

Item No: C0617 Item 5**Subject:** VICTORIA ROAD PRECINCT PLANNING PROPOSAL**File Ref:** 14/5378/54667.17**Prepared By:** Jamie Erken - Team Leader Planning Services**Authorised By:** Simon Manoski - Group Manager Strategic Planning**SUMMARY**

On 3 November 2015, the former Marrickville Council Infrastructure, Planning and Environmental Services Committee considered a planning proposal for the Victoria Road precinct. In that report, Council officers did not support the wholesale move away from the industrial zones to allow residential development and higher order employment uses. Council officers' recommended a precautionary approach be taken with employment lands, with the majority of the land to be retained as industrial with a partial move to a business zone in some parts of the precinct.

Notwithstanding the officer recommendation, the former Marrickville Council resolved to submit the planning proposal in the form lodged by the proponent to the Department of Planning and Environment (the Department) for Gateway determination.

Since the planning proposal received Gateway determination, the draft Central District Plan (dCDP) has been released and the contents of that document have been considered in the assessment of this planning proposal. The dCDP encourages Council to take a 'precautionary approach' to the conversion of employment and urban services land. This recommendation is of particular importance to the Inner West area as a significant portion of industrial land having been rezoned and / or redeveloped for other uses.

There is no State or local level strategic plan or policy that identifies the Victoria Road precinct as land for high density housing or that encourages its wholesale move away from an industrial zone. This employment area continues to be considered a valuable employment area, is affected by aircraft noise and should be considered in light of other planning changes underway across the Inner West area.

Post Gateway assessment of the planning proposal has identified a number of issues with the proposal, including but not limited to roadway implications (including the need to acquire private properties outside of the planning proposal area and sections of Wicks Park for road widening); a lack of affordable housing; excessive building heights; inadequate road connections to service the rezoning and stated vision for the Victoria Road corridor; unresolved heritage impacts; shadow and visual bulk impacts on Wicks Park and precinct wide drainage and flooding issues. The planning proposal also does not identify an adequate level of public open space that would support the new resident and worker population.

On 1 June 2017, the NSW Roads and Maritime Services (RMS) indicated that it does not support the planning proposal in its current form as the proponent has not modelled the cumulative transport impacts and/or incorporate an appropriate funding mechanism to carry out the required mitigation measures (that include property acquisitions). This remains as an unresolved objection to the planning proposal.

The planning proposal seeks to up zone land and this would bring forward necessary infrastructure to be planned and delivered including property acquisitions and loss of community classified land for road widening that is outside the scope of Marrickville Section 94/94A Contributions Plan. Given the constrained capacity of Section 94 contributions to provide the required level community infrastructure, the planning proposal should indicate a clear commitment towards the funding of relevant infrastructure to service the planning proposal via other mechanism.

The height, bulk, scale and form of the building envelopes sought are not supported in their current form given the surrounding context and would result in an unreasonable impact on areas of Wicks Park. The planning proposal has also not been revised to reflect the urban design recommendations provided by Council's Architectural Excellence Panel (AEP) or independent views provided to Council within the Urban Design Study prepared by Rod Simpson.

There are a number of strategic and site specific issues identified in this assessment report. When considered cumulatively, the planning proposal in its current form would result in a significant change to this area with no strategic planning basis or justification. Although some level of renewal is encouraged and could be supported to promote renewal and investment, jobs and housing within this precinct, the planning proposal in its current form cannot for the reasons outlined above and detailed in this report.

In this regard, it is recommended that the Administrator request the Minister for Planning to determine that the planning proposal not proceed in its current form.

RECOMMENDATION

THAT:

- A. pursuant to section 58(4) of the Environmental Planning and Assessment Act the Administrator request the Minister for Planning to determine that the matter not proceed for the following reasons:**
- 1. the planning proposal remains subject to an unresolved objection from the Roads and Maritime Service primarily relating to a need for cumulative traffic impact analyses to be prepared and no cost, trigger or mechanism for the funding and delivery of necessary infrastructure to support the proposal;**
 - 2. the planning proposal in its current form has public and private landholding implications including the need to acquire private properties outside the planning proposal area and sections of Wicks Park (which is currently classified as community land) for road widening. The private property acquisitions and loss of community land / public open space is not considered to be in the public interest;**
 - 3. the planning proposal would result in the significant loss of industrial land. The draft Central District Plan encourages Council to take a 'precautionary approach' to the conversion of employment and urban services land and this recommendation is of particular importance to the Inner West area. There is no strategic planning or policy basis for the Victoria Road precinct to revert to a high density housing area or encourage a wholesale move away from industrial zonings;**
 - 4. the planning proposal demonstrates inconsistencies with A Plan for Growing Sydney; the draft Central District Plan; the Marrickville Employment Lands Strategy 2008 and Review 2014; the Inner West Council Statement of Vision and Priorities and relevant State Environmental Planning Policies as outlined in this report;**
 - 5. the planning proposal does not provide adequate affordable housing. The 5% of 'accountable gross floor area' (which excludes 0.95:1 of the GFA) proposed is inadequate and does not comply with the recommendations of the draft Central District Plan or the Inner West Council's Affordable Housing Policy;**
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6. the height, bulk, scale and form of the building envelopes sought are excessive in areas, do not reflect the urban design recommendations provided by Rod Simpson or Council's Architectural Excellence Panel and would result in an unreasonable impact on public open space (most notably Wicks Park);
 7. the planning proposal does not include any substantial new areas of public open space to support the new resident and worker population (approximately 1,100 dwellings and 7,000 new workers) and will result in sections of Wicks Park (which is community land) being lost to road widening;
 8. the planning proposal does not satisfactorily address infrastructure planning, funding and delivery needs associated with the proposal across a number of sites in differing ownership. The planning proposal should incorporate an appropriate mechanism to fund infrastructure provision in the area;
 9. the planning proposal does not provide the road connections required to service the rezoning and stated vision for the Victoria Road corridor;
 10. the planning proposal does not adequately respond to identified heritage impacts;
 11. unresolved impacts remain regarding precinct wide drainage and flooding issues that will result in a need for Council to carry out significant capital works that are currently unfunded;
- B. should the Minister for Planning not agree to Council's request to determine that the matter not proceed or should the proponent seek to lodge a new planning proposal, the Inner West Council recommend the following amendments to the current proposal:**
1. resolution of matters the subject of an unresolved objection from the Roads and Maritime Service;
 2. there is to be no change to the existing IN1 – General Industrial zoning on the south eastern side of Victoria Road. This land forms part of the core Sydenham / Marrickville Industrial Area and should be preserved in line with the recommendations of the Marrickville Employment Lands Study and subsequent Review. Council will review its position subject to the release of the Sydenham to Bankstown Urban Renewal Corridor Strategy;
 3. with the exception of the properties on the north western side of Farr Street to be zoned R3 – Medium Density Residential, no properties in the precinct are to be zoned residential; the Danias Timbers Site / Timber Yards Sub-precinct to be zoned B4 – Mixed Use (along Victoria Road and Sydenham Road) and B7 – Business Park (for the remainder of the sub-precinct) with an appropriate mix of employment and residential uses to be provided via site specific provision. The remainder of the precinct north-west of Victoria Road and north of Chalder Street to be zoned B5 – Business Development;
 4. any intersection upgrade works necessitated by the planning proposal cannot require the acquisition of parts of Wicks Park or properties outside the area covered by the planning proposal;
 5. the planning proposal must adequately deal with infrastructure planning, funding and delivery (including any required property acquisitions) in consultation with Council;
 6. the planning proposal must reflect the urban design and built form recommendations provided by Rod Simpson and Council's Architectural
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Excellence Panel;

7. **affordable housing being provided in accordance with the requirements of the Inner West Council Affordable Housing Strategy;**
 8. **the planning proposal cannot result in the loss of any existing areas of public open space and adequate new additional areas of public open space must be provided to service the new resident and worker population (e.g. an expansion and embellishment of Wicks Park);**
 9. **the planning proposal must provide suitable mechanisms to deliver the new laneways and road connections required to service the rezoning and stated vision for the Victoria Road corridor; and**
 10. **the planning proposal must adequately deal with identified potential heritage.**
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1. BACKGROUND

On 1 May 2012, the former Marrickville Council resolved to advise the proponent that Council would consider revised planning controls for the precinct and invited the proponent to submit a planning proposal.

On 21 May 2014, the proponent submitted a preliminary planning proposal to the former Marrickville Council. On 2 September 2014, Council resolved to forward the preliminary planning proposal to the Department for Gateway Determination. In December 2014, the Department requested that the proposal be withdrawn in order to allow additional studies to be undertaken to inform a revised planning proposal.

On 3 February 2015, the former Marrickville Council resolved to reaffirm its support for the review of planning controls for the precinct and to convene a workshop involving staff from Council and the Department as well as the Victoria Road project team. That workshop was held on 2 March 2015.

On 7 August 2015, the proponent submitted a revised planning proposal to the former Marrickville Council. The key differences between the original (2014) preliminary planning proposal and the revised planning proposal were:

- a reduction in number of apartments proposed from approximately 3,100 to approximately 1,100;
- land use zones that permit residential uses were restricted to the area between 25-30 ANEF contour, which is in the southern part of the precinct only (previously, residential uses were proposed in areas above the 30 ANEF contour);
- minor amendments to street and block layouts;
- an employment strategy was included;
- acoustic studies and an aircraft noise strategy was included;
- an affordable housing contribution is proposed, which was 3% of '*developable residential floor area*' and has since been amended to 5% of '*accountable gross floor area*'; and
- specific LEP provisions for which amendment is sought have been identified.

The former Marrickville Council considered the revised planning proposal at its 3 November 2015 meeting. Council officers did not support the majority of the changes sought and recommended a precautionary approach be taken with employment lands, with the majority of the land to be retained as industrial with a partial move to a business zone in some parts of the precinct. A copy of that assessment report is provided at **ATTACHMENT 1**.

The former Marrickville Council did not adopt the recommendation of Council officers and resolved to submit the planning proposal in the form lodged by the proponent to the Department for Gateway Determination.

On 14 March 2016, the Department issued a Gateway Determination for the planning proposal subject to a number of conditions. The conditions on the Gateway determination required the proponent to make a number of amendments to the planning proposal, and submit the updated planning proposal to the Department for review and approval prior to public exhibition.

The proponent submitted the updated planning proposal to the Department on 14 July 2016 and on 6 September 2016 the Department advised Council that it had *“the Gateway conditions have been sufficiently satisfied and the proposal should proceed to public exhibition”*.

The planning proposal was publicly exhibited from 23 September 2016 to 23 November 2016 and in accordance with the Gateway Determination was referred to Transport for NSW (TfNSW), Roads and Maritime Services (RMS), Sydney Airport Corporation (SACL), Department of Infrastructure and Regional Development, Department of Education and Training, Energy Australia, Telstra and Sydney Water.

2. THE VICTORIA ROAD PLANNING PRECINCT

This planning proposal applies to the Victoria Road Precinct, which lies within and forms part of Precinct 47 as defined under Marrickville Development Control Plan (MDCP) 2011.

Precinct 47 is an irregular shape and is generally bounded by:

- Addison Road
- Fitzroy Street
- Sydenham Road
- Shepherd and Farr Streets.

The Victoria Road Precinct planning proposal relates to approximately half the area of Precinct 47 and includes nearly 18 hectares of land that is generally concentrated on Victoria Road and the south-western edge of Precinct 47 (refer image 1 below).

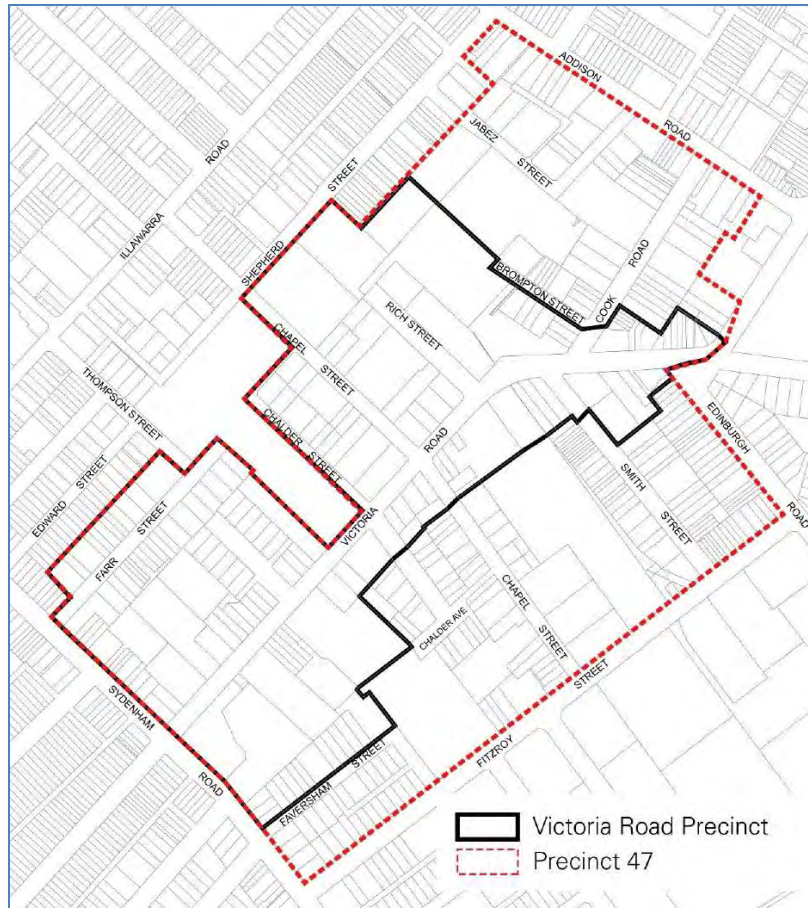


Image 1: Map indicating the area encompassed by the Victoria Road Precinct Planning Proposal (outlined in black) that forms part of Precinct 47 (identified in red dash) as defined under Marrickville Development Control Plan 2011.

As indicated in Image 2 below, the area is currently zoned IN1 General Industrial under Marrickville Local Environmental Plan (MLEP) 2011 with a small section of land on the western side of Farr Street zoned IN2 Light Industrial.

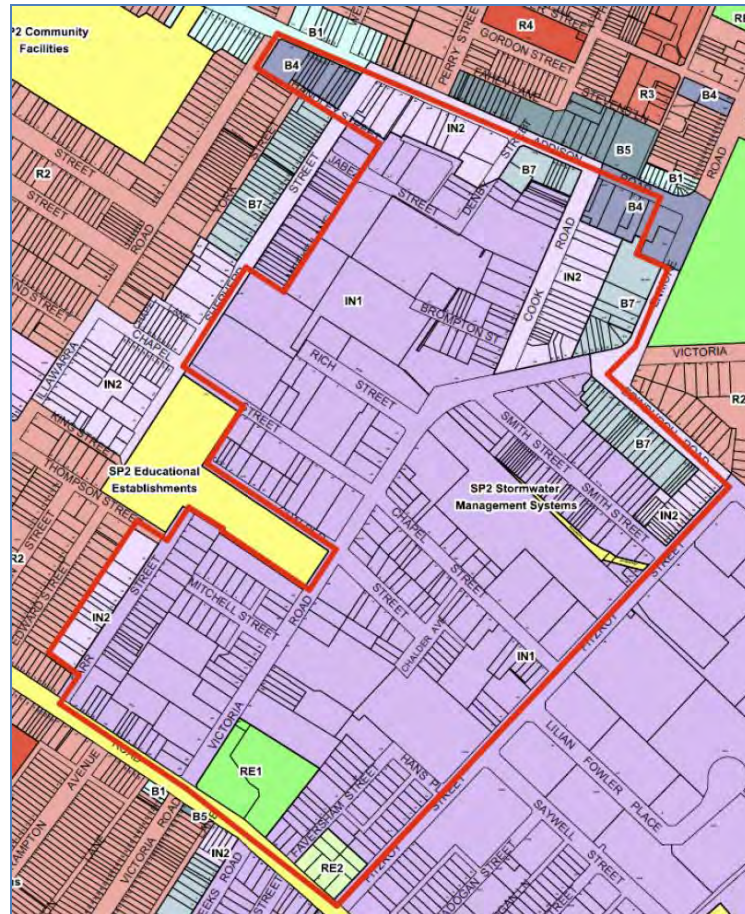


Image 2: Current zoning controls applying to the area under MLEP 2011

The area is generally made up of one and two storey factory and warehouse buildings. The land to the south and east of the precinct is zoned industrial, while the land to the north and west is zoned residential.

The proponent seeks to rezone the land from General / Light Industrial to a mix of:

- R3 Medium Density Residential – land on the western side of Farr Street;
- R4 High Density Residential – being the majority of the block bounded by Victoria Road, Sydenham Road, Farr Street and Marrickville Public School;
- B4 Mixed Use – land on the eastern and western sides of Victoria Road near the intersection with Sydenham Road; and
- B5 Business Development for all other land to which the planning proposal relates.

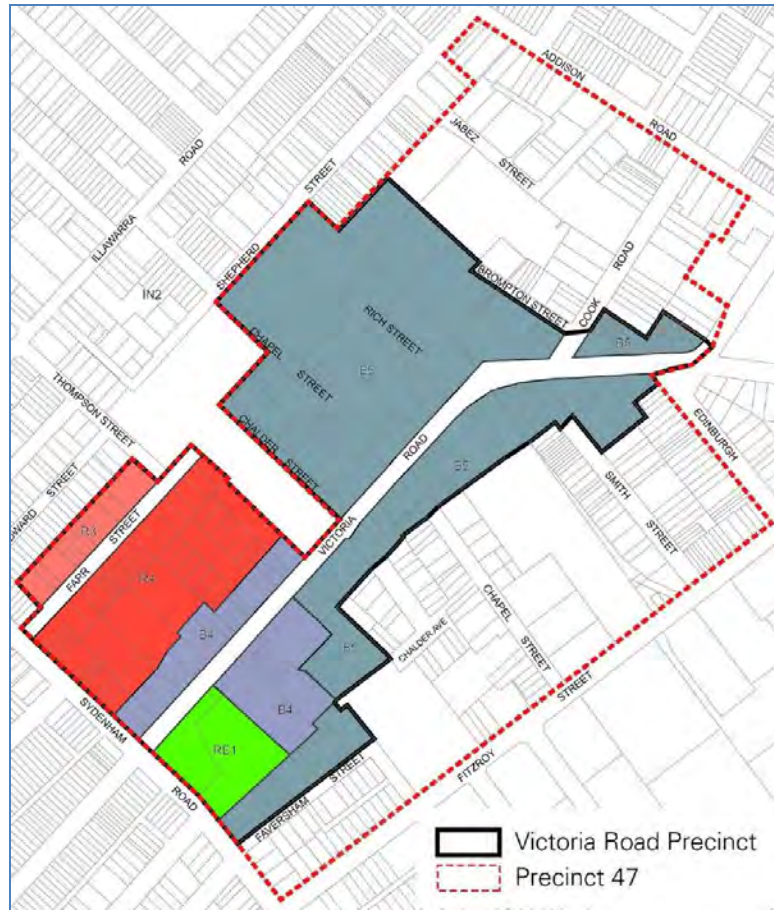


Image 3: Proposed zonings under the Victoria Road Precinct Planning Proposal

As part of the planning proposal the proponent also seeks to increase the floor space ratio (FSR) and provide a height limit on the properties affected by the planning proposal. The majority of the land in the precinct is currently zoned General Industrial, with a maximum FSR 0.95:1 and with no height development standard. As indicated in Images 4 and 5 below, the proposed FSR's range from 1:1 to 3.5:1, while the proposed heights range from 11 metres (3 storeys) to approximately 46 metres (14 storeys). The applicant also seeks to exclude enclosed balconies and internal areas of communal open space from gross floor area (GFA) calculations.

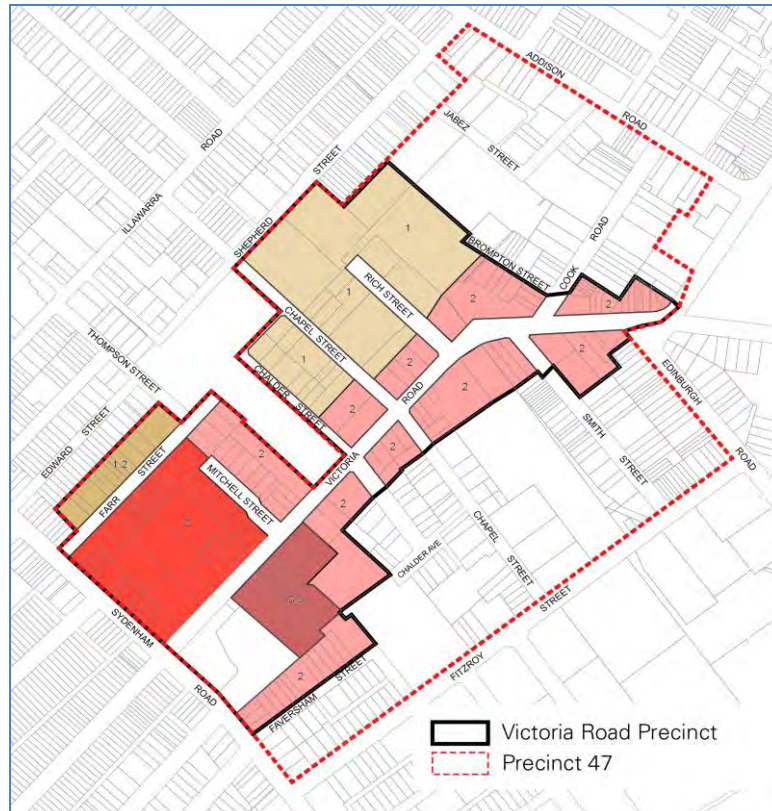


Image 4: Victoria Road Precinct Planning Proposal FSR Map

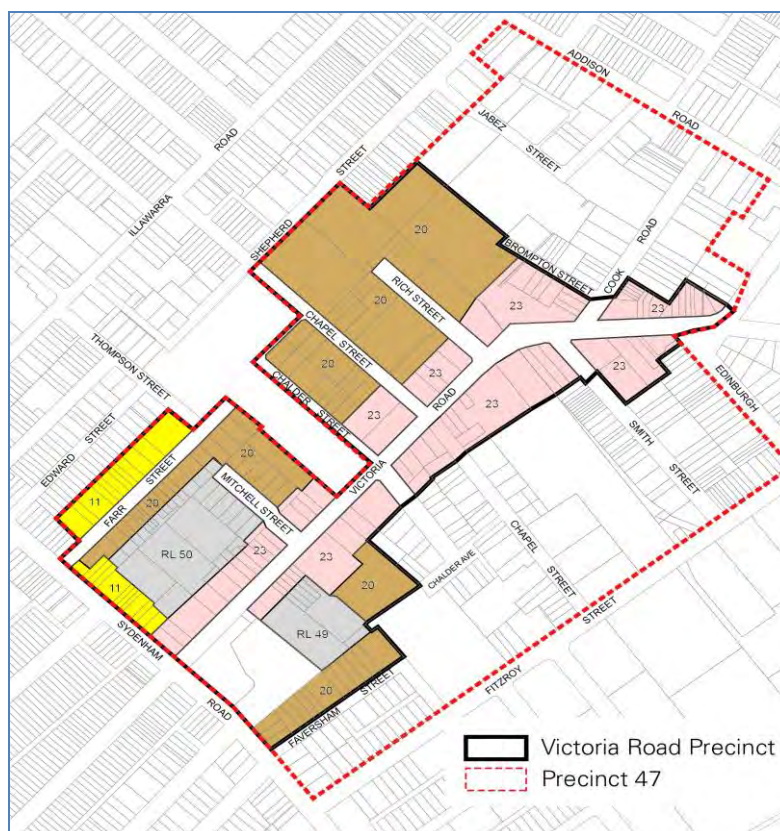


Image 5: Victoria Road Planning Proposal Height of Buildings Map

In addition to the provisions outlined above, it is also proposed that a portion of the Victoria Road Precinct that is to be zoned B4 Mixed Use, R3 Medium Density Residential and R4 High Density Residential be identified as a 'Key Site' in Schedule 1 of MLEP 2011 in order to provide site-specific controls for the provision of affordable housing and the implementation of design standards to ensure internal acoustic amenity.

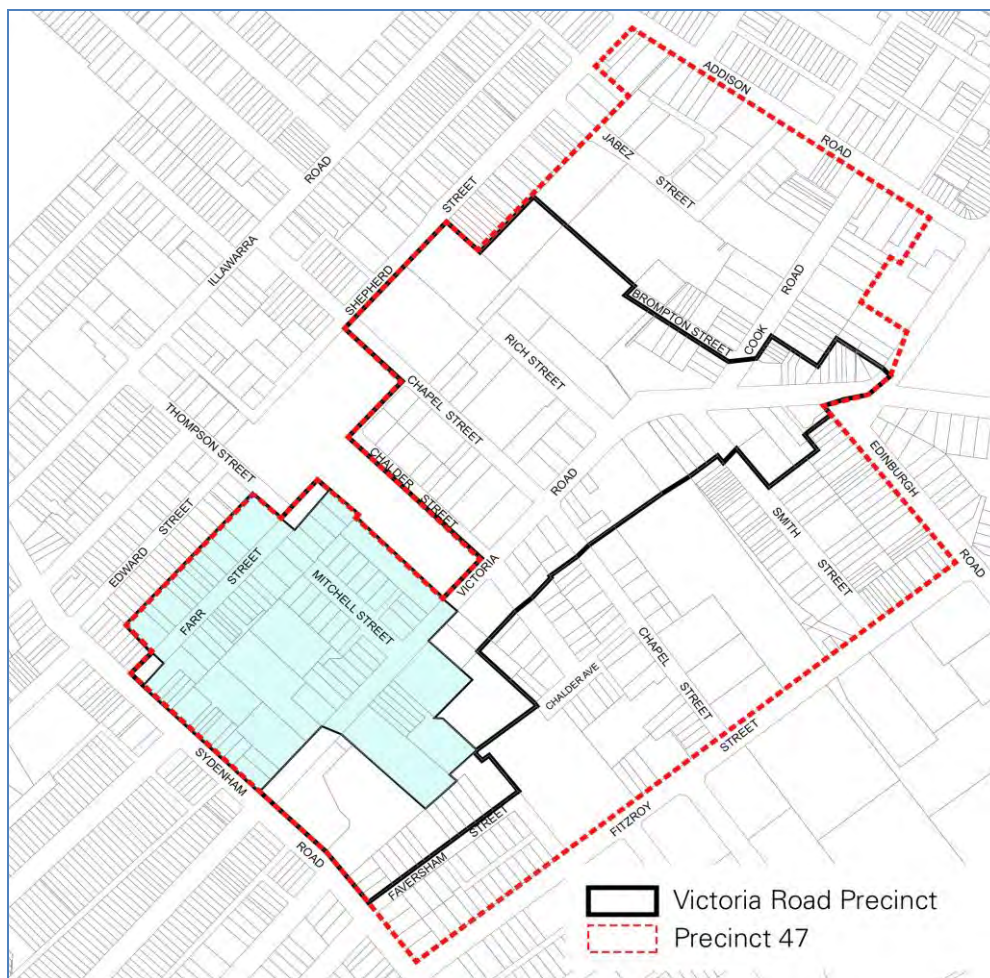


Image 6: Victoria Road Planning Proposal 'Key Site' Map

3. GATEWAY DETERMINATION

The planning proposal received Gateway determination from the Department of Planning on 16 March 2016 subject to a number of conditions, including a condition “to review the proposed R4 High Density Residential zoning around Wicks Park to retain the IN1 General Industrial Zone, or apply a business zone”.

The purpose of that condition was to ensure there was no residential development on the south eastern side of Victoria Road as is highlighted in the following extracts from the Gateway Assessment Report prepared by the Department:

“The planning proposal suggests a direct interface between the R4 High Density Residential and IN1 General Industrial at Faversham Street. The Department has significant concerns about the co-location of incompatible land uses at this location, particularly about the impact on business operations and resident amenity as well as the sterilisation of industrial land to the south of Faversham Street.

.....The Department recognises that some residential development in the south-west corner may be appropriate. However, the R4 and IN2 interface at Faversham Street needs further consideration. The Department recommends retaining the IN1 General Industrial land or applying a business zone instead of the R4 High Density Residential proposed for the land around Wicks Park. This will reduce the quantum of land being lost to residential uses and support the proponent's objective to maintain or increase employment in the Precinct.

.....In summary, the Department is concerned the proposed R4 High Density Residential adjacent to the IN1 General Industrial land at Faversham Street will sterilise industrial uses, reduce the industrial value of the land and contribute to the slow reduction of employment lands. Should that land be redeveloped for residential uses, new residents will have amenity impacts and adversely affected by noise, traffic, and odour, placing pressure on the operations of that business. However, this can be remedied by either retaining the IN1 General Industrial zone or applying an appropriate business zone."

The Gateway Assessment Report as prepared by Department officers indicates that residential development was not supported on the south eastern side of Victoria Road given the direct interface with the core industrial lands and the likely land use conflict that would arise.

Notwithstanding the Gateway Assessment Report, the Gateway Determination allowed for the revised planning proposal to progress the rezoning and continue consideration of rezoning land directly to the north of Wicks Park B4 Mixed Use with a maximum building height of RL49 to allow a 14 storey shop top housing development to be erected on the site.

An assessment of the appropriateness of this approach is provided later in this report.

4. KEY PLANNING ISSUES

Following a review of the planning proposal, and the receipt of internal and external referrals, Council sent an issues letter (dated 14 February 2017) to the proponent identifying a number of matters that needed to be addressed in order to progress the planning proposal.

The issues raised and the proponent's responses are outlined below:

(i) Road Network Upgrades and Pedestrian Connectivity

In accordance with the Gateway Determination, the planning proposal was referred to the Roads and Maritime Services (RMS). The RMS advised that they did not support the planning proposal and that it should not be gazetted until such time that the cumulative transport impacts and associated mitigation measures are identified and included in an appropriate funding mechanism.

Item 5

The RMS found the Traffic and Transport Assessment Report (prepared by Hyder Consulting) submitted with the planning proposal to be preliminary in nature and that it did not adequately analyse the cumulative traffic and transport impacts associated with the planning proposal.

Council's Infrastructure Planning and Property Section also advised that due to the significant traffic generation along Victoria Road, a network traffic modelling covering a broader area needed to be undertaken to assess the impact on the adjacent road network.

In assessing the planning proposal, Council also engaged an independent specialist (McLaren Traffic Engineering Pty Ltd) to undertake a preliminary review of the planning proposal. That review also highlighted deficiencies in the traffic and transport assessment provided as part of the planning proposal. A copy of that review is provided at **ATTACHMENT 2**.

The Traffic and Transport Assessment Report originally submitted with the planning proposal identified that the intersection of Victoria Road and Sydenham Road will likely require upgrades to mitigate the additional traffic generation resulting from the redevelopment associated with the planning proposal. The report (on page 28) identifies that this can be achieved through intersection upgrades including widening to provide right turn bays on the three approaches as indicated in the diagram below:

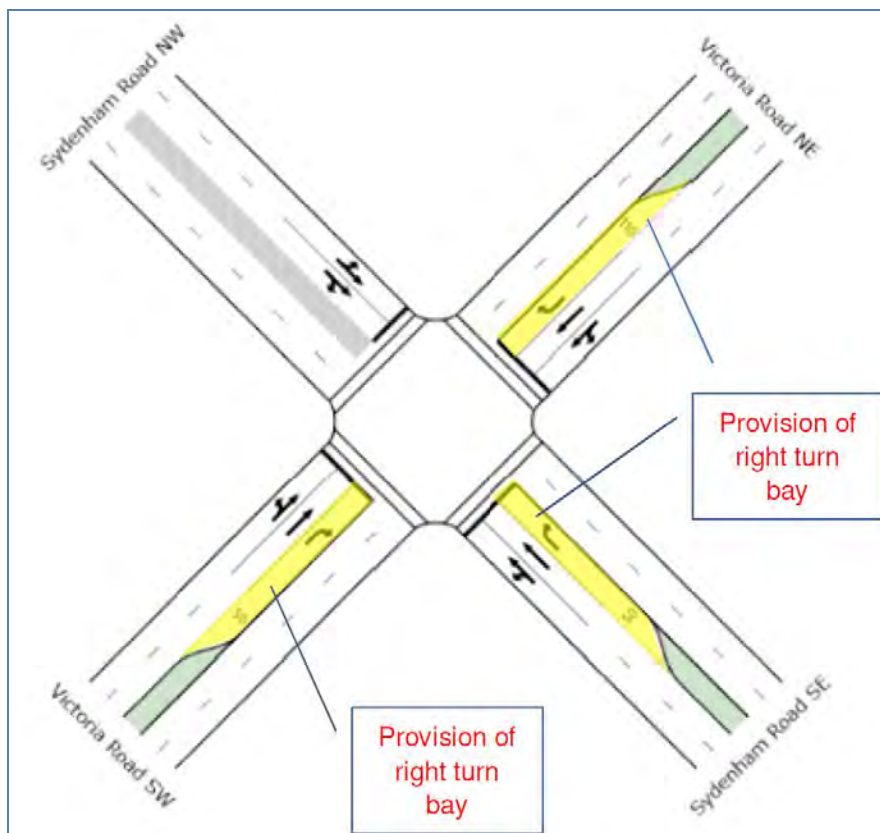


Image 7: The upgrades required at the intersection of Victoria Road and Sydenham Road (Source: Traffic and Transport Assessment by Hyder Consulting)

Given the above, it was important to determine if there were land acquisition requirements to ensure appropriate road geometry is met for the potential upgrade of the Victoria Road / Sydenham Road intersection. Accordingly Council requested plans that appropriately detailed these intersection upgrades and the impact they may have on nearby properties (i.e. acquisition) and / or the impact on kerbside car parking in the area.

