

Item No: C1018(2) Item 12**Subject: PLANNING PROPOSAL - PRECINCT 75- MARY, EDITH,ROBERTS
STREETS, ST PETERS****Prepared By:** Con Colot - Senior Strategic Planner & Projects and Aleksandar Kresovic - Strategic Planner**Authorised By:** David Birds - Group Manager Strategic Planning**SUMMARY**

Council is the Planning Proposal Authority for the Planning Proposal to make amendments to the Marrickville Local Environmental Plan 2011. This pertains to changing the land use zoning from IN2 Light Industrial and R2 Low Density Residential, to B4 Mixed Use to permit land uses such as for residential flat buildings, offices and businesses. To apply a Maximum Height of Building varying from 17 metres (4-5 storeys), 20 metres (5-6 storeys), 23 metres (6-7 storeys) to 29 metres (7-8 storeys), and to increase the Maximum Floor Space Ratio from the current 0.60:1 and 0.95:1, to 2.2:1.

Council's role is to carry out Community Consultation, assess the application and report on State Agency submissions. Council also recommends the form of the Planning Proposal that should be supported (or otherwise) to the Department of Planning and Environment (DPE) who are responsible for determining the final content of the Planning Proposal. A large number of community objections have been received in response to Community Consultation with many of the issues of concern raised considered valid.

The report recommends that Council not support the Planning Proposal in its current form and instead advise the DPE that amendments should be made as indicated in the recommendation and explained in more detail in the report.

RECOMMENDATION**THAT:**

1. **Council does not support the Planning Proposal in its current form for the reasons given in the planning report, including inadequate retention of existing levels of employment floorspace, stage agency submission on the adequacy of the capacity of the local street system, adverse impacts on residences, overdevelopment, and community concerns.**
2. **Council would support an amended proposal for:**
 - (i) **Retention of the existing IN2 - Light Industrial Use zone for the part of the site affected by the ANEF contours of 25-30, as indicated in the map in this report to prevent any residential use adversely impacted by aircraft noise. The remaining part of the site being re-zoned to permit residential and also employment generating uses, and**
 - (ii) **Reduced Maximum Building Height to ensure future buildings will have an appropriate scale and amenity impact on the existing house at Unwins Bridge Road, and houses between Edith Street and Silver Street.**
 - (iii) **Reduced Maximum Floor Space Ratio to correspond with reduced building heights in (ii).**
3. **Council request the Department of Planning and Environment to confirm that it agrees with the recommended amendments to the Planning Proposal in (2)**

above, and requests that Council :

- Make amendments to the Planning Proposal.
 - Forward the amended Planning Proposal to the Department for an amended Gateway Determination.
 - Produce a site specific Development Control Plan reflecting the amended Planning Proposal, and addressing the matters identified in the planning report to Council.
4. Should the Department of Planning and Environment not accept Recommendation 2, and support the B4 zoning for the site, Council requests the Planning Proposal be amended for:
- (i) B4 Mixed Use land use zone, together with a site specific clause in the Marrickville LEP 2013 to maintain at least as much employment floorspace as currently exists on the site, retains historic buildings and prohibits any residential use within the parts of the site affected by the ANEF 25-30 contours, and
 - (ii) Reduced Maximum Building Height as identified in the Part 4.2 of the report to ensure future buildings will have an appropriate scale and amenity impact on the existing house at Unwins Bridge Road, and nearby houses between Edith Street and Silver Street, and
 - (iii) Reduced Maximum Floor Space Ratio to correspond with reduced building heights as identified in Part 4.2 of the report.
5. The Department of Planning and Environment should be requested to confirm that Council should negotiate a Voluntary Planning Agreement with the site owner, prior to publication of the Planning Proposal on the NSW legislation website for the following:
- (i) Provision of affordable housing in accordance with Council's Affordable Housing Policy.
 - (ii) Necessary road reservation improvements in Edith Street to cater for two way traffic access to the site, and also to make public domain improvements identified in the report.
 - (iii) Necessary footpath provision in Mary Street to ensure there is continuous safe pedestrian travel along the street.
 - (iv) Provide for creative industries.
6. If the Department of Planning and Environment accepts Council's recommendations above in (3) and (4) the preparation of an amended Planning Proposal and a site specific Development Control Plan is delegated to the Group Manager Strategic Planning.
7. Council defer the assessment of the current Development Application on the site pending the outcomes of (6) above.
8. Council defer the assessment of any Development Application for the site pending the adoption of a site specific Development Control Plan in accordance with the Environmental Planning and Assessment Act 1979, that supports the content of the recommended future amendment to the Marrickville LEP 2011 and addresses the issues identified in this report.
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1.0 BACKGROUND

1.1 Overview

Council is the Planning Proposal Authority for the Planning Proposal (PP) to make amendments to the Marrickville Local Environmental Plan 2013 (MLEP) for 67, 73 - 83 Mary, 50-52 Edith & 43 Roberts Streets, St Peters (the Site) shown at **Figure 1**. The PP seeks the following:

- Rezone the site from IN2 Light Industrial and R2 Low Density Residential, to B4 Mixed Use.
- A Maximum Floor Space Ratio (FSR) of 2.20:1
- A range of Maximum Building Heights, varying from 3 metres, 17 metres, 20 metres and 23 metres to 29 metres.

The application has a considerable history which is explained below in **Part 1.2**.

Council's role is to carry out Community Consultation. Its role also includes assessing the proposal against the criteria of the Strategic Merit Test in "A Guide to Preparing Planning Proposals". Council may recommend the form of the Planning Proposal that should be supported (or otherwise) to the Department of Planning and Environment (DPE) on Council's position. DPE on behalf of the Minister will then determine the form of the Planning Proposal that can be supported (or otherwise).

Part 3 of this report comments on the outcomes of Community Consultation and State Agency submissions.

Part 4 of this report assesses the application and concludes what form of Planning Proposal that could be supported.

Figure 1 – Site Location within red boundary

Land to which this Planning Proposal Applies



1.2 History of Planning Proposal

The following history of the application explains the context for considering the application, including previous longstanding community concerns communicated to the DPE and the role DPE has given Council for processing the Planning Proposal.

Table 1 – Planning Proposal History

30 September 2015- Application lodged	Ethos Urban on behalf of JVM Holdings and Chalak Holdings Pty Limited lodged a Planning Proposal with Council for 67, 73 - 83 Mary, 50-52 Edith & 43 Roberts Streets, St Peters (the Site).
3 February 2016- report to Council	Council considered a report on the Planning Proposal at its meeting on 3 February 2016 and resolved to defer the planning proposal to enable a Councillor conference and community consultation to be undertaken. The outcomes of the Councillor conference and community consultation were reported to Council at its 15 March 2016 meeting where Council resolved to refuse the planning proposal.
21 March 2016. Proponent applied to DPE for a Pre- Gateway Review	On the 1 April 2016 Council received notice of this. The PP was also referred by DPE to the Sydney Central Planning Panel for advice on whether the PP should be supported.
April 2016	DPE requested Council give reasons for not supporting PP.
19 April 2016	Council gave DPE the following reasons for not supporting the application. <ul style="list-style-type: none"> - Impact on local traffic and infrastructure - Impact on parking - Distance from public transport - Outside LEP and Marrickville Urban Study Strategy - Impact on employment lands - Contamination issues - Overall heights of the development on the site be reduced to minimise impacts on surrounding residents, particularly in Edith

	Street.
15 February 2017	Sydney Central Planning Panel recommended that the existing planning proposal be submitted to the DPE Department of Planning and Environment for Gateway Determination (Attachment 1) and stated that it supported the proposal on the understanding that that it has applied a <i>“precautionary principle”</i> to any rezoning of an <i>“isolated piece of industrial land”</i> because the <i>amount of floor space devoted to employment will be greater following the proposed rezoning than it is now”</i> .
7 June 2017	Following a request from the DPE Council on 7 June 2017 agreed to be the Planning Proposal Authority for the Planning Proposal.
10 October 2017	<p>A Gateway Determination was issued by DPE on the 10th of October 2017 (Attachment 2).</p> <p>It advised that it was “decided <u>not</u> to issue an authorisation for Council to exercise delegation to make this plan”.</p> <p>Council’s role in this situation is to carry out community consultation and to assess the application as set out in “Guide to preparing local environmental plans” as a “non delegated” matter. This includes that Council recommend the form of the Planning Proposal that should be supported (or otherwise), and advise DPE of Council’s position. DPE (on behalf of the Minister) will then determine the form of the Planning Proposal that can be supported (or otherwise).</p>
21 November 2017 to 20 February 2018	Community consultation was undertaken.

