conjunction with Planning Proposal: 102–106 Dunning Avenue, Rosebery and Draft Sydney Development Control Plan 2012: 102–106 Dunning Avenue, Rosebery amendment;
 - (H) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Agreement after its exhibition and to subsequently enter into the Agreement, on behalf of Council, with the landowner;
 - (I) authority be delegated to the Chief Executive Officer to make minor changes, and any changes required by the Greater Sydney Commission to Planning Proposal: 102–106 Dunning Avenue, Rosebery and Draft Sydney Development Control Plan 2012: 102–106 Dunning Avenue, Rosebery amendment prior to the public exhibition;
 - (J) Council note that, following consideration of any submissions, and any modifications as necessary, Planning Proposal: 102–106 Dunning Avenue, Rosebery, Draft Sydney Development Control Plan 2012: 102–106 Dunning Avenue, Rosebery amendment and the Planning Agreement will be reported back to Council for final approval;
 - (K) Council approve the City of Sydney as the Relevant Planning Authority, should a review process be triggered under Part 3 of the Environmental Planning and Assessment Act 1979, and in line with the recently released Planning Circular PS16-004 Independent reviews of plan making decisions;

- (L) Council note the Sydney Development Control Plan 2012 contains objectives and provisions which protect the operational viability of existing employment uses where residential development is introduced; and
- (M) Council note the City is investigating a City-wide response to address the needs of the entertainment industry whilst protecting the amenity of noise sensitive uses.

Carried unanimously.