Should property acquisitions be required, Council officers advised the proponent that the planning proposal would need to address the manner in which this would occur (including funding) noting that Wicks Park is not to be impacted given the lack of open space in the area.

Applicant's response to this issue:

Following receipt of Council's issues letter the proponent has carried out a more detailed traffic and transport assessment to support the planning proposal and submitted an addendum to the Traffic and Transport Assessment Report provided as part of the original planning proposal.

In response to the outcomes of this additional modelling, the following upgrades are proposed at Victoria Road / Sydenham Road intersection:

1. One additional right turn lane on Victoria Road northern approach (about 90m long);
2. One additional right turn lane on Sydenham Road eastern approach (about 90m long);
3. One signalised left turn slip lane on Sydenham Road western approach.

The intersection upgrades required as part of the planning proposal are illustrated below:

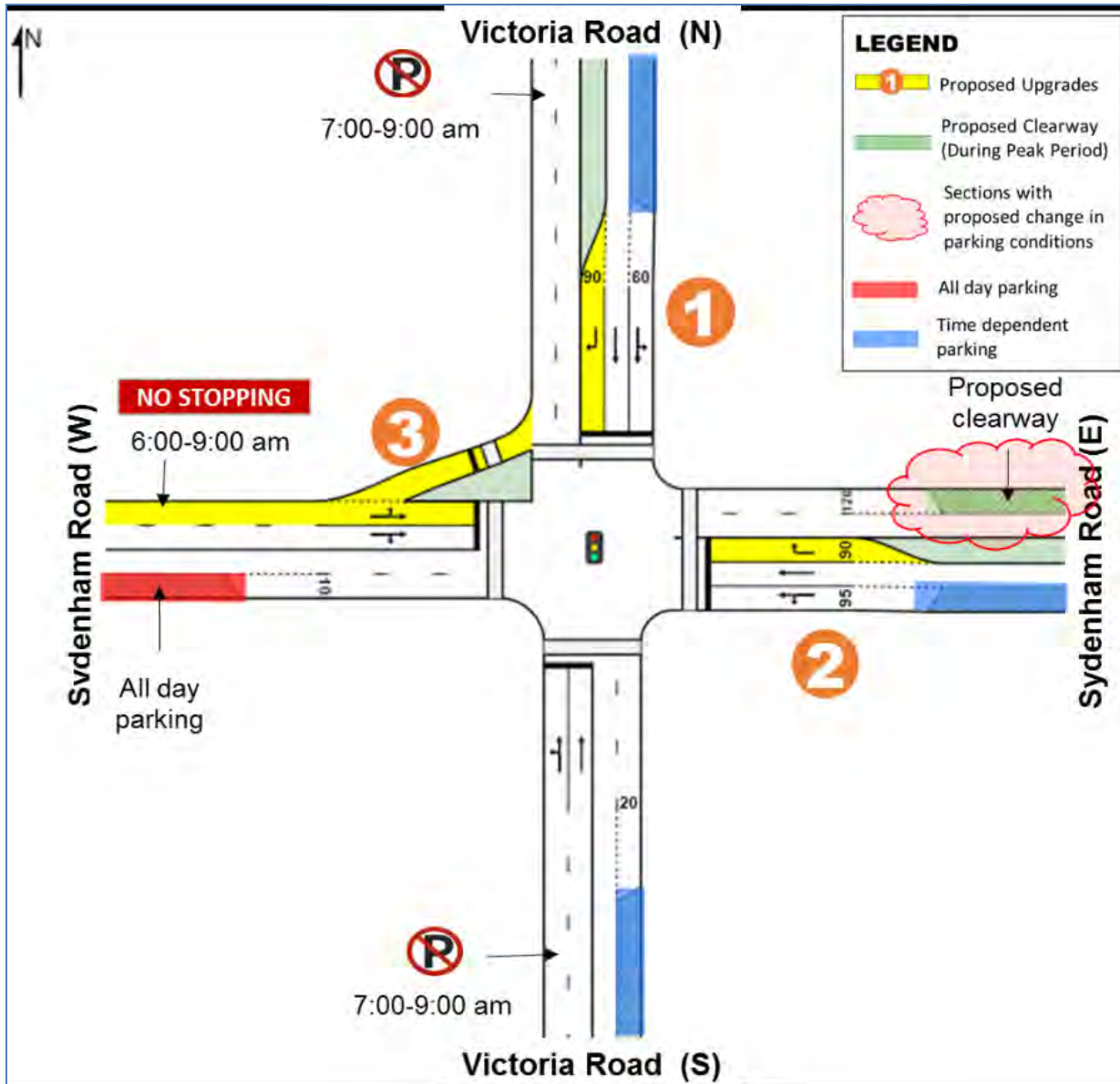


Image 8: Indicative Victoria Road / Sydenham Road intersection upgrades required as a result of the planning proposal

The intersection upgrades and the additional turning / slip lanes would require property acquisitions to ensure suitable road geometry and the proponent has provided the following concept design to illustrate these works:

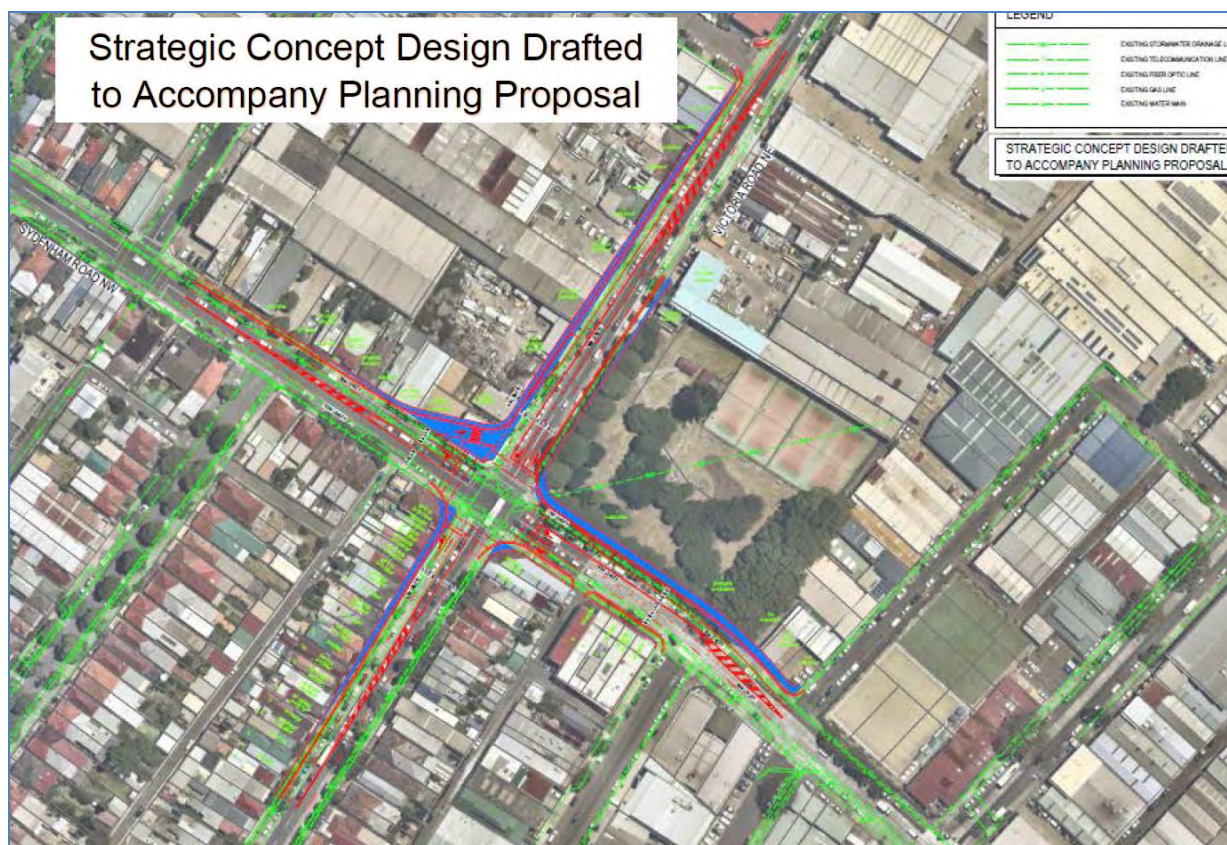


Image 9: Strategic Concept Design including land acquisition (coloured in blue) to allow for the Victoria Road / Sydenham Road intersection upgrades

Council officers concluding comments:

As illustrated in Image 9 above, the proposed upgrading of the Victoria Road / Sydenham Road intersection would require the acquisition of land (as identified in blue in the above image) including some properties that are outside the area encompassed by the planning proposal (e.g. properties on the western side of Victoria Road, south of Sydenham Road, and parts of the properties on the south eastern and south western corners of the intersection of Victoria Road and Sydenham Road). The proposed road works would also require sections of Wicks Park (currently classified Community land) to be acquired for road widening.

As part of the issues letter sent to the proponent, the proponent was instructed that Wicks Park was not to be impacted upon by any necessary road upgrade works. Based on the above plan prepared by the proponent's traffic consultant approximately 250sqm to 300sqm of Wicks Park is assigned for acquisition and a strand of significant trees along the Sydenham Road frontage of Wicks Park would be removed to facilitate the required road widening works (refer image 10 below).



Image 10: Photo of the section of Wicks Park to be acquired for road widening and the strand of trees that require removal to facilitate such road works

Wicks Park is classified as “Community land” under the *Local Government Act 1993* and would need to be reclassified if it was to be used for road widening purposes. At this stage the planning proposal does not include the reclassification of Wicks Park which would be subject to a public hearing process and would require endorsement from the Minister for Planning and approval from NSW Governor.

The intersection upgrades recommended in the Traffic and Transport Assessment Report also require the establishment of an AM clearway along Sydenham Road, east of Victoria Road. The creation of such a clearway would restrict car parking along this section of Sydenham Road during the morning peak and likely further impact local businesses along Sydenham Road.

The Roads and Maritime Services (RMS) has reviewed the addendum to the Traffic and Transport Assessment Report provided by the proponent and in a letter to Council dated 1 June 2017 reiterated their original advice that it cannot support the planning proposal in its current form primarily on the basis that:

- cumulative traffic and transport impacts on the surrounding local and regional road network has not been adequately addressed
- the proposal has not adequately addressed funding responsibilities, associated funding mechanisms and an Infrastructure staging plan which identifies the timing, cost and trigger points for the delivery of transport infrastructure upgrades.

The RMS reiterated that the above matters should be undertaken prior to gazettal and would not support the deferral of these matters to the development application stage.

A copy of the RMS letter is attached to this report at **ATTACHMENT 3**.

In a letter dated 5 June 2017, the proponent responded to the issues and concerns raised by the RMS and a copy of that letter is attached at **ATTACHMENT 4**. The proponent’s responses are summarised as follows:

- It is inappropriate to request additional modelling at this late stage of the assessment of the planning proposal;

- The additional modelling can be provided at DA stage;
- The modelling is not considered necessary as development in the precinct will occur over a 10-15 year period;
- The intersections have recently been modelled when Inner West Council was adopting (with RMS input) its Local Area Traffic Management Plans (LATM's). Those LATM's concluded *"The results indicate that the majority of intersections operate with spare capacity during most times of the day"*;
- The Sydenham Road/Farr Street intersection will only be impacted by the low scale residential development on Farr Street;
- The possible upgrade to the Sydenham Road/Victoria Road intersection was requested by the RMS and is based on the assumption that the precinct is developed to 100% of its potential;
- Any future road upgrades are likely to be delivered through a range of different planning mechanisms, including voluntary planning agreements, conditions of consent, existing works programs, and Section 94 contributions; and
- *"The approach adopted in relation to contributions, and the timing of those contribution plans follows the clear instructions given to the proponent by the Council's Legal Officer and the previous Council Planning Director and supported by the Department of Planning in that the Contribution Plans be resolved in the next stage of the process."*

The proponent's responses to the concerns raised by the RMS are not supported for the following reasons:

- The inadequacy of the traffic analysis carried out by the proponent was identified by the RMS, Council officers and McLaren Traffic Engineering. Specifically, the Preliminary Review carried out by McLaren Traffic Engineering found that:
 - "Additional information is required for a comprehensive assessment:*
 - *There is no analysis or discussion in regard to impacts upon public transport and likely requirements to increase services to facilitate the significant population increase in the area. The application should hold discussions, where they are preliminary or not, to establish the likely outcomes in the view of increasing services in the area.*
 - *Isolated intersection analysis is not considered appropriate or adequate to determine the traffic impact of the proposal, particularly with the suggested additional intersection to Victoria Road. Future traffic modelling should take into consideration back-of-queues to nearby intersections, potential physical turn restrictions to / from side streets along Victoria Road and consolidation of access / streets along Victoria Road. A network model or linear linked simulation model is expected to be necessary taking into account residual queues on main roads plus details of any rat-run volumes that currently use back streets / local streets to avoid congested locations / routes.*
 - *There is no analysis provided for potential retail land uses that could generate increased traffic volumes, compared to the assessed commercial office traffic generation rate that has been adopted. In this regard, consideration should be given to multiple development outcomes to be assessed.*
 - *The intersection modelling should consider the junction of Enmore Road / Addison Road, Enmore Road / Llewelyn Street to the north of the precinct and Sydenham Road / Farr Street signalised intersection."*
- Those concerns (and a copy of the Preliminary Review carried out by McLaren Traffic Engineering) were raised with the proponent as part of Council's issues letter dated 14 February 2017;
- Council's Coordinator Traffic Engineering Services advises that the modelling associated with the LATM's is not current and did not consider the traffic and transport impacts associated with the rezoning / uplift sought as part of this planning proposal.

- The traffic impacts resulting from rezoning and uplift sought as part of this planning proposal must be dealt with as part of the planning proposal to ensure that the mitigation measures required by the planning proposal are planned for and can be implemented. It is not appropriate to require the cumulative traffic modelling for the entire precinct to be carried out as part of individual development applications for redevelopments within the precinct. As highlighted above, the upgrades required to the Sydenham Road/Victoria Road intersection resulting from the rezoning / uplift sought under this planning proposal would require property acquisitions and the reclassification of community land. Such matters are ordinarily dealt with at the rezoning stage.
- The possible upgrades to the Sydenham Road/Victoria Road intersection was not requested by the RMS, but rather was identified in the Traffic and Transport Assessment Report(s) prepared by the proponent. As indicated in image 7 above, the Traffic and Transport Assessment Report submitted as part of the original planning proposal (i.e. prior to any referral to the RMS) identified that the intersection of Victoria Road and Sydenham Road will likely require upgrades to mitigate the additional traffic generation resulting from the redevelopment associated with the planning proposal.
- Council's General Counsel refutes the claims of the proponent regarding the timing of infrastructure funding plans and advises that given the significant infrastructure works that are necessitated by the uplift / rezoning, the issue of infrastructure planning, funding and delivery must be resolved prior to the gazettal of the planning proposal.

(ii) Affordable Housing

The draft Central District Plan (dCDP) requires the relevant planning authority to include an Affordable Rental Housing Target as a form of inclusionary zoning and sets a target of 5-10% of new floor space at rezoning stage. Furthermore, Council's *Affordable Housing Policy* sets an affordable housing target of 15%.

In light of these targets, the 3% affordable housing provision proposed as part of the original planning proposal was considered inadequate.

Applicant's response:

"The affordable rental housing target is proposed to be increased to 5% of new floor space in accordance with the Draft District Plan. Whereas the Greater Sydney Commission has indicated that the Draft District Plan should be considered in Planning Proposals, Council's draft policy has been publically exhibited but has not been formally endorsed or adopted by Council for application to existing Planning Proposals. Given the uncertainty as to whether this target will be formally adopted by Council or permitted by the NSW Department of Planning and Environment (via an amendment to SEPP 70), it is not considered appropriate to apply Council's draft policy to this Planning Proposal."

Council officers concluding comments:

While on face value it would appear that the proponent has increased the affordable rental housing rate from 3-5%, the amended clause seeks to change the definition of 'accountable gross floor area' to exclude a significant portion of the gross floor area for which the clause will apply.

When the proponent proposed a 3% affordable housing rate 'accountable gross floor area' was defined as:

Accountable gross floor area means the gross floor area of the residential component of the development to which the development application relates.

In amending the clause to provide 5% affordable housing the proponent has also changed the definition of 'accountable gross floor area' to read:

Accountable gross floor area means the gross floor area which exceeds a floor space ratio of 0.95:1 on the land on which development is proposed as part of an application for development consent.

By only applying the affordable housing rate to gross floor area that exceeds 0.95:1 in many instances the new definition will result in less affordable housing than what would have been provided under the original clause. Under the new definition, less affordable housing would be required on those sites where the maximum floor space ratio was set at 2.4:1 or less than that that would be required based under the originally proposed definition of "accountable gross floor area".

Given that all land is currently zoned industrial and residential development is prohibited under the existing zoning provisions, the affordable housing component should be applied to all of the 'new' residential floor area, ie across all floor space to be delivered.

The 5% rate of affordable housing only represents the minimum rate recommended in the dCDP and is well below the 15% sought under the Inner West Council's Affordable Housing Policy (which was adopted by Council on 28 March 2017). Moreover, the modelling carried out in developing the Inner West Council's Affordable Housing Policy found that "the highest profits are associated with rezoning of industrial land, and a 15% levy is generally supportable across these areas".

The proponent seeks to up zone the subject land to allow residential development up to 14 storeys in height. In view of the scale of the up zoning, the proponent's proposed 5% affordable housing rate (with the actual rate being less when calculated under the proposed new definition of "accountable gross floor area") is considered inadequate and therefore not supported.

(iii) **Architectural Excellence Panel**

The planning proposal was considered by Council's Architectural Excellence Panel (AEP). The AEP did not support the planning proposal in its current form and made recommendations for an improved structure plan for the precinct.

The recommendations made by the AEP focused on the layout and built form outcomes that would result in an improved masterplan layout, particularly the creation of a network of streets and lanes that is not currently included in the planning proposal. The AEP also recommended reduced building heights in certain locations to ensure that the proposal better responded to the scale and character of the surrounding area and reasonable amenity is maintained in Wicks Park.

The AEP reinforced the design advice provided in the independent Urban Design Study prepared by Rod Simpson, particularly the need to provide rear lanes for servicing access and waste collection for the multi-level redevelopment proposed along Victoria Road.

The AEP also highlighted the lack of open space provided as part of the planning proposal, noting that the 2 pocket parks proposed are inadequate given the significant intensity of development proposed (this issue is further addressed below under the heading "Public Open Space").

The AEP identified the need for public domain improvements, particularly on Victoria Road, that need to be provided as part of the rezoning. As highlighted below the issue of infrastructure planning, funding and provision has not been adequately addressed as part of the planning proposal.

Applicant's response:

"In assessing the Planning Proposal in 2015, prior to the proposal receiving Gateway Determination, Marrickville Council referred the proposal to its Architectural Excellence Panel for assessment. An Urban Design Report was prepared by Mr Roderick Simpson. His findings were considered by both the Council and the Department during the Gateway Assessment. Further the proponent was required to address as part of the Gateway Conditions, some of the findings of the Design Report. This was done and the Department determined that the Gateway Conditions had been met. In light of this it is considered that the design issues had already been addressed for the most part, and that it is inappropriate to continually subject the proposal to further design reviews."

The applicant's submission rejects the recommendations made by the AEP for the following reasons:

- The Structure Plan recommended by the AEP is not supported *"due to other design failings and site constraints"*;
- The matters raised in Mr Rod Simpson's report were addressed as part of the Gateway Process;
- The introduction of new laneways and streets, together with the amalgamation of sites to create larger development parcels will greatly assist in improving the quality of the streetscapes within the precinct;
- Serviceability of new developments will be addressed as DA stage;
- New development in the precinct, particularly residential, will significantly increase the amount of landscaping and permeable ground conditions in the area;
- A quantitative approach to open space planning is outdated and simplistic and the focus should be on improving the overall public domain;
- The building forms were considered at Gateway Stage and determined to have strategic merit;
- The height of the proposed buildings around Wicks Park will help to activate the park and maximise the use of the amenity provided by the open space; and
- The FSR's need to be sufficient to allow for the orderly and economic redevelopment of the land.

Council officers concluding comments:

The applicant's assertion that urban form should not be considered post Gateway is not supported. Gateway determination includes a strategic and site specific merits test that identifies whether a proposal demonstrates strategic merit. It is by no means the end of the process, but rather is the start under which a detailed review of the planning proposal is carried out.

Furthermore, the proponent has not addressed fundamental concerns and recommendations contained in the Urban Design Report prepared by Rod Simpson or the Architectural Excellence Panel (AEP) advice. Most notably:

- The planning proposal does not provide new laneways and road connections required to service the rezoning and stated vision for the Victoria Road corridor. Both Rod Simpson's Urban Design Study and the AEP report recognise the provision of rear lanes for servicing access and waste collection as crucial to avoid regular vehicular crossings into basements and unsightly waste collection areas impacting on pedestrian safety and amenity, as well as reducing the activation of frontages, on Victoria Road. The proponent suggests that the issue of site serviceability of new developments can be addressed at development application stage and that access may be provided from side streets. This approach is not supported. Should the planning proposal be approved as submitted, with the exception of corner lots, the majority of developments will require vehicular access

(and waste collection) directly off Victoria Road. This will have a negative impact on the streetscape vision for Victoria Road and would affect pedestrian safety.

- Both Rod Simpson's Urban Design Study and the AEP report recognise the need to provide new areas of public open space to support the new resident and worker population. This issue is further addressed below under the heading "*Public Open Space*" and as highlighted above, approximately 250sqm to 300sqm of Wicks Park is assigned for acquisition to facilitate the road widening works to Sydenham Road required as part of the planning proposal.
- At 14 storeys the maximum building heights proposed are excessive given the surrounding context and will result in unreasonable impacts on the amenity of Wicks Park. The AEP recommended reduced building heights with a maximum building height of 9 storeys on the Danias Timber's site and a maximum height of 4 storeys for the site to the north of Wicks Park (Block X). Rod Simpson Urban Design Report also found the proponent's rationale for the built form on Block X to be "*unclear*". The proponent states that "*the height of the proposed buildings around Wicks Park help to activate the park and maximise the use of the amenity provided by the open space*". The proponent's rationale is not supported, as a 14 storey building is not required to "activate the park". The proposed building heights on Block X will result in significant overshadowing of Wicks Park reducing the amenity of this important area of public open space. This issue is further addressed below under the heading "*Public Open Space*".

Overall, the height, bulk, scale and form of a number of the building envelopes sought as part of the planning proposal are not supported particularly given the distance the precinct is located from the entrance to Sydenham Station (approximately 800 metres).

The Danias Timber site is proposed to have a Floor Space Ratio of 3:1 and a height of approximately 46 metres (14 storeys) which is significantly greater than any other site of this size covered by MLEP 2011. Under MLEP 2011 the sites with the greatest FSR's and heights are located close to centres and rail transport hubs. The subject area is not within a local centre or in direct proximity to main public transport services and can therefore not be considered a Transit Oriented Development.

Similarly, Block X is proposed to have a FSR of 3.5:1 and a maximum height of approximately 47 metres to allow the erection of a 14 storey residential tower. The proposed envelope would result in overshadowing of Wicks Park.

The planning proposal does not provide any suitably sized new areas of public open space and the proposed building envelopes will result in overshadowing and visual bulk impacts for Wicks Park reducing the amenity of this important piece of public open space. Moreover, the planning proposal will also result in a loss of public open space as parts of Wicks Park have now been identified for acquisition to cater for the road widening required by the planning proposal.

(iv) *Public Open Space*

There is currently a lack of quality green open space in the former Marrickville Local Government Area and this deficiency was highlighted in the Recreation User Needs Research carried out in 2012.

While proposing a significant increase in residential and employment density in the area, the planning proposal only identifies 2 pocket parks proposed in the Timber Yards Sub-precinct. Given the substantial increase in resident, workers and likely visitors that would be introduced to the area under the planning proposal it is considered the additional level of open space offered is inadequate.

Based on the rate adopted under the Section 94 Plan of 1.39 hectares/1000 people, given the 1,100 dwellings and additional 4,000 jobs created by the planning proposal (and utilising the

dwelling mix identified under MDCP 2011), the total open space required for the residential component of the planning proposal is 2.185ha, while the total open space required for the non-residential component (based on the commercial rate in the Section 94 Plan) is 1.12ha. Accordingly the total open space required to support the additional resident and worker population sought under the planning proposal would be 3.315 hectares.

Given the high land values in the Inner West Council Area and the \$20k cap on Section 94 Contributions, it is not possible for Council to purchase land to support the open space requirements generated by the increased resident and worker population sought by this planning proposal.

Applicant's response:

"We note the 'Recreation Needs Research - Strategic Directions for Marrickville' report which was adopted by Marrickville Council on 20 November 2012, which states that:

'The question of whether or not open space provision, including space for formal and informal sport is sufficient to meet demand has traditionally been answered via the use of quantity-based standards such as the 2.83 hectares/1000 people that has been traditionally used in NSW. It was often perceived that open space provision obligations were met when the standards were achieved. However, it is now well understood that generalised standards are unreliable and not necessarily valid for particular areas.

This is supported by the NSW Department of Planning's new recreation and open space planning guidelines which argue that the standards are 'irrelevant to contemporary planning'. The guidelines point out that, while most inner urban LGA's fall well short of the traditional benchmark, 'the reality is that the residents of inner urban Sydney have access to a range of recreational and leisure opportunities that the existing open space assets including high quality urban public spaces and harbour and beach foreshores, manage to deliver (though there may be some pressure on outdoor sports areas)". (our emphasis)

In light of the above, it is clear that a quantitative approach in open space planning is outdated and simplistic, and is not a desirable approach for this Planning Proposal. Instead, the focus is on improving the overall public domain, providing high quality spaces, and increasing utilisation of neglected open space assets.

As noted by Council, local development contributions will be collected by Council for the purpose of improving local open space. This could include upgrades in Wicks Park, Henson Park and Enmore Park, each of which are in close proximity to the Victoria Road Precinct, in order to enhance the benefit and utility of these spaces to the community. Improving the quality of existing public open spaces, in conjunction with new spaces and public domain upgrades, will provide a significantly greater net benefit to the community by providing desirable, active spaces.

We also note the 'Marrickville Recreation Policy and Strategy', which was adopted by Marrickville Council on 2 July 2013. One of the actions of this policy states that "Council will negotiate with the Department of Education and Training and local School Principals regarding the use of school facilities and open space outside of school hours". Council's recommendation of a new park adjacent to the existing Marrickville Public School playground would simply replicate an existing community facility that could instead be opened up through negotiation in accordance with Council's policy.

Notwithstanding the above, further design work for the Rich Street employment precinct has identified an opportunity for an additional publicly accessible open space area at approximately 1,200sqm which, in conjunction with new active employment uses

proposed in this location, will create an additional high quality public open space in addition to the existing pocket parks proposed in the precinct master plan.

We have also identified that the proposed pocket parks could be expanded if necessary. The exact design and location will be determined at DA stage.

The provision of open space and permeability through the site under the Planning Proposal will set a new benchmark for the area. No comparable recent proposal, including the Marrickville Hospital site, has proposed as much open space."

Council officers concluding comments:

The applicant's submission does not resolve the fundamental issue that there is a lack of public open space to service the new resident and worker population.

It should also be noted that Council officers' calculation on the amount of additional open space was based on the information contained in the original planning proposal of 1,100 new dwellings and 4,000 new jobs created by the planning proposal. The information contained in the Response to Submissions (RTS) report prepared by the proponent and submitted to Council on 15 March 2017 states that *"overall it is expected that around 1,100 new dwellings.....and up to 7,000 new jobs could be provided for by 2036"* (page 8 of the RTS report).

Based on the revised new jobs figure, the total open space required to support the additional resident and worker population sought under the revised planning proposal would be 4.131 hectares.

Notwithstanding the proposal not introducing an adequate level of additional open space to this area, the building envelope proposed on the site located to the north of Wicks Park (Block X), at 7 to 14 storeys with a minimal setback (2.5 to 3 metres), will result in overshadowing and visual bulk impacts for this park.



Image 11: Building envelopes to the north of Wicks Park indicating building heights of 7 to 14 storeys that will overshadow the most useable sections of Wicks Park (Figure 17 Building heights map in draft DCP)

Furthermore, as highlighted under heading 4(i) above, the road works necessitated by this planning proposal require sections of Wicks Park to be acquired for road widening purposes. Such land acquisition would reduce the size of the park (by around 250sqm to 300sqm) and necessitate the removal of a strand of significant trees within the park along its Sydenham Road frontage.

The applicant's reference to the former Marrickville Hospital Site is unclear as this is not a planning proposal but rather a development application that is currently under assessment. However it is noted that a 1,250sqm area of public open space as well as 850sqm of publicly accessible landscaped pedestrian links (and a new library) are proposed as part of that proposal which is proposed to contain approximately 225 dwellings.

In terms of other recent developments that provided public open space for residents include the Luna development completed by Meriton at 78-90 Old Canterbury Road (which contains 298 dwellings) provided a 3,000sqm park that was dedicated to Council.

While the proponent suggests that a new 1,200sqm area of public open space can be provided in the proposed Rich Street employment precinct there are no material controls that will ensure its delivery. The proposed *"new 1200sqm area of public open space"* is not referred to in the desired future character objectives for the precinct and the public open space area is not shown on the Indicative Masterplan for the precinct. The only reference to this open space is a control in the draft DCP which states:

"Public accessible open space of a minimum area of 1,200sqm is to be provided within the Chapel Street sub-precinct...(between Rich Street and Brompton Street)."

The accompanying figure is illustrated below:



Image 12: Public open space network in the draft DCP

The green asterisk in the above diagram symbolizes this new open space. The controls suggested by the proponent are not descriptive or transparent and do not provide adequate certainty for the provision of public open space to service the new resident and worker populations envisioned under the planning proposal. It would be difficult for Council's Development Assessment Unit to require the provision of this open space as part of any future development application in the Rich Street employment precinct.

The issue of public open space by way of quantum, dimension and implementation remains an unresolved matter and cannot be supported in its current form.

(v) Infrastructure Planning and Delivery

The infrastructure upgrades required to deliver the vision for the area are not appropriately reflected in the proposed controls nor is a dedicated funding mechanism proposed to fund the necessary infrastructure upgrades.

It is noted that the planning proposal states *"In order to address some of these shortfalls and meet the needs of the future population of the study area, a contributions plan specific to Precinct 47 will be prepared in consultation with Council prior to the gazettal of the Planning Proposal"* (p. 94 of the Planning Report prepared by JBA).

There is no draft Section 94 Plan prepared for the precinct and to date no discussions have been held with Council with regard to the development of such a plan. Furthermore, the real value of Section 94 contributions has decreased over the years due to the \$20k per dwelling cap on contributions; inflation; and land price escalation coupled with increasing development costs. The contributions cap limits the contribution funds that may be received by Council and hinders the ability of Council to provide the level of public facilities and services required by this planning proposal.

The planning proposal seeks to significantly up zone the subject land and this necessitates infrastructure planning and delivery that is outside the scope of Marrickville Section 94/94A Contributions Plan. Given the inadequacy of Section 94 contributions to provide for required community infrastructure the planning proposal should incorporate an appropriate infrastructure delivery mechanism to fund its provision.