1.3 Site Context

This planning proposal applies to an area identified as the “Unwins Bridge Road Precinct 31” as defined under Marrickville Development Control Plan (MDCP) 2011, refer to **Figure 2** below. This covers parts of St Peters, Sydenham and Tempe. It is roughly bounded by the railway land to the north-west, the Princess Highway to the south-east (properties fronting the Princess Highway are not part of this precinct), Collins and Union Streets to the south-west and Campbell Street to the north-east. Unwins Bridge Road is a major road that runs from one end of the precinct to the other mostly parallel to the Princes Highway. Sydenham Railway Station is located within the precinct. There are extensive areas of low rise residential areas to the south east of Unwins Bridge Road. The place is affected by noise from overhead flight paths from Sydney Airport.

Figure 2 - Aerial view showing surrounding locality with site in red outline.



The site is between Mary Street and Edith Street and was originally the Taubmans paint factory which was used until 1965. It has various buildings ranging from one to three storeys, and a rear carpark area to the south. It is presently used by numerous small scale businesses. Most of these businesses are serviced by on grade internal street with parking (employee and visitor) and loading bays (deliveries, waste collection).

The site is surrounded on its northeast and south east side by houses as indicated in **Figure 2**.

Mary Street has a one way- two lane movement, and is a major distributor of traffic travelling east to west from Canal Road across the Princess Highway to Unwins Bridge Road. There is another industrial site to the south west between Mary Street and Grove Street.

Edith Street is a two way street adjacent to the site, however it is so narrow that it cannot accommodate simultaneous two way vehicular movements. Further to the south of the site Edith Street becomes narrower.

2.0 OVERVIEW PLANNING PROPOSAL AND ANCILLARY DOCUMENTS

2.1 Description of Planning Proposal

The Planning Proposal is contained in **Attachment 3** and seeks the amendments to the Marrickville LEP 2013 indicated in **Table 1**.

Table 1

Existing	Proposed
Land Use zoning	Land Use zoning
IN2 – Light Industrial R2 – Low Density Residential	B4 – Mixed Use
Maximum Height of Buildings	Maximum Height of Buildings

No Maximum Height of Building applies to IN2 Light Industrial	Varies: 3m, 9.5m, 17m, 20m, 23m and 29m.
9.5m – R2 Low Density Residential	Refer to Part 4.2 of report for maps that show the locations.
Maximum Floor Space Ratio	Maximum Floor Space Ratio
0.95:1 – IN2 Light Industrial 0.60:1 – R2 Low Density Residential	2.20:1
	LEP provision for defining boundaries of Maximum Heights mapping As stated in Part 5.2.4 of the Planning Proposal it is proposed “to include a provision that allows for flexibility in the application of the height limits for the site without the need for a variation under Clause 4.6 of the LEP”. No actual LEP clause has been put forward.
	LEP Provision for retaining employment As stated in Part 5.2.5 of the Planning Proposal : “Within the LEP, it is proposed to include a provision to support a concurrent amendment to the DCP control to retain a mixed use precinct by ensuring that a limit on the quantum of residential development permitted to 50% of total gross floor area”. No actual LEP clause has been put forward.

There are several documents appended to the PP. The key ones include:

- Indicative site specific Development Control Plan (**Attachment 4**)
- Traffic and Parking Impact Assessment (**Attachment 6**)
- Design Concept, showing site and building layouts, and building heights (**Attachment 9**)
- Remedial Action Plan (**Attachment 10**)
- Heritage Assessment and Statement of Heritage Impact (**Attachment 11**)

2.2 Ancillary site specific Illustrative Development Control Plan

The Planning Proposal includes a separate site specific indicative Development Control Plan (IDCP) (**Attachment 4**) which has been produced by the applicant. It has guidelines/controls which seek to support the proposed MLEP Development standards. These are derived from the Design Concept (**Attachment 9**) which has a site layout and building layouts.

There is no resolution from Council to support the IDCP and place it on public exhibition as required under Division 2.6 Community participation of the Environmental Planning and Assessment Act 1979. It therefore has the status of an indicative document, and Council cannot adopt it for the purposes of using it for assessment of any Development Application. Refer to **Part 5** of this report which provides an assessment of the IDCP.

A separate (concurrent) Development Application has been submitted to Council which relies on the IDCP, and this application cannot be determined until such time as amendments are made to the MLEP 2013.

3.0 COMMUNITY CONSULTATION

In accordance with the Gateway Determination conditions, the Planning Proposal, and supporting documentation subject to Community Consultation for an extended period from 21 November 2017 to 30 January 2018. This was extended again to 20 February 2018 to address a statutory advertising matter. During this period, the material was made available on Council's Your Say website and in the Petersham Customer Service Centre.

The public exhibition was also advertised in the Inner West Courier and letters were sent to owners and occupiers in the vicinity of the subject site.

3.1 Community Submissions

206 members of the public used Council's Your Say Inner West website to participate in the community consultation. Their submissions are summarised in **Table 2**.

Table 2. Summary of submissions received.

(i) 8 submissions that support the proposal without amendments.

Comments	Officers response
Planning Proposal creates a mixed use outcome and provides businesses and employment opportunities.	It is the case that a proposed B4 Land Use permits business uses. Part 4 of this report explains that the MLEP 2011 requires a clause that will lead to a minimum amount of employment generating floor space, and that this should be reflected in any site specific Development Control Plan.

(ii) 17 submissions that support the proposal with amendments


Comments	Officers response
Have fewer apartments, lower building heights and more parking.	It is considered there should be a reduction in building heights in order to be compatible with surrounding and nearby residential areas. This would result in a lower floor space ratio and less apartments. This is discussed in more detail in Part 4.2 of the report below which indicates the particular parts of the site where this should occur.
Improve the streetscape with additional street trees and vegetation. There should be a high level of architectural design not "bland straight cement walls and cladding".	It is agreed that as a result of the "uplift" there should be community benefits including additional street trees and vegetation. Opportunities for this occur in Edith Street. Refer to Part 5.0 of the report for more detail. It is agreed that a high level of architectural design should be achieved. This will be assessed at Development Application stage.

(iii) 181 submissions that do not support the proposal.

Comments	Officers response
<p>Aircraft noise, air quality, health and safety issues and contamination of land. These concerns were raised in relation to the following :</p> <ul style="list-style-type: none"> - the history of the site as a Paint Factory, a previous environmental report stipulated the site is not suitable for rezoning due to significant contamination of soil and groundwater - the proposal is within the nearby vicinity of the St Peters Interchange ventilation outlets (corner of Canal Rd and Princess Highway) and subject to emissions - the site is affected by airplane movements from Sydney Airport and concerns that building heights might affect plane movements leading to crashes, and noise issues for future residents - impacts from the construction phase such as dust and noise to local residents, and movement of construction vehicles. 	<p>A Stage 1 report has been provided on contamination and remediation as required in SEPP 55. The report confirms the site has substantial contamination and will need to be remediated, including addressing any leaching into adjacent sites. This will be further examined at Development Application stage and is addressed during the excavation and construction stages.</p> <p>The proponent has provided an Air Quality Impact Assessment with detailed modelling of the levels of emissions/pollution generated by the ventilation stacks. This was required by Roads and Maritime Services (RMS). RMS has reviewed this and determined that the stacks are sufficiently distant from the site to not cause any significant air pollution increase above what already exists for the site. Refer to Part 3.2 of this report (RMS comments) for more detail.</p> <p>The proposed building heights are technically below the minimum height plane for clearance to airplanes- refer to comments from Sydney Airport discussed in Part 3.2 of this report.</p> <p>Initially Sydney Airport Corporation Limited did not raise any concerns regarding aircraft noise due to most of the site being outside the 20-25 ANEF corridor. Sydney Airport prepared a draft ANEF 2039 to replace the ANEF 2033 and that draft ANEF 2039 was endorsed by Air Services Australia on 23 August 2018. Subsequently Sydney Airport's Preliminary Draft Master Plan 2039 the ANEF contours has been updated and majority of the site is now affected by ANEF 25-30. This means that the affected parts of the site should not have residential uses and this is taken into consideration in Part 4 below which deals with the affect this has on the proposed land use zoning.</p> <p>This would be addressed at future Development Application stage by having conditions of consent applied to control these issues</p>
<p>Inadequate infrastructure for residents including places in local schools, open space, missing footpath in Mary Street, and site is not close to public transport.</p>	<p>Department of Education have advised there is sufficient capacity at local schools, refer to Part 3.2 of this report.</p> <p>Future residential development will be required to provide 25 percent communal open space, and this will need to be reinforced in a site specific DCP. There will also need to be additional footpath area provided along Mary Street, but external to the site.</p>

	The site is within walking distance of St Peters Railway station.
<p>Lack of street parking, with submitters acknowledging there is a local residents parking scheme, and advising that:</p> <ul style="list-style-type: none"> - There is an existing problem with a take up of parking in local streets not associated with house owners, and many houses do not have their own onsite parking. - Customers and employees of future businesses will likely use local streets for parking. 	<p>It is agreed that it is fundamental that any future development must ensure that it caters within its site for both the required parking and vehicular servicing needs of businesses, and that those internal business areas have easy vehicular access to avoid “spill over of the problem” into local streets. The indicative Development Control Plan does not adequately address this, and Part 5 of this report discusses how to address this.</p>
Inadequate on site carparking.	<p>Future residential development will be required to provide the minimum amount of onsite car parking required by the Apartment Design Guide which is dictated by State Environmental Planning Policy No 65, and so the Marrickville LEP 2013 cannot require higher parking provision.</p> <p>Future commercial development car parking rates will be required to comply with the Marrickville DCP 2011. This will be “designed” into a Development Application.</p>
<p>Lack of supporting infrastructure for an increased population. Including inadequacy of Mary Street and Edith Street for traffic flows. Lack of footpath in Mary Street.</p> <p>Streets are too narrow to support the proposal, and cannot accommodate the additional traffic generation. Substantial queuing occurs in Mary Street at peak hour times Monday to Saturday.</p> <p>Edith Street and Mary Street is less than 12m wide. Neither cannot facilitate two way traffic movements parked vehicles make manoeuvring complex.</p>	<p>Mary Street has two one way “through” lanes, and is a main distributor carrying east west traffic from Canal Road across the Princess Highway to Unwins Bridge Road. It already experiences queuing at peak hour adjacent to the site, making it difficult for cars to exit the site at Mary Street. With the completion of WestConnex, and with new developments in the surrounding area, there is likely be a substantial increase in traffic volumes. This will likely result in Edith Street being used more intensively for accessing and servicing the Planning Proposal site. This has not been addressed by the Planning Proposal and its ancillary reports in relation to actual site layout and design.</p> <p>It is agreed that Edith Street is too narrow to enable two way movements of large vehicles such as garbage trucks and large delivery trucks, accommodate on street parking and have wide footpaths with significant tree planting. Refer to Part 5 of this report for more detail on how to address this by applying controls in a site specific DCP.</p>
Adverse impacts to amenity, overshadowing and privacy of adjacent and nearby houses.	<p>It is agreed that the proposed 7 commercial storeys (29 m) will have a dominant and overbearing visual impact on adjacent houses in Unwins Bridge Road and increase overlooking. Six storeys (23 m) along Edith Street will have an overbearing visual impact on houses between Edith Street and Silver Street. This will also increase overlooking of houses in Unwins Bridge Road. Refer to Part 4.2 of this</p>

	<p>report which provides analytical diagrams and recommends areas where there should be a reduction of building heights.</p> <p>A future site specific Development Control Plan should ensure that there is an adequate wide landscaped buffer between the adjacent house at 71 Mary Street and the proposed major driveway and ramp within the subject site, and that there are adequate building setbacks to affected houses to minimise any winter overshadowing.</p>
<p>Loss of character for the area, which is described as low rise and consisting of “historical beautiful streets lined with cottages”.</p> <ul style="list-style-type: none"> - Excessive scale and heights of the development. - A scale model of the development should have been provided to enable the community to understand the precise size and scale of the development. - Proposal is an overdevelopment. 	<p>Currently, there is no maximum height of building in the Marrickville LEP 2013 for the majority of site due to its predominantly industrial zoning. The highest existing building is 15 m tall on the north side of the site.</p> <p>The proposal seeks a range of building heights ranging from 9.5 metres to 29 metres (equivalent of 8-9 storeys).</p> <p>Council previously advised DPE that the overall heights of the development on the site should be reduced to minimise impacts on surrounding residents, particularly in Edith Street and Unwins Bridge Road.</p> <p>No visual impact analysis has been provided for how the proposed building heights would affect nearby residential neighbourhoods, and why the increased heights relative to existing buildings can be justified in an urban design sense and amenity for affected residences.</p> <p>No physical scale model was provided. There is a rendered three dimensional depiction in the Design Concept (extract below. It is significantly inaccurate with regard to the height of new buildings being portrayed compared to existing buildings. The diagram shows pencil line maximum building heights, but the graphic suggests the proposed buildings might be the more solid blocks below the pencil line.</p>

	 <p>The proposed building heights should be compatible with the nearby residential area, have minimal visual impacts and minimal privacy impacts, and avoid changes to the character of existing neighbourhoods. This requirement accords with the Design and Amenity objectives of the EP&A Act 1979, and the objectives of the Eastern City District Plan. Refer to Part 2 of this report which assesses the proposed Maximum Building Height and recommends where there should be a reduction of building heights, a corresponding reduction in floor space.</p>
<p>Loss of industrial lands, employment lands and creative industries. There should be employment places for artists.</p>	<p>The Sydney Eastern District Planning Panel (Attachment 1) supported the proposal on the basis that existing employment levels would be retained and increased.</p> <p>Retention of employment lands is also identified in Eastern City District Plan, and supported by the Greater Sydney Region Plan.</p> <p>Part 4.2 of this report recommends that a LEP clause be applied which limits residential development to 50 percent of the Maximum FSR, and ensures that the remaining FSR will be used for employment uses.</p>
<p>Site and buildings have heritage significance and should be conserved.</p>	<p>A "Heritage assessment & statement of heritage impact" report explains that the site was the original location of the Taubman's paint factory, which commenced production in 1905. Most buildings had been constructed by the 1920s and continued in operation until 1965. The report advises that the site has levels of historic and social significance, however it claims that the site does not meet the criterion for listing as an item of local significance. However this has not been adequately examined using the methodology of the Burra Charter.</p>

	<p>The indicative DCP (Attachment 4) indicates in its diagram which buildings should be retained, however this does not give certainty that this will occur. Part 4.2 of this report recommends that an LEP clause be applied to ensure this occurs. A future site specific DCP should also focus on identifying how and what particular parts of the “building fabric” will be conserved and giving guidelines for what will be required to be submitted at the Development Application stage.</p>
<p>The proposal does not meet the objectives of the B4 – Mixed Use Zone.</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design. • To promote commercial uses by limiting housing. • To constrain parking and restrict car use. 	<p>It is agreed the Proposal should have provisions that ensure the objectives are met. These should retention or enhancement of existing employment levels and a realistic and functional site layout to facilitate efficient business operations.</p> <p>It is also considered that minimum levels of resident and commercial carparking should be provided on site given the unique local street/road constraints.</p>
<p>No provision of affordable housing. Council’s Affordable Housing Policy (adopted March 2017) which requires : “ <i>any uplift subject to rezoning or amendment to planning controls that provide for increased density and proposed developments comprised of 20 or more dwellings or that have a Gross Floor Area of 1,700m² or greater across the LGA, are required to provide for a 15% Affordable Housing Contribution</i>”.</p>	<p>The proposal has the potential for approx. 180 residential units.</p> <p>At the time of lodgement of the application in 2015 there was no Council policy for affordable housing, and there is no proposal for affordable housing.</p> <p>Council resolved in Feb. 2016 not to support the Planning Proposal. The proponents then sought a Rezoning Review. DPE supported this and issued a Gateway Determination on 10 October 2017. In this context Council can recommend to DPE to defer the making of the LEP amendment until a Voluntary Planning Agreement between the proponent and Council is completed.</p>
<p>New development should reflect the best outcomes for the local community, in terms of sustainability, housing diversity and affordability, creative employment opportunities, safe and appropriate reuse of existing buildings, and integration with the existing R2 Low Density Residential environment.</p>	<p>It is agreed new development should achieve these outcomes. The officer comments above respond to these matters.</p>
<p>Council’s grounds for refusal submitted to the DPE on April 2016 are valid and should be examined with this Planning Proposal. They were.</p>	<p>It is agreed these are relevant. These issues are responded to above and are also assessed in Part 4.2 of this report in relation to the proposed development standards.</p>

<ul style="list-style-type: none"> - Impact on local traffic and infrastructure - Impact on parking - Distance from public transport; - Outside LEP and Marrickville Urban Study Strategy - Impact on employment lands - Contamination issues - Overall heights of the development on the site be reduced to minimise impacts on surrounding residents, particularly in Edith Street. 	
<p>A Voluntary Planning Agreement should have been placed on exhibition at the same time as the Planning Proposal exhibition. This should have contained details of works intended to be carried out by the proponent and provision of affordable housing.</p>	<p>Due to the circumstances of the Rezoning Review and DPE issuing of a Gateway Determination, it was not possible for Council to achieve this desirable objective.</p>

3.2 Public Authority Submissions

Public authority consultation was required by the Gateway Determination.

i. Roads and Maritime Services (RMS) (Attachment 5)