Applicant's response:

"Council has previously stated that it is not appropriate to deal with changes to the Section 94 Plan as part of the Planning Proposal, and that Council would deal with this matter at a later stage.

The urban renewal of Precinct 47 will generate demand for community services and infrastructure within the local area. New development within the precinct would be required to contribute to local infrastructure in the form of Section 94 Development Contributions for recreational facilities, community facilities and traffic infrastructure or a VPA process with individual developers.

Precinct 47 is well located in relation to existing community and social infrastructure, including Enmore Park and the Annette Kellerman Aquatic Centre, Henson Park and the Addison Road Community Centre.

It is noted that a meeting was held with Mr Tim Moore, Mr Marcus Rowan and Joe Strati (legal counsel) on the 17th August 2015. The purpose of this meeting was to discuss process going forward and discuss the infrastructure contributions framework. During this meeting, we were advised by the Council officers, led by their legal adviser, that their preference was for the preparation and/or update of any contributions framework to be

undertaken after gazettal of the LEP Amendment. The rationale used by Council officers at the time was that the quantum of development would be unknown until gazettal so there is no point in preparing the contributions framework until the demand for infrastructure is known. Accordingly, the assertion that no discussions have been held regarding this matter is incorrect.

It is acknowledged that there may need to be an update of the contributions framework to accommodate the development, however it is considered that such an update (if deemed necessary) can occur following gazettal of the LEP. Such an approach is common practice with rezoning's, with updates to contributions frameworks regularly occurring following LEP amendments.

We note that Council's incumbent Section 94 Plan will still be applicable should development occur between the LEP Amendment and the adoption of any changes to the contribution framework. Based on our analysis of the Indicative Masterplan the planning proposal will still generate in the order of \$36,000,000 of contributions under the current Section 94 framework. Furthermore it is noted that redevelopment of the precinct will occur over a 15-20 year timeframe, as such there will be ample time to produce a well-considered infrastructure contributions programme after the LEP is gazetted (if necessary).

In light of the above, it is considered that an infrastructure planning framework is in place that will enable the collection of a significant amount of contributions in any event, and that any review and update of this framework can occur after the LEP Amendment, a common practice that is regularly adopted by Sydney Metropolitan Councils.

The proponent also reaffirms their willingness to assist Council with any review and update of the contributions framework as it applies to the precinct."

Council officers concluding comments:

The planning proposal seeks to significantly up zone land and this necessitates infrastructure planning and delivery that is outside the scope of Marrickville Section 94/94A Contributions Plan.

Given the inadequacy of Section 94 contributions to provide for the complete array of essential community infrastructure items, the planning proposal should incorporate an appropriate mechanism to fund the provision of required infrastructure.

Council's General Counsel refutes the claims of the proponent (that any planning agreements should be postponed to DA stage) and advises that given the significant infrastructure works that are necessitated by this proposal, the planning agreement must form part of the planning proposal. This preferred process was also outlined in the original assessment report considered by Council at its meeting on 3 November 2015 in which the recommendations of that report included:

"Council requires that, as a condition of proceeding with the planning proposal post Gateway determination, the proponent make arrangements to ensure that public infrastructure and benefits (generally identified in this report) will be delivered as part of the urban renewal contemplated by the planning proposal."

Furthermore, some of the infrastructure planning and delivery issues, such as the need to acquire properties outside the area of the planning proposal as well as sections of Wicks Park for road widenings are considered insurmountable. The need to acquire private properties cannot be funded by Council (or the RMS) for the purpose of facilitating this private proposal.

The issue of infrastructure planning and provision of an appropriate mechanism to provide public certainty that funding will be realised from across the precinct and multiple owners remains unresolved.

(vi) Heritage

As part of the Gateway determination issued by the Department, a heritage investigation was required to “*identify items that have potential heritage significance and should be preserved (this includes industrial heritage)*”.

In responding to this condition Artefact Heritage were engaged by the proponent to undertake a heritage study of the area. Artefact Heritage identified two currently listed items, two potential items recommended for listing, four recommended for further study, and six discounted as not having heritage significance.

The Heritage Assessment Report has been reviewed by Council’s Heritage Advisor who provided the following comments:

“The report was prepared by Artefact Heritage. No information is provided about the company or the author’s identity or qualifications. The approach outlined in 1.3, relying on a site survey, thematic history and other information, is sound. An inspection of the area confirms that the items chosen for review are appropriate, though two additional houses are considered to warrant investigation.

However a major concern is that four items are simply identified as requiring further study, on the basis that the brief called for a “high-level review”. It is agreed that these items may need a good deal of additional historical research and comparative evaluation before they can be fully assessed. However, whether the brief or funding was inadequate or otherwise, the report leaves Council uninformed as to whether certain items need to be retained, and the recommended heritage management would appear to leave them insufficiently protected.

The Masterplan and proposed planning control maps do not take account of the potential items. But heritage items and their curtilage need to be established first, as their retention is a “given.”

The 4 potential items identified in the Heritage Assessment Report include:

- 64 Chapel Street, Marrickville;
- 23-33 Faversham Street, Marrickville (this property forms part of the sites known as 28 Faversham Street and 22-38 Fitzroy Street under Council records);
- 8-12 Rich Street, Marrickville; and
- The Air Raid Shelter, Wicks Park

The potential heritage items are identified in the image below:



Image 13: Map illustrating existing heritage items, proposed items for listing and potential items requiring detailed heritage assessment – Source: Figure 80: Heritage Assessment (Annexure H of Planning Proposal Report)

As identified by Council's Heritage Advisor, the Masterplan and proposed planning control maps do not take account of these potential items. The Masterplan requires almost complete demolition of the potential heritage item identified in the heritage report as 23-33 Faversham Street, Marrickville to provide vehicular access to Block X due to the proposed extension of Hans Place and Chalder Avenue as indicated in the image below (as item 6). It is further noted that this building is a relatively large industrial building that extends onto properties outside the area of the revised planning proposal:

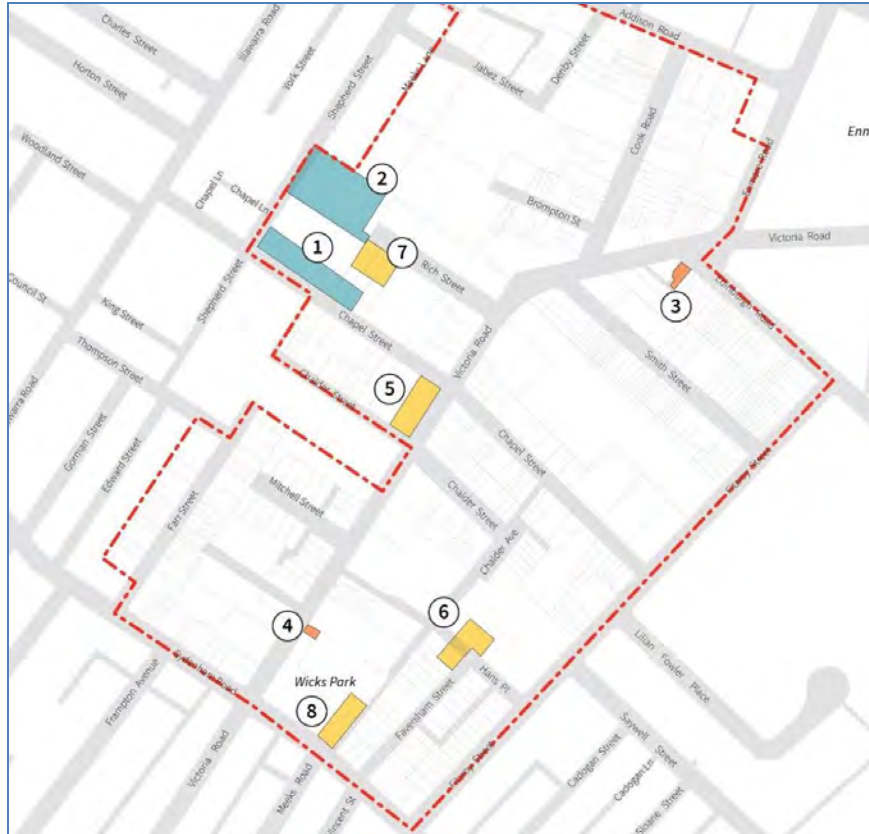


Image 14: Existing and potential heritage items map - Source: Figure 20 (p. 32) of Draft Development Control Plan (Precinct 47) – (Appendix E)

Council's Heritage Advisor requires:

"The items nominated above should be thoroughly assessed in terms of the NSW Heritage Procedure, presumably by the proponent's consultants, and these assessments should then be independently reviewed. The items found to be significant by the independent review should be listed as part of the planning proposal and incorporated into Schedule 5 of the LEP in due course."

Applicant's response:

"Council's Heritage Advisor also notes that they have a 'major concern' that four items are simply identified as requiring further study. They note that "the Masterplan and proposed planning control maps do not take account of the potential items. But heritage items and their curtilage need to be established first, as their retention is a "given".

In response to this we note the following:

- *Council has just recently conducted a thorough review of heritage within the former Marrickville LGA, which includes a public exhibition period and a consultation process with the affected landowners of newly nominated heritage items.*
- *The purpose of the study was to strengthen heritage protection within the former Marrickville LGA. The outcome of the study was a recommendation by Council officers to include 75 new heritage items, 2 new conservation areas and an expansion of 3 existing conservation areas.*
- *At its meeting on 28th February 2017 the Council supported the officer's recommendation and approved the amended Heritage List.*
- *We note that in undertaking their comprehensive review, despite identifying 75 new heritage items, not one of these was located within the Victoria Road*

Precinct area. Accordingly, the review will not result in any changes to the heritage register as it applies to the precinct.

- *In addition, Council's review did not identify any of the four suggested items identified in the Artefact Report as being of heritage significance (one of which is on Council owned land).*
- *As proposed the items are subject to further review, as appropriate and should be considered in the next round of review. In the interim their potential heritage values can be reviewed at the DA stage, should they be affected by a development proposal."*

Council officers concluding comments:

Council officer's make the following concluding remarks:

- The heritage review recently undertaken by Council focused on the southern sections of the Marrickville Local Government Area (defined as areas south of the Illawarra/Bankstown railway line); and
- The heritage study for Precinct 47 was required as a condition of the Gateway determination. That study has identified a number of potential heritage items however the planning proposal continues to identify these sites for renewal including the almost complete demolition of a potential heritage item to allow the extension of Hans Place.

The issue of heritage remains unresolved.

(vii) Proposed New Roads and Connections

One of the fundamental concerns with the planning proposal is the shortage of new roads and vehicular connections. The low level of permeability impacts the ability to deliver the vision of the Masterplan, most notably to transform Victoria Road into a commercial spine. As discussed above, given the planning proposal seeks to rezone the existing industrial land to allow commercial and residential buildings there is a need to create a new block structure that adequately supports such development forms.

More specifically, the only 'new road' that can actually be delivered as part of the current planning proposal is the new cul-de-sac proposed to service Blocks B and C in the Timber Yards Sub-precinct.

The extension of Chalder Avenue as identified in the Masterplan cannot be implemented as it sits outside the area of the planning proposal, with the 'new road extension' primarily located on the property known as 22-38 Fitzroy Street (refer image 15 below). That site is not included in the planning proposal and according to the information contained in the planning proposal the owner of that property is not identified as a supportive land owner of the planning proposal (Figure 9 p. 28 of Planning Report prepared by JBA).

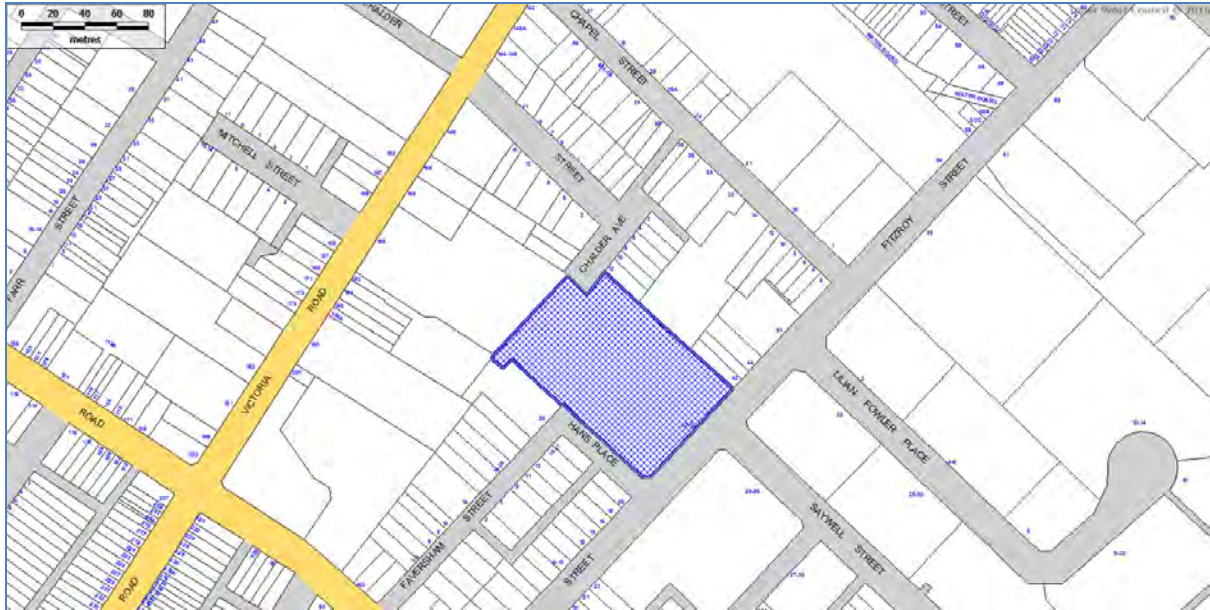


Image 15: Map indicating property known as 22-38 Fitzroy Street which does not form part of the planning proposal but which is required to allow extensions of Chalder Avenue and Hans Place as envisioned under the Masterplan

Furthermore, the extension of Hans Place requires the almost complete demolition of the potential heritage item identified in the heritage report as 23-33 Faversham Street, Marrickville. The extension of Hans Place as identified in the Masterplan is also problematic as this 'new road extension' is partially located on the property known as 22-38 Fitzroy Street.

The inability to create either of these connections means there would be no vehicular access to Block X (north of Wicks Park), other than from Victoria Road.

Similarly, as identified above, there is a need to provide rear lanes for servicing access and waste collection for the multi-level redevelopment proposed along Victoria Road.

Applicant's response:

"The structure and layout of roads has not changed substantially since the Planning Proposal was endorsed by Marrickville Council.

In response to this it is noted that:

- *Realisation of the vision for the Precinct is not dependent on the creation of new roads, with Victoria Road still able to function as a vibrant commercial spine even without a block structure that includes rear service lanes.*
- *Victoria Road is a RMS controlled road, and as such access into and out of sites for new development is likely to be monitored very closely. In many instances, new development will need to gain their access from side streets such as Chalder Street, Chapel Street, Mitchell Street, Rich Street etc.*
- *Development Parcels within the precinct are likely to comprise a number of amalgamated lots. New development proposals are therefore likely to have access to side streets in most instances.*
- *There will be instances where new development will need to gain access from Victoria Road, in these instances consultation will be carried out with the RMS as part of any DA process to obtain their sign-off prior to any approval being issued.*
- *The number of driveway crossovers and points of access onto Victoria Road is likely significantly reduce as a result of the areas future regeneration.*
- *The DCP includes a Movement Network Map that illustrates where future connections are envisaged to occur within the Precinct. These may not be the only connections created*

within the precinct as future redevelopment of sites may require additional connections to enable them to operate.

- The DCP illustrates the possible location of a future extension to Chalder Avenue, and has been drafted to cover the area of Precinct 47 as per the current structure of the Marrickville DCP 2011. Even though the owner of 22-38 Fitzroy Street is not identified as a 'supportive landowner of the planning proposal', we note that redevelopment of the precinct is intended to occur over a 20+ year timeframe. The potential extension of Chalder Avenue through to Chapel Street and Smith Street will inevitably take time as the precinct comprises multiple landowners. The alignment of the proposed connections has been planned to occur along common property boundaries, thus minimising the impact on any one landowner and increasing the likelihood of delivery in the future.
- Council regularly uses DCP provisions to encourage the provision of new roads as part of the future redevelopment of land - for example under the existing Section 9.6 of the Marrickville DCP 2011 in relation to Petersham South (Figure 6.2b). There is no evidence that Council elicited support from the land owners in that instance at the time of the DCP being made.
- Number 23-33 Faversham Street is currently not a heritage item. However its potential heritage values (its façade) have been considered in the design of Hans Place. It is more appropriate to assess any impacts at the DA stage, but the heritage values could be enhanced through the possible future adaptive reuse. Secondly the proposed extension of Hans Place does not impact on 22-38 Fitzroy Street.
- Irrespective, all efforts will be made to ensure that blocks gain access from side streets away from Victoria Road. There will however be instances where new development will need to gain access from Victoria Road, in these instances consultation will be carried out with the RMS as part of any DA process to obtain their sign-off prior to any approval being issued.
- It should be noted that Mitchell Street, Rich Street and Chalder Street are currently dead ends, and service vehicles and waste collections are operating without any major issues."

Council officers concluding comments:

The applicant's position does not respond to the importance of improving access and servicing arrangements for a new precinct that is proposed to undergo substantial change as:

- Realising the stated vision for the Victoria Road precinct is reliant on the creation of new road and laneways. Both Rod Simpson's Urban Design Study and the AEP report recognise the provision of rear lanes for vehicular access, servicing and waste collection as crucial to avoid regular vehicular crossings into basements and unsightly waste collection areas impacting on pedestrian safety and amenity and reducing activation along Victoria Road.
- The existing large block structure which adequately serviced the historic industrial uses is not appropriate for the proposed rezoning and smaller street / block structures are required to service the shift to higher order and more intense employment activity in the precinct.
- The Movement Network Map contained in the draft DCP (refer image 16 below) does not deliver any significant change to the road network in the area. As pointed out above the extension of Hans Place and Chalder Avenue will not occur as it requires land outside the area encompassed by the planning proposal. As no uplift is proposed on that land (and the site known as 22-38 Fitzroy Street contains a large strata titled industrial building) there is no incentive for the redevelopment required to create these connections. Furthermore, given the strategic importance of retaining industrial land Council is unlikely to support any future rezonings in this area that would result in a further loss of industrial lands.

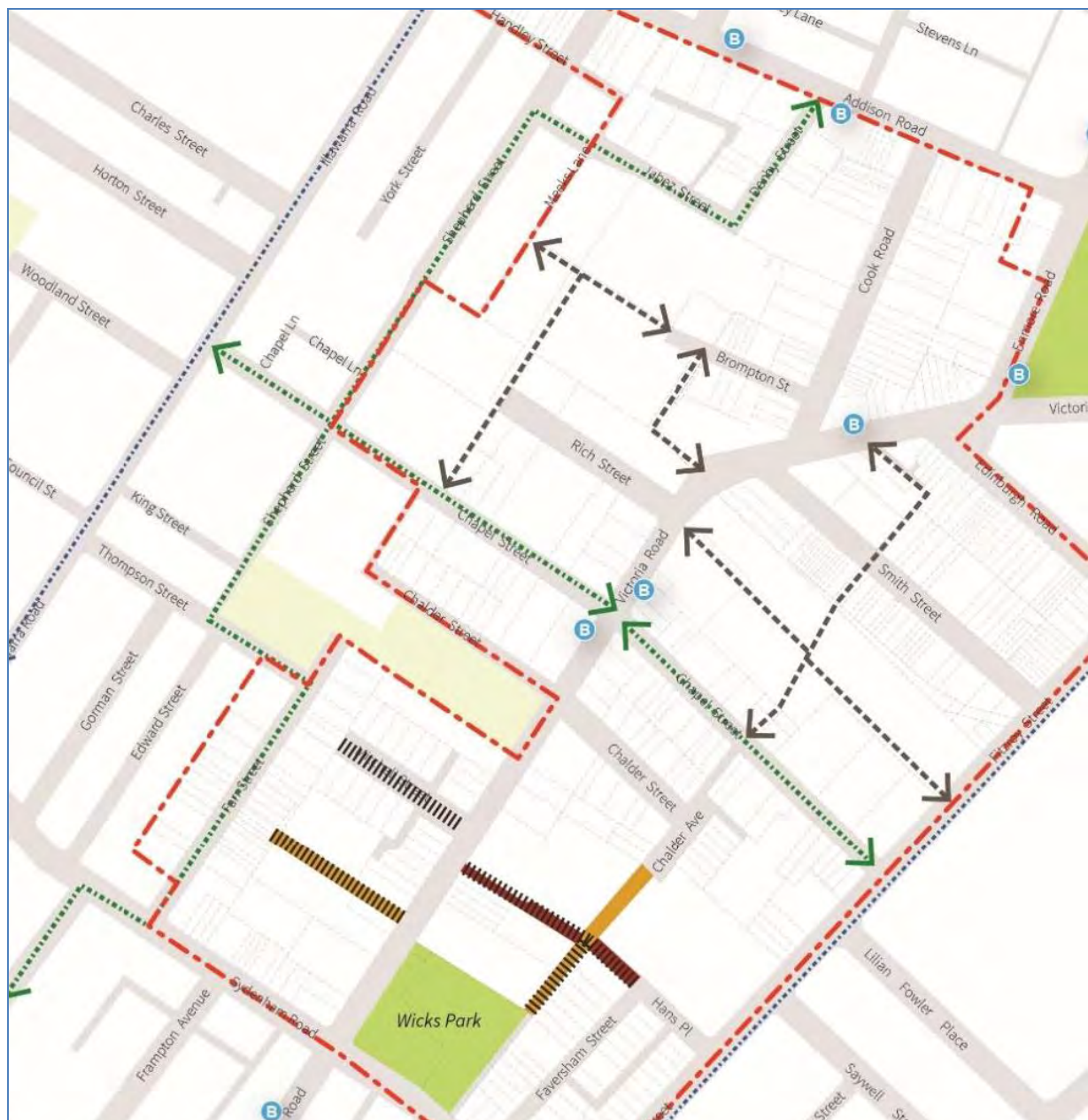


Image 16: Revised Movement Network Map (Figure 4 in Draft DCP submitted with the revised Victoria Road Precinct Planning Proposal)

- While RMS will be required to consider any new connections onto Victoria Road, RMS will only consider the traffic implications of any proposal and not the realisation of a positive urban design outcome for the precinct.

An adequate level of vehicular permeability including service laneways within this precinct will be integral to ensuring an optimal outcome is achieved from a design and operational perspective. This continues to remain as an unresolved matter.

Cycle Access

The planning proposal has objectives of encouraging cycling, providing a comfortable and attractive environment for cyclists and enhancing cyclist connections to surrounding commercial precincts including Addison Road and Marrickville Road. These objectives are important given the proposed residential densities and the need to encourage alternatives to car use. However there is little evidence of these objectives being incorporated into the proposed changes in the area encompassed by the planning proposal. While local streets in the study area can potentially accommodate cycling without dedicated infrastructure, the

proposal does not consider how cycling can be encouraged and enhanced further as per the proposal objectives.

The planning proposal does not accurately portray Council's cycle plans for routes in the area including:

- the proposed section along Farr Street is omitted;
- the proposed section along Chapel Street (east) is omitted;
- the report uses the incorrect map to show the local bike route network, thus omitting the Addison Road route entirely. The Traffic & Transport Assessment (Appendix J) also omits the proposed Addison Road route;
- an on-road cycle path is shown on Victoria Road but has not been identified in Council's Bike Plan or Active Streets Network. Given traffic volumes a cycle path on Victoria Road should be separated from traffic lanes, however the planning proposal street sections do not show any provision for either a separated bike path or shared path.

Further consideration to road, walking, cycling and connectivity to Sydenham Station is required to allow the assessment of the planning proposal to progress particularly on its connectivity and quality of access to Sydenham Station which the proposal relies upon for access to heavy rail.

Applicant's response:

- *The Draft DCP identifies and nominates the cycle routes through Precinct 47, thus helping to reinforce the location of the cycle network through the LGA. It is noted that the Draft DCP is area specific and is therefore intended to work in tandem with the rest of the Council's planning framework, which should provide more generic LGA wide policies that guide and govern how cycle and end of trip facilities are to be incorporated into both residential and non-residential development.*
- *The DCP Movement Network Map has been updated to show the bicycle routes as set out in the Marrickville Bicycle strategy. The current Marrickville Cycling Map is included at Appendix G.*
- *Addison Road is outside the Planning Proposal area.*
- *In reviewing Marrickville Council's Bike Plan, we agree that it is inappropriate for cycle paths to be on Victoria Road, especially as there are easily accessible north and south cycle routes in nearby Illawarra Road and Fitzroy Road. Further the proposal significantly improves the walking connections in and around the site.*
- *The planning proposal reflects the Marrickville Bicycle Strategy. Further work in this regard is therefore not required. Rather it is Council's responsibility to undertake a comprehensive review and update their Bicycle Strategy now that they are a merged entity.*
- *It is not appropriate for the proponent of the Planning Proposal to be responsible for the future design of Sydenham Street and the link to the Station. This area is outside of the Planning Proposal boundary and Precinct 47, and is not a matter for consideration for the LEP Amendment that is currently being considered.*

Council officers concluding comments:

Councils Cycling Planner reviewed the proponent's submission and made the following additional comments:

- It is noted that the draft DCP identifies Council's planned bicycle routes through Precinct 47, however it remains unclear what measures will be taken on the relevant streets in the study area to be consistent with the planning proposal objectives of encouraging cycling, providing a comfortable and attractive environment for cyclists and enhancing cyclists connections to surrounding commercial precincts including Addison Road and Marrickville Road. It is expected that appropriate cycling infrastructure treatments and enhancements on the identified bicycle routes in the

- study area are identified in the planning proposal and draft DCP, consistent with Council's Marrickville Bicycle Strategy and the NSW Bicycle Guidelines; and
- It is noted that Addison Road is outside the planning proposal area, however the planned route on Addison Road should be shown on the DCP Movement Network Map to show the wider bicycle network context, and connectivity of bicycle routes in the study area to destinations further afield, just as other planned bicycle routes outside the study area, e.g. on Illawarra Road, Fitzroy Street and Meeks Road are shown in the DCP Movement Network Map.

(viii) Flooding and Drainage

The planning proposal has been reviewed by Council's Infrastructure Planning and Property Section who provided the following comments:

"The area in question is subject to significant flooding. Whilst the flood report identifies constraints to development based on flood hazard based on existing conditions, it does not consider the proposed block layout. The development needs to consider minor and major drainage and flooding in a more holistic manner.

The flood liability report (Appendix K) focuses on hazard in major flood events, but minor flood event may cause more frequent damage especially with the change in land use.

To provide an acceptable level of service channelized and piped drainage in the area will have to be upgraded to meet a 5 year ARI. It is likely this would entail a new trunk drainage system from Fitzroy Street near Smith Street, up Smith Street and up Cook Road and Brompton Street to Shepherd Street, or similar, to capture area flows. The Marrickville Valley FRMSP (to be completed early 2017) will identify options to reduce flood risk for this area and these should also be taken into consideration.

Significant drainage infrastructure runs between Shepherd Street and Meeks Lane. Based on the proposed block arrangement, this drainage would have to be diverted through the proposed link to Brompton Street. The proposed building in Block G and H also blocks the major overland flow path from Shepherd Street and needs to be designed to be permeable or provide an underfloor flow path.

Significant drainage infrastructure runs between Wicks Park and Faversham Street. This drainage would need to be diverted along the proposed path link and into Hans Place. The proposed building in Block Z also blocks an overland flow path from Wicks Park and needs to be designed to be permeable or provide an underfloor flow path.

There is a major natural flow path from the low point in Shepherd Street, generally in a south easterly direction. The natural flow of water is currently impeded by adjoining properties at 4 Jabez Street and 11 Rich Street. The proposed development is also proposing contiguous buildings across this flow path.

Given the magnitude of the flooding in the area, and the significant issues raised above, it is recommended that a flood study be undertaken at this stage to confirm block and building layouts can accommodate overland flows and to establish what drainage infrastructure needs to be diverted and upgraded to provide an adequate level of service for the area. There should be a stormwater management plan, describing existing capacity of stormwater drainage system including overland flow path and pipe system, and providing a stormwater drainage concept plan for the entire area.

The development should be encouraged to install OSD to reduce flow to greenfield levels, rather than maintain the status quo. Consideration should also be given to stormwater treatment, harvesting and reuse in proposed residential buildings.

Easements should be created over all Council stormwater infrastructures on private property."

Applicant's response:

The applicant's response states (in part) that *"the Flood Liability Report ensures that rezoning does not occur in locations that would give rise to an unacceptable increase in flooding risk"* and *"localised flooding impacts are dealt with via the establishment of appropriate flood planning levels and development controls which are able to be implemented at the DA stage"*.

Council officers concluding comments:

The applicant's response that flooding can be adequately addressed at development application stage was referred to Council's Infrastructure Planning and Property Section who provided the following additional comments:

"The response regarding flooding does not adequately respond to any of the specific comments raised.

The response to deal with flooding issues at the DA stage is misguided. By DA stage it is too late to adjust the locations of blocks, open space, streets and overland flow paths. As the proponent says, this area will be developed over 20 years and will likely require multiple DA's through this time. No DA will have scope to look at flooding, pits and pipes and overland flow paths in a strategic manner to encompass the requirements of the area and enable integration with other land uses. And no DA will be able to simply connect into the existing system as it is under capacity.

Based on recent work in the Marrickville Valley FRMSP the majority of pipe networks in the industrial area, including the planning proposal area, have a capacity less than the 2 year ARI event.....Victoria Road and all areas east of this have water depths of 0.3m to 0.8m in the 100 year...and SES does not support 'shelter in place' as a flood risk management solution. As such it's my concern that the proposal will increase flood risk in the LGA by increasing intensification with no commensurate reduction in flood levels.

To reduce flooding to acceptable levels for medium to high density residential, an integrated area wide scheme would need to be constructed included new and upgraded trunk drainage to the Sydenham Detention Basin in Saywell Street. Preliminary cost estimates for this work alone are over \$2.5 million and will require works outside the planning proposal area. Subsequent to this, additional works will need to be constructed to address flooding in specific streets within the planning proposal area including Victoria Road, Faversham Street, Hans Place, Brompton Street, Cook Road, Smith Street, Chapel Street and Chalder Avenue. Although no estimate of these works has been prepared it is likely these would be of a similar or greater cost."

The planning proposal does not adequately deal with drainage and flooding and as highlighted above, the rezoning would result in the need for upfront capital works to be delivered to serve the proposed level of development. This should not be left to incremental development applications to deliver broader core infrastructure items.

(ix) Waste Management

Council's Waste Management Section raised concern with the lack of new roads and connections to facilitate waste collection. The street layout proposed as part of the planning proposal must allow sufficient access for waste collection (commercial and residential), with vehicles always moving in a forward direction (no reversing) and rear lanes are required to facilitate waste collection.

5. ASSESSMENT OF PROPOSED LOCAL ENVIRONMENTAL PLAN AMENDMENTS

(i) Definition of Gross Floor Area / Floor Space Ratio

As part of the planning proposal the proponent seeks to create a new definition for the gross floor area (GFA) of the residential development. That definition seeks to exclude 8sqm for each dwelling for the purpose of a noise affected balcony and an area up to 250sqm for each development to allow for an internal communal open space.

The new definition proposed by the proponent excludes areas that will add to the height, bulk, and scale of the development and which are areas that would otherwise be included as GFA.

The FSR's, building heights and building envelopes sought for these sites are considered excessive and the new definition of GFA reduces the 'actual FSR' for comparative purposes.

There is no basis for excluding those areas and such a practice artificially reduces the 'actual' FSR of a development

The new definition is not supported and has not been implemented for the purposes of this assessment.

(ii) Building Heights

It is noted that some building heights are inconsistent with those submitted for Gateway determination as indicated in the table below:

Land	Height as shown on Plans submitted with Planning Proposal	Height now proposed
Western side of Farr Street	12m	14m
Eastern side of Farr Street	18m	20m
Northern side of Mitchell Street	18m	20m
Rich Street/Chapel Street/Chalder Street	18m	20m
Sydenham Road east of Farr Street (R4 zone)	12m	11m

This issue was raised with the proponent who advised:

"It is noted that the LEP height map was amended during the response to the initial Gateway conditions issued by the DP&E. It was identified that the Marrickville LEP does not have an 18m height limit, accordingly a 20m height control was proposed instead. The proposed 20m height control allows for the achievement of a six (6) storey built form outcome as set out in the Indicative Masterplan and the Draft DCP."