Comment	Officer response
<p>The following are derived from the first RMS letter to Council in 26 March 2018.</p>	
<p>1 Planning Proposal for the subject site should be consistent with the outcomes of the strategic planning investigations for the broader Sydenham Precinct within the Sydenham to Bankstown Strategy and the supporting Special Infrastructure Contribution plan.</p>	<p>This is no longer relevant. Council was notified by the Minister of Planning 27 July 2018 that the 2017 Draft Sydenham to Bankstown Strategy would not be progressed to finalisation. DPE would instead work with Council to produce an alternative “high level principle based strategy”. There is also no Special Infrastructure Contribution plan.</p>
<p>2 The proposal may set a precedent with other land owners within the Precincts requesting increased uplifts and land uses ahead of planning investigations and supporting studies being completed.</p> <p>RMS has concerns about the potential cumulative traffic and transport impacts of this and other proposal on the constrained local and regional road and transport network.</p>	<p>DPE took this into consideration when issuing a supporting Gateway Determination.</p> <p>Neither the Planning Proposal nor the Indicative Development Control Plan have adequately addressed how the site’s traffic generation and movement will both adequately interface and be accommodated in the existing street/road conditions. Refer to Part 5 of this report on how this issue should be addressed in a future site specific DCP.</p>

<p>The proposal should be deferred until such time as the Sydenham to Bankstown Priority Precinct planning investigations and Traffic and Transport Impact Assessment is finalised and a funding mechanism for infrastructure is formally adopted.</p>	<p>The Sydenham to Bankstown Strategy is no longer relevant. As RMS would be aware there is no identified Traffic and Transport Impact Assessment finalised, no funding mechanism for infrastructure finalised, and so the proponent is not able to respond to this.</p> <p>The DPE will need to pursue this matter with the RMS.</p>
<p>3 Proponent should consider putting forward a monetary contribution via a suitable funding mechanism towards local and regional road and transport infrastructure for consideration by Council, Roads and Maritime and Transport for NSW.</p> <p>Consideration should be given to the inclusion of restraints to onsite carparking provision residential and commercial uses within the site specific DCP to encourage the use of public and active transport.</p>	<p>The RMS has not provided any detail of the type of road infrastructure improvements that are needed, their value, or where they should be implemented.</p> <p>Part 5 of this report deals with the inadequate street width of Edith Street to service the development. Widening would be achieved through land dedication from the owners of the land, rather than a monetary contribution used for works remote from the site. Mary Street is proposed to be used as an exit, and is already burdened by high levels of traffic and queuing at peak hour.</p> <p>The development will provide the minimum carparking required in the Apartment Design Guide and Marrickville DCP 2013, as identified in the Traffic and Parking Impact Assessment (Attachment 6). Given the existing street conditions, discussed above it would be irresponsible to have future development “parking and servicing spill” into local narrow streets. This is also not acceptable as it would have impacts on the existing local road traffic flow system. It is also evident that the site is within walking distance of St Peters railway station and there are no impediments for people to access the station.</p>
<p>4 The proponent should prepare an air quality assessment to demonstrate that the impacts from the WestConnex stacks approx. 600 m from the site, will be acceptable for future residents, or will be suitably mitigated.</p>	<p>A detailed Air Quality Impact Assessment report on behalf of the proponent was submitted to RMS.</p> <p>RMS advised Council by letter on 15 August 2018 (Attachment 5) that the pollution levels from the Westconnex stacks are lower in comparison to existing background air pollutants, and are within satisfactory levels established by the Environmental Protection Authority, as follows:</p> <p><i>“Predicted incremental impacts from CVRF emissions are low in comparison to</i></p>

	<p><i>background for all pollutants assessed, and predicted cumulative glcs meet EPA criteria for all pollutants assessed except PM 2.5".</i></p> <p><i>"The predicted change in annual average 5M2.5 is the key health risk assessment metric for this proposal, and all predicted delta PM2.5 for receptors are below the risk metric utilized in the M4-M5 link EIS".</i></p>
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ii. Transport for NSW (TfNSW) (**Attachment 5**)

Comment	Officer response
<p>Transport NSW raised no objections to the proposal, noted that the site is well serviced by bus routes and within walking distance of St Peters station.</p> <p>It was noted that the area will have a cumulative increase in construction vehicle movements from other projects which will have the potential to impact on general traffic, bus operations, and the safety of pedestrians and cyclists. They recommended this be addressed at Development Application stage.</p>	<p>Noted.</p> <p>Appropriate conditions will be able to be placed on any development consent requiring a construction management plan which addresses construction vehicle routes. This can also be added to a future site specific DCP.</p>

iii. Sydney Airport (**Attachment 5**)

Comment	Officer response
<p>Advised in relation to the maximum heights clearance to overhead flight paths: The Civil Aviation Safety Authority under Instrument Number: CASA 229/11, in this instance, raises no objection to the erection of this development to a maximum height of 42.0 metres AHD.</p> <p>Advised on 15 October 2018:</p> <p>"We also note that ANEF 2039, which has now replaced the previous ANEF 2033, has seen a change in the location of the ANEF25 contour over the land covered by the planning proposal. Council may choose to consider this change when it considers the planning proposal".</p>	<p>The proposed Maximum Height of Buildings Map has the highest part of the site at 29 metres, which is at RL 41.00 which is 1- 2 metres below the clearance to overhead flight paths.</p> <p>The ANEF 25-30 contour now affects a significant part of the site as indicated in Figure 3 below. In accordance with the Ministerial Direction residential uses should not be permitted in this area. This affects the proposed land uses and this is discussed in Part 4.2 of this report.</p>

iv. Sydney Water (**Attachment 5**)

Comment	Officer response
Sydney Water raised no objection to the	Noted.

proposal.	
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v. School Infrastructure NSW (Attachment 5)

Comment	Officer response
Department of Education raised no objection to the Planning Proposal and stated it would not have a significant impact on the need for additional school infrastructure at local schools.	Noted.

vi. Environmental Protection Authority (Attachment 5)

Comment	Officer response
<p>The Environmental Protection Authority considered the Planning Proposal's Phase 1 remediation reports and noted that: The processes outlined in State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) are to be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.</p> <p>They also made various recommendations that pertain to future processes associated with a development application including that: <i>"The investigation and any remediation and validation work should be carried out in accordance with the guidelines made or approved by EPA under Section 105 of the Contaminated Land Management Act 1997. EPA recommends use of 'certified consultants'."</i></p>	<p>The EPA confirm that the site requires remediation to be made suitable for the proposed uses, and that the processes outlined in SEPP 55-Remediation of Land and required for the Planning Proposal stage have been followed with the submission of a Phase 1 report. This enables the Planning Proposal to be progressed.</p> <p>Further reports and details of how the remediation would occur would be submitted at Development Application stage in accordance with the Land Contamination Guidelines. They would explain in greater detail how contamination on affected site areas would be removed and how any leaching of contaminants to nearby properties would be prevented. Relevant conditions of approval would be applied and construction of new buildings would not commence until the site was remediated.</p>

vii. Federal Department of Infrastructure and Regional Development

Comment	Officer response
No comments were received by the Federal Department of Infrastructure and Regional Development.	A letter was sent to the Federal Department of Infrastructure and Regional Development on 16 November 2017 along with a USB of the proposal and its supporting documentation. Comments from the Federal Department of Infrastructure and Regional Development were sought by 12 December 2017, however no comments were received.

4.0 ASSESSMENT OF PLANNING PROPOSAL

4.1 Assessment against Planning Proposal Guidelines

An assessment of the Planning Proposal (PP) is provided in **Table 2** below using the criteria in “A guide to preparing planning proposals” (August 2016) issued by DPE. A proposal can only be supported where it adequately addresses the criterion.

Table 2

2.1 Part 1-objectives or intended Outcomes

	Planning Proposal Response	Officer Comments
Objectives and Intended Outcomes	This is explained in Part 5. 1 of the Planning Proposal and advises of the intended outcomes of retaining employment uses and providing residential uses.	The response is adequate

2.2 Part 2 Explanation of Provisions

	Planning Proposal Response	Officer Comments
Explanation of Provisions	<p><u>Land Use and Development standards</u></p> <p>This is contained in Part 5.2, Table 1 of the PP with regard to the proposed land use and development standards.</p> <p><u>Retaining employment areas</u></p> <p>Part 5.2.5 of the PP makes reference to the Sydney Eastern City Planning Panel comments (Attachment 1) which considered the PP acceptable on the basis that the LEP amendment would increase existing employment levels.</p> <p>There is no actual LEP clause put forward in the PP. This was brought to the attention of the DPE by Council officers after Gateway Determination was issued. DPE responded that the intent of the clause should be stated in the Planning Proposal but the actual text of the LEP amendment should be left to the Parliamentary Counsel.</p> <p>Part 5.2.5 Local Flexible Clause- of the Planning Proposal responds to this and states: <i>“Within the LEP, it is proposed to include a provision to support a concurrent amendment to the DCP control to</i></p>	<p><u>Land Use and Development standards</u></p> <p>Proposed land use and development standards are assessed in Part 4.2 of this report.</p> <p><u>Retaining employment areas</u></p> <p>There is no LEP mechanism or clause in the Planning Proposal that will ensure that existing employment generating floor space shall be retained, and also be increased in accordance, with the Panel recommendations. A suggested LEP clause is provided below.</p> <p>The Indicative DCP makes reference to a minimum of 50 percent of the proposed Maximum FSR being used for non residential – employment uses. It also has a map diagram to indicate those buildings that should be retained for commercial/business use, and where new commercial building should be. Those building positions are derived from the Design Concept however it is considered there are problems with reliance on this document for the following reasons:</p> <p>There is little certainty that employment related land uses will be able to functionally operate based on</p>

	<p><i>retain a mixed use precinct by ensuring that limit on the quantum of residential development permitted to 50 percent of total gross floor area to ensure the precinct retains a mix of spaces for future and current industrial/commercial tenants and residents. This is intended to support ongoing creative industries and employment in the zone with residential development”.</i></p>	<p>the Design Concept. This is due to the low level of provision of fundamental servicing needs and areas to enable businesses to function, (eg service corridors, number of loading bays, deliveries, ease of access) as discussed in more detail in Part 5 of this report. If this technical situation is not solved, any site owner will use this situation to seek other building uses such as residential uses.</p> <p>It is evident therefore there should be a site specific Marrickville LEP 2013 clause that ensures that :</p> <ul style="list-style-type: none"> - Only 50 percent of the proposed Maximum FSR is used for residential uses, and the remaining FSR is used for employment type uses. - Particular existing buildings on the site are retained, in locations identified in the IDCP. <p>There should also be controls in the site specific DCP that ensure there is sufficient functional surface access and circulation space for servicing business and creative industry land uses.</p>
	<p><u>Permitting Residential Flat development</u></p> <p>The Design Concept proposes standalone residential flat development, eg in Edith Street (south side).</p>	<p><u>Permitting Residential Flat development</u></p> <p>It is necessary to have a LEP clause that will permit standalone residential flat development. LEP clauses are suggested below, these would be considered by DPE and they would be refined by Parliamentary Counsel at a later stage.</p>

Additional local LEP provision to retain employment levels

- Development at 67, 73-83 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters

(1) The objective of this clause is to provide for limited residential development, maintain and increase the level of employment floorspace to enable the mixing of employment and residential uses and adaptive reuse of buildings on the land at 67, 73-83 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters.

(2) Development consent must not be granted to development for the purpose of residential accommodation on this site unless the consent authority is satisfied that the percentage of gross floor area used for residential purposes is less than the 50% of the total gross floor area of all development on the land.

Additional local LEP provision for the Retention of certain buildings

- Council may grant consent to the use or erection of a building or buildings that exceed the Maximum Floor Space Ratio of 1.0:1 provided it is satisfied that:
 - (1) Particular buildings identified in the Development Control Plan for the site will be substantially retained.
 - (2) The total Maximum Floor space Ratio on the site will not exceed 1.8:1.

Additional local LEP provision for Schedule 1 Additional permitted uses

- Use of certain land at 67, 73-83 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters
- (1) Development for the purposes of a residential flat building is permitted with consent (for buildings A and B as shown on the key sites map)

2.3 Part 3 Justification

2.3.1 Questions to consider when demonstrating the justification

Question 1	Planning Proposal Response	Council officer Response
<i>Is the planning proposal a result of any strategic study or report?</i>	<p>The applicant has based the Planning Proposal's proposed Development Standards and Land Use on a "Design Concept" in Attachment 9 as justification for the Maximum FSR and Maximum Building Height. It also indicatively proposes retention of particular original factory buildings and for these to have employment generating uses.</p> <p>The Heritage Assessment and Statement of Heritage Impact (Attachment 11) indicates that the site has some degree of historical significance. It also recommends that various parts of existing building should be conserved to preserve the site's historic cultural significance. The illustrative DCP (Attachment 4) to a degree reflects this.</p>	<p>The Design Concept document cannot simply be automatically relied on for justifying the proposed development standards.</p> <p>Refer to Part 4.2 of this report which examines the proposed Maximum Height and Maximum FSR and concludes that lower heights and FSR, and whether there should be land dedication in Edith Street to address road infrastructure.</p> <p>As explained in the response above to Question 2.2 - Explanation of Provisions, there should be an MLEP clause to ensure retention of certain buildings. This is outstanding.</p>
Question 2	Planning Proposal Response	Council officer Response
<i>Is the planning proposal the best</i>	Part 5.7.2 of the Planning Proposal provides a response to	Refer above to response to Question 2.2- Explanation of

<i>means of achieving the objectives or intended outcomes, or is there a better way?</i>	this.	Provisions which considers there should be various site specific LEP clauses applied to the land, to ensure existing employment are maintained or increased on the site and to facilitate standalone residential flat buildings.
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Section B

Question 3	Planning Proposal Response	Council officer Response
<i>Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?</i>	No comment was provided.	Refer below.
Question 3 (a)	Planning Proposal Response	Council officer Response
<i>Assessment Criteria a) Does the proposal have strategic merit? Is it:</i>	No comment was provided.	Refer below.
<ul style="list-style-type: none"> • <i>Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</i> 	<p>Part 5.8 of the Planning Proposal provides an adequate response to the relevant Plans at the time of exhibition-Community Consultation – stages.</p> <p>In March 2018 amendments to the EPA Act 1979 came into force, and the relevant Greater Sydney Commission Plans (GSC) were:</p> <ul style="list-style-type: none"> - Regional Plan: A Metropolis of Three Cities - District Plan. Eastern City District Plan <p>A key difference is that the District Plan objectives require the retention of Industrial zoned land. DPE and GSC have however advised that Planning Proposals that involve rezoning of industrial land, but were submitted prior to March 2018 and have been supported by the Sydney Eastern City Planning Panel may proceed in accordance with the Panel's</p>	<p>The recommendation of the Sydney Central District Panel for ensuring current employment levels are maintained, which also reflects the current District Plan objectives, will be addressed by applying a site specific LEP clause which leads to provision of employment uses in the proposed B4 zone as indicated in the response to the above Question 2.2 – Explanation of provisions.</p>

	<p>advice. This Planning Proposal falls into this category.</p> <p>The Draft Sydenham to Bankstown Strategy has not been finalised, and does not actually make recommendations for the site. Instead it states: “<i>Changes to reflect status of Council’s planning proposal</i>”. The Minister of Planning advised by letter on 27 July 2018 by letter that Council would be allowed to propose an alternative strategy for the Corridor as part of the development of a new Inner West LEP.</p>	
<ul style="list-style-type: none"> • <i>Consistent with a relevant local council strategy that has been endorsed by the Department; or</i> 	This makes reference to Council’s Marrickville Employment Lands Study and its Action 4.3.	The study does not explicitly identify the site for conversion to residential uses and Council instead have previously advised DPE in Feb. 2016 that it objects to the Planning Proposal.
<ul style="list-style-type: none"> • <i>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i> 	Proponent has not responded to this.	This is noted.
Question 3 (b)	Planning Proposal Response	Council officer Response
<i>Does the proposal have site-specific merit, having regard to the following:</i>	Part 5.8 of the Planning Proposal does not provide a direct response to this, refer below.	

<ul style="list-style-type: none"> • the natural environment (including known significant environmental values, resources or hazards) and • the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and • the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. 	<p>A separate Contamination and Remediation Report has been submitted in accordance with SEPP 55.</p> <p>Refer to officer comments. Proponent has not responded to this.</p> <p>This is also a matter that the RMS has requested Council to note and address with regard to local road capacity and the needs of future development.</p>	<p>The site is required to be remediated, and the required detail will be submitted with a future Development Application. Refer to Part 3.2 of this report (EPA comments) for more detail.</p> <p>The proponent has not provided any visual or amenity impact details of how the proposal will affect land uses in the vicinity of the site.</p> <p>Refer to Part 4.2 of this report (assessment of Maximum Building Height) where in order to be compatible/sympathetic with adjacent and nearby neighbourhood places, it is recommended that particular parts of the site should have lower building heights.</p> <p>There should be further investigation of the narrowness of Edith Street and whether this might require land dedication within the site to widen it for traffic flow and public domain improvements.</p>
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Question 4	Planning Proposal Response	Council officer Response
Is the planning proposal consistent with a council's local strategy or other local strategic plan?	In Part 5.8 of the PP the proponent has provided a statement from previous Marrickville Employment Lands Study (MELS) which recommended considering rezoning of particular industrial sites.	The Marrickville Employment Lands Study (MELS) provides a detailed understanding of future industrial land needs in the Marrickville LGA and was completed in April 2008 and updated in 2014. The MELS identifies the greatest pressure on Marrickville's industrial land as residential development. The MELS recommended that Council consider rezoning of particular industrial sites in well considered locations, however not this subject Precinct 75 site.
Question 5	Planning Proposal Response	Council officer Response
Is the planning	Part 5.9.2 of the Planning	The Proposal is consistent