The submission made by the proponent and the heights proposed are not supported for the following reasons:

- While the proponent suggests that the height increases were to ensure the building heights responded to the existing height limits set in MLEP 2011, the same approach has not been taken with the maximum heights set for the Danias Timbers site / Timber Yards Sub-precinct and Block X (north of Wicks Park). In these instances the proponent does not seek to provide a maximum height in metres (which is the metric in the current LEP) but rather seeks to set a maximum RL for these sites;
- The use of RL's in lieu of metres is not supported as it is inconsistent with the height limitations provided for the other sites affected by the planning proposal and the method that height is reflected in the current LEP;

- The 20 metre height limit (i.e. 5 to 6 storeys) proposed in Rich Street, Chapel Street and Chalder Street is inappropriate as it does not correlate with the floor space ratio (FSR) proposed on these sites (which is 1:1). Council has had issues in the past where height and FSR controls do not correlate and this had led to FSR creep in many instances.
- The 20 metre height limit proposed on the northern side of Chalder Street has the potential to cause significant and unacceptable overshadowing of the playground in Marrickville Public School. This height limit is also excessive noting that the draft DCP only allows a 3 storey building at this location.
- The 20 metre height limit proposed on the northern side of Mitchell Street has the potential to cause significant and unacceptable visual bulk impacts for Marrickville Public School. This height limit is also excessive noting that the draft DCP only allows a 5 storey building at this location.
- The 20 metre height limit (increased from 18 metres) on the eastern side of Farr Street is not appropriate. It would be more appropriate to reduce the building height at this location to 17 metres (as this would accord with the current height limits provided in the LEP) and would facilitate a building height of 5 storeys at this location which is the height recommended by Council's AEP.

6. ASSESSMENT OF PROPOSED DEVELOPMENT CONTROL PLAN

The following issues are raised with the proposed draft amendments to the Precinct 47 – Victoria Road Precinct of Marrickville Development Control Plan (MDCP) 2011.

- It is unclear why the draft DCP identifies and makes reference to the Chalder Avenue Sub-Precinct. While the indicative Masterplan suggests that this area is for “*Special transitional industrial uses*” and the wording in the draft DCP suggests that this area is a buffer zone that will contain “*modern forms of light industrial uses*”. This area is not to be rezoned as part of the planning proposal. That land is to retain its existing IN1 General Industrial zoning. There are also no controls in the planning proposal that seek to realise the stated vision as this sub-precinct sits outside the area encompassed by the planning proposal.
- The controls in Section 9.47.6 Movement network are inadequate to meet the stated objectives. As highlighted under heading 4(vii) above, the planning proposal does not facilitate the provision of an adequate network of streets and lanes (including pedestrian and bicycle) to enable the proposed change to the character of the area.
- Figure 13 indicates an extension to Hans Place East. As identified under heading 4(vi) above, this extension is restricted by a potential heritage item and the heritage significance of this item needs to be investigated and determined. Furthermore, should the property be heritage listed the part retention of a heritage façade that extends across a public road as identified in the Masterplan would not be supported by Council (refer image 18 below).

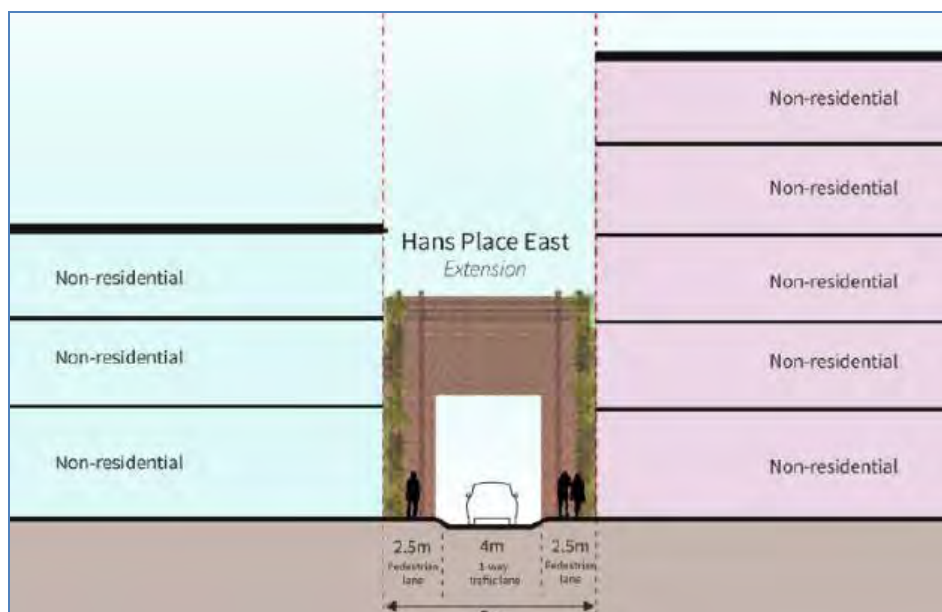


Image 18: Image in DCP recommending the retention of a heritage façade in a new public roadway which would not be supported by Council

- Figure 17 provides “Indicative building envelopes” for properties located in the Chalder Avenue Sub-Precinct. Those properties are outside the area of the planning proposal and as such should be excluded from the draft DCP.
- The proposed building heights in the Wicks Park Sub-Precinct (Block X in the Illustrative Masterplan prepared by Turner and Associates) are excessive and must be significantly reduced to maintain reasonable amenity in Wicks Park. While the draft DCP includes a control that aims to ensure that 50% of Wicks Park receives a minimum of 3 hours of solar access between 9am and 3pm in mid-winter, the redevelopment of Wicks Park Sub-Precinct would overshadow the areas of Wicks Park with the highest levels of amenity with the only sections of the park receiving sunlight in mid-winter being those areas adjacent to Victoria Road and Sydenham Road, which generally have less amenity due to traffic.
- As a general comment, the building envelopes for Wicks Park Sub-Precinct (Block X in the Illustrative Masterplan prepared by Turner and Associates) are unresolved and as highlighted in the Urban Design Review Report prepared by Rod Simpson the rationale for the built form on this block is “unclear”. As highlighted above, vehicular access cannot be obtained via either the extension of Hans Place or the extension of Chalder Avenue as currently depicted in the Masterplan. The heights are excessive (7 to 14 storeys) given the amenity impacts this will cause Wicks Park. Given the narrow width of the proposed extension of Hans Place there is a lack of building separation from the adjoining properties to the north east (Blocks W1 and W2 in the Illustrative Masterplan prepared by Turner and Associates). Furthermore, given the proposed zoning of the site, shop top housing development is a permissible form of development, although based on the Masterplan it is unclear how the rear buildings will support a non-residential use at ground level given the lack of setbacks / building separation.
- As highlighted under heading 4(iv) above, the controls that seek to create a 1,200sqm park in the Rich Street employment precinct. Although this is a positive contribution, it will be difficult to enforce and does not provide transparency to the community as to what will be delivered.

7. PUBLIC AUTHORITY REFERRALS

In accordance with the Gateway determination, the planning proposal was referred to Transport for NSW (TfNSW), Roads and Maritime Services (RMS), Sydney Airport Corporation (SACL), Department of Infrastructure and Regional Development, Department of Education and Training, Energy Australia, Telstra and Sydney Water.

The responses received from the public authorities are summarised below:

- RMS does not support the planning proposal and is of the view that given the size of the planning proposal, the LEP amendment should not be gazetted until the cumulative transport impacts are identified with associated management and mitigation measures are incorporated into an appropriate funding mechanism (refer **ATTACHMENT 2**).
- TfNSW support the views expressed by RMS and raised concern with the impact the proposal may have on bus operations given ingress/egress for the redevelopments is required from Victoria Road. TfNSW also identify that the nearest part of the precinct (corner of Fitzroy Street) is in excess of 650 metres from the entry to Sydenham Railway Station.
- On 17 January 2017 SACL advised Council that the concerns it had previously raised had now been “*satisfactorily addressed*”. Notwithstanding, SACL encouraged Council to include a noise disclosure notification clause in all Section 149 Planning Certificates issued in the precinct that reads:

“This property is situated in the vicinity of busy approach and take of flight paths for the main runway at Sydney Airport. As such, it is currently affected, and will continue to be affected in the future, by aircraft noise and the possibility of building vibration from overflying aircraft. The number of aircraft flying in the vicinity of this property is likely to increase in the future as a result of an increase in the number of aircraft using the airport. Further information about existing aircraft noise impacts is available on the Airservices Australia website (<http://www.airservicesaustralia.com/>). Further information about forecast changes in aircraft noise impacts can be found in Sydney airports master plan, which is available on the Sydney Airport Website: <http://www.sydneyairport.com.au/>.”

Council is not under any obligation to include such as statement on section 149 certificates.

- The Department of Infrastructure and Regional Development advised Council that they would not be making a submission.
- The Department of Education requested controls to be implemented to ensure minimal impacts on Marrickville Public School including adequate screen planting and building elements and internal layout of buildings that minimised any overlooking. The Department of Education also requested to be involved in any Special Infrastructure Contribution (or similar) discussions should they occur in the future.
- Ausgrid did not raise concern with the planning proposal subject to conditions relating to the supply of electricity and the possible need to on-site substations.
- Sydney Water did not object to the planning proposal but highlighted that the redevelopment may require amplification of water lines; a catchments plan and reticulation scheme plan is required for the development; and no buildings can be built over Sydney Water assets.

8. ASSESSMENT OF STRATEGIC MERIT

To rezone industrially zoned land, Council needs to ensure that adequate strategic justification is provided for the proposed changes to its planning controls. The following discussion provides an assessment of the proposal against the State Government’s and Council’s strategic planning directions for the Inner West area.

(i) A Plan for Growing Sydney (2014)

A Plan for Growing Sydney (the Plan) was released in late 2014 and sets the direction for planning in Sydney over the next 20 years. A Plan for Growing Sydney includes the following planning principles that will guide how Sydney Grows:

- Principle 1: Increasing housing choice around all centres through urban renewal in established areas;
- Principle 2: Stronger economic development in strategic centres and transport gateways; and
- Principle 3: Connecting centres with a networked transport system.

The proponent considers the planning proposal to be consistent with A Plan for Growing Sydney as it is a land use response which coincides with major infrastructure projects (WestConnex, a new airport at Badgery's Creek; and Sydney Metro); responds to localised social and economic changes; and will create new employment opportunities and renew an underutilised area.

Council officers acknowledge the benefits arising from renewal within an otherwise ageing precinct. Despite this, the precinct offers a land use mix and product that continues to decline in areas within 10 kilometers of the central business district. Some level of renewal is supported within the precinct however wholesale loss of industrial land in the area must be considered within the context of other significant strategic planning changes underway within the Inner West area and broader Central District including renewal in traditional industrial areas, investment in road and rail infrastructure by the State, demand for industrial built forms and low cost employment lands with ready access to markets and employment amongst other matters.

In light of the above, although the planning proposal may present some strategic merit the scale of change, without a clear and dedicated strategic basis, cannot be supported given:

- The area to which the planning proposal relates is not located near a centre or a public transport hub. While the area is well serviced by buses, the area covered by the planning proposal is located some 800 metres from Sydenham Railway Station. Accordingly the proposal is not considered to be transport oriented development and is inconsistent with Planning Principle 1.
- The planning proposal is inconsistent with Planning Principle 2 as the change from industrial to residential uses will potentially impact on the current and future operation of the industrial land. Particular concern is raised with the B4 Mixed Use zoning proposed on the south eastern side of Victoria Road (to the north of Wicks Park). This site is within the main Sydenham / Marrickville industrial precinct and directly adjoins IN1 industrial areas, so residential development in this location has the potential to further fracture the industrial precinct and create land-use conflicts that will threaten the function of the broader IN1 area. It was for this reason the MELS did not support residential at this location. Furthermore, as acknowledged by the Department, there is a continued important role for industrial land in this area, given its size and connectivity to good transport links and proximity to the Transport Gateways.

Action 1.9.2: Support key industrial precincts with appropriate planning controls of the Plan states that the *Industrial Lands Strategic Assessment Checklist* will guide the assessment of proposed rezonings of industrial lands. This checklist poses questions about whether the site is near or within direct access to key economic infrastructure, how it contributes to a significant industry cluster, and how the proposed rezoning would impact on industrial land stocks and employment objectives in each subregion.

As this planning proposal request involves the rezoning of IN1 General Industrial land, an assessment against the checklist has been undertaken as follows:

- *Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?*

The proponent does not address this point as the comment in the Planning Proposal Report simply states “refer to Section 8.2”. The Planning Proposal Report submitted by the proponent does not have a Section 8.2.

The relevant State and Council strategies aim to protect industrial land from residential development. A Plan for Growing Sydney clearly aims to protect industrial land in and around the airport from being lost to residential development. The draft Central District Plan (dCDP) builds on this aim and encourages Council to take a ‘precautionary approach’ to the conversion of employment and urban services land and this recommendation is of particular importance to the Inner West Council with a significant portion of industrial land the subject of renewal or rezonings (such as Lords Road, Leichhardt and Carrington Road, Marrickville and operations within the Rozelle Rail Yards associated with WestConnex.).

There is no strategic planning basis supporting wholesale change within the Victoria Road precinct toward high density housing or that encourages its move away from industrial zonings. The gradual but continual loss of industrial land is also an important issue with the Inner West community and is included in Priority 1 – Planning and Development in the recently released Statement of Vision and Priorities.

The subject planning proposal demonstrates an inconsistency with the directions, priorities and actions contained in A Plan for Growing Sydney; the draft Central District Plan; and Section 117 Direction 1.1 Business and Industrial Zones. Furthermore, while the proponent contends that the planning proposal is consistent with the Sydenham to Bankstown Urban Renewal Corridor, only a small section of land around Wicks Park was included in that strategy and the draft strategy (that was publicly exhibited from 14 October 2015 to 7 February 2016) does not encourage residential development at that location, with the area proposed to be retained as industrial land. Council intends to await the release of final strategy and will review its position once the final strategy is released.

The draft Sydenham to Bankstown Urban Renewal Corridor Strategy proposes to rezone all of the existing industrially zoned land on Carrington Road (known as the Carrington Road Precinct) for medium to high rise residential development. Council has recently received a planning proposal that seeks to rezone 8 hectares of industrial land on the eastern side of Carrington Road for a mix of land uses including high density housing, retail and commercial premises to allow approximately 2,600 dwellings and 17,000sqm of retail and commercial floor space.

Given the ‘Carrington Road precinct’ has been identified for redevelopment into a mixed use precinct comprising high density residential development, there is a greater necessity to ensure that the core industrial lands in Marrickville / Sydenham are retained for industrial purposes.

- *Is the site:*
 - o *near or within direct access to key economic infrastructure?*
 - o *contributing to a significant industry cluster?*

The area affected by this planning proposal forms part of the Marrickville-Sydenham Industrial precinct which is the largest industrial precinct in the Inner West Council local government area. Furthermore, there is a continued important role for industrial land in this area, given its size and connectivity to good transport links and proximity to the Transport Gateways.

- *How would the proposed rezoning impact the industrial land stocks in the subregion or region and the ability to meet future demand for industrial land activity?*

The area has seen an upturn in newer and local industries such as breweries, coffee and food production as well as textile, music and independent design or ‘maker’ studio. The industrial zone, the mix of building types and the related pricing accommodates this. As it is highly

unlikely that land would ever be reversed, a wholesale move away from an industrial zone at this stage should be made cautiously particularly in light of the other industrial sites likely to be lost in the Inner West area, including Carrington Road, Marrickville; Lords Road, Leichhardt; and sites within the Rozelle Rail yards as part of the WestConnex development.

Rezoning part of the land to residential will increase the pressure on adjoining lands for residential uses. There are also interface issues that will have the potential to impact on the operation of the core industrial lands (such as rezoning the land on the south eastern side of Victoria Road and north of Wicks Park to B4 - Mixed Use, namely Block X, and allowing a 14 storey shop top housing development on this site).

- *How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objectives?*

The loss of industrial land has been a significant strategic planning issue throughout the assessment of the planning proposal and Council officers and the proponent have differing views on this matter.

Most notably:

- The Marrickville Employment Lands Strategy (MELS) prepared in 2008 and reviewed in 2014 found that demand for traditional industrial land is declining, but Marrickville is well positioned to accommodate increasing demand from newer industries.
- Those activities can be mostly accommodated within existing industrial precincts under current planning controls. A key challenge for Council is to allow its employment locations to respond to industry trends and meet the ever-changing requirements of business operators. To achieve this, a fair degree of flexibility is needed – in the design of buildings and the planning policy framework. This is likely to involve increasing the flexibility of industrial zones by increasing the range of permissible uses in designated locations.
- The MELS identified some opportunity for residential development in the south-west corner of the Victoria Road precinct but only as part of live-work space rather than high rise apartments (i.e. the most appropriate zoning for the Danias Timbers site / Timber Yards Sub-precinct is B7 – Business Park).
- SGS who prepared the MELS state that any rezoning to land uses other than industrial in the north-western part of the precinct (excluding the land at the corner of Victoria and Sydenham Roads) should be supply-demand tested to determine the scope for rezoning. Rezoning would take up some large IN1 zoned lots, which would likely give rise to land use conflicts and may threaten the main industrial function in this area.

Since that time there have been additional policy layers added which support the need to preserve industrial / urban services land, including the draft Central District Plan (dCDP).

- *Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future and what opportunities may exist to redevelop the land to support new forms of industrial land uses such as high-tech or creative industries?*

As highlighted above, in recent times the area has seen an upturn in newer and local industries locating within this precinct and this trend may continue with the continued decline in industrial land stocks in the southern employment lands, within City of Sydney, Mascot, Botany, Green Square and Alexandria.

At this stage there appears to be no compelling argument that the industrial land within the precinct cannot be used now or in the future for an industrial purpose however there is acknowledgement that some investment in a variety of development forms and uses would

revitalise areas of the precinct. In this regard, introduction of B4 Mixed Use, B5 Business Development and B7 Business Park zones north west of Victoria Road will lead positive renewal within this precinct whilst retaining an appropriate balance of employment and other uses.

- *Is the site critical to meeting the need for land for an alternative purpose identified in other NSW Government or endorsed council planning strategies?*

Council is unaware of any Government strategic planning document that identifies the Victoria Road precinct as land for high density housing, nor that encourage its move away from industrial zonings.

(ii) **Draft Central District Plan**

Subregional planning strategies (District Plans), to support the aims of A Plan for Growing Sydney, have been prepared and are currently in draft form following a public consultation period that finished on 31 March 2017.

The draft Plans aim to facilitate well-coordinated, integrated and effective planning for land use, transport and infrastructure across the Greater Sydney Region over the next 20 years.

The Inner West Council is located within the Central District and the following assessment considers the planning proposal having regard to the relevant sections of the draft Plan:

3.3.2 Fostering Innovation and Creative Industries

The draft Central District Plan (dCDP) requires councils to investigate opportunities and support the growth and innovation of creative industries.

The proponent contends that:

“The Planning Proposal directly supports this aspect of the Draft District Plan, facilitating a transition in business activity within the Victoria Road Precinct to support additional knowledge-based and creative industry employment, which has begun to emerge in the area over recent years. By providing for a broader range of land uses, the Planning Proposal has the potential to capitalise on proximity to a highly educated local labour market, supporting local jobs.”

Although the planning proposal would facilitate a transition in business activity, the industrial precinct continues to operate effectively and demonstrates a low vacancy rate indicating ongoing market demand for these sites. As part of the Sydenham Creative Hub planning proposal, Council recognised that it was more appropriate to retain the industrial zoning and expand the range of permissible uses to facilitate these new creative industries acknowledging the importance of flexibility where appropriate.

Similarly the Marrickville Employment Lands (MELS) Review 2014 found that demand for traditional industrial land is declining, but Marrickville is well positioned to accommodate increasing demand from newer industries and those activities can be mostly accommodated within existing industrial precincts under current planning controls.

Based on the above approach and acknowledging that some level of renewal could be considered to the north west of Victoria Road, the proposal does offer an opportunity to deliver a balanced mixed use outcome within a B7 – Business Park zone (which would be a more appropriate zoning for the Danias Timbers Site / Timber Yards Sub-precinct). A B7 zoning at this location would facilitate an appropriate mix of employment and residential uses via site specific (or similar) provision (e.g. the two bottom floors be delivered for employment purposes with the remainder being for other uses including residential).

3.5.2 Protect and Manage Employment and Urban Services Land

The dCDP identifies the importance of protecting and managing employment and urban services land from the pressures of rezoning to retail and residential uses. Such rezonings have the potential to have longer term growth and productivity implications for Greater Sydney. In this regard, the dCDP recommends that planning authorities take a “*precautionary approach*” to rezoning employment and urban services land, unless there is a clear direction in the regional plan, the District Plan or an alternate strategy endorsed by a council.

This productivity priority in the dCDP is of particular importance to the Inner West Council with a significant portion of industrial land across the Inner West area which has been rezoned to date, is in the process of being rezoned or has been earmarked for rezoning.

The Sydenham to Bankstown Urban Renewal Corridor Strategy encourages residential redevelopment for all of the existing industrially zoned land on Carrington Road (known as the ‘Carrington Road Precinct’) as well as smaller pockets of industrial land on Gerald Street and Marrickville Road for medium to high rise residential development. As pointed out above, Council has recently received a planning proposal that seeks to rezone 8 hectares of industrial land on the eastern side of Carrington Road for a mix of land uses including high density housing, retail and commercial premises to allow approximately 2,600 dwellings and 17,000sqm of retail and commercial floor space.

Given residential redevelopment is encouraged in the ‘Carrington Road precinct’ under a State led planning strategy, there is a need to ensure that the industrial lands in Marrickville / Sydenham are retained for industrial purposes. The Carrington Road precinct also has a low vacancy rate and Council should seek to protect sufficient industrial land to allow industrial uses to remain in the area.

The proponent contends that:

“The Planning Proposal supports this precautionary approach by maintaining 95% of private land under an industrial or business zoning. Importantly, the Planning Proposal seeks to increase the capacity of the existing land to deliver employment-generating activities to meet the needs of the local community and businesses. Rezoning 5% of the precinct’s land area for residential uses allows for resolution of existing land use conflict issues, urban renewal and upgrades to public domain, new affordable housing for key workers and the co-location of housing and employment.”

This Planning Proposal is supported by the Victoria Road Precinct Employment Strategy, which has been accepted by the Full Council of Marrickville Council as being an appropriate strategy for the precinct on a number of occasions, including on 3 November 2015 when Council endorsed the Planning Proposal for Gateway Determination.

Employment levels in the Precinct are projected to grow between 50% and 100% in the 10-20 year timeframe under the proposed business zonings through the creation of new and more diverse business opportunities.”

While the planning proposal is supported by the Victoria Road Precinct Employment Strategy, this strategy was prepared by the proponent in support of the planning proposal and accordingly is not considered an independent strategy.

Key aspects of the proposed changes, particularly as they relate to the introduction of residential land uses and a wholesale move away from the industrial zones contradict employment lands research commissioned by Council. This inconsistency is addressed at section 8(iii) below.

In contrast to the proponent's assertion that the residential rezoning will resolve "existing land use conflict issues", concern is raised that the introduction of large scale residential development adjoining established industrial operations will create land use conflicts and likely undermine existing uses. Particular concern is raised with the proposal to rezone the land to the north of Wicks Park (Block X) to B4 - Mixed Use and permit a 14 storey mixed use development containing up to 13 floors of residential development on this site.

3.6 Improving 30-minute access to jobs and services

The applicant contends that the Planning Proposal directly supports this priority in a number of ways including:

- *Increasing employment intensity within the precinct, providing capacity for approximately 4,000 additional jobs close to existing homes.*
- *Integrating the delivery of new housing and employment lands to provide new options for workers to live close to their place of work and create a more amenable urban environment.*
- *Voluntarily providing an affordable housing component of all new residential development to ensure that low and moderate income workers can live close to their place of employment.*
- *Delivering new housing and employment in a location that is highly accessible by existing public transport services.*
- *Providing new housing within close proximity to existing employment centres – travelling from the timber yards, it is possible to reach Martin Place in less than 30 minutes during the AM peak period.*

Whilst it is acknowledged that the planning proposal will increase housing and employment within this precinct and has ready access to buses and is located approximately 800 metres from Sydenham Station, it is the variety of uses and services that are currently offered that is key to its importance. The Marrickville / Sydenham industrial area provides a range of uses that although serve the local population, also presents a broader district level function.

4.3 Improving housing choice

The dCDP outlines housing targets for the Central District with 5-year and 20-year housing delivery targets.

The applicant contends that:

"The Planning Proposal will increase housing supply and choice within the locality by providing additional housing options and supply via the south-eastern residential precinct. The Draft District Plan identifies a short-term five year housing target for the Inner West Council, and a 20-year District target. The Planning Proposal represents a unique opportunity to deliver housing to meet these targets in a location that is well serviced by existing infrastructure, close to employment and has minimal adverse impact on surrounding residential areas."

Although the proposal would introduce a significant number of new homes to the area, Council officers remain concerned regarding an influx of new residents in direct proximity to established industrial operations. Council officer's position on this matter are outlined below:

- There is no current strategic planning basis that identifies the Victoria Road precinct for high density housing;
- Locating new residents in direct proximity to established industrial operations would likely result in land use conflict and impact the certainty of ongoing operations for industrial businesses notwithstanding their approved use.

- The proposal would require substantial upgrades to infrastructure including road capacity and drainage and would require acquisition of property without a confirmed funding mechanism in place across the precinct;
- There is a lack of public open space in the area;
- Urban renewal is already planned for in a number of major strategies within the Inner West area including the Parramatta Road Corridor Urban Transformation Strategy (PRUTS); the Sydenham to Bankstown Urban Renewal Corridor Strategy; and the Bays Precinct Urban Transformation Program.
- Council needs to plan for sustained growth in the area in accordance with established strategic plans that balance the needs for housing, employment, recreation and infrastructure provision amongst other matters. Although some level of renewal in this precinct could be considered and noting recent discussions with the proponent regarding possible development options within the Rich Street precinct, large scale renewal and delivery of associated infrastructure should be sequenced according to set strategies agreed to at Local and State Government level.

4.4.4 Deliver Affordable Housing

The dCDP requires the relevant planning authority to include an Affordable Rental Housing Target as a form of inclusionary zoning and sets a target of 5-10% of new floor space at rezoning stage. Furthermore, Council's *Affordable Housing Policy* sets an affordable housing target of 15%.

As pointed out under heading 4(ii) above, the proponent proposes to provide 5% of 'accountable floor area' as affordable housing. Given that all land is currently zoned industrial and residential development is prohibited under the existing zoning provisions, the affordable housing component should be applied to all of the 'new' residential floor area.

Furthermore, the 5% rate of affordable housing only represents the minimum rate recommended in the draft Central District Plan and is well below the 15% sought under the Inner West Council's Affordable Housing Policy.

4.4.6 Facilitate Integrated Infrastructure Planning

The proponent contends that:

"The Victoria Road Precinct facilitates new employment and residential development in a location which is well-served by existing infrastructure. Further, the State Government is investing in a major public transport upgrade at Sydenham Station as part of the Sydney Metro project, which will significantly increase local public transport capacity and frequency. Local development contributions will be levied on new development to fund required upgrades to local infrastructure, such as open space, roads and regional stormwater management."

Council officers position on this matter is provided below:

- The precinct is not located within direct proximity to Sydenham Station with the sites proposed to contain the high density residential development located approximately 800 metres walking distance from the station.
- As detailed above infrastructure planning and delivery is yet to be adequately addressed having particular regard to the provision of public open space; the creation of new road connections; intersection upgrades; and flooding and drainage.
- While the proponent suggests that local development contributions will fund the required infrastructure, with the \$20k cap in Section 94 contributions; the cost of land in the Inner West; and the level of infrastructure upgrades required Council will not have sufficient funds to carry out such works.

- Furthermore, some of the infrastructure planning and delivery issues, such as the need to acquire properties outside the area of the planning proposal as well as sections of Wicks Park (which is community land) for road widening are considered insurmountable. The need to acquire private properties and community land is not in the interest of the wider community and cannot be funded by Council.

4.6 Create Great Places

Under this intent, the dCDP encourages design led planning that produces good architecture and urban outcomes and requires growth to be managed to create healthy, well designed, safe and inclusive places that promote economic and social activity, vibrancy and community spirit.

In this regard the proponent contends that:

“The Planning Proposal is seeking to rezone a run-down and underutilised industrial precinct to facilitate new, more active employment uses which will catalyse urban renewal within Marrickville, as well as designating a small portion of the precinct for a new residential community. The exhibited master plan incorporates two new pocket parks, and an additional park is proposed to be created within the Rich Street business precinct.

The Planning Proposal is accompanied by a Draft Development Control Plan which has been developed by JBA and Turners to ensure that new development contributes positively to Marrickville’s urban fabric. The DCP includes provisions to guide the built form of new development, creating great streetscapes which improve the amenity of the locality and make the precinct a more desirable place to work and live.

In addition, local infrastructure contributions generated by new development within the precinct will contribute to the broader local amenity, including contributing toward local open spaces and community infrastructure.”

Although renewal will be encouraged over time across the precinct, Council officers position on this matter is outlined below:

- Notwithstanding recent discussions with the proponent regarding concept designs for the Rich Street precinct, which included approximately 1,200sqm of open space, the planning proposal does not offer an adequate response to providing open space to service a substantial increase in resident, worker and visitor population in an area that is currently underserved by open space and a community that highly values public open space.
- As highlighted under heading 4(i) above, the road works necessitated by this planning proposal require sections of Wicks Park to be acquired for road widening purposes.
- At 14 storeys the building envelope proposed for Block X will result in overshadowing of Wicks Park reducing the amenity of this area of public open space;
- The planning proposal does not offer the new laneways and road connections required to service the rezoning and stated vision for the Victoria Road corridor;
- The recommendations provided by Rod Simpson and Council’s Architectural Excellence Panel have not been reflected in the final design of the planning proposal; and
- The planning proposal has yet to effectively deal with identified potential heritage in the precinct and how it would be managed.

5.3 Protecting the Districts Waterways

The applicant contends that:

“The Planning Proposal will facilitate the urban renewal of this precinct, with new development required to demonstrate appropriate measures for managing the quantity

and quality of water runoff. It is also expected that new development within the precinct will increase the pervious surface area in comparison to existing run-down industrial buildings and hardstand areas. As such, future development in accordance with this Planning Proposal is in accordance with the Draft District Plan as it will significantly improve the quality of stormwater runoff and reduce the amount of runoff during storm events."

It is agreed that urban renewal in the precinct has the potential to reduce the quantity and improve the quality of water runoff in the area. This is considered to be primarily a development application matter.

(iii) Marrickville Employment Lands Strategy (MELS) 2008 and Review 2014

To support the development of MLEP 2011, Council commissioned an independent specialist to prepare the initial 2008 MELS. In 2014, Council commissioned the same organisation to undertake a review of the 2008 MELS, funded by the Department through its Planning Reform Fund grants program.

The 2014 MELS explains that within the former Marrickville LGA, demand for traditional industrial land is declining, but Marrickville is well positioned to accommodate increasing demand from newer industries. These can be broadly classified as population-serving industry, urban manufacturers, CBD backroom operations and creative industries. With diminishing industrial stocks in the City of Sydney and City of Botany Bay, Marrickville's industrial areas may also experience greater demand from industries that have been displaced from those areas.

Those activities can be mostly accommodated within existing industrial precincts under current planning controls. A key challenge for Council is to allow its employment locations to respond to industry trends and meet the requirements of business operators. To achieve this, flexibility is needed – in the design of buildings and the planning policy framework. This can be achieved by increasing the flexibility of industrial zones by increasing the range of permissible uses in designated locations. Wholesale change is not the only option available to Council.

Strategies and actions within the 2014 MELS relevant to the Victoria Road precinct include:

Strategy 1 – Protect subregionally significant industrial lands:

- Action 1.1 – designate the Marrickville-Sydenham industrial precinct as a subregionally significant industrial precinct and zone accordingly;
- Action 1.2 – Restrict further subdivision and/or strata titling of larger lots in the – Marrickville/Sydenham industrial precinct to prevent fragmentation;
- Action 1.3 – Prevent the spread of retailing and services into the Marrickville-Sydenham precinct;
- Action 1.4 - Lobby the NSW Government to consider the provision and protection of strategic industrial and employment lands at a subregional level; and
- Action 1.5 – Consolidate planning and urban design guidance in a Marrickville-Sydenham industrial precinct plan.