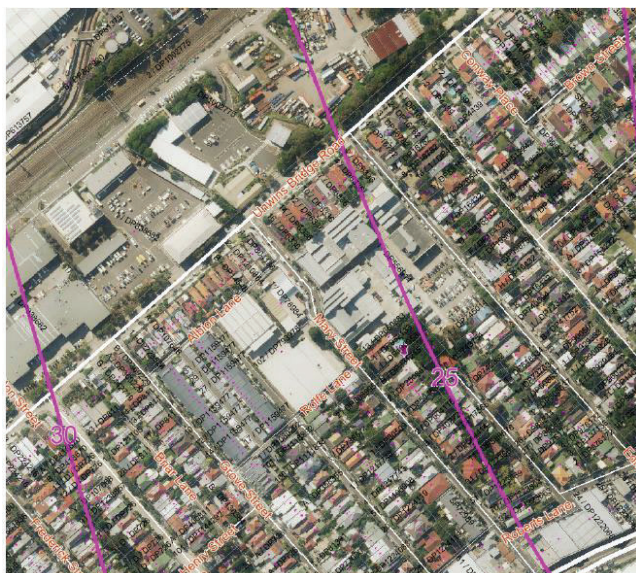
<i>proposal consistent with applicable State Environmental Planning Policies?</i>	Proposal provides a response to this.	<p>with the applicable State Environmental Planning Policies.</p> <p>As required by SEPP 55, a Phase 1 assessment has been provided dealing with analysis of contamination on the site. It explains the site is required to be remediated, and the required detail will be submitted with a future Development Application. Construction of new building will not be permitted until the site contaminants are removed, and any leaching into adjacent sites is stopped. Refer to Part 5 of this report for more detail.</p>
Question 6	Planning Proposal Response	Council officer Response
<i>Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?</i>	<p>Part 5.9.3 of the Planning Proposal provides a response to this.</p> <p><u>Ministerial Direction no 1</u></p> <p>This requires that there be no reduction in Industrial areas and existing floorspace.</p> <p><u>Ministerial Direction no 3.5</u></p> <p>This requires that development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Also, under Ministerial Direction no 3.5, clause 5 (a), a Planning Proposal must not rezone land for residential purposes, nor increase residential densities in areas where the ANEF exceeds the 25 contour.</p>	<p><u>Ministerial Direction no 1</u></p> <p>Part 4.2 of this report recommends that an explicit LEP clause is required to ensure that sufficient employment uses are retained, as flagged in the Planning Proposal.</p> <p><u>Ministerial Direction no 3.5</u></p> <p>The proponent has not agreed to provide any reports to address clause 7 of this Direction and demonstrate why the proposal can be inconsistent. Nevertheless, it would be difficult to justify why impacts from aircraft noise and flightpaths should be disregarded for any future residential use.</p> <p>To be consistent with clause 5(a), residential uses should be excluded from the part of the site affected by the ANEF 25- 30 contour (area) as indicated in Figure 3 below. This would require either :</p>

	<p>When the Planning Proposal was submitted, a large portion of the site was outside the ANEF 25 corridor and complied with this direction. The part of the site affected was a very small part where non- residential uses could be placed and so was of “minor significance”. Sydney Airports recognised this and made no objection to the proposal, as explained in Part 1 of this report.</p> <p>However, Sydney Airport recently prepared a new draft ANEF 2039 to replace the ANEF 2033 and this was endorsed by Air Services Australia on 23 August 2018. A large part of the site, as indicated in Figure 3 below is now affected the ANEF 25-30 corridor, and in accordance with this direction should not have any residential uses permitted.</p> <p>The DPE advised on 25 September 2018 that Council should be satisfied that it “has considered any outstanding issues and whether this matter has been raised as a concern by relevant state agencies in submissions. You may also wish to consult further with the Sydney Airport Corporation on this proposal given the change to the ANEF”.</p> <p>In this regard, clause 7 of the direction allows for a Planning Proposal to be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction.</p> <p><u>Other Directions</u></p>	<p>(i) B4 zone to be deleted and the current IN2 Light industrial use retained for the area within the 25-30 contour and the remaining part of the site zoned R4 High Density Residential. This would permit stand alone residential flat buildings and also permits employment generating uses such as ground level shops.</p> <p>(ii) B4 zone with a site specific clause which prohibits any residential development within the site affected by the ANEF 25- 30 contour.</p> <p>Given the issues identified in this report regarding retaining current employment uses on the site and ensuring that they are able adequately to function and operate, it is recommended that (i) above be the preferred amendment to the Marrickville LEP 2011.</p> <p><u>Other Directions</u></p>
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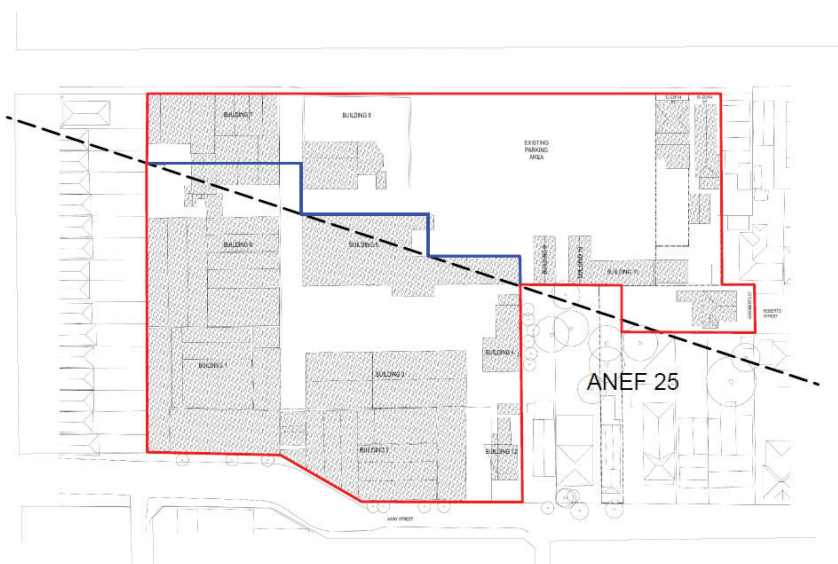
		The Proposal is consistent with the other relevant Directions.
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Figure 3 Site and parts affected by ANEF 25-30

Below shows aerial view with ANEF 25-30 corridor.



Below shows site in red outline with existing buildings. ANEF 25-30 corridor is shown in dotted black line. Blue line shows potential boundary for any land use zoning map to accommodate the ANEF position and to exclude residential uses.



Question 7		
<i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be</i>	Part 5.10 of the Planning Proposal explains that this does not apply to the site.	There has not been any critical habitat or threatened species, populations or ecological communities, or their habitats, identified on this site.

<i>adversely affected as a result of the proposal?</i>		
Question 8	Planning Proposal Response	Council officer Response
<i>Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i>	Part 5.10.2 of the Planning Proposal explains that a Contamination report and remediation will be required.	As indicated in response to Question 5 and SEPP 55 above the site is required to be remediated and a Phase 1 assessment has been provided.
Question 9	Planning Proposal Response	Council officer Response
<i>Has the planning proposal adequately addressed any social and economic effects?</i>	Part 5.10.3 of the Planning Proposal provides a response to this and explains there will be improved employment opportunities and increased housing stock, and that retention of businesses will ensure positive economic effects.	As indicated in the above response to the above Questions, it is fundamental there should be an LEP clause which provides certainty that sufficient employment floor space with functional access will be provided. This is outstanding.
Question 10	Planning Proposal Response	Council officer Response
<i>Is there adequate public infrastructure for the planning proposal?</i>	Part 5.11.1 of the Planning Proposal provides a response to this and states that <i>"the site is located in an established urban area and has access to a range of existing facilities and services, and it is anticipated that the public infrastructure will adequately service the area"</i> .	The Proposal has not demonstrated that there is adequate public infrastructure to cater for the more intensive use of the site, including in terms of how future development operations will interface with local road constraints, and the capacity of Mary Street and Edith Street. The RMS has also identified this issue. There should be further investigation of the adequacy of Edith Street to cater for the functional servicing needs of the development, and whether there should be land dedication to achieve a better public domain and also provide the necessary technical street design.
Question 11	Planning Proposal Response	Council officer Response
<i>What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?</i>	Part 5.11.2 of the Planning Proposal provides a response to this and states that State and Commonwealth authorities will have the opportunity to provide comment on the Planning Proposal as part of its formal exhibition period.	Refer to Part 3.2 of this report which provides a response to submissions from public authorities, including RMS concerns.