Strategy 2 – Ensure sufficient stocks of industrial land to meet requirements of the local population:

- Action 2.1 – Protect population-serving industrial land.

Strategy 3 – Explore economic development opportunities in some industrial precincts:

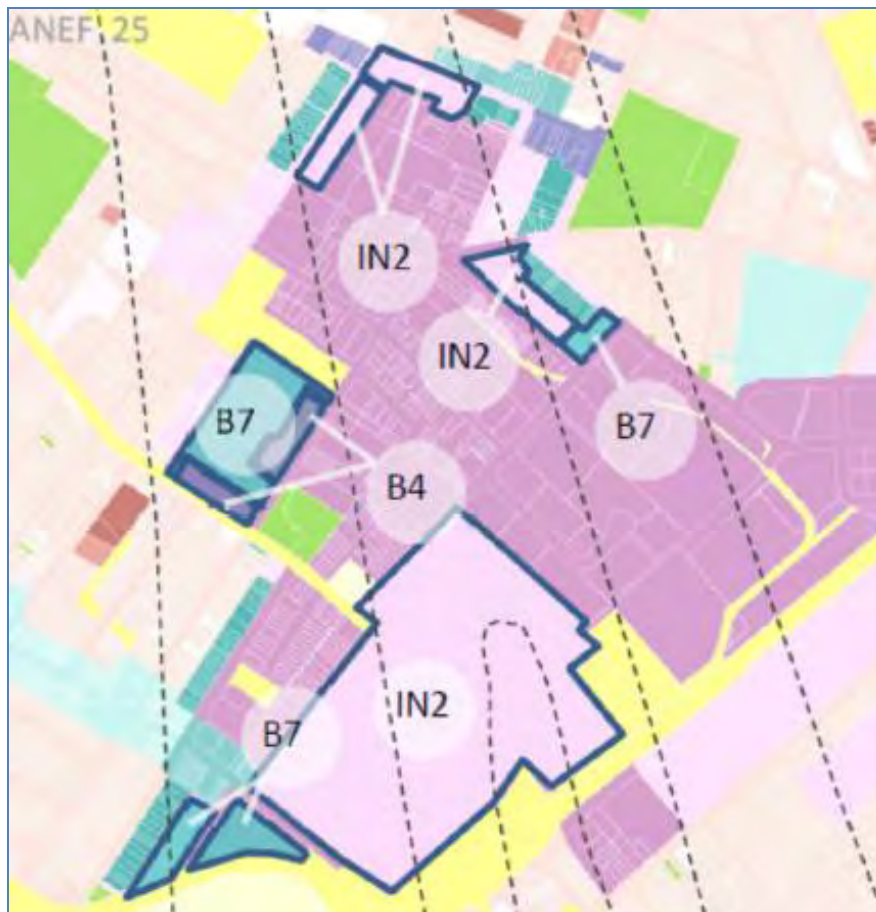
- Action 3.1 – consider rezoning of selected lots to B7 Business Park as live-work space; and
- Action 3.2 – continue to plan for a traditional & creative industries hub.

Strategy 4 – Consider residential conversion opportunities:

- Action 4.1 – Consider the Carrington Road precinct as an opportunity for urban renewal; and
- Action 4.3 – Consider rezoning of selected residential interface sites to B4 Mixed Use.

Employment forecasts in the 2014 MELS show that future demand is modest compared to existing supply, so some change from traditional industrial is warranted. However, this must be balanced against the strategic value of Marrickville's industrial lands, particularly the Marrickville-Sydenham precinct. The report includes three future land use scenarios for Marrickville-Sydenham, Carrington Road and Lewisham precincts, which aim to strike this balance, consistent with the above strategies and actions.

For the purposes of the assessment of this planning proposal, the least restrictive scenario (Scenario 3) has been used. Scenario 3 adopts a less constrained approach to the retention of employment land to maximise renewal, where industrial land supply under medium-capacity scenarios is likely to meet demand, but there is some possibility of a shortfall. It allows some new residential use between 25 and 30 ANEF noise contours in B7 Business Park zones, using the St Peters triangle live-work precinct and similar areas as a precedent.



*Image 19: Land use zones proposed by SGS in 2014 MELS
(Scenario 3: renewal/residential focused)*

Scenario 3 in the MELS *"is the most aggressive in seeking renewal opportunities in the industrial areas"*. For the Victoria Road precinct, this scenario proposes the area between Sydenham Road, Victoria Road, Marrickville Primary School and Farr Street be rezoned to B7 Business Park and B4 Mixed Use; that both sides of Gerald Street be rezoned to B7 Business Park to expand the existing Meeks Road live-work zone; and that the western side of Fitzroy Street, between Smith Street and Edinburgh Road, be rezoned to B7 Business Park to expand the Edinburgh Road live-work zone.

Further changes for the Victoria Road precinct are not recommended on the basis that it would threaten the integrity of the larger Marrickville-Sydenham industrial precinct by isolating the larger industrial lots in the northern part of this precinct.

The planning proposal is inconsistent with even the least restrictive scenario contained in the MELS. In accordance with the MELS recommendations, there should be no change to the existing industrial zonings on the south eastern side of Victoria Road as this land forms part of the core Marrickville-Sydenham industrial precinct. Furthermore, while the MELS identified some opportunity for residential development in the south-west corner of the Victoria Road precinct, any such residential accommodation was recommended only as part of live-work space rather than high rise apartments.

(iv) *The Inner West Council Interim Statement of Vision and Priorities*

Council's recently adopted Interim Statement of Vision and Priorities will guide Council until a single Community Strategic Plan is developed for the Inner West. The Interim Statement, which was adopted at a Council meeting on 28 March 2017, contains eight high level priorities:

- Planning and development
- Transport
- Social vitality, creativity and quality of life
- Sustainability and the environment
- One Council
- Local industry and business
- Advocacy
- Local democracy

The loss of industrial land is an important issue with the Inner West community and is included in Priority 1 – Planning and Development (*“retain diversity of industrial lands and employment generating uses”*) in the recently adopted Interim Statement of Vision and Priorities.

(v) *State Environmental Planning Policies (SEPPs)*

SEPPs are environmental planning instruments which address planning issues within the State. The following assessment considers the SEPPs that are relevant to the planning proposal:

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The proponent provided Environmental Site Assessments for three major sites within the precinct. These site assessments were considered by Council's Environmental Services Section who advised:

“The three detailed site investigation reports identified a range of contamination issues throughout the precinct. If the area is to be rezoned as proposed, there will likely be a requirement for further investigations and remedial activities to render the sites suitable for any proposed redevelopments that would potentially expose sensitive users to the area.

Despite the contamination issues present, all reports conclude that the area can be made suitable subject to further investigations and remediation, which will be required prior to any development application to alter the use of sites.

It's highly recommended due the possible complexity of site contamination and remediation, that Council require contamination investigations to be adequately completed, and if required, remedial action plans to be supplied prior to the submission

of development applications. If proposed remediation strategies are complex or involve a 'cap and contain' approach, Council should request site audit statements as required."

Item 5

It is considered that sufficient information has been provided with this planning proposal to demonstrate that the proposal is consistent with the aims and objectives of the SEPP to ensure that land is made safe for its intended purpose. More detailed site investigations and remediation action plans will be required as part of any future development applications should the rezoning proceed.

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

SEPP 65 and the Apartment Design Guide (ADG) apply to residential flat buildings, shop top housing and the residential component of mixed use developments where the building is greater than three storeys in height and contains four or more dwellings.

The building envelopes sought as part of the planning proposal do not appear to meet the objectives and guidelines contained in the ADG.

The following primary concerns are noted:

- The building envelopes identified in the proponents Development Control Plan (DCP) do not satisfy the building separation distances recommended under the ADG;
- The building envelopes identified for Block X (north of Wicks Park) do not satisfy the recommended setback requirements contained in the ADG and will result in overshadowing and visual bulk impacts for Wicks Park;
- The planning proposal does not adequately cater for the change in the precinct in seeking to move from residential to higher order employment uses. As detailed above, the precinct plan does not incorporate or deliver the new streets and infrastructure, through site links and public open spaces required to support the new population. The precinct plan also fails to deliver public domain improvements, integrate heritage into the final vision for the area, or resolve the significant environmental constraints affecting the area (most notably flooding);
- The FSR's established on the sites are excessive and are based on building envelopes greater than those identified in the draft DCP;
- The proponent has not demonstrated that sites will provide any substantial areas of deep soil planting; and
- The building envelopes proposed have not been demonstrated achieve adequate levels of solar access, or that reasonable solar access will be maintained to areas of communal / public open space.

It is acknowledged that design layout and elements are subject to change during the plan finalisation process which can impact the draft DCP. In this regard, changes to the draft DCP can be considered in further detail as part its finalisation. At this stage it is integral to ensure that the proposal can demonstrate compliance with the objectives and provisions of the ADG.

(vi) Section 117 Directions

The following Section 117 Directions are relevant to this planning proposal request:

1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified strategic centres.

The planning proposal seeks to rezone large parcels of land from IN1 General Industrial to R3 Medium Density Residential and R4 High Density Residential. The proponent also seeks to rezone large portions of land B4 – Mixed Use which will enable a greater quantum of residential development to be introduced into a predominantly industrial / mixed use area.

While the planning proposal seeks to increase the GFA/FSR for the sites to be zoned B5 – Business Development, this change has not been supply/demand tested as recommended by Council's independent advisors. Furthermore, the area to be rezoned residential will reduce the land available for industrial and business uses and accordingly the planning proposal is inconsistent with this Direction.

The Department raised particular concern with the creation of residential development on the south eastern side of Victoria Road (north of Wicks Park). Unfortunately the Department supported a B4 – Mixed Use zoning on this site demonstrating an inconsistency with the Gateway Assessment report which found that that residential development was not appropriate at this location. Should high density residential development be allowed at this location it has the potential to impact on the viability of the surrounding industrial lands given the interface issues caused by the direct interface of residential and industrial uses.

While an employment strategy was submitted with the planning proposal, this strategy is not independent and the findings conflict with those of the MELS (refer to discussion under heading 8(iii) above).

2.3 Heritage Conservation

The objective of this Direction is to protect items of heritage significance.

The issue of heritage has been addressed under heading 4(vi) above. The Gateway Determination included a condition that required a heritage study to be carried out for Precinct 47. That study has identified a number of potential heritage items that should be retained or require further analysis. The issue of heritage conservation within the precinct remains unresolved.

3.1 Residential Zones

The objectives of this Direction are to encourage a variety of housing types, make efficient use of infrastructure, and minimise the impact of residential development on the environmental and resource lands.

The Direction requires a planning proposal to encourage housing that will broaden the choice of building types and locations available in the housing market; make more efficient use of existing infrastructure and services; reduce the consumption of land on the urban fringe; and be of good design.

While the planning proposal will encourage new housing, the quantum and scale of residential development that would be permitted by the planning proposal is not supported in its current form. Although Council is open to considering residential development (as part of a mixed use/live work scenario) albeit it at a lower scale in the south western quadrant, a number of other matters critical to the delivery of new residential development are yet to be resolved including open space provision, traffic, flooding and property acquisitions.

3.4 Integrating Land Use and Transport

The area to which the planning proposal relates is not located in direct proximity to a centre or a public transport hub. While the area is well serviced by buses, the area covered by the planning proposal is located approximately 800 metres from Sydenham Railway Station and cannot be considered transport oriented development.

3.5 Development Near Licensed Aerodromes

The objectives of this Direction are to ensure the safe and effective operation of aerodromes; ensure that aerodrome operations are not jeopardised by hazards or obstructions; and that residential development near aerodromes are safe for human occupation.

The planning proposal seeks to rezone land for residential purposes where the ANEF is between 25-30 and 30-35. Although residential development is primarily located within the ANEF 25-30 area and the proponent has submitted an aircraft noise strategy there is ongoing concern regarding the proposed density at this location which continues to be affected by high levels of aircraft noise. As has been provided, Council is open to considering residential development, albeit it at a lower scale, and as part of a mixed use / live work scenario in the south western quadrant of the precinct.

SACL identify that:

"The Victoria Road precinct is only two kilometres from the northern end of Sydney Airport's main runway and is immediately beneath the busy flight path used by aircraft landing on or taking off from that runway. At this point, aircraft on the approach are only around 150 metres above ground level, with building heights in some parts of the precinct proposed to be only around 100 metres below that."

As pointed out above, given the area is heavily affected by aircraft noise, SACL encourage Council to include a noise disclosure notification clause in Section 149 Planning Certificates issued for the precinct. Council is under no obligation to include a notification on properties within the precinct as identified by SACL.

4.1 Acid Sulfate Soils

The objective of this Direction is to avoid environmental impacts of development on acid sulfate soils. Acid sulfate assessments were provided for three of the key sites within the Precinct. While no acid sulfate soils were found, the report recommends that further investigations be carried out.

The planning proposal is considered to be consistent with this Direction noting that any future development application will require a more detailed site investigation in accordance with Clause 6.1 of MLEP 2011.

4.3 Flood Prone Land

The objectives of this Direction are to ensure development of flood prone land is consistent with the Floodplain Development Manual 2005 and ensure that provisions of LEP's are commensurate with potential flood impacts.

The Direction states that a planning proposal must not contain provisions that apply to the flood planning areas which:

- Permit development in floodway areas;
- Permit development that will result in significant flood impacts to other properties;

- Permit a significant increase in development of that land;
- Are likely to result in substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

This matter has been addressed at Section 4(viii).

6.3 Site Specific Provision

The objective of this Direction is to limit restrictive site specific provisions to enable particular development.

The planning proposal recommends a key sites map to enable specific development controls (namely the Aircraft Noise Strategy and the affordable housing provisions) to apply to the Precinct. This amendment could be accommodated should the rezoning proceed.

7.1 Implementation of A Plan for Growing Sydney

This Direction gives legal effect to A Plan for Growing Sydney. This matter has been addressed at Section 8(i) and (ii).

8. RECOMMENDED COURSE OF ACTION

For the reasons outlined in this report, the planning proposal cannot be supported in its current form and it is recommended that pursuant to section 58(4) of the *Environmental Planning and Assessment Act 1979* the Administrator request the Minister for Planning to determine that the planning proposal not proceed.

Should the Minister not agree to Councils request to determine that the matter not proceed or should the proponent seek to lodge a new planning proposal, Council officers would recommend the following amendments to the current proposal:

1. Resolution of matters the subject of an unresolved objection from the Roads and Maritime Service;
2. There is to be no change to the existing IN1 – General Industrial zoning on the south eastern side of Victoria Road. This land forms part of the core Sydenham / Marrickville Industrial Area and should be preserved in line with the recommendations of the Marrickville Employment Lands Study and subsequent Review. Council will review its position subject to the release of the Sydenham to Bankstown Urban Renewal Corridor Strategy;
3. With the exception of the properties on the north western side of Farr Street to be zoned R3 – Medium Density Residential, no properties in the precinct are to be zoned residential with the Danias Timbers Site / Timber Yards Sub-precinct to be zoned B4 – Mixed Use (along Victoria Road and Sydenham Road) and B7 – Business Park (for the remainder of the sub-precinct) with an appropriate mix of employment and residential uses to be provided via site specific provision. The remainder of the precinct north-west of Victoria Road and north of Chalder Street to be zoned B5 – Business Development.
4. Any intersection upgrade works necessitated by the planning proposal cannot require the acquisition of parts of Wicks Park or properties outside the area covered by the planning proposal;
5. The planning proposal must adequately deal with infrastructure planning, funding and delivery (including any required property acquisitions) in consultation with Council;
6. The planning proposal must reflect the urban design and built form recommendations provided by Rod Simpson and Council's Architectural Excellence Panel;
7. Affordable housing being provided in accordance with the requirements of the Inner West Council Affordable Housing Strategy;

8. The planning proposal cannot result in the loss of any existing areas of public open space and adequate new additional areas of public open space must be provided to service the new resident and worker population (e.g. an expansion and embellishment of Wicks Park);
9. The planning proposal must provide suitable mechanisms to deliver the new laneways and road connections required to service the rezoning and stated vision for the Victoria Road corridor; and
10. The planning proposal must adequately deal with identified potential heritage.

9 FINANCIAL IMPLICATIONS

Nil at present. However, should the planning proposal be supported, given the \$20k on Section 94 contributions and no mechanism in place to adequately deal with infrastructure, planning, funding and delivery (that require property acquisitions), the proposal would have significant financial implications for the Inner West Council and community in the future.

Infrastructure upgrade and associated costs to service the planning proposal do not form part of the forward work program for Council and remain un-costed at this stage. Should the Minister for Planning determine to make the LEP amendment, it is recommended that Council be consulted and remain part of any negotiation regarding infrastructure contributions and funding arrangements/mechanism.

10. OTHER STAFF COMMENTS

In assessing this planning proposal internal referrals were received from various sections of Council, including Environmental Services; Community Development; Waste; Infrastructure Planning and Property; Economic Development; Culture and Recreation; and Traffic.

11. PUBLIC CONSULTATION

The planning proposal was publicly exhibited from 23 September 2016 to 23 November 2016. 549 individual submissions were logged by Council. Submissions were received via an online submission form on the Your Say Inner West website, by email and directly posted to Council. Petitions received were logged as individual submissions and signatory numbers were noted.

The table below gives a breakdown of the responses received:

Submission Category	Number of submissions logged	Percentage of total submissions logged
Supportive without amendment	320	58%
Supportive with amendments	42	8%
Petition - Supportive	4 (98 signatories in total)	1%
Not supportive	172	31%
Petition - Not supportive	4 (43 signatories in total)	1%
Submission outside scope of Planning Proposal	7	1%

The Engagement Report which provides a summary of the supportive and non-supportive comments received during the public consultation period is attached at **ATTACHMENT 5**.

12. CONCLUSION

The draft Central District Plan encourages Council to take a 'precautionary approach' to the conversion of employment and urban services land. This recommendation is of particular importance to the Inner West area with a significant portion of industrial land the subject of rezonings / potential rezonings (such as Lords Road, Leichhardt; Carrington Road, Marrickville; and lands within the Rozelle Marshalling Yards to be removed to make way for WestConnex). The loss of employment land is also an important issue with the Inner West community and is included in Priority 1 – Planning and Development in the recently released Statement of Vision and Priorities.

There is currently no local or State Government strategic plan or policy that identifies the Victoria Road precinct as land for high density housing, or that encourage its move away from industrial zonings. However, it is acknowledged that some level of renewal within this precinct should be considered with a view to encouraging revitalisation. The report identifies that balancing employment with other uses including residential via site specific provision will be integral to the long term success of this precinct.

There are a number of merit based and delivery related concerns identified in this assessment report that remain unresolved. This includes an unresolved objection from the Roads and Maritime Services (RMS) which has identified that the planning proposal has yet to model the cumulative transport impacts and/or incorporate an appropriate funding mechanism to carry out the required mitigation measures (that include significant property acquisitions).

On the basis of the matters and concerns identified in this report it is considered that the planning proposal cannot be supported in its current form for the following reasons:

1. An unresolved objection from the Roads and Maritime Service that requires network level modelling to be undertaken to enable an adequate assessment of the impacts associated with the proposal.
2. The planning proposal demonstrates a significant reduction in employment lands outside of a strategic planning basis prepared by Council or State Government.
3. The planning proposal would require acquisition of public open space (Wicks Park) and removal of substantial vegetation along Sydenham Road.
4. Wicks Park is currently classified for Community purposes under the *Local Government Act 1993* and any acquisition would require reclassification of this site.
5. The proponent's traffic and transport study identifies acquisition of privately owned properties outside of the planning proposal area for traffic purposes.
6. The provision of open space proposed within the planning proposal is inadequate.
7. No infrastructure funding mechanism has been provided to council to certify the funding of open space, required acquisitions and delivery of infrastructure to support the planning proposal.
8. The planning proposal does not provide adequate affordable housing and does not comply with the recommendations of the draft Central District Plan or the Inner West Council's Affordable Housing Policy.
9. The height, bulk, scale and form of the building envelopes sought are excessive in areas and would result in an unreasonable impact on public open space (most notably Wicks Park).
10. The planning proposal does not provide the road connections required to service the rezoning and stated vision for the Victoria Road corridor.
11. The planning proposal does not adequately deal with identified potential heritage.
12. There are unresolved precinct wide drainage and flooding issues that will result in a need for Council to carry out significant capital works that are currently unfunded.

In light of the above, it is recommended that the Administrator request the Minister for Planning to determine that the planning proposal not proceed.

Item 5**ATTACHMENTS**

1. Infrastructure, Planning and Environmental Services Committee Meeting - INDIVIDUAL REPORT IP1115 Item 2 Revised Planning Proposal for the Victoria Road Precinct - 3 November 2015
2. Preliminary Review of Planning Proposal - McLaren Traffic Engineering - Victoria Road Planning Proposal
3. Letter from RMS re Victoria Road Precinct Planning Proposal
4. Proponents response to RMS letter of issues and concerns
5. Community Engagement Report - Victoria Road Precinct Planning Proposal - Jan 2017



Item No: IP1115 Item 2
Subject: REVISED PLANNING PROPOSAL FOR THE VICTORIA ROAD PRECINCT
File Ref: 14/5378/120961.15

Prepared By: Kendall Banfield - Team Leader, Planning Services and Marcus Rowan - Manager, Planning Services

Authorised By: Tim Moore - Director, Planning and Environmental Services

SUMMARY

Council is well acquainted with the proposed strategic land use changes within the Victoria Road precinct, having considered a previous proposal and made a number of resolutions in recent years.

This report presents an assessment of the strategic merit of a revised planning proposal for changes to land use zones, floor space ratio (FSR) and height of building (HoB) controls within the precinct. The key differences between this version and the 2014 preliminary version are a reduction in number of dwellings from approx. 3,100 to approx. 1,300. All residential uses proposed are within the 25 to 30 Australian Noise Exposure Forecast (ANEF) contour and there are no residential uses proposed above the 30 ANEF contour. Three percent of all housing is proposed as affordable housing.

The revised planning proposal presents a vision for significant strategic changes and includes a precinct masterplan, employment strategy, an aircraft noise strategy and acoustic studies. Key aspects of the changes, particularly as they relate to the introduction of residential land uses and a wholesale move away from the industrial zones are not supported by the independent employment lands research. Balancing this with all other considerations this report recommends that a modified proposal be forwarded for Gateway determination with some matters (principally relating to the amount and type of housing within the B7 – Business Park zone) the subject of further investigation post any Gateway determination.

The parts of the planning proposal that are supported include:

- The mixed use zones and built form controls fronting the western side of Victoria Road and the residential zone fronting the western side of Farr Street.
- The B5 Business Development zone for land parcels that have a frontage to the northern/western side of Victoria Road and all land between Chalder and Chapel Streets, west of Victoria Road.

The report recommends changes to the planning proposal to include:

- B4 mixed use zone fronting Sydenham Road west of Victoria Road.
- B7 Business Park for the balance of the block bounded by Farr Street, Sydenham Road, Victoria Road and the public school.
- All other land to remain as IN 1 – General Industrial.

There are no independent guiding strategic planning documents that identify the Victoria Road precinct as land for high density housing, nor that encourage its move away from industrial zonings, because it is viable and valuable employment land, and because of the heavy aircraft noise affectation.

This assessment disagrees with a central premise of the submitted proposal which is that the observed shift away from traditional industry means that local industries and services are better suited to a business zone and that unless this occurs the area will continue to fall into



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

disrepair at the expense of the broader community. In recent times the area has seen an upturn in newer and local industries such as breweries, coffee and food production as well as textile, music and independent design or 'maker' studio. The industrial zone, the mix of building types and the related pricing accommodates this. Because it is highly unlikely that land would ever be reversed, a move away from an industrial zone should be made cautiously.

Notwithstanding, there is considered to be merit in allowing residential development and a partial move to a business zone in some parts of the precinct. Furthermore larger parts of the Industrial zone may be suited to conversion to B5 or B7 at a later stage, subject to the release of a sub-regional strategy and further subject assessment of supply and demand impacts.

The intent behind the objectives and provisions of the B7 zone in the Marrickville LEP are two pronged – to specifically promote creative industries and to provide for **limited** residential development for **small scale** live-work enterprises, to help revitalise employment areas. Consistent with this, related controls seek to constrain the proportion of residential to business floorspace. In this context, the report recommends further investigation (in a post Gateway phase) of possible ways to relax the existing limitation on residential development but only where it can be demonstrated that other Council objectives and broader planning objectives can be addressed to deliver a greater amount of housing for key workers, particularly those seeking employment in the expanding sectors that the B7 zone provides for. There is recent precedence from the City of Sydney's Southern Employment Lands on how this can be achieved to provide developable land for community housing providers.

Throughout the precinct the maintenance of the fine grain subdivision pattern and the creation of new laneways and a precinct-wide approach to the management and accommodation of car parking are identified as priorities for related development controls.

It is recommended that Council supports the planning proposal in the amended form outlined in this report and refers it for Gateway determination.

RECOMMENDATION

THAT:

- 1) the report be received and noted;
 - 2) Council supports the revised Victoria Road planning proposal being submitted to the Department of Planning & Environment for Gateway determination subject to the following recommendations:
 - a) recommendation for Sub-precinct 1:
 - i) that Block A (north-west side of Farr Street) be rezoned from IN2 Light Industrial to R3 Medium Density Residential with a HoB of 12m and FSR of 1.2:1, as is recommended by the planning proposal;
 - ii) that Blocks B, C & D be rezoned from IN1 General Industrial to B7 Business Park, with HoBs and FSRs as recommended by the planning proposal, the exception being the eastern frontages of Blocks B, C & D to Farr Street where a HoB of up to 23m and FSR of 3:1 apply;
 - iii) that frontages to Sydenham Road (to a depth of the existing lots) and Victoria Road be rezoned from IN1 General Industrial to B4 Mixed Use, with HoBs and FSRs as recommended by the planning proposal;
-



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

Item 5

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- iv) that the provisions related to residential development within the B7 Business Park zone, and the related height and FSR controls, be the subject of further investigation following a Gateway determination and prior to any formal exhibition to provide certainty on the limited amount of residential (live/work) and beyond that to enable a further increment of affordable housing to be managed by a community housing provider;
 - b) recommendation for Sub-precinct 2: Blocks V, W1, W2 & Z - north-east and south-east sides of Wicks Park: That there be no change to the existing zoning (IN1 General Industrial), HoB and FSR controls for this sub-precinct;
 - c) recommendation for Sub-precinct 3: Blocks E, F, G H, I & J & N – north-west side of Victoria Road bounded by Chalder, Brompton & Shepherd Streets and Enmore Road: That the whole area of Block E and frontage (to a depth corresponding to Block F lots) to Victoria Road from Chalder Street to the intersection of Victoria and Enmore Roads be rezoned from IN1 General Industrial to B5 Business Development, with no HoB or FSR limit. That there be no change to the zoning (IN1 General Industrial), HoB and FSR for the remainder of this sub-precinct. That laneways be created to service the B5 Business Development zone;
 - d) recommendation for Sub-precinct 4: Blocks O, P, Q, S & U – south-eastern side of Victoria Road from Chalder Street to Edinburgh Road: That there be no change to the existing zoning (IN1 General Industrial), HoB and FSR controls for this sub-precinct;
 - e) that all proposed FSR controls be reviewed to ensure they are accurate and responsive to HoB controls post Gateway determination;
 - f) that development controls be applied requiring the existing subdivision pattern of the sub-precinct to be retained, that laneways be created generally in accordance with the planning proposal masterplan; and
- 3) Council requires that, as a condition of proceeding with the planning proposal post Gateway determination, the proponent make arrangements to ensure that public infrastructure and benefits (generally identified in this report) will be delivered as part of the urban renewal contemplated by the planning proposal.
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Our Place, Our Vision – Marrickville Community Strategic Plan 2023	
1.5	Marrickville provides affordable housing options to meet the needs of the community
2.2	Marrickville is a leading independent arts centre that supports the creative industries
3.3	The community walks, rides bikes and uses public transport
3.4	Marrickville's roads are safer and less congested
3.5	Marrickville's streets, lanes and public spaces are sustainable, welcoming, accessible and clean
3.6	Marrickville's parks, grounds and open spaces provide diverse opportunities for recreation and enjoyment and are designed with community input
3.7	Marrickville is a water sensitive community that: supplies water from within its catchment; provides green infrastructure to support ecosystem services; and collaborates to make plans, designs and decisions that are water sensitive
3.9	Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability
3.11	Marrickville's economy supports local employment and provides business opportunities
3.12	Marrickville's industrial areas remain an important and viable part of the local

Attachment 1


**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

3.13 ~~economy~~
Marrickville is well connected to the economy of greater Sydney and to the network of
~~global cities~~

BACKGROUND
Summary of Revised Planning Proposal

This revised planning proposal is the second planning proposal that has been submitted to Council for changes to zoning and other planning controls for the Victoria Road precinct. The first (preliminary) planning proposal was submitted in May 2014, but was withdrawn in April 2015 to allow for modifications and additional information to be included, as requested by the Department of Planning & Environment (DP&E).

The key differences between the 2014 preliminary planning proposal and the current revised planning proposal are:

- a reduction in number of apartments proposed from approximately 3,100 to approximately 1,300;
- land use zones that permit residential uses have been restricted to the area between 25-30 ANEF contour, which is in the southern part of the precinct only (previously, residential uses were proposed in areas above the 30 ANEF contour);
- minor amendments to street and block layouts;
- an employment strategy has been included;
- acoustic studies and an aircraft noise strategy have been included;
- an affordable housing contribution is proposed, which is 3% of developable residential floor area; and
- specific LEP provisions for which amendment is sought have been identified.

Further information on the revised planning proposal is in the following attachments to this report:

- **ATTACHMENT 1** - Contents, Executive Summary and Introduction from *Planning Report for Planning Proposal, Victoria Road Precinct, Marrickville* by JBA Urban Planning Consultants for Danias Holdings, August 2015; and
- **ATTACHMENT 2** - Contents, Introduction, Design Principles and Masterplan from *Planning Proposal + Masterplan* by Turner Architecture & Design for Danias Holdings, July 2015.

Full versions of all documents associated with the planning proposal are available on Council's website.

Chronology of Events

A chronology of the main events relevant to the Victoria Road precinct and *Marrickville Employment Lands Study* (MELS) is as follows. A more detailed chronology that includes Council resolutions in full is at **ATTACHMENT 3**.

- *early 2012* - in the lead up to Council's consideration of draft Marrickville Local Environmental Plan (MLEP) 2011 and draft Marrickville Development Control Plan (MDCP) 2011 Amendment No. 1, Danias Holdings and a number of other landowners within the Victoria Road precinct make representations to Council seeking changes to planning controls to allow a broader range of uses;


**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

- *17 April 2012* - Council considers a report on draft Amendment 1, which includes consideration of the representations by Victoria Road precinct landowners, and resolves to defer the Victoria Road item to its 1 May 2012 meeting;
- *24 April 2012* - representatives of the Victoria Road landowners and Council staff meet with Department of Planning & Environment (DP&E) staff to discuss the future of the precinct;
- *27 April 2012* - DP&E writes to Council to advise that a review of planning controls for the precinct is supported;
- *1 May 2012* - Council resolves to request the proponent to submit a planning proposal for the precinct;
- *5 February 2013* – Council considers a report on a planning proposal to allow a Masters homemaker store within the central industrial area and resolved that its support for this was contingent upon a reviewed MELS that would guide this proposal and any future planning proposals for the Victoria Road and Carrington Road precincts;
- *February 2013* – Council applied to the DP&E for funding under Planning Reform Fund for a review of the 2008 MELS;
- *December 2013* – the DP&E advises Council that its funding application for the MELS review is successful;
- *4 March 2014* – a consultant's brief for the review of the 2008 MELS is reported to Council – Council resolves to receive and note the report;
- *21 May 2014* – the proponent submits a preliminary planning proposal to Council;
- *27 June 2014* - SGS Economics & Planning commences the MELS review;
- *15 July 2014* - Council considers the preliminary planning proposal and resolves to write to the DP&E seeking advice on macro strategic planning issues;
- *2 September 2014* - Council resolves to forward the preliminary planning proposal to the DP&E for Gateway determination;
- *16 September 2014* - Council resolves to undertake non-statutory community consultation concerning the Victoria Road precinct;
- *2 December 2014* - Council considers SGS's MELS review report and resolves to place it on public exhibition;
- *14 December 2014* - the NSW Government releases its new metropolitan strategy – *A Plan for Growing Sydney*;
- *16 December 2014* - the DP&E writes to Council to provide the advice on key planning issues that had been requested by Council and requests additional information be provided, additional consultation be undertaken and the planning proposal be withdrawn;
- *17 December 2014 to 27 February 2015* – Council calls for community comments on the Victoria Road precinct and MELS report;
- *16 January 2015* - the Victoria Road project team meets with DP&E staff to discuss further assessments required and a way forward;
- *3 February 2015* - Council resolves to reaffirm its support for the review of planning controls for the precinct and to convene a workshop involving Council and DP&E staff and the Victoria Road project team;



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

- *2 March 2015* - the abovementioned workshop is held - a key agreed action is that the proponent withdraws the preliminary planning proposal to allow for additional consultation and information to be prepared, including an aircraft noise strategy;
- *29 March 2015* - the proponent writes to Council to request the preliminary planning proposal be withdrawn, consistent with the agreed action from the 2 March 2015 workshop;
- *7 April 2015* - Council considers a post public exhibition report on the MELS report and the Victoria Road precinct and resolves to request SGS to review the MELS in light of *A Plan for Growing Sydney* and the proponent's employment strategy, and to request the DP&E to withdraw the planning proposal;
- *13 April 2015* - Council writes to the DP&E to request the planning proposal be withdrawn;
- *3 June 2015* - the DP&E advises Council in writing that the planning proposal has been formally withdrawn;
- *June 2015* - the Victoria Road project team meets with the representatives from the Australian Department of Transport & Regional Development and Sydney Airport Corporation (SACL) to discuss the aircraft noise strategy for the precinct;
- *7 August 2015* – the proponent submits a revised planning proposal (which includes an aircraft noise strategy) to Council;
- *17 August 2015* – the Victoria Road project team briefs Council staff on the key elements of the revised planning proposal;
- *25 August 2015* – a Councillor conference is held, where the Victoria Road project team briefs Councillors on the revised planning proposal and SGS presents the findings of its review of the 2014 MELS in light of *A Plan for Growing Sydney* and the proponent's employment strategy; and
- *14 October 2015* – a meeting is held between Roderick Simpson (commissioned by Council to undertake an independent strategic urban design assessment), the proponent's planning team and Council staff to discuss the position based on the assessment to date.

Initial 2012 Assessment of Proposal

Council's first formal assessment of a rezoning proposal for the Victoria Road precinct was part of the report to Council's 17 April 2012 meeting on draft MLEP 2011 and draft MDCP Amendment No. 1. At that stage, Council had received representations from a group of landowners and other interested parties seeking the rezoning of an area within the precinct from IN1 General Industrial to a zone suitable for a mix of medium/high-density residential, retail, commercial and industrial uses. Two areas were identified - a smaller Stage 1 area similar to the area currently under investigation and proposed to be redeveloped in the shorter term - and a larger study area.

The assessment stated that the main strength of this proposal was the precinct's reasonable access to public transport and commercial centres. It was noted that Council's 2008 MELS had acknowledged that this precinct could be suitable for a more diverse range of uses, including some retail and residential uses.

Notwithstanding those strengths, the assessment recommended that this precinct be given lower priority than the Carrington Road site for rezoning, largely because a change of land use within the precinct was not supported by the 2007 *Marrickville Urban Strategy* (MUS) or the 2008 *draft South Subregional Strategy* (dSSS). It was noted that compared to the Carrington



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

Item 5

Road site, this precinct is affected by higher levels of aircraft noise and is part of a larger core Marrickville-Sydenham industrial precinct.

The submitter's suggested process of a staged rezoning process was not supported and it was recommended in the report that the precinct only be further considered for rezoning subject to support from a revised dSSS and revised MUS.

At the 17 April 2012 meeting, Council resolved to defer this item to its 1 May 2012 meeting, where it resolved to request the proponent to submit a planning proposal for the rezoning of this precinct.

The 2008 & 2014 Marrickville Employment Lands Studies (MELS)

To support the development of MLEP 2011, Council commissioned SGS to prepare the initial 2008 MELS. This study includes an analysis of the Victoria Road precinct. In this analysis, SGS recognised the need to turn over fragmented employment lands to lower impact and/or mixed uses with additional floor space, particularly if higher employment growth than projected occurs in the future.

The 2008 MELS considered this precinct as suitable for intensification of employment uses in the long term due to its location along a strategic bus corridor, its ability to connect to the Marrickville Road town centre and the opportunity to create public domain improvements along this main road, which already has significant public domain assets, e.g. Enmore Park, Wicks Park and the Enmore / Addison Road shops. It was thought the strip had the potential to become a southern extension of King Street / Enmore Road spine, drawing activity along this critical route towards the Marrickville commercial centre.

The 2008 MELS noted that rezoning of existing industrial land along portions of this strip should be pursued to support a variety of employment activities. A range of zoning should be applied to encourage desirable forms of development in appropriate locations. For example, finer grain of retail and commercial development (with potential for shop top housing) should be encouraged at the edges of the existing centre to provide for their expansion.

Alternately, locations in the corridor further from centres would ideally encourage larger footprint buildings that would accommodate more space-hungry activities such as creative industries and bulky goods retail. Some locations in the corridor, both in and out of centres, may even be appropriate for a limited amount of mixed residential development, particularly those near good quality public open space.

2008 MELS Figure 17 *Victoria Road Corridor – Potential LEP template zoning*, at **ATTACHMENT 4**, shows broad areas considered suitable for:

- intensification and diversification of employment uses - residential uses may be desirable in locations with good amenity and near interfaces with existing residential development;
- focal points for retail uses and public spaces; and
- special transitional industrial zones between new employment uses and the existing traditional industrial core.

In 2014, Council commissioned SGS to undertake a review of the 2008 MELS, funded by the DP&E through its Planning Reform Fund grants program. The review was prompted by Council's consideration at its 5 February 2013 meeting of the Masters homemaker store planning proposal on the northern edge of the Marrickville-Sydenham industrial area. In assessing that proposal, Council noted the apparent change in direction by the NSW Government toward greater flexibility when considering land use changes in industrial areas,

Attachment 1



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

even though this was not supported by applicable NSW Government and Council planning policies, including the dSSS and MUS. Council's position was that whilst it was receptive to change, this should not occur on an ad-hoc basis, but be guided by supportive strategic planning.

Council resolved that its support for the Masters proposal was contingent upon a reviewed MELS to be exhibited concurrently with any exhibition of the Masters planning proposal. It also resolved that the reviewed MELS should inform any future planning proposals for the rezoning of other industrial precincts, including the Victoria Road and Carrington Road precincts.

The Masters proposal was subsequently approved by the NSW Government without a reviewed MELS. Later in February 2013 Council applied for funding for the MELS review through the DP&E's Planning Reform Fund grants program. At the end of 2013, Council was informed that its grant application was successful, and the MELS review was undertaken in the second half of 2014. It is noted in the MELS that approval of the Masters development is not consistent with MELS Action 5.1 *"Prohibit large format retail from locating in the Marrickville-Sydenham precinct"*. The development of the 2014 MELS is included in the above chronology of events, and its contents and summary are at **ATTACHMENT 5**.

The 2014 MELS explains that within the Marrickville LGA, demand for traditional industrial land is declining, but Marrickville is well positioned to accommodate increasing demand from newer industries. These can be broadly classified as population-serving industry, urban manufacturers, CBD backroom operations and creative industries. With diminishing industrial stocks in the City of Sydney and City of Botany Bay, Marrickville's industrial areas may also experience greater demand from industries that have been displaced from those areas.

Those activities can be mostly accommodated within existing industrial precincts under current planning controls. A key challenge for Council is to allow its employment locations to respond to industry trends and meet the ever-changing requirements of business operators. To achieve this, a fair degree of flexibility is needed – in the design of buildings and the planning policy framework. This is likely to involve increasing the flexibility of industrial zones by increasing the range of permissible uses in designated locations.

The 2014 MELS examined most of Marrickville's industrial precincts, noting the main physical constraints to development are aircraft noise, flooding and acid sulphate soils. Those constraints do not necessarily preclude development, but alter the intensity, height and form of development and the range of uses permissible.

Strategies and actions within the 2014 MELS relevant to the Victoria Road precinct include:

Strategy 1 – Protect subregionally significant industrial lands:

- Action 1.1 – designate the Marrickville-Sydenham industrial precinct as a subregionally significant industrial precinct and zone accordingly;
- Action 1.2 – Restrict further subdivision and/or strata titling of larger lots in the – Marrickville/Sydenham industrial precinct to prevent fragmentation;
- Action 1.3 – Prevent the spread of retailing and services into the Marrickville-Sydenham precinct;
- Action 1.4 – Lobby the NSW Government to consider the provision and protection of strategic industrial and employment lands at a subregional level; and
- Action 1.5 – Consolidate planning and urban design guidance in a Marrickville-Sydenham industrial precinct plan.


**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**
Item 5

Strategy 2 – Ensure sufficient stocks of industrial land to meet requirements of the local population:

- Action 2.1 – Protect population-serving industrial land.

Strategy 3 – Explore economic development opportunities in some industrial precincts:

- Action 3.1 – consider rezoning of selected lots to B7 Business Park as live-work space; and
- Action 3.2 – continue to plan for a traditional & creative industries hub.

Strategy 4 – Consider residential conversion opportunities:

- Action 4.1 – Consider the Carrington Road precinct as an opportunity for urban renewal; and
- Action 4.3 – Consider rezoning of selected residential interface sites to B4 Mixed Use.

Employment forecasts in the 2014 MELS show that future demand is modest compared to existing supply, so some change from traditional industrial is warranted. However, this must be balanced against the strategic value of Marrickville's industrial lands, particularly the Marrickville-Sydenham precinct. The report includes three future land use scenarios for Marrickville-Sydenham, Carrington Road and Lewisham precincts, which aim to strike this balance, consistent with the above strategies and actions.

For the purposes of the assessment of this planning proposal, the least restrictive scenario (Scenario 3) has been used. Scenario 3 adopts a less constrained approach to the retention of employment land to maximise renewal, where industrial land supply under medium-capacity scenarios is likely to meet demand, but there is some possibility of a shortfall. It allows some new residential use between 25 and 30 ANEF noise contours in B7 Business Park zones, using the St Peters triangle live-work precinct and similar areas as a precedent.

For the Victoria Road precinct, this scenario proposes the area between Sydenham Road, Victoria Road, Marrickville Primary School and Farr Street be rezoned to B7 Business Park and B4 Mixed Use; that both sides of Gerald Street be rezoned to B7 Business Park to expand the existing Meeks Road live-work zone; and that the western side of Fitzroy Street between Smith Street and Edinburgh Road be rezoned to B7 Business Park to expand the Edinburgh Road live-work zone. Further changes for the Victoria Road precinct are not recommended on the basis that it would threaten the integrity of the larger Marrickville-Sydenham industrial precinct by isolating the larger industrial lots in the northern part of this precinct.

JBA Employment Strategy

In response to the 2014-15 public exhibitions of components of the Victoria Road proposal and MELS, JBA made a submission that included a critique of the MELS and an alternative employment strategy for the precinct. Selected sections of the JBA strategy are at **ATTACHMENT 6** and the full document is available on Council's website.

A stated objective of the JBA strategy is to address perceived weaknesses in the methodology and conclusions of the MELS. It purports to present an accurate assessment of the current and future trajectory of employment and business in the Victoria Road precinct, based on latest strategic planning policy and government initiatives. In particular, it is based on *A Plan for Growing Sydney*, which was released after the MELS was completed. Its stated aim is to boost employment and economic productivity, improve the urban environment and achieve key overarching strategic planning objectives.

The JBA strategy's key findings are:

Attachment 1



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

- there has been a dramatic decline in traditional industrial activities within the Marrickville area in recent decades, along with a substantial shift in the demographic and employment characteristics of Marrickville residents;
- Marrickville's residents are increasingly forced to leave the LGA for employment in professional and service-sector jobs, whilst employers in Marrickville's industrial precincts are increasingly having to look further afield to find suitably-skilled employees;;
- the disconnect between the local workforce and local employment opportunities has significant social, economic and environmental impacts;
- Marrickville's industrial areas are under-utilised, run-down and provide fewer jobs each year, as competition from purpose-built industrial precincts (served by purpose-designed infrastructure) in Sydney's west has seen many businesses leaving Marrickville;
- economic weaknesses have resulted in non-industrial businesses infiltrating the edges of the Marrickville-Sydenham industrial area in recent years, and a number of traditional industries have left the area;
- this has resulted in increased land-use conflict and has compromised the viability of these fringe areas for industrial use. This is particularly the case for the Victoria Road precinct, which is at the transition point from broader industrial lands to residential areas;
- NSW Government investments in freight rail and motorway infrastructure are specifically designed to help industrial businesses with connections to Port Botany and Sydney Airport bypass the inner-city LGAs and boost employment precincts in Western Sydney;
- along with broader economic pressures on industrial activity in Australia, this will further compound the industrial decline that Marrickville has experienced in recent decades; and
- without changes to the planning controls for the Victoria Road precinct, employment and economic productivity will continue to decline, urban amenity will worsen and the infiltration of non-industrial uses will begin to affect the viability of the core industrial lands around Fitzroy Street.

The JBA strategy's key recommendations are:

- recognise the Victoria Road precinct presents an opportunity to re-connect Marrickville's residents with local employment opportunities and facilitate urban renewal;
- consider land predominantly to the west of Victoria Road for a broader mix of business uses - to meet the employment, lifestyle and service needs of Marrickville's local community - these uses have the potential to create a vibrant precinct that will boost employment and economic productivity;
- consider that these uses will also ensure that appropriate interfaces are put in place to resolve land-use conflicts between residential, industrial and community uses - to improve local amenity and safety;
- consider a range of new uses be permitted in specific parts of the precinct, including: creative industries; art studios and galleries; recreation and leisure uses; home improvement showrooms; wholesale food retail with some limited ancillary direct-to-public sales; and professional offices and local services;
- recognise that this strategy provides opportunities to deliver these new employment uses as part of a mixed-use residential development;
- recognise that this type of development is appropriate given the high accessibility of the area by public transport and proximity to local retail services, town centres, recreation and leisure facilities and open space;
- recognise that opportunities to deliver new housing to support population growth have been investigated with regard to the key underlying constraints affecting the precinct;


**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**
Item 5

- recognise that the assessment of housing opportunities in the strategy have also been informed by the workshop held with Marrickville Council, the DP&E and the Victoria Road project team in March 2015;
- consider adopting this strategy in lieu of the MELS for the Victoria Road precinct;
- recognise that this strategy will ensure there is a positive vision for employment in Marrickville, and will form the basis for more detailed strategic planning investigations for this precinct; and
- recognise that although this strategy applies to the Victoria Road precinct it has implications for other industrial precincts in the Marrickville LGA.

SGS peer review of JBA Employment Strategy

When Council considered the post public exhibition report on the MELS report and the Victoria Road precinct at its 7 April 2015 meeting, it resolved amongst other things to request SGS to review the 2014 MELS in light of *A Plan for Growing Sydney* and the JBA employment strategy for the precinct. SGS undertook that review and presented its findings at the 25 August 2015 Councillor conference, as described in the above chronology of events. The 'summary' section of SGS peer review report is at **ATTACHMENT 7**, and the full report is available on Council's Your Say Marrickville website.

SGS discusses the following 'key points' in the peer review report:

- *JBA has a conflict of interest*, as it has prepared its employment strategy on behalf of a major landowner who would directly benefit from the proposed rezoning;
- *The JBA employment strategy includes weak or misleading elements*, including an incomplete strategic framework, lack of quantitative rigour, no quantitative assessment of the scope for rezoning, flawed focus on self-containment and poor understanding of role and function of industrial lands;
- *The final JBA vision and MELS still have some common elements*, including agreement on some industrial rezoning, agreement on some flexibility in the Victoria Road area, agreement that greater street activation is desirable and that future use along Victoria Road should not compete with the retail main streets in Marrickville and Newtown; and
- *The most significant differences relate to rezoning for residential development*. The JBA Strategy proposes residential apartments between ANEF 25 and 30. The DP&E has previously accepted residential above the 25 ANEF contour as it was consistent with an MUS strategy of encouraging creative industries through live-work zones. This precedent enables opportunities for a similar land use outcome in the Victoria Road precinct, and in this regard the MELS suggests similarly limited residential rezoning prospects.

With regard the final point, SGS states in its peer review report that the MELS scenarios suggest some opportunity for residential in the south-west corner of the Victoria Road precinct but as part of live-work space rather than high rise apartments. The Wicks Park site identified by JBA is also above ANEF 25, but site is within the main industrial precinct and adjoins the IN1 industrial area, so residential apartment development in this area has the potential to further break up the industrial precinct and create land-use conflicts that threaten the function of the IN1 area.

SGS states that any rezoning to land uses other than industrial in the north-western part of the precinct (excluding the land at the corner of Victoria and Sydenham Roads) should be supply-demand tested to determine the scope for rezoning. Rezoning would take up some large of IN1 industry lots and adjoin others, which would likely to give rise to land use conflicts and

Attachment 1



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

may threaten the main industrial function in this area. Residential in any form (including live-work) is not supported in this area.

SGS concludes that its consideration of the JBA employment strategy and *A Plan for Growing Sydney* does not prompt any changes to the 2014 MELS. However, there are some areas where additional supply-demand testing may be useful in order to assess the JBA proposal:

- *Use of the latest BTW employment data.* The BTS released employment data after the preparation of the 2014 MELS. It would be useful to feed this into the demand forecasts and re-run the supply-demand analysis so that rezoning prospects can be assessed in light of the most recent data.
- *Exploration of B7 Business Park around Wicks Park.* If supply-demand testing demonstrates that rezoning away from industrial can be supported, the advantage of B7 Business Park zoning in this location is that it provides an opportunity to consolidate the proposed B7 Business Park zoning for the block at the corner of Sydenham Road and Victoria Road into a small B7 Business Park precinct. This would make good use of the park's amenity, however, some larger IN1 General Industrial lots exist in this location and the potential B7 Business Park area backs onto the main industrial precinct. These issues would need to be carefully weighed up after completing a supply-demand assessment for the loss of this industrial land.
- *Exploration of B7 Business Park or IN2 Light Industrial along Chalder St.* The advantage of IN2 Light Industrial or B7 Business Park in this location is that it offers a buffer between the IN1 General Industrial land to the north of Victoria Road and the school without pushing into the larger lots and the core of the industrial area in this location. Again, potential would need to be carefully weighed against the results of the supply-demand assessment.

JBA response to SGS peer review

Shortly after its finalisation in October 2015, the SGS peer review was forwarded to JBA. JBA provided a response on 23 October 2015, as this report was being finalised. The response is at **ATTACHMENT 8** and a summary of points raised is as follows:

- *As SGS has declined to review the MELS in light of A Plan for Growing Sydney, it cannot be relied upon by Council. Additionally, the MELS should not form part of Council's strategic planning policies and should not be a relevant consideration in the assessment of the Victoria Road planning proposal.*
- *Although SGS argues that Marrickville LGA needs to accommodate industrial uses leaving surrounding LGAs, there is no evidence to support this, and it is a matter for Marrickville Council to determine if Marrickville should accommodate more industrial uses to support this;*
- *JBA agrees with SGS that as the Marrickville-Sydenham precinct should transition away from traditional industrial/manufacturing uses, it should facilitate a range of local industries and services – but considers these uses are better suited to a business rather than industrial zoning; and*
- *JBA agrees with SGS that there is a strong industrial precinct centred on Fitzroy Street that services both local and subregional business needs, but the planning proposal seeks to rezone only the fringe of the precinct. This area is not suitable for industrial uses for a range of reasons, and the rezoning is to predominantly business use with some housing (housing on less than 3% of Marrickville's existing industrial land). The planning proposal simply reflects the outcome of further detailed planning that adds detail to the high-level conclusions of the MELS.*


**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**
Item 5

The following comments are made in response to these issues:

- Council resolved in early 2013 to review the 2008 MELS after consideration of the Masters planning proposal and resolved that any future proposals to rezone industrial land, including land within the Victoria Road and Carrington Road precincts, be assessed against the reviewed MELS. In the absence of any other precinct specific employment lands research the MELS is a relevant consideration. It should also be noted that the DP&E had funded the 2014 MELS and has previously required that it be a consideration in the assessment of this planning proposal.
- One of the aims of the 2014 MELS was to ensure a regional perspective was applied to proposals for change to Marrickville's industrial areas. Consideration of these regional factors is appropriate.
- It is agreed that Marrickville's industrial areas should transition away from traditional industrial/manufacturing uses and facilitate a range of local industries and services. However, a cautious approach is appropriate given the rezoning of industrial land is highly unlikely to ever be reversed. Moreover, the industrial zone caters precisely to the array of uses that JBA's own data confirms are located in the precinct, such as food industries, textiles, automotive, creative arts and industries. It is thus appropriate that change occur incrementally over time and based on informed planning strategies as is recommended in this report.
- It is agreed that most of the changes will occur only on the fringe of the precinct, and this report recommends most of this occur within the south-western corner.

Ministerial Direction 3.5: Development near Licensed Aerodromes

The Victoria Road precinct is located directly to the north of the main north-south runway of Sydney Airport and the flight paths of aircraft accessing this runway pass above the precinct. As a result, the Victoria Road precinct is affected by aircraft noise and Part 5(a) of Ministerial Direction 3.5: *Development Near Licensed Aerodromes*, made under Section 117(2) of the Environmental Planning and Assessment Act 1979, is relevant. Clauses 5, 6 & 7 of this Direction state:

- "(5) A planning proposal must not rezone land:
- (a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or
 - (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or
 - (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.
- (6) A planning proposal that rezones land:
- (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or
 - (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or
 - (c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.
- (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of

Attachment 1



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objectives of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
- (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) *of minor significance."*

The Victoria Road planning proposal is generally consistent with this Direction as it is accompanied by an aircraft noise strategy which is in accordance with Clause 7(b) above. The cover, content and strategy sections of this report, entitled *Victoria Road Precinct, Marrickville Aircraft Noise Strategy* by JBA, are at **ATTACHMENT 9**. The full strategy report is available on Council's website.

The strategy section of the report outlines the objectives, design principles and design solutions relating to noise impacts on new developments in the precinct. Development applications would need to be supported by adequate technical information that demonstrates how the proposed development has been designed to meet the requirements of the strategy.

The stated objectives of the strategy are:

- To ensure that all new development in precinct is designed to achieve an appropriate level of amenity for its occupants taking into consideration its land use;
- To ensure that all residential development satisfies key necessary design criteria relating to building siting, design, building materials and facilities;
- To ensure that new development within the Precinct complies with Australian Standard AS 2021:2015;
- To ensure that future residents within the Victoria Road Precinct are appropriately informed about aircraft noise within the Victoria Road Precinct; and
- To protect the ongoing operation of Sydney Airport and minimise the potential for reverse impacts from new development within the Victoria Road Precinct.

The strategy report explains that effective mitigation against aircraft noise begins with the fundamentals of design. Effective and thoughtful use of site layout, orientation, internal building configuration and apartment design can significantly assist with laying the foundations to ensuring high quality amenity is achieved for future occupants of buildings. A table within the strategy sets out the design principles and solutions for achieving effective design for new development within the Victoria Road Precinct.

While the strategy is supported, it does not adequately deal with the fundamental issue with aircraft noise exposure being longer term exposure by future residential occupants. The recommendation of this report seeks to address this issue by limiting the extent of residential to the least noise affected areas and elsewhere by permitting small scale live/work accommodation. A further mechanism for additional housing over and above this to shorter stay affordable housing is proposed for further investigation. Past rezonings of industrial land



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

Item 5

subject to the Direction within the LGA have only been for low density and live work housing and therefore the current proposal is without precedent in the LGA.

Sydenham Station Creative Hub Concept

Part of Council's consideration of the future of the Marrickville-Sydenham industrial precinct has been the Sydenham Station creative hub concept. That precinct is not immediately adjacent to the Victoria Road precinct, but is nearby and part of the larger Marrickville-Sydenham industrial precinct. It is therefore appropriate to consider this concept in the assessment of the Victoria Road planning proposal.

The vision is that the precinct will become a more accessible destination with an improved pedestrian experience focused on tactical interventions within the public realm. It would over time transition from a uniform industrial environment to a more diverse range of uses including light industry, creative industries and additional uses such as small bars, cafes and restaurants. This would support the existing entertainment and music opportunities that are currently permitted, in a location with exceptionally good access to rail transport.

Significant 'city shaping' government initiatives that influence the approach include WestConnex, early planning for the Sydenham-Bankstown corridor (based on the conversion of the Bankstown line to a high-frequency metro service) and a fresh look at the 2008 dSSS, now seven years old. Regarding the Sydenham-Bankstown corridor, the DP&E has indicated that intensification of employment uses around Sydenham Railway Station may be appropriate as part of this plan. This is consistent with the Sydenham creative hub vision.

Council considered a report on this concept at its 2 September 2014 meeting and resolved to give in-principle support. Council considered an update report at its 18 August 2015 meeting and resolved to adopt a project plan and allocate funding for preliminary work, including stakeholder consultation, to develop a planning proposal to progress this concept.

The 2014 MELS broadly supports this concept. It includes a relevant action - *Action 3.2 - Continue to plan for a Sydenham music/entertainment precinct* (see action in full at **ATTACHMENT 5**). Accordingly, it recommends that a section of the Marrickville-Sydenham industrial area to the north-west of Sydenham Railway Station be rezoned from IN1 General Industrial to IN2 Light Industrial, with some additional permitted uses.

A Plan for Growing Sydney & Subregional Strategies

Since 2012, when Council first formally considered the future of the Victoria Road precinct, *A Plan for Growing Sydney* was released in December 2014 and the DP&E commenced developing subregional strategies to support this Plan. Whilst *A Plan for Growing Sydney* includes a number of broad policy statements about the future of industrial and other employment lands in Sydney, it does not provide sufficient detail to guide the assessment of this planning proposal.

The main actions within this plan that are applicable to the Victoria Road planning proposal are:

- *Action 1.5.1: Develop and implement a strategy for the Sydney Airport and Port Botany precincts to support their operation, taking into account land uses and the proposed road transport investments* – the Victoria Road precinct is not within the airport or port precincts;

Attachment 1



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

- *Action 1.6.1: Grow high-skilled jobs in the global economic corridor by expanding employment opportunities and mixed-use activities* – the Victoria Road precinct is on the western edge of the global economic corridor;
- *Action 1.9.1: Support the growth of priority industries with appropriate planning controls* – although no priority industries have been identified for the Victoria Road precinct or other industrial lands in the Marrickville LGA, the term is defined as: “*visitor economy (tourism); creative industries; digital economy (such as information and communications technology); professional services; manufacturing; minerals; international education and research; and agriculture.*”
- *Action 1.6.2: Invest to improve infrastructure and remove bottlenecks to grow economic activity* – it is anticipated that WestConnex will ease freight traffic congestion within an around the Victoria Road precinct, particularly along Sydenham Road;
- *Action 1.9.2: Support key industrial precincts with appropriate planning controls* – it is proposed that the NSW Government’s *Industrial Lands Strategic Assessment Checklist* be revised, and will guide the assessment of proposed rezonings of industrial lands. It will pose questions about whether the site is near or within direct access to key economic infrastructure, how it contributes to a significant industry cluster, and how the proposed rezoning would impact on industrial land stocks and employment objectives in each subregion.

It is important to note that *A Plan for Growing Sydney* is based on population projections that have been revised upward since previous metropolitan strategies were released, with Sydney’s population now expected to grow by 1.6 million people over the next 20 years. This means there is a greater imperative for the NSW Government to further rezone land to create additional dwellings. It also has implications for retention of industrial land in strategic locations. Information on *A Plan for Growing Sydney* and development of the subregional strategies is available at: www.strategy.planning.nsw.gov.au/sydney/the-plan/

Throughout 2014 and 2015, The DP&E has been drafting new subregional strategies to support *A Plan for Growing Sydney*, and it is anticipated that draft strategies will be publicly exhibited in the first half of 2016. The Central Subregional Strategy is expected to provide sufficient detail to guide the assessment of the Victoria Road planning proposal. As well as providing direction on the future of Marrickville’s industrial lands, it is anticipated that the Central Subregional Strategy will provide direction on other elements that have the potential to influence planning of the Victoria Road precinct, such as identification of priority areas within the LGA for new dwellings.

Relevant to the Marrickville LGA are plans in progress for new dwellings along the Parramatta Road and Sydenham-Bankstown (rail) corridors. The former is partly based on the proposed WestConnex motorway, whilst the latter is directly related to Sydney Metro - the proposed upgrade of the existing Bankstown line to high-frequency metro service as part of the Metro City & South-West rail project. Information on those investigations is available from websites indicated below.

Draft Sydenham-Bankstown Corridor Strategy

The draft Sydenham-Bankstown corridor strategy was released for public comment on 14 October 2015. The *Sydenham Precinct Land Use & Infrastructure Analysis* associated with the strategy includes vision statements for built form, movement networks, community infrastructure, open space and public domain, jobs and housing.



For jobs, it states: *"Increase the range of permissible business activities within the Sydenham enterprise area including creative industries and start-up businesses."* Consistent with this vision statement, an area from Sydenham Station to Wicks Park is identified as 'Sydenham enterprise area'. In this area, the intensity and variety of employment uses would be increased. This is consistent with Council's vision for the Sydenham Station creative hub precinct. The investigation area within the Strategy stops at Victoria Road and the enterprise area cover only the south-eastern corner of the Victoria Road precinct (approximately Blocks X, Z & ZZ). Residential uses are not supported in the blocks around Wicks Park based on aircraft noise and the need to protect employment lands. Industrial areas outside of the enterprise area are identified as remaining in industrial use which is consistent with the 2014 MELS.

The vision statements for housing are: *"Continue to limit standard housing development in the Sydenham enterprise area"* and *"Investigate new housing opportunities around Meeks Road that are transition areas with existing housing."* Although Sub-block 1 is just outside the strategy's investigation area, the former statement supports this report's recommendation that new housing in the Victoria Road precinct be limited in extent and not be of standard form (i.e. live/work, affordable rental housing). The latter statement about substantially increasing dwelling densities in the Meeks Road / Gerald Street industrial precinct is not supported as at least 50% of these dwellings would be within the 25-30ANEF area. Note that MLEP 2011 currently treats this area as a transition between residential uses on the west side of Meeks Road and the core industrial area by applying B7 Business Park and IN2 Light Industrial zonings. Note also that the Carrington Road precinct is within the investigation for the *Marrickville Precinct Land Use & Infrastructure Analysis*. The strategy is available at: www.planning.nsw.gov.au/sydenhamtobankstown

The draft *Parramatta Road Urban Transformation Strategy* was released for public comment on 17 September 2015. It proposes increased dwelling and employment densities in a set of redevelopment precincts along Parramatta Road from Granville to Camperdown. Relevant to Marrickville are the Taverners Hill, Leichhardt and Camperdown precincts, which extend into the Marrickville, Leichhardt and City of Sydney LGAs. Further information is available at: www.newparramattard.com.au

In addition to these corridors, it is expected that a number of new dwellings will be created by the rezoning of some smaller 'peripheral' industrial precincts across the Marrickville LGA, such as Mary Street, St Peters, the Cyprus Club and the corner of Wardell Road and New Canterbury Road, Lewisham.

Whilst it is recognised that additional dwellings are needed beyond those planned under MLEP 2011, it is apparent from the above that there are opportunities to create a substantial number of new dwellings within the Marrickville LGA, mainly within the Sydenham-Bankstown and Parramatta Road corridors. Although precise numbers are not known at this stage, this must be a consideration when assessing the need to convert industrial land within the Victoria Road precinct to residential use. The way in which an increased residential population may affect demand for services offered within these industrial lands, particularly population-serving industries is a further consideration. The DP&E is currently undertaking research into these kinds of issues with a view to developing a strategy and policy position on industrial and other employment lands for inclusion in the subregional strategies.

Marrickville Community Strategic Plan

The recommendations of this report have been drafted with the intention of progressing the Key Result Areas (KRAs) of the 2012/13 *Marrickville Community Strategic Plan – Our Place*,



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

Our Vision. Following are relevant KRAs, followed by a commentary on how this planning proposal, amended by the recommendations of this report, can progress each of these.