This requires that the maps accurately reflect the proposed land use zoning, Max Floor Space Ratio, and Max Building Height so that it is clear which parts of the site are affected.

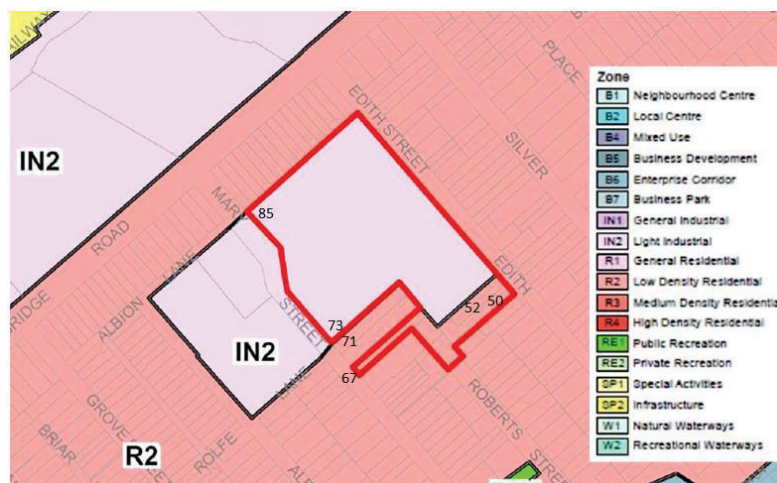
Mapping		
	<p>Appendix B – D of the Planning Proposal provides the following indicative Proposed Maps</p> <ul style="list-style-type: none"> - Land Use Zoning - Maximum Floor Space Ratio - Maximum Building Height <p>Complete A3 sized map tiles have not been provided.</p>	<p>Refer to Part 4.2 of this report which assesses the proposed Maximum Floor Space Ratio and Maximum Building Height, and recommends reductions to achieve a compatible built form with surrounding development and have corresponding Maximum FSR.</p> <p>This will require amended Mapping. This stage can be used to address issues brought up by the Sydney Eastern City Planning Panel regarding the maximum Building Height map and having a dedicated LEP clause to account for the different height areas within the site.</p>

4.2 Assessment of Proposed Land Use Zoning and Development Standards

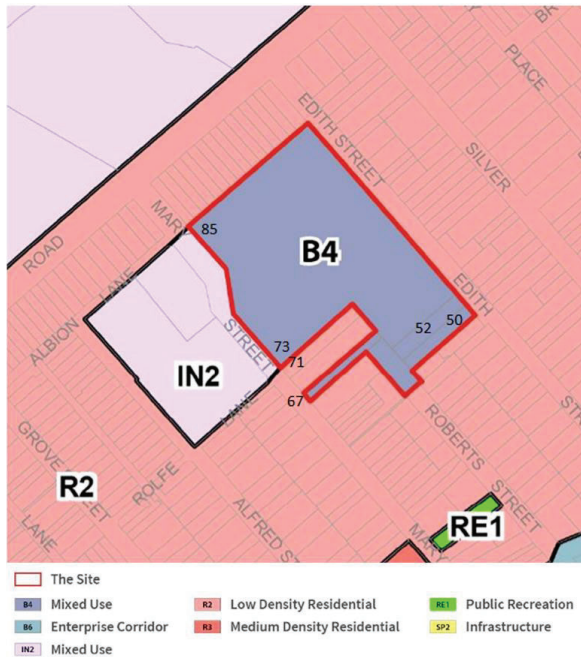
01 Amendment to MLEP 2013 to rezone the site from IN2 Light Industrial and R2 Low Density Residential to B4 Mixed Use

The application seeks to apply a B4 Mixed Use zone to the site, replacing the existing IN2 Light Industrial and R2 Low Density Residential as shown in **Figure 4**. The B4 Mixed Use zone will permit a wider range of permissible uses throughout the site, including commercial, residential, retail and community uses.

Figure 4 - Existing and Proposed Land Use Zoning. Site is within red outline.



Existing Land Use Zoning Map within red outline. Most of the site is zoned IN2 Light Industrial to reflect the past industrial uses. Part of the site is zoned R2 Low Density Residential and contains houses.



Proposed Land Use Zoning - B4 Mixed Use within red outline

Officer comment:

Rezoning of 67 Mary Street to B4 Mixed Use is not supported, as this would result in an isolated site with the house on either side zoned R2 Low Density Residential.

Rezoning of the rest of the site has a number of considerations explained below. These include that on 23 August 2018 the site became affected by the ANEF 25-30 contours and impacts from aircraft noise and in accordance with the Ministerial Directions (as explained in **Part 3** of this report above), residential uses should not be permissible in such places.

Given this situation, there are two ways to proceed with the Planning Proposal as follows:

- (i) B4 – Mixed Use is supported providing there is an explicit clause in the MLEP 2011 that retains adequate levels of employment generating floorspace. As explained elsewhere in this report, and for the reasons given by the Sydney Eastern City Planning Panel, it is essential to have a site specific clause to ensure that no more than 50 percent of the permitted Maximum FSR can be used as residential floorspace as exhibited, so that the remaining FSR can be used for employment generating land uses. The Planning Proposal supports this concept in its part 5.2.5- the intent of the LEP clause. A suggested LEP clause is indicated in **Part 4.1** above, in response to Question 2.2 of the Planning Proposal preparation guidelines.

Standalone residential flat buildings can be permissible in the B4 Zone, as shown in the design concept. These buildings are proposed on the south part of the site including along Edith Street. The intent of a suggested LEP Schedule 1 clause is indicated in in Part 4.1 above, in response to Question 2.2 of the Planning Proposal preparation guidelines.

A site specific clause can be applied to prohibit residential uses in the part of the sites affected by the ANEF 25-30 corridor.

Alternatively, due to a significantly large part of the site being affected by the ANEF 25-30 contours (see Figure 3 above), the Planning Proposal could be progressed as follows:

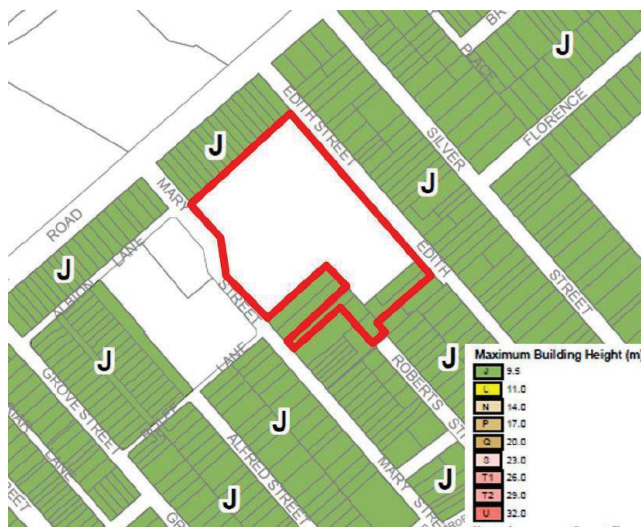
- (ii) The part of the site affected by the 25-30 ANEF corridor could remain IN2- Light Industrial. The rest of the site could be zoned R4-High Density Residential for the standalone residential flat buildings (not permissible in a R3 zone) and also employment generating uses such as shop top housing.

Noting that the DPE will ultimately determine how to progress the Planning Proposal, it is recommended that option (ii) be the preferred option. This is because it would retain a significant amount of existing buildings and their successful businesses to provide for employment and local services. Also an Industrial zoning is normally the appropriate zoning where there is a “very high impact” from aircraft noise.

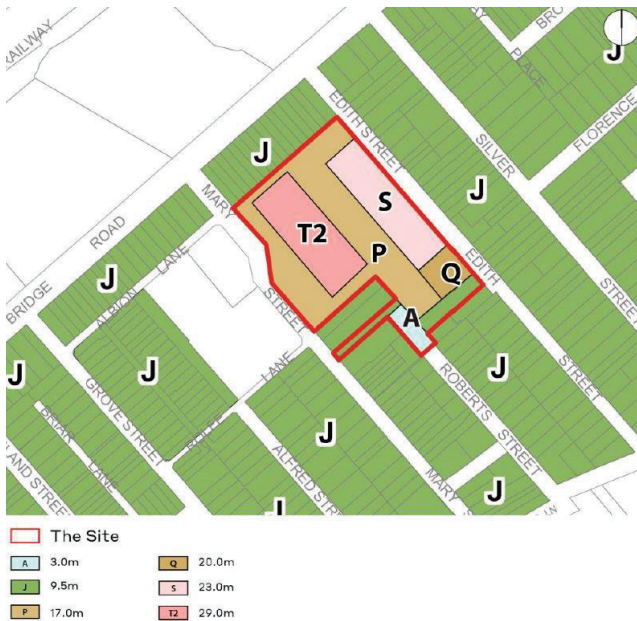
02 Amendment to Maximum Height of Buildings (MBH) Map

The application seeks to apply a range of height limits (3 metres, 9.5 metres, 17 metres, 20 metres, 23 metres and 29 metres) as shown in **Figure 5**.

Figure 5- Existing and Proposed Maximum Height of Buildings Map.



Existing Maximum Height of Buildings Map. Site is within red outline. The majority of the site currently has no maximum height due to its predominant industrial zoning.



Proposed maximum FSR Map. A range of height limits (3 metres, 9.5 metres, 17 metres, 20 metres, 23 metres and 29 metres) are sought with the higher buildings towards the centre of the site, as indicated in the diagram above.

Officer comment:

No visual impact study has been provided to justify the proposed building heights, including by showing the parts that will be visible from adjacent and nearby affected areas and providing credible rationale for why this would be acceptable.

There are a number of parts of the site that should have reduced heights to be compatible with surrounding and nearby low rise residential neighbourhoods as follows:

(i) Edith Street

The proposed Maximum Building Height along Edith Street of S- 23m would be up to 6 to 7 storeys and this is excessive due to its close vicinity and visual impact on nearby residential areas between Edith Street and Silver Street. Existing buildings in Edith Street outlined in black in **Figure 7** below are already visible from Silver Street - as viewed between houses (refer to photo in **Viewpoint 2** below). A proposed 6 storey building in Edith Street would have an overbearing visual impact on those areas and change their character. It would also affect privacy to these house's back gardens. There were many community objections (social consideration) to this impact as indicated in **Part 3.1** of this report. It is therefore recommended there be a maximum height of 17 m (achieves 4 to part 5 storeys) along Edith Street as shown in red outline in **Figure 7** below.

A lower height is also recommended for the remainder of the central part of the site as shown in **Figure 8** below to lessen visual impact on low rise houses between Edith Street and Silver Street and so reduce impacts on the character of the surrounding residential areas.

Figure 7- East elevation - extract of Development Application.

Shows proposed height plane in blue line, and recommended height plane in red line.

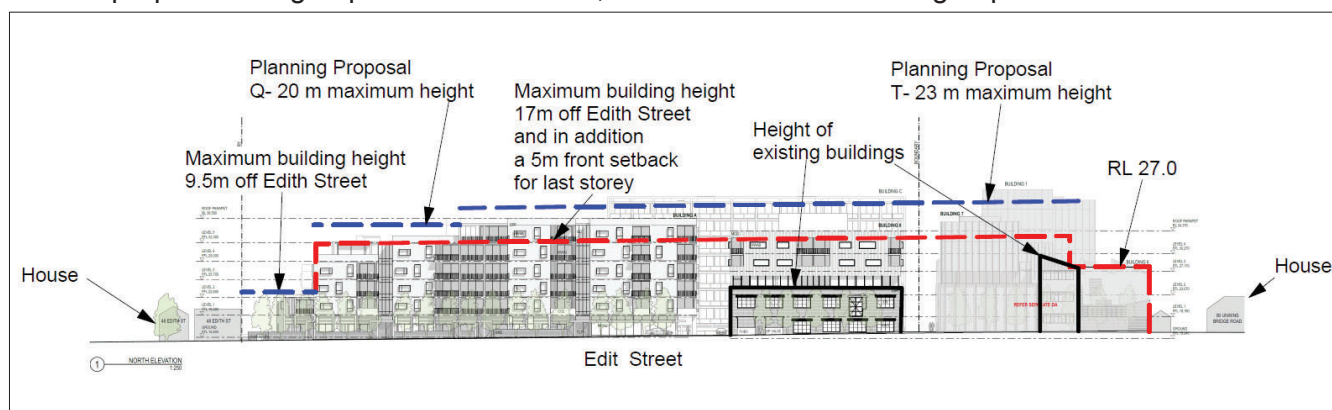
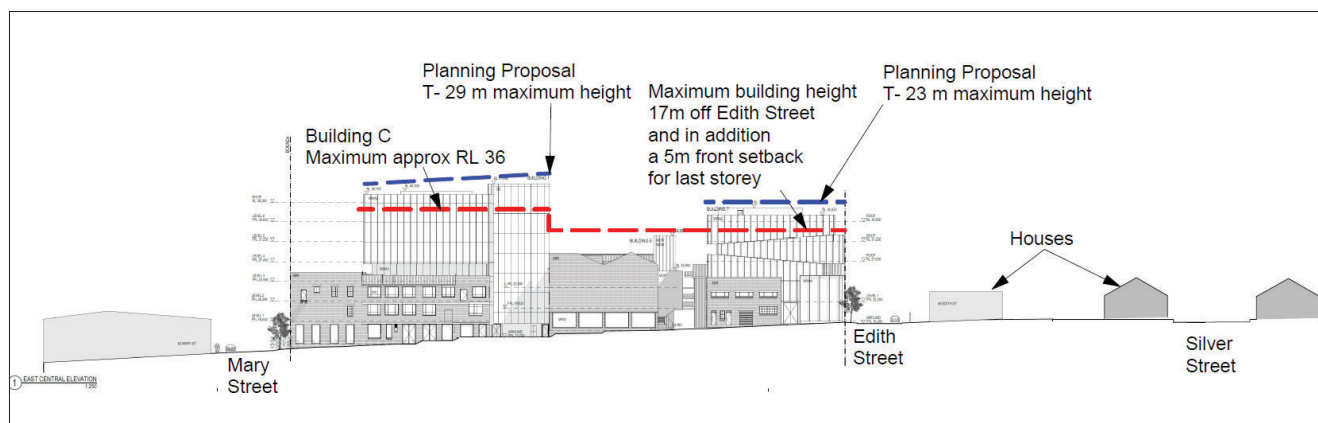


Figure 8 - Section across site - extract of Development Application.

Shows proposed height plane in blue line, and recommended height plane in red line.



(ii) Northern and central part of site adjacent to houses in Unwins Bridge Road

The proposed Maximum Height of T2- 29m (up to 7 commercial storeys, or 9 residential storeys) would be very close to the rear of houses at Unwins Bridge Road (refer to photo in **Viewpoint 1** below). The resulting overbearing visual impact and loss of privacy to the back gardens of houses is excessive. Ideally any new infill building should be no higher than the existing 15m high industrial building at the rear of the houses, to avoid any additional visual and privacy impacts. However a maximum height can be gradually increased providing there are significant setbacks from the existing 15m high building at the northern boundary as indicated in **Figure 10 below**.

If a B4 land use zoning is applied to the site (which will permit either residential or commercial buildings) it is recommended heights should be reduced as indicated in red outline in **Figure 10 below**.

Figure 9 - North Elevation - extract of Development Application.

This shows the existing houses off Unwins Bridge Road in the foreground in red line, with the existing on site building behind retained which is approx 15 m high. The proposed new

commercial building behind this would have a proposed maximum Height of T – 29m .

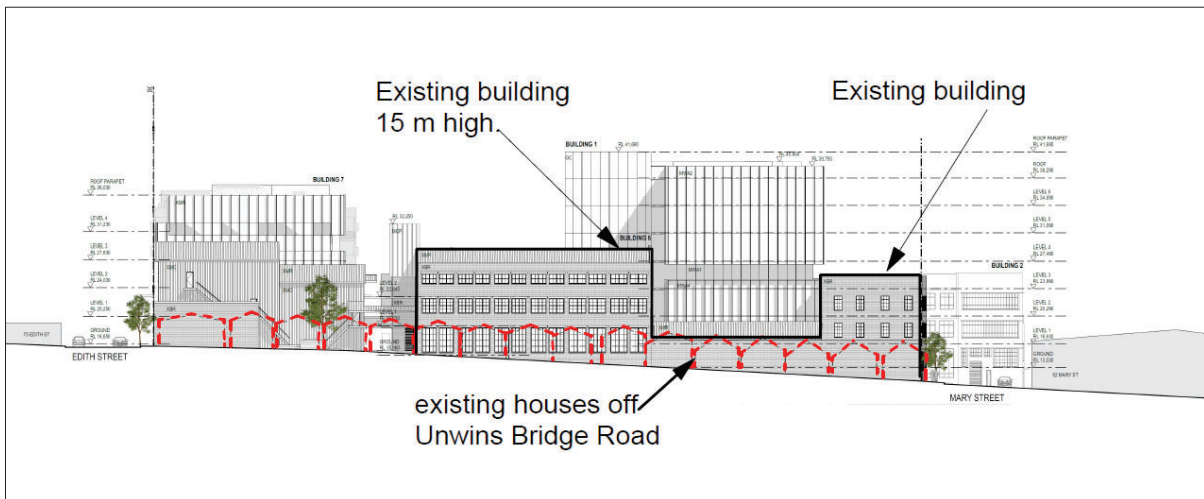