- *KRA 1.5: Marrickville provides affordable housing options to meet the needs of the community.* It is recommended in this report that an affordable housing (3% contribution as proposed in the planning proposal) with potential affordable housing, beyond the limited small scale live/work housing in the B7 zone and that limited private open space and car parking be required in the south-western part of the precinct (Sub-precinct 1).
- *KRA 2.2: Marrickville is a leading independent arts centre that supports the creative industries.* The new mixed use zone in the south-western part of the precinct and new business zone along the north-western side of Victoria Road is intended to increase opportunities for a broader range of businesses including creative industries. Non market based housing for key and low income essential workers will further this aim by allowing workers in these industries to live near their place of employment.
- *KRA 3.3: The community walks, rides bikes and uses public transport.* As is outlined in the planning proposal, the precinct has good access to public transport in the form of buses and trains; this will be further improved in the future when the Bankstown line is upgraded to a metro service. Walking/cycling conditions are also good and shops and other services are within walking distance. The proposal aims to build on these attributes and further promote walking, cycling and use of public transport.
- *KRA 3.4: Marrickville's roads are safer and less congested.* Reduced parking, in combination with further improvements to walking and cycling conditions and public transport (as described immediately above and below), will assist the aim to limit traffic growth and improve road safety.
- *KRA 3.5: Marrickville's streets, lanes and public spaces are sustainable, welcoming, accessible and clean.* The proposed changes provide an opportunity to implement improvements to existing streets and public spaces, create new roads, laneways and public spaces, and to improve maintenance of those facilities.
- *KRA 3.6: Marrickville's parks, grounds and open spaces provide diverse opportunities for recreation and enjoyment and are designed with community input.* The proposal presents an opportunity to improve the quality of public open space in the area, with this report recommending new open space be provided as part of the planning proposal process.
- *KRA 3.7: Marrickville is a water sensitive community that: supplies water from within its catchment; provides green infrastructure to support ecosystem services; and collaborates to make plans, designs and decisions that are water sensitive.* There are opportunities to integrate water-sensitive design and green infrastructure into this proposal as planning progresses. This will need to be considered as part of managing flooding in the area.
- *KRA 3.9: Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability.* The recommendations of this report aim to improve the quality of the design of this planning proposal through an appropriate mix of land uses, measures such as the retention of the fine grain and historic interest that the existing subdivision pattern provides, encouragement of the adaptive reuse of existing industrial buildings, reduced parking and an adequate and well-designed network of laneways and other connections. These attributes can be further refined and improved as the planning proposal progresses. There is currently a minimum level of heritage protection provided by MLEP 2011, and heritage matters will be further assessed as the planning proposal progresses.
- *KRA 3.11: Marrickville's economy supports local employment and provides business opportunities.* This report recommends the creation of new mixed-use and business areas in part of the precinct and retention of industrial land in the rest of the north-west of


**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**
Item 5

the precinct and the south-eastern side of Victoria Road. The aim is to retain sufficient stocks of industrial land, particularly on large lots, whilst enabling new businesses to ensure the area continues to provide employment and business opportunities within the region.

- *KRA 3.12: Marrickville's industrial areas remain an important and viable part of the local economy.* The recommendations of this report aim to further this KRA for reasons stated above.
- *KRA 3.13: Marrickville is well connected to the economy of greater Sydney and to the network of global cities.* The recommendations of this report aim to further this KRA for reasons stated above.

New Public Infrastructure

As noted above, there are opportunities to secure public benefits identified within the Marrickville Community Strategic Plan as part of any renewal of the Victoria Road precinct. Given the scale of the development proposed and that agreed to in the recommendations of this report it is appropriate that a reasonable quantum of the uplift in value that will occur from the rezoning are reflecting in the provision of new community infrastructure. The extent of value uplift will be able to be quantified with the proponent through a valuation process once a Gateway determination has occurred and the extent of development for residential purposes established. This report identifies several specific contributions and amounts however these should serve as a guide only. The report recommends that the proposal does not proceed to formal exhibition (post Gateway determination) until there is certainty over the type and quantum of public infrastructure (and the associated process) to be delivered by the proposal.

Independent Strategic Urban Design Assessment

As part of its assessment of the revised planning proposal, Council commissioned an independent strategic urban design assessment. This was undertaken by Roderick Simpson of Simpson+Wilson Architecture+Urban design and Associate Professor of Urban Design, Faculty of Architecture, Design and Planning, University of Sydney. The full assessment is at **ATTACHMENT 10**. Several of the matters in a draft version of this submission were discussed at a meeting between Roderick Simpson, the proponent's planning team and Council staff on 14 October 2015 prior to this finalisation of the urban design assessment and this report.

A summary of matters raised in the strategic urban design assessment are:

- Council's brief was, in summary, to provide comment on all elements of the proposal with a focus on Turner Masterplan sections 4 & 5 – Design Principles & Masterplan;
- Although the brief is largely concerned with design aspects of this planning proposal, land use and design are inter-dependent, so it has been necessary to comment on land use;
- MELS Action 1.5 "*Consolidate planning and urban design guidance in a Marrickville-Sydenham industrial precinct plan*" is noted, but this has not yet commenced;
- Given there is no relevant strategic plan for this precinct and the draft Central subregional strategy has yet to be released, there is a need to articulate a vision for the future of this precinct;
- Development of a vision is important, as this will allow the various actions and proposals to be evaluated in relation to their consistency and contribution to the achievement of the vision;

Attachment 1



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

- The vision can be synthesised by reference to a number of statements in relevant documents, such as the Sydenham-Bankstown strategy, Sydney LEP 2012, the Marrickville Community Strategic Plan and MELS;
- Key elements of the visions of these documents are: increasing the density/variety of business uses, increasing provision of affordable housing, increasing or rationalising open space, renewing ageing infrastructure and dealing with climate change;
- Positive change in the precinct consistent with the visions outlined above will be supported and enabled by increasing density and diversity of development, providing of affordable housing, creating a finer-grained network of roads, lanes and walk/cycle connections, retaining character buildings, retaining the existing subdivision pattern, reducing provision of car parking and relocating and/or reconfiguring open space;
- FSRs shown in the planning proposal for Sub-precinct 1 appear to be excessive relative to building heights proposed, perhaps due to road/laneway area being underestimated – hence there is a need to check FSRs to ensure they are accurate and coordinated with HoB controls;
- It is noted that MLEP 2011 protects certain heritage items within the precinct, but such protection should extend to character buildings;
- The planning proposal's recommended holistic approach to management of flooding and stormwater is supported;
- Agree with planning proposal that careful co-ordination between land owners will be required to facilitate development, although this should occur without lot consolidations; and
- The urban design assessment has been relied on as one of the documents guiding the assessment of the planning proposal, as set out in the discussion section below.

DISCUSSION

Following is an assessment of the revised planning proposal, undertaken at strategic and local levels.

Strategic Assessment

Key guiding plans, policies and projects

In the background section above, the main existing strategic planning policies, processes and project relevant to this planning proposal have been mentioned and/or described. Those include:

- 2007 MUS;
- 2008 dSSS;
- MLEP 2011 and MDCP 2011;
- Sydney LEP 2012;
- *A Plan for Growing Sydney* 2014;
- 2008 MELS;
- 2014 MELS;
- Strategic independent urban design assessment;
- 2012/13 Marrickville Community Strategic Plan – *Our Place, Our Vision*;
- Ministerial Direction 3.5: *Development Near Licensed Aerodromes*;
- the JBA Employment Strategy for the Victoria Road precinct 2015; and



- the SGS peer review of the JBA employment strategy 2015.

The main strategic planning policies, processes and projects relevant to this planning proposal that are in the process of being developed have also been mentioned or described above. They include:

- Central subregional strategy;
- Draft Parramatta Road Urban Transformation Strategy;
- Sydenham-Bankstown corridor strategy – Sydenham Precinct Land Use & Infrastructure Analysis
- Sydenham Station creative hub;
- Metro (rail) City & South-West; and
- WestConnex.

The planning proposal is not consistent with the 2007 MUS, MLEP 2011 and MDCP 2011 (all based on the 2008 dSSS), as these plans require retention of the primarily industrial use for the Victoria Road precinct – hence the need for a planning proposal to change land use zones in the precinct. The dSSS can be considered to be out of date given the release of *A Plan for Growing Sydney* and the imminent release of a new Central subregional strategy. Currently there is no formal strategic plan to guide the rezoning of industrial lands in the Marrickville LGA and across Sydney. Whilst *A Plan for Growing Sydney* includes broad statements about the future of industrial areas in Sydney, there is not sufficient detail to guide the assessment of this planning proposal.

It is the absence of a clear strategic direction on the rezoning of industrial lands and pressures to rezone sites within the Marrickville-Sydenham industrial area (in particular, the Masters homemaker store) that had prompted Council to apply for funding to review the 2008 MELS. Until a new subregional strategy is released, it is appropriate to rely on the 2014 MELS as the guiding document for the officer's assessment of the revised Victoria Road planning proposal.

Further relevant strategic documents, including the JBA Employment Strategy and *Marrickville Community Strategic Plan* have also guided this assessment, as has the independent urban design advice. In the near future, the Central subregional strategy will become the main planning document to guide the strategic assessment of this planning proposal. This strategy has been under development in 2014 and 2015, and its release for exhibition is expected in the first half of 2016.

Key strategic issues associated with the planning proposal

The assessment has identified the main strategic issues which the planning proposal raises. A commentary on each and how they are addressed in the recommendation of this report is as follows:

- *Loss of industrial land considered by the MELS to be regionally-significant.* The recommendations of this report strike a balance between the introduction of housing, and an expansion of employment uses to maintain or increase total employment while minimising loss of industrial land.
- *Threats to the integrity of the core industrial area on the south-eastern side of Victoria Road.* The recommendations of this report do not support zoning changes to land on the south-eastern side of Victoria Road. The main aim is to maintain the integrity of the core industrial precinct. Other aims are to maintain industrial use of large lots, maintain stocks of industrial land supported by quantitative research and reduce dwelling numbers in areas where they are not supported by a strategic rationale.



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

- *Loss of large-lot industrial sites in the north-western part of the precinct.* The recommendations of this report do not allow zoning changes to the north-western part of the precinct beyond the B5 Business Development zone for Block E and frontage to the north-western side of Victoria Road. The main aim is to retain the industrial use of the large lots in that part of the precinct, until further supply/demand testing and subregional planning is complete.
- *Introducing a substantial number of new dwellings into an area affected by aircraft noise (25-30 ANEF).* The recommendations of this report reduce the number of new dwellings so there will be fewer residents affected. They also look to solutions to provide an increment of key worker housing in the B7 zone. Such housing can be considered more appropriate than market housing on flight affected land, because residential turnover rates would likely be higher and therefore the long term impacts of aircraft noise are lesser.
- *Reduce the vitality and visual interest of the mixed-use area in the south-western part of the precinct due to lot consolidation.* The recommendations of this report aim to maintain (or increase) the fine-grained subdivision pattern, creating multiple and varied developments (including adaptive reuse of period buildings through warehouse conversions where they contribute to the character of the precinct), each with a frontage to existing roads or new roads/laneways.
- *The FSRs proposed appear to be excessive compared to building heights proposed.* A possible reason for this may be that the land area to be taken up by new roads, laneways and walk/cycle connections has not been fully accounted for in the calculations. It is thus recommended in this report that the FSR calculations be reviewed post-Gateway to ensure they match the built form proposed.
- *There is need for innovation in the configuration of car parking and open space.* As is outlined in the strategic urban design advice, reduced car parking and innovative allocation of open space is critical to the success of the new mixed use and business zones in the precinct. A precinct wide approach to car parking in the form of multi-level stand-alone car parking stations at the street block or sub-precinct level should be considered instead of basement car parks below each development. Quality, accessible public open space can reduce the private open space requirements for dwellings and consideration should be given to potential future relocation and/or reconfiguration of Wicks Park and Marrickville Primary School.
- *There may be a need for additional roads, laneways and walk/cycle connections to facilitate new development.* Proposed new roads, laneways and walk/cycle connections proposed in the planning proposal masterplan are supported. As these are critical to the success of new development within the precinct, this report recommends the layout and number of these connection be revised as the development proceeds to ensure the layout is proposed is appropriate to the built form proposed.

Local planning assessment

Whilst all of the plans, policies and processes listed above have been used as background to guide the local assessment of the planning proposal, the following three documents have informed the local planning assessment:

- the planning proposal report, i.e. Planning Report by JBA and Masterplan by Turner and Associates;
- the 2014 MELS by SGS;
- the independent strategic urban design assessment.


**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**
Item 5

Whilst the planning proposal provides detail to the masterplan level the local planning assessment predominantly seeks to resolve the macro level strategic framework for the precinct to establish supportable land use, FSR and HoB parameters. Once these are resolved and have Gateway endorsement the more detailed design, masterplanning and public infrastructure issues can be considered.

As the main issues involved in the local assessment of the planning proposal are aircraft noise and land use zones, relevant maps are presented below. Maps for other parameters such as land ownership, FSR and HoB are in the extracts from the JBA Planning Report for this planning proposal at **ATTACHMENT 1**.

For the purposes of this assessment, four sub-precincts have been defined. These are made up of blocks that have been defined in the planning proposal and are shown a map immediately below. The four sub-precincts are:

- *Sub-precinct 1* – Blocks A, B, C & D - southern end of the precinct on NW side of Victoria Road;
- *Sub-precinct 2* – Blocks V, W1, W2, X & Z - north-east and south-east sides of Wicks Park;
- *Sub-precinct 3* – Blocks E, F, G H, I, J, K, L, M & N – north-west side of Victoria Road & Enmore Road from Chalder Street to Addison Road; and
- *Sub-precinct 4* – Blocks O, P, Q, S, & U - south-eastern side of Victoria Road from Chalder Street to Edinburgh Road.



Block numbers, based on maps in JBA planning proposal report

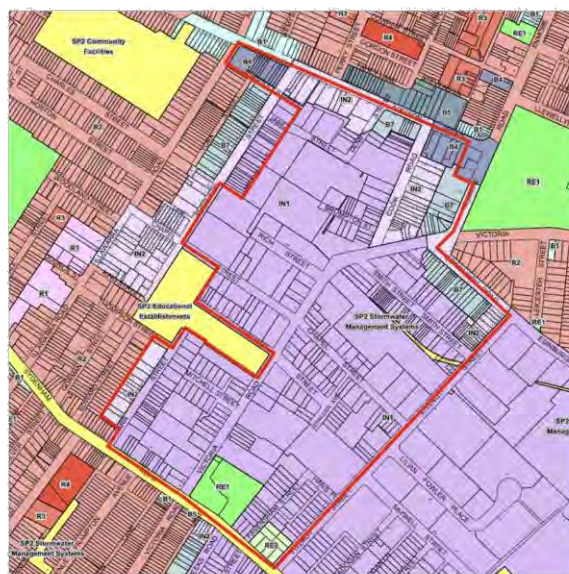
Attachment 1



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**



2033 ANEF contours and Precinct 47 boundary
(from JBA planning proposal report)

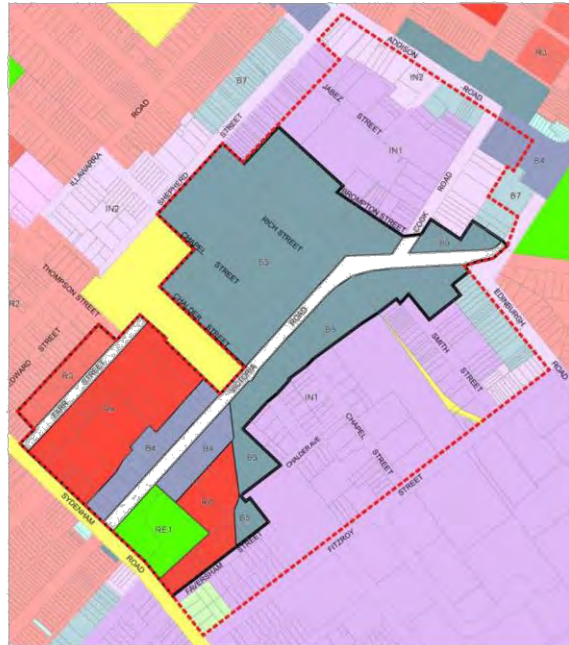


Current land use zoning, MLEP 2011 (from JBA planning proposal report)

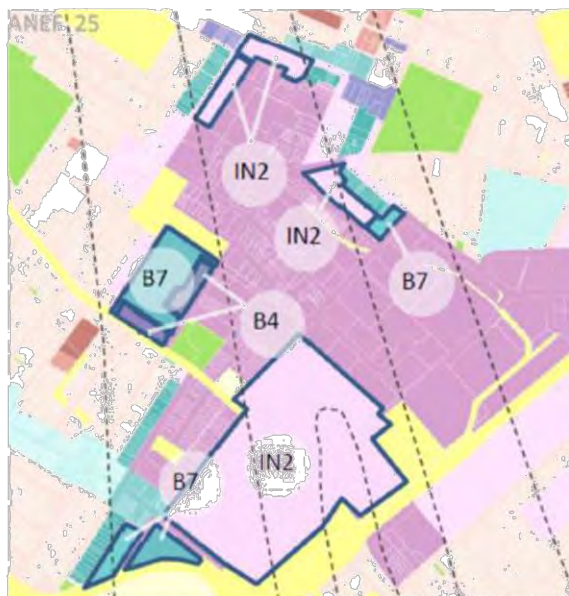


**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

Item 5



Proposed land use zones (from JBA planning proposal report)



Land use zones proposed by SGS in 2014 MELS
(Scenario 3: renewal/residential focused)

Attachment 1



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

Assessment of zoning, FSR & HoB controls proposed

Sub-precinct 1 - Blocks A, B, C & D – southern end of the precinct on NW side of Victoria Road

Aircraft noise status: The entire sub-precinct is within the 25-30 ANEF area.

Current zoning, FSR & HoB – IN1 General Industrial for most of the sub-precinct (Blocks B, C & D), with Block A (north-west side of Farr Street) IN2 Light Industrial. FSR 0.95:1 and no HoB limit.

Planning proposal recommendation: Blocks B, C & D (most of the sub-precinct) is recommended to be rezoned to R4 High Density Residential with B4 Mixed Use along the Victoria Road frontage. In these blocks, a HoB limit of 18m or approx. 5 storeys (noting the indicative masterplan shows 3 and 4 storeys) is recommended for the Farr Street and Sydenham Road frontages and a block adjacent to Marrickville Primary School (Block D). In the centre of Blocks B, C & D, a 48m (14 storeys) HoB limit is proposed, whilst a 23m (6 + 1 storeys) HoB limit is proposed for the business frontage to Victoria Road. For Blocks B & C, a FSR of 3:1 is proposed, whilst for Block C a FSR of 2:1 is proposed. Block A (north-west side of Farr Street) is recommended to be rezoned to R3 Medium Density Residential, with a HoB limit of 12m (3 storeys) and FSR of 1.2:1.

MELS recommendation: Most of the sub-precinct (Blocks B, C & D) is recommended to be rezoned to B7 Business Park zoning with B4 Mixed Use along most of the Sydenham Road and Victoria Road frontage. There is no recommendation for Block A (north-west side of Farr Street) as it is outside the area assessed by the MELS. There are no recommendations in the MELS for FSR & HoB controls.

Strategic design assessment: For most of the sub-precinct (Blocks B, C & D), HoB limits for the Sydenham Road frontage could be higher than the 3 storeys proposed. Rezoning Block A to a live-work zone and retention of the existing subdivision pattern is appropriate as part of creating an interface between the new mixed-use zone and established low density residential areas. The assessment also recommends that the eastern side of Farr Street could accommodate a built form of 6 + 2 storeys given its west-north-west orientation.

Council officer's assessment: It is appropriate that Block A (north-west side of Farr Street) be rezoned to R3 Medium Density Residential, consistent with the recommendations of the planning proposal and independent urban designer. This would provide a suitable interface between the existing R2 Low Density Residential area to the north-west and the proposed B7 Business Park area opposite. The design assessment recommendation for 6 + 2 storey built form on the eastern frontage of Farr Street is supported.

Mixed use and live/work zones are considered more appropriate than R4 High Density Residential in this sub-precinct because they retain employment uses as the focus of the area and they limit the amount of housing in the 25-30 ANEF area.

A B4 Mixed Use strip along the entire Sydenham Road and Victoria Road frontage is appropriate. This would allow shoptop housing (ground floor retail or other business with apartments above), activating areas around the intersection of these main roads.

The proposed 48m height limit is considered to generally have merit where proposed, subject to increased setback from Sydenham Road to align with the recommended mixed use zone.

For the balance of this precinct the B7 zone is recommended. In addition to promoting light and creative industries, the B7 Business Park zone permits a limited amount of small scale live/work housing. Related controls exist in the Marrickville DCP. To provide certainty around the proportional mix of business to residential and ensure the primacy of employment uses,



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

Item 5

additional planning controls are needed and these are recommended to be determined post-Gateway.

There is an identified need at all levels of Government and specific references in the Marrickville Community Strategic Plan 2023 of the need to address the issue of affordable housing. The Community Strategic Plan specifically looks to build partnerships to increase affordable housing and pursue planning that support new supplies of affordable housing.

Land within the Victoria Road precinct is not identified in any strategic planning documents for conversion to residential development so the proposal presents a strategic opportunity to provide an increased amount of key worker or affordable housing. The increment of development yield between the limited amount of small scale live-work housing permitted in B7 zone and the overall 48m height proposed is the opportunity for this.

Such housing can be justified in this location for the usual reasons of proximity and access to transport and because the length of stay, especially if linked to employment, would generally change-over more regularly. Providing such housing is in itself an effective strategy response to the aircraft noise affected land. It also delivers against the Community Strategic Plan.

A model for the provision of key worker housing in the B7 zone would include a requirement that all housing be priced to meet the definition of affordable rental housing and require the central management of the housing, a role usually taken-on by a community housing provider. There may be other models which establish a linkage between housing and employment that could be looked at. Council's involvement with community housing providers through our affordable housing team indicates a strong interest for projects in the Marrickville LGA, with reported difficulty in competing with market housing developers for sites. Restrictions on the future tenure of any residential development on B7 land, beyond the small scale live/work, is a means to address this issue.

An approach similar to this on B7 zoned land has recent precedence as per Clause 7.13A Affordable Housing in Zone B7 in Sydney Local Environmental Plan (LEP) 2012 and associated 2015 Employment Lands Affordable Housing Program. The City of Sydney's provisions have been developed in response to similar demand pressures for residential conversion of industrial land and require that, in identified locations, the only type of residential development permitted is Affordable Housing, as defined by State Environmental Planning Policy (Affordable Rental Housing) 2009. This housing is to be provided by, or on behalf of, a public authority or social housing provider. Further details on the quantity of housing and how it is to be provided are within Clause 7.13 of Sydney LEP 2012 and the City's 2015 Employment Lands Affordable Housing Program.

The final provisions that provide certainty concerning the amount of small scale live-work housing within the B7 zone, and additional key worker/affordable housing in the development increment above this will need to be determined post-Gateway and before exhibition, based on market considerations, refinement of built form controls and in consultation with community housing providers.

Recommendation for Sub-precinct 1:

- *That Block A (north-west side of Farr Street) be rezoned from IN2 Light Industrial to R3 Medium Density Residential with a HoB of 12m and FSR of 1.2:1.*
- *That Blocks B, C & D be rezoned from IN1 General Industrial to B7 Business Park with HoBs and FSRs as recommended by the planning proposal, i.e. HoB of 18m on the interior of Block D and the Farr Street & Sydenham Road frontages of Blocks B & C and 48m in the interior of Blocks B & C, and FSR of 3:1 on Blocks B & C and FSR of 2:1 on Block D.*

Attachment 1



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

- That the 48m HoB control within the new B7 Business Park zone be evaluated post-Gateway, in conjunction with provisions relating to live/work and affordable housing.
- That frontages to Sydenham Road (to a depth of the existing lots) and Victoria Road (as recommended by the planning proposal) be rezoned from IN1 General Industrial to B4 Mixed Use, with a HoBs and FSRs as recommended by the planning proposal.
- That development controls be applied requiring the existing subdivision pattern of the sub-precinct be retained, that laneways be created generally in accordance with the planning proposal masterplan and there be no strata titling of dwellings permitted within the new B7 Business Development zone.
- That the dedication of 3% of the market housing (as proposed in the planning proposal) and the dedication of a functional quantum of public open space be resolved post-Gateway.

Sub-precinct 2 – Blocks V, W1, W2 & Z - north-east and south-east sides of Wicks Park

Aircraft noise status: Most of the sub-precinct (western side, around Wicks Park) is in the 25-30 ANEF area, with a smaller area on the eastern side in the 30-35 ANEF area.

Current zoning, FSR & HoB controls: IN1 General Industrial for the entire sub-precinct, with an FSR of 0.95:1 and no HoB limit.

Planning proposal recommendation: R4 High Density Residential is proposed on land below the 30 ANEF contour on the north-east and south-eastern side of Wicks Park. In this area, HoB limits of 46m (14 storeys), 38m (12 storeys) and 18m (4 + 2storeys) are proposed and FSRs of 3.5 and 2.6 are proposed. B4 Mixed Use is proposed on the Victoria Road frontage between Wicks Park to the 30 ANEF contour, with a HoB limit of 23m (6 + 1 storeys) FSR of 3.5:1. B5 Business Development is proposed on all land above the 30 ANEF contour fronting Victoria Road, Faversham Street and Chalder Avenue, with a HoB of 23m (6 + 1 storeys) and FSR of 2:1.

MELS recommendation: No change to current IN1 General Industrial zoning. Note that SGS's peer review of the JBA Employment Strategy for the precinct suggests a B7 Business Park zoning could be considered around Wicks Park in the future subject to an assessment of the loss of industrial land and the impact of residential use encroaching into an area that is predominantly IN1 General Industrial. There are no recommendations in the MELS for FSR & HoB controls.

Strategic design assessment: The rationale for the proposed residential development around Wicks Park is not clear.

Council officer's assessment: The proposed R4 High Density Residential area around Wicks Park, the B4 Mixed Use and B5 Business Development frontage to Victoria Road and the B5 Business Development frontages to Faversham Street and Chalder Avenue are not considered appropriate. Consistent with the abovementioned SGS suggestion, a B7 Business Park zoning could be considered around Wicks Park in the future subject to an assessment of the loss of industrial land and the impact of residential use encroaching into an area that is predominantly IN1 General Industrial. At that time, appropriate HoB and FSR controls would be considered.

A scenario which involved the possible relocation of Wicks Park to the northern side of Victoria Road, where it is more closely linked to the mixed use zones and existing established residential areas beyond may be further reason to consider changes that introduce zones that allow a mix of uses on this side of Victoria Road. Such matters could be the subject of further investigation and consultation post-Gateway and prior to any formal exhibition should the additional investigations recommended by the MELS review be undertaken and support a land use change.



Recommendation for Sub-precinct 2:

- That there be no change to the existing zoning (IN1 General Industrial), HoB and FSR controls for this sub-precinct.

Sub-precinct 3: - Blocks E, F, G, H, I & J & N – north-western side of Victoria Road bounded by Chalder, Brompton & Shepherd Streets and Enmore Road

Aircraft noise status: Most of this sub-precinct on the eastern side is within the 30-35 ANEF area, with a small area on the western side within the 25-30 ANEF area.

Current zoning, FSR & HoB controls: IN1 General Industrial for the entire sub-precinct, with an FSR of 0.95:1 and no HoB limit.

Planning proposal recommendation: The entire sub-precinct is proposed to be rezoned from IN1 General Industrial to B5 Business Development. This would allow a mix of uses of a predominantly business nature, including warehouses and bulky goods premises that generally require larger floor areas. Traditional industries would be permitted to continue in the short term, but in the long term would be replaced by these business uses. Most of this sub-precinct away from Victoria Road is proposed to have a HoB limit of 18m (3 storeys) and an FSR of 1:1, while the Victoria Road frontage is proposed to have a HoB limit of 23m (6 + 1 storeys) and an FSR of 2:1.

MELS recommendation: The MELS recommends there be no change to the existing IN1 General Industrial zoning of this sub-precinct. The rationale for retaining the existing zoning is that it is mostly within the 30-35 ANEF area, there is a need to retain sufficient stocks of industrial land in the subregion and that large lots within this precinct should be retained for industrial use. Within this sub-precinct, the MELS does not support the B5 Business Development frontage to Victoria Road as it would isolate the remaining IN1 General Industrial part of the precinct from the larger core industrial area on the south-eastern side of Victoria Road. There are no recommendations in the MELS for FSR & HoB controls.

Strategic design assessment: There is no comment on zoning or other changes for this sub-precinct.

Council officer's assessment: The MELS recommendation concerning the sub-precinct remaining as IN1 General Industrial is supported for the reasons outlined in the MELS report. However, a B5 Business Development frontage to Victoria Road and on Blocks E, F, I J & N within this sub-precinct is considered appropriate as part of creating a continuous business frontage along Victoria Road on the north-western side through Sub-precincts 1 and 2. It is also recognised that most of the larger blocks within this sub-precinct are away from Victoria Road toward the north-west. It is envisaged the commercial nature of the B5 Business Development strip (without residential use) would allow the IN1 General Industrial area in the remainder of the sub-precinct to continue to operate without interference or a sense that it is isolated from the core industrial precinct on the other side (south-eastern side) of Victoria Road. Further evaluation of the potential rezoning of the IN1 Zoned lands north of Victoria Road should be undertaken when the DP&E releases the Central Subregional Strategy.

Recommendation for Sub-precinct 3:

- That the whole area of Block E and frontage (to a depth equivalent to Block F lots) to Victoria Road from Chalder Street to the northern extent of the planning proposal boundary near the intersection of Victoria and Enmore Roads be rezoned from IN1 General Industrial to B5 Business Development, with no HoB or FSR limit.
- That there be no change to the zoning (IN1 General Industrial), HoB and FSR for the remainder of this sub-precinct.



**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**

- That laneways be created to service the B5 Business Development zone.

Sub-precinct 4: - Blocks O, P, Q, S & U – south-eastern side of Victoria Road from Chalder Street to Edinburgh Road

Aircraft noise status: Most of the sub-precinct is within the 30-35 ANEF area, with a small portion of the eastern corner of (Block P) within the 25-30 ANEF area.

Current zoning, FSR & HoB controls: The entire sub-precinct is zoned IN1 General Industrial, with a FSR of 0.95:1 and no HoB limit.

Planning proposal recommendation: The frontage to Victoria Road through this precinct (from the 30 ANEF contour to Edinburgh Road) is proposed to be rezoned from IN1 General Industrial to B5 Business Development, with a HoB limit of 23m (6 + 1 storeys) and FSR of 2:1. The intention is to create a business frontage along the full length of Victoria Road through this sub-precinct that mirrors the business frontage on the other (north-western) side of Victoria Road.

MELS recommendation: The MELS recommends there be no change to the IN1 General Industrial zoning of this sub-precinct. The rationale for this recommendation is that it is largely within the 30-35 ANEF area, there are several large lots and all land on this side (south-east side) of Victoria Road, and the sub-precinct could be considered to be part of the core industrial precinct. Retention of the IN1 General Industrial zoning will allow industrial activities to continue to operate in this sub-precinct without land-use conflicts and an adequate supply of industrial land will be maintained in the subregion.

Strategic design assessment: There is no comment on zoning or other changes for this sub-precinct.

Council officer's assessment: The MELS recommendation is supported - that this sub-precinct remain IN1 General Industrial because it is largely within the 30-35 ANEF area and all land on this side (south-east side) of Victoria Road should be considered to be part of the core industrial precinct and so remain industrial. This will allow core industrial activities to continue to operate without land-use conflicts and an adequate supply of industrial land will be maintained.

Recommendation for Sub-precinct 4:

- That there is no change to the existing zoning (IN1 General Industrial), HoB and FSR controls for this sub-precinct.

FINANCIAL IMPLICATIONS

Nil. This proposal is at an early stage of planning and there are no direct financial implications from Council's consideration of this report.

PUBLIC PARTICIPATION

Nil. As the revised planning proposal is at an early (pre-Gateway) stage of planning process, there is no statutory requirement for formal public exhibition. A full statutory public exhibition will be required if/when the planning proposal receives Gateway approval. Extracts from documents associated with this revised planning proposal are attached to this report and all of these documents are available in full on Council's website.


**Infrastructure, Planning and Environmental Services
Committee Meeting
3 November 2015**
Item 5

It is noted that Council undertook an informal exhibition of the *preliminary* planning proposal from December 2014 to February 2015. During this exhibition, all documents associated with the preliminary planning proposal were available on Council's and DP&E's websites.

CONCLUSION

The strategic assessment in this report demonstrates that land-use changes within the Victoria Road precinct are appropriate, but not to the extent proposed in the revised planning proposal.

The assessment raises concerns about the number of dwellings that would be affected by aircraft noise, loss of employment land (particularly in areas with large lots) and the need to take a cautious approach when rezoning industrial land.

On Farr Street, Victoria Road and Sydenham Road, multi storey market housing is supported. Beyond that limited and low scale live/work accommodation is recommended to contain housing numbers within the noise affected land and keep a focus on employment. There is potential for additional dwellings in the recommended Business Park zone where they are exclusively affordable housing for key workers.

A cautious approach is recommended with any shift from industrial to business zones with these limited to the Victoria Road frontage on the north-western side only at this stage. The core industrial area on the south-eastern side of Victoria Road is recommended to remain in its current IN1 General Industrial zoning.

This rezoning scenario, supported by appropriate affordable housing, subdivision pattern, parking and open space provisions, would commence an incremental process for positive change in the precinct. In the future, planning proposals for further changes could be considered, such as expansion of the business area in the north-western part of the precinct and the potential introduction of live/work residential uses around Wicks Park.

ATTACHMENTS

1. JBA Planning Report for the Victoria Road Precinct Planning Proposal - Cover, Contents, Summary & Introduction
2. Turner Masterplan for the Victoria Road Precinct Planning Proposal - Cover, Contents, Introduction & Principles
3. Detailed Chronology of Planning Events Relevant to Victoria Road Planning Proposal
4. Victoria Road Precinct Map from 2008 Marrickville Employment Lands Study
5. 2014 Marrickville Employment Lands Study - Cover, Contents & Summary
6. 2015 JBA Employment Strategy for the Victoria Road precinct - Cover, Contents, Summary, Introduction & Selected Sections
7. 2015 SGS Peer Review of JBA Employment Strategy for the Victoria Road Precinct - Cover, Contents, Introduction & Key Points
8. October 2015 JBA Response to SGS Peer Review Report
9. 2015 JBA Aircraft Noise Strategy for Victoria Road Planning Proposal - Cover, Contents & Strategy
10. October 2015 Strategic Urban Design Review of Victoria Road Planning Proposal by Roderick Simpson

Attachment 1



14th February 2017

Reference: 16604.01FA

Inner West Council
2-14 Fisher Street
Petersham NSW
Attention: Peter Wotton

**PRELIMINARY REVIEW OF
PLANNING PROPOSAL
AT PRECINCT 47, MARRICKVILLE**

Dear Peter,

Reference is made to your request to provide a preliminary review of the submitted Traffic & Transport Impact Assessment (TTIA) prepared by Hyder Consulting (dated 31st July 2015) and other supporting documents for the proposed rezoning of land within Marrickville.

The undersigned's review of the submitted documents is provided in **Table 1**.

TABLE 1: PRELIMINARY REVIEW OF TTIA

Section reference	Hyder TTIA Report	MTE Preliminary Review
2.8.1, P17-18	<p>"The modelling results indicate that the signalised intersection of Sydenham Road / Victoria is performing at a satisfactory level of service and may still have some spare capacity to accommodate additional traffic."</p>	<p>The Hyder Report states the Sydenham Road / Victoria Road intersection currently operates at a Level of Service of "B" & "C" for the AM and PM peak respectively.</p> <p>There are no SIDRA output summaries or electronic SIDRA files submitted to determine the suitability of the SIDRA model however it is considered that the reported LoS "B/C" overestimates the intersections capacity and resultant spare capacity.</p> <p>The RMS referral response indicates a LoS "D" is most likely.</p> <p>It is therefore considered that the base model used to determine the level of "spare capacity" at the Sydenham Road / Victoria Road intersection is inadequate. Calibration of the SIDRA model should be undertaken and the development of a network model should be considered.</p>
2.8.2, p 18-19	<p>The Hyder report states that "it can be assumed that Victoria Road with clearway conditions during the AM peak (No parking restrictions are imposed from 7-9am) will have a capacity of 1,800 vehicles per hour per direction. During the off peak when on-street parking restrictions are lifted, the capacity is reduced to 1,500 vehicles per hour per direction. Traffic volumes observed at the intersections (shown in Figure 2-11) suggest that the existing volume on Victoria Road for the peak direction of flow is in the order of 800-900 vehicles per hour. This suggests that with clearway conditions during the peak hour, Victoria Road will have some spare capacity to accommodate some 600 vehicles in the peak direction."</p>	<p>The Hyder report has adopted a capacity of 1,800 vehicles based upon 900 vehicles per hour for the inner lane and 900 vehicles per hour for the outer / kerb lane with clearway conditions.</p> <p>The report further assumes that outside of the clearway time period the capacity per direction is reduced to 1,500 vehicles per hour based upon 900 vehicles per hour for the inner lane and 600 vehicles per hour for the outer / kerb lane with occasionally parked vehicles.</p> <p>The capacity of 1,500 vehicles per hour is considered inappropriate on the basis that kerbside parking is not "occasional", rather it is in high demand as identified in Section 2.5 which states "Along the stretch of Victoria Road, on-street parking is generally permitted on both sides but with restrictions during the 7-9 AM clearway time period. At present a number of business and industrial sites do not provide any or sufficient on-site parking as evidenced by heavily</p>

Page 2 of 6

Planning Proposal
Precinct 47, Marrickville
15604.01FA - 14th February 2017



utilisation of on-street parking and use of kerb areas for parking and business loading dock purposes. Currently, due to the shortage of parking on site, some businesses park across the pedestrian footpaths.

It is therefore considered that mid-block capacities are 900 vehicles per hour, rather than the 1,500 vehicles per hour stated.

Based upon the turning counts at Victoria Road / Sydenham Road the following two way flows have been estimated:

Direction	AM	PM
Northbound	832	434
Southbound	390	882

During the AM peak, clearways are active along Victoria Road however during the PM there are no clearways. Currently, in terms of mid-block capacity, the PM southbound movement carries some 880 peak hour vehicles.

Figure 3-15 estimates an increase of 499 southbound vehicles on Victoria Road. This results in a total of 1,331 southbound vehicles, well above the mid-block capacity of Victoria Road.

The Hyder report identifies that the performance of the traffic network is most critically governed by the performance of the at-grade intersections. Whilst this may be correct, the over saturation of mid-block capacities should be addressed.

There is no discussion or supporting evidence to support the light industrial traffic generation of 0.56 trips per 100m².

It is considered that the existing traffic generation should make reference to the RMS Guide for traffic generation rates for Industrial, Warehouse and Business Parks uses to establish appropriate traffic generation, with due consideration to the restrictive parking location and car driver percentages of the area. Sample surveys of occupied businesses in the area may also be necessary to justify an adopted rate.



The RMS Guide also states that "the overall percentage of commuter trips from the site can vary with the type of factory and with the number of business on the site. For a single business, the survey data indicates that about 75 of commuter traffic is in the peak hour. For industrial unit developments, a distribution figure of about 60% in the peak hour is recommended. For total industrial estates, a distribution figure of about 55% is appropriate."

The Hyder report has adopted 100% of the existing land use peak hour traffic generation will offset the rezoning. A range of sensitivity assessments should be undertaken based upon the RMS Guide's recommended 55-60% distribution, as the likely net traffic generation would be significantly greater than what has been assessed to date.

Table 3-14 contains a mathematical error:

Table 3-14 Directional Traffic Generation

Land Use	AM Peak 1 Hour (Vehicles)			PM Peak 1 Hour (Vehicles)		
	Inbound	Outbound	Two Way	Inbound	Outbound	Two Way
Residential	50	199	249	199	50	249
Mixed Use 2	1932	483	2415	483	1932	2415
Total	1,653	852	2,505	852	1,653	2,505

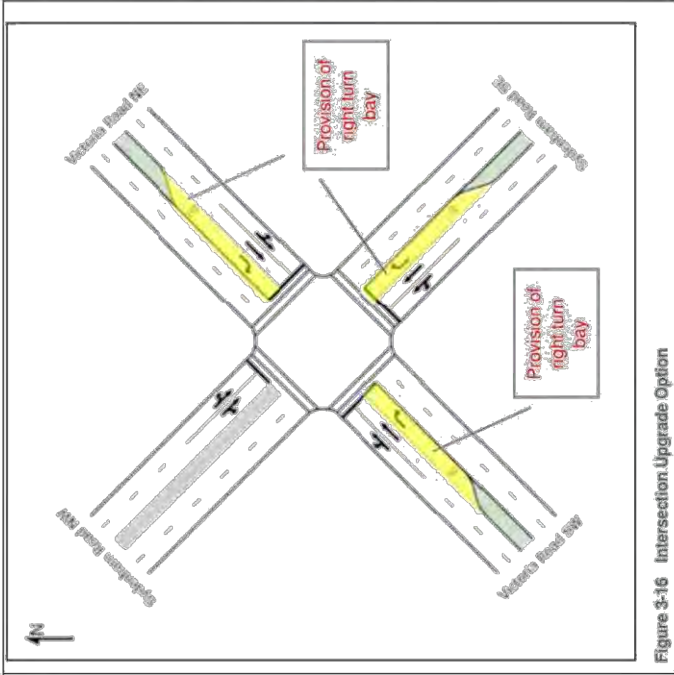
Table 3-14 Directional Traffic Generation

Land Use	AM Peak 1 Hour (Vehicles)			PM Peak 1 Hour (Vehicles)		
	Inbound	Outbound	Two Way	Inbound	Outbound	Two Way
Residential	50	199	249	199	50	249
Mixed Use 2	1932	483	2415	483	1932	2415
Total	1,653	852	2,505	852	1,653	2,505

The addition of 50 + 1932 = 1982, and not 1653 nor does 199 + 483 = 852. This error however has not been carried through to Table 3-15.

Table 3-15 Net Traffic Generation

Land Use	AM Peak 1 Hour (Vehicles)			PM Peak 1 Hour (Vehicles)		
	In	Out	Two Way	In	Out	Two Way
Proposed Future	1,982	682	2,664	682	1,982	2,664
Existing	1,281	320	1,601	320	1,281	1,601
Net	701	362	1,063	362	701	1,063

Section 3.6, P26- 28	 <p>Figure 3-16 Intersection Upgrade Option</p>	<p>The potential upgrade of Victoria Road / Sydney Road intersection needs to determine potential land acquisition requirements to ensure the appropriate road geometry is met.</p> <p>The Hyder report states that the analysis is preliminary and undertaken at a broad level however a concept plan (on aerial imagery) could easily be provided to determine the extent of geometry required and impacts on property, if any.</p> <p>Furthermore, the indicative SIDRA layout (assumed to be the assessed future intersection geometry) adopts unlimited kerbside lane lengths on both Victoria Road and Sydney Road, both sides. Further clarification should be provided if kerbside parking is intended to be removed.</p> <p>The adopted traffic assignment appears appropriate however clarity should be provided between residential trips and non-residential trips to ensure transparency within the assessment.</p>
		<p>The indicative DCP layout identifies potential for four (4) new road connections to Victoria Road. It is considered that an overall approach should be to limit the number of intersection along Victoria Road by consolidating access points and potential removal of some existing streets (where alternative access can be achieved).</p> <p>It has been identified that side streets connecting with Victoria Road operate at LoS "F". Investigation should be undertaken into alternate intersection treatments to facilitate safe circulation and access across the precinct.</p>

Additional information is required for a comprehensive assessment:

- There is no analysis or discussion in regard to impacts upon public transport and likely requirements to increase services to facilitate the significant population increase in the area. The application should hold discussions, where they are preliminary or not, to establish the likely outcomes in the view of increasing services in the area.
- Isolated intersection analysis is not considered appropriate or adequate to determine the traffic impact of the proposal, particularly with the suggested additional intersection to Victoria Road. Future traffic modelling should take into consideration back-of-queues to nearby intersections, potential physical turn restrictions to / from side streets along Victoria Road and consolidation of access / streets along Victoria Road. A network model or linear linked simulation model is expected to be necessary taking into account residual queues on main roads plus details of any rat-run volumes that currently use back streets / local streets to avoid congested locations / routes.
- There is no analysis provided for potential retail land uses that could generate increased traffic volumes, compared to the assessed commercial office traffic generation rate that has been adopted. In this regard, consideration should be given to multiple development outcomes to be assessed.
- The intersection modelling should consider the junction of Enmore Road / Addison Road, Enmore Road / Llewelyn Street to the north of the precinct and Sydenham Road / Farr Street signalised intersection.

Please contact the undersigned should you require further information or assistance.

Yours faithfully
M^cLaren Traffic Engineering



Craig M^cLaren
Director

BE Civil. Graduate Diploma (Transport Eng) MAITPM MITE [1985]
RMS Accredited Level 3 Road Safety Auditor
RMS Accredited Traffic Control Planner, Auditor & Certifier (Orange Card)



**Transport
Roads & Maritime
Services**

Thursday 1 June 2017

Roads and Maritime reference: SYD16/01340/01
Council Ref: 14/5378

The General Manager
Inner West Council
PO Box 14
Petersham NSW 2049

Attention: Simon Manoski

VICTORIA ROAD, MARRICKVILLE PLANNING PROPOSAL

Dear Mr Manoski

I refer to your letter of 30 May 2017 following our meeting on Tuesday 23 May 2017 regarding the above mentioned Planning Proposal. Roads and Maritime appreciates the opportunity to confirm our issues and concerns in relation to the above matter.

Following a review of the documentation submitted by the proponent and respective meetings with the Department of Planning and Environment, Council and the proponent, Roads and Maritime advises Council that it concurs with the issues identified in Council's letter and agrees that the Planning Proposal has not addressed a number of traffic and transport related issues, which are outlined below, and therefore cannot support the proposal in its current form.

- The cumulative traffic and transport impacts on the surrounding local and regional road network (including an assessment of current and future public transport services) has not been adequately addressed with intersection analysis limited to intersections along the Victoria Road corridor, primarily the Victoria Road/Sydenham Road intersection. Given the scale and level of the proposed rezoning, a detailed traffic and transport assessment should have included the Sydenham Road/Farr Street, Addison Road/Enmore Road, Victoria Road/Edinburgh Road intersections.
- The proponent was advised that a likely future upgrade of the Victoria Road/Sydenham Road intersection which includes right turn bays on three approaches and a left turn slip lane from Sydenham Road east bound to Victoria Road was required to support the level of development. The proponent prepared a strategic concept plan for the intersection upgrade which identified the need for future land acquisition on Sydenham Road along the frontage to Wicks Park and on the south western side of Victoria Road, which is in private ownership and outside of the boundaries of this Planning Proposal. Council has confirmed that it does not support any land acquisition along Wicks Park or from properties outside of the Planning

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

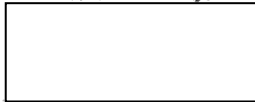
www.rms.nsw.gov.au | 13 22 13

Proposal area. Therefore, it can be concluded that in the absence of Council's support for land acquisition, the proposal to upgrade the Victoria Road/Sydenham Road intersection to support the forecast increase in traffic movements to/from the intersection cannot be implemented.

- The proposal has not adequately addressed funding responsibilities and associated funding mechanisms (either through a Section 94 Contributions Plan, Voluntary Planning Agreement and/or Special Infrastructure Contribution) and an Infrastructure Staging Plan which identifies the timing, cost and trigger points for the delivery of transport infrastructure upgrades. Road and Maritime reiterates this should be undertaken prior to the gazettal of the plan and will not support the deferral of this matter to the Development Application stage.

Thank you for the opportunity to confirm our advice on the subject proposal. If you require clarification on any issue raised, please contact Tricia Zapanta, Strategic Land Use Planner on 8849 2473 or by email on Tricia.Zapanta@rms.nsw.gov.au.

Yours Sincerely,



 Greg Flynn
Program Manager, Land Use



5 June 2017

Mr Simon Manoski
Group Manager Strategic Planning
Inner West Council
2-14 Fisher Street
Petersham NSW 2049

Via: simon.manoski@innerwest.nsw.gov.au

Dear Mr Manoski,

RE: VICTORIA ROAD PRECINCT, MARRICKVILLE

We refer to the letter that the Roads and Maritime Services (RMS) issued to the Inner West Council (IWC) on 1st June, in which the RMS provided Council with some comments about the Victoria Road Precinct Planning Proposal.

As the IWC is finalising its assessment of the Planning Proposal we thought it would be useful for us to provide our comments and advice on the three issues raised in the RMS letter. We outline these below along with our responses.

- 1) **The cumulative traffic and transport impacts on the surrounding local and regional road network (including an assessment of current and future public transport services) has not been adequately addressed with the intersection analysis limited to intersections along the Victoria Road corridor, primarily the Victoria Road / Sydenham Road intersection. Given the scale and level of the proposed rezoning, a detailed traffic and transport assessment should have included the Sydenham Road / Farr Street, Addison Road / Enmore Road, Victoria Road / Edinburgh Road intersections.**

RESPONSE: In response to the above we wish to highlight the following:

- a) The request for additional SIDRA modelling of the wider road network has been received at a very late stage in the assessment process. It was not mentioned in the original RMS submission that was received in late 2016, nor was any mention of the need for such an assessment made by the RMS, IWC or DP&E at any point during the previous assessment stages (i.e. Pre-Gateway or in response to public exhibition of the proposal). In addition, it is noted that the RMS did not request further modelling of these intersections when we met with them in person on the 25 January 2017 to discuss their response to the Planning Proposal and their specific information needs. Indeed, during this meeting the RMS confirmed their request for modelling of the Victoria Road / Sydenham Road intersection, but at no point did they mention a need for SIDRA modelling to be conducted on the wider road network. Given the opportunities the RMS has had to request this information at earlier stages of the process it is considered to be inappropriate to request such additional modelling at this late stage of the assessment process, particularly as further detailed modelling will occur at later stages such as the DA stage.

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» Victoria Road Precinct | 5 June 2017

Item 5

- b) The modelling is not considered necessary at this stage. The Planning Proposal is a long-term precinct wide proposal that will be implemented over a 10-15 year timeframe. Demands placed on the road network by development within the precinct will be gradual and will coincide with organic growth of the area, that will also play a key role in traffic movement patterns within the local road network. Modelling, for development within the precinct, if required, can occur at significant future stages of the development of the Precinct such as a DA Stage.
- c) The intersections listed have recently been modelled when IWC was adopting, with RMS input, its Local Area Traffic Management Plans (LATMs). Victoria Road is the boundary between two local traffic areas that cover our whole precinct. Marrickville East (Area 10) on the east side and Henson (area 9) on the west side. Both areas have, in the last 6 months, had their revised LATMs approved. Both report that they have conducted SIDRA Modelling on all the intersections in those LATMs, which include all the intersections that the RMS has requested further modelling on. The current reported data is less than 6 months old. The level of Service (LOS) for the Addison Road / Enmore Road intersection in the very low range of B described as "good with acceptable delays and spare capacity". The Level of Service for the Victoria Road / Edinburgh Road intersection is in the very low range of C described as "satisfactory". The Sydenham Road / Farr Street intersection does not have a LOS rating but its average daily volume of 611 movements is one of the lowest traffic volumes in the LGA.

The LATMs, that were endorsed by Council in the last 6 months, concluded;

"The results indicate that the majority of intersections operate with spare capacity during most times of the day".

Attached are the tables from the Council's Marrickville East and Henson LATMs showing the level of service. In light of the outcomes of these recent modelling results, it is considered excessive and unnecessary to undertake further modelling on intersections that are performing at an acceptable to good level. Particularly as any redevelopment of the precinct will occur over a 15-year period.

- d) The Sydenham Road / Farr Street intersection will only be impacted by the proposed low scale residential on Farr Street. The main areas within the Victoria Road Precinct will not have access to Farr Street and therefore this intersection is unlikely to receive any significant additional traffic as a result of any future development. Accordingly, renewal of the precinct is likely to have a very minor impact on local traffic conditions at this intersection. Modelling for that intersection should occur at the time of the first DA for Farr Street when the scale of the proposed development will be known. As an aside we note that this intersection was identified as currently having spare capacity, ensuring that it should be able to comfortably accommodate any minor increase as a result of the modest density increases suggested for the Farr Street properties.

Attachment 4

• Victoria Road Precinct | 5 June 2017

- 2) The proponent was advised that a likely future upgrade of the Victoria Road / Sydenham Road intersection which includes right turn bays on three approaches and a left turn slip lane from Sydenham Road east bound to Victoria Road was required to support the level of development. The proponent prepared a strategic concept plan for the intersection upgrade which identified the need for future land acquisition on Sydenham Road along the frontage to Wicks Park and on the south-western side of Victoria Road, which is in private ownership and outside of the boundaries of this Planning Proposal. Council has confirmed that it does not support any land acquisition along Wicks Park or from properties outside of the Planning Proposal area. Therefore, it can be concluded that in the absence of Council's support for land acquisition, the proposal to upgrade the Victoria Road / Sydenham Road intersection to support the forecast increase in traffic movements to / from the intersection cannot be implemented.

RESPONSE: Arcadis have prepared a Preliminary Strategic Concept design for the future upgrade of the Sydenham Road and Victoria Road intersection and this is included in their Addendum Report. The high level strategic concept design was prepared to specifically respond to the RMS's 'desired choices' and was based on the assumption that the Victoria Road Precinct is developed to its 100% potential including all of the proposed B5 zoning. It therefore represents a worst-case scenario.

As highlighted in their correspondence, the possible upgrade to the Sydenham Road / Victoria Road intersection was requested by the RMS. It was not proponent driven. Importantly the scale of the upgrade is not required to support the forecast increase in traffic movements generated by the Planning Proposal. Even at 100% development take up the scale of the intersection upgrade is considered to be excessive and over-engineered for its purpose. . An example of which is the increase in lane width which impacts on the need to resume land.

In reality, it is unlikely that the Victoria Road Precinct will ever be redeveloped to accommodate 100% of its full development potential, particularly land proposed to be included within the B5 Business Development Zone. There are many reasons for this including but not limited to:

- Many of the sites within the precinct are small in area and in disparate ownership making land amalgamation difficult to achieve. Accordingly, there will inevitably be pockets of land that do not get redeveloped in the future
- Numerous sites are expected to be repurposed for new businesses through adaptive reuse of the existing building. Accordingly, many sites will only utilise a small amount of additional floor space potential, if any.
- New development sites may be redeveloped in the future but may only use part of the floor space potential available to them under the proposed LEP controls, this is common place in Business Zones where the amount of floor space delivered by a project is tailored to responds to market demand at the time
- A number of sites may have physical and environmental constraints that make them unable to realise 100% of the floor space available to them under the proposed LEP controls.

It is also noted that Residential Development is likely to generate the least amounts of additional traffic compared to development within the B5 Business Development zone, which based on the assumptions used in the SIDRA traffic modelling, generate far greater levels of localised traffic.

Council's and the State Government's stated key strategic planning objective is to create new or rejuvenated employment areas that better meet the changing employment needs of the

» Victoria Road Precinct | 5 June 2017

Item 5

economy and the changes in demographics. This Planning Proposal achieves that priority objective with 90% of the Precinct being zoned for employment uses. Achieving the strategic planning objective will lead, over time, to increased but manageable traffic levels.

Regeneration of the Victoria Road Precinct is intended to occur over a 15 – 20 year period and as such the upgrades outlined within the draft concept plan prepared by Arcadis aren't required to happen immediately or in totality, but may be staged over time as and when sites are redeveloped.

- 3) **The proposal has not adequately addressed funding responsibilities and associated funding mechanisms (either through a Section 94 Contributions Plan, Voluntary Planning Agreement and / or Special Infrastructure Contribution) and an Infrastructure Staging Plan, which identifies the timing, cost, and trigger points for the delivery of transport infrastructure upgrades. Road and Maritime reiterates this should be undertaken prior to the gazettal of the plan and will not support the deferral of this matter to the Development Application stage.**

RESPONSE: Any possible future road upgrades are likely to be delivered through a range of different planning mechanisms, including Voluntary Planning Agreements, conditions of consent, the existing Traffic Management Works programs and/or new s.94 Contribution Plans. Voluntary Planning Agreements associated with the redevelopment of individual sites are likely to be the preferred method for land within the boundaries of the Planning Proposal.

The approach adopted in relation to contributions, and the timing of those contribution plans follows the clear instructions given to the proponent by the Council's Legal Officer and the previous Council Planning Director and supported by the Department of Planning in that the Contribution Plans be resolved in the next stage of the process.

We hope this information is helpful to the IWC and would be happy to provide further information or discuss any issue about the Planning Proposal if Council needs any further clarification. Should you have any queries about this matter, please do not hesitate to contact me on 02 9409 4953 or bcraig@jbaurban.com.au.

Yours Faithfully,

Benjamin Craig
Associate Director

Attachment 4



Victoria Road Precinct Planning Proposal Public Exhibition

COMMUNITY ENGAGEMENT REPORT



January 2017

Summary

The Victoria Road Precinct Planning Proposal public exhibition was held from 23/9/16 – 23/11/16. During the public exhibition period 549 individual submissions were logged by Council. Petitions received as part of the public exhibition process were logged as individual submissions and signatory numbers were noted.

Background

This plan began with Danias Holdings (the proponent) and other landowners making initial representations to Marrickville Council in the lead-up to the making of the Marrickville Local Environmental Plan (MLEP) 2011.

A preliminary planning proposal was considered by Council in September 2014, but was later withdrawn.

In August 2015, the proponent submitted a Revised Victoria Road Planning Proposal and in November 2015, Council resolved to support it and sent it to the Department of Planning & Environment (DP&E) for Gateway determination.

In March 2016 Gateway approval was granted by DP&E, but included a number of conditions requiring the proponent to make changes and provide further justification for inconsistencies.

Those changes and justifications were completed and in September 2016 the DP&E approved the proposal for public exhibition.

Purpose

The purpose of the engagement was to satisfy the statutory requirements for public exhibition of a planning proposal as determined by the NSW Department of Planning & Environment. The aim of the process was to identify stakeholders, inform them of the proposal and report their feedback.

Stakeholders

Stakeholders included:

- Property owners and occupiers within the precinct
- Occupiers within a certain radius from the precinct
- A School adjacent to the precinct
- Business and community organisations within the precinct
- General community

Information provided

Information available to stakeholders included:

- Map of the precinct
- Statutory exhibition material in both hard copy and online versions
- Relevant Council business papers
- FAQs
- Glossary of terms

Promotion of engagement

The engagement was promoted through:

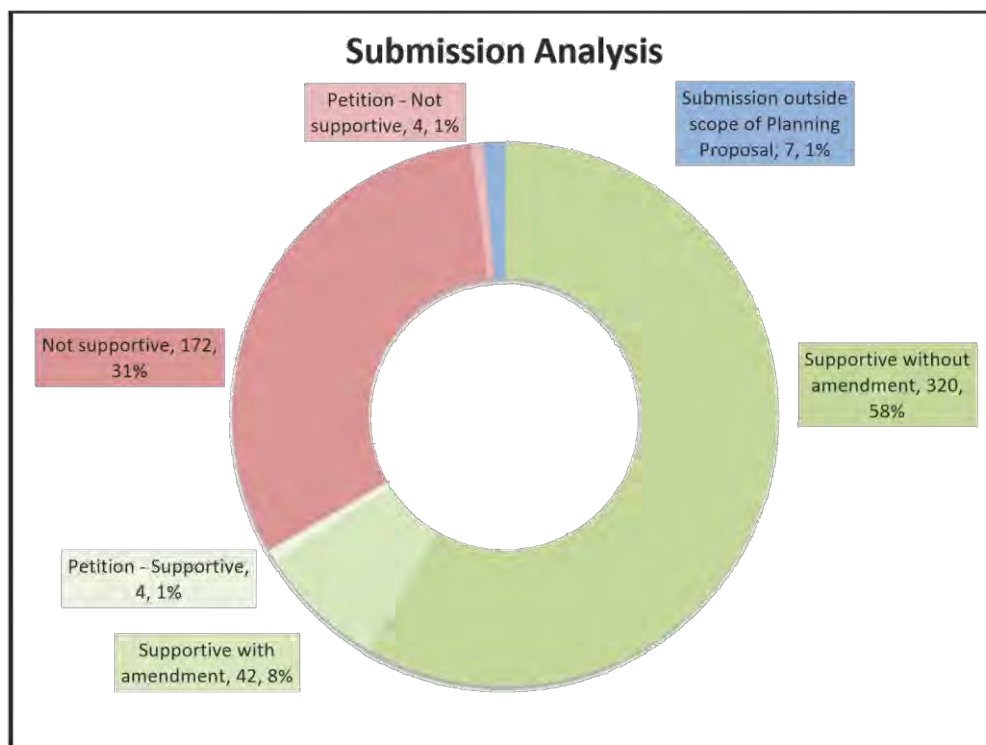
- A project page on Your Say Inner West - Council's online engagement hub
- A letter mailed to all property owners and occupiers within the precinct
- A letter mailed to all occupiers within a certain radius of the precinct
- Advertising in Inner West Courier
- Media release 27/9/16
- Social media
- Council's e-news
- Your Say Inner West e-news

Submissions

During the public exhibition period of 23/9/16 – 23/11/16, 549 individual submissions were logged by Council. Submissions were received via an online submission form on the Your Say Inner West website, by email and directly posted to Council. Petitions received were logged as individual submissions and signatory numbers were noted.

Submission analysis

Submission Category	Number of submissions logged	Percentage of total submissions logged
Supportive without amendment	320	58%
Supportive with amendments	42	8%
Petition - Supportive	4 (98 signatories in total)	1%
Not supportive	172	31%
Petition - Not supportive	4 (43 signatories in total)	1%
Submission outside scope of Planning Proposal	7	1%



Submission format

A number of submissions were presented in a 'pro-forma' format, so that while these submissions were from individually named people, the wording of the submissions were substantially similar to each other.

Submission Category	Number of submissions logged	Number/percentage of pro-forma submissions logged
Supportive without amendment	320	98 (31% of submissions in category)
Supportive with amendments	42	2 (5% of submissions in category)
Petition - Supportive	4 (98 signatories in total)	0
Not supportive	172	5 (3% of submissions in category)
Petition - Not supportive	4 (43 signatories in total)	2 (50% of the petitions in category)
Submission outside scope of Planning Proposal	7	0

Issues raised in submissions

Each submission was analysed to determine the main issues raised. Many, though not all, submissions raised multiple issues.

Submission category	Issues raised (listed in descending order of frequency raised)
Supportive without amendment	<ul style="list-style-type: none"> Proposal will improve the area Proposal will improve housing options Proposal will improve local businesses Proposal is in keeping with the location of the precinct Proposal will improve amenity and facilities Proposal will improve social and economic future Proposal is of a good quality Proposal has positive open space provision Proposal will improve public transport Proposal will improve traffic and parking Proposal will have minimal impact on surrounding areas
Supportive with amendments to	<ul style="list-style-type: none"> Reduce building heights Improve traffic and parking provision Improve amenities Increase the provision of affordable housing Improve conditions for creative industries Reduce density and scale Increase parks and open space Reduce the impact of changes to the precinct character Reduce noise pollution Improve the environment Zoning Improve provision for existing business Setting a development precedent for the area

	Improve public transport provision
Not Supportive	<p>Proposal will negatively affect traffic and parking conditions in and around the precinct</p> <p>Building heights in the proposal are too high and will negatively affect the precinct</p> <p>Scale and density of the proposal is too large and will negatively affect the precinct</p> <p>Proposal will result in loss of precinct character</p> <p>Proposal will negatively affect the amenities in the precinct</p> <p>Proposal will negatively affect creative and start up industries</p> <p>Proposal will negatively affect existing business operations in the precinct</p> <p>Proposal will negatively affect public transport capacity</p> <p>Proposal will negatively affect surrounding properties</p> <p>Proposal will negatively affect local schools' capacity and resources</p> <p>Proposal has not sufficiently taken into account aircraft noise</p> <p>Proposal will negatively affect quality of life in and around the precinct</p> <p>Proposal will negatively affect traditional industries</p> <p>Proposal will negatively affect employment in and around the precinct</p> <p>Proposal does not provide enough affordable housing</p> <p>Planning proposal process is unsatisfactory</p> <p>Proposal sets a negative planning precedent</p> <p>Proposal will reduce property values and reduce property rent values in and around the precinct</p> <p>Proposal will result in increased flooding</p> <p>Proposal does not include bike lanes</p> <p>Proposal does not address issues about contaminated land</p>
Outside scope of planning proposal	<p>Suggested changes to zoning outside planning proposal area</p> <p>Suggested change to traffic conditions outside planning proposal area</p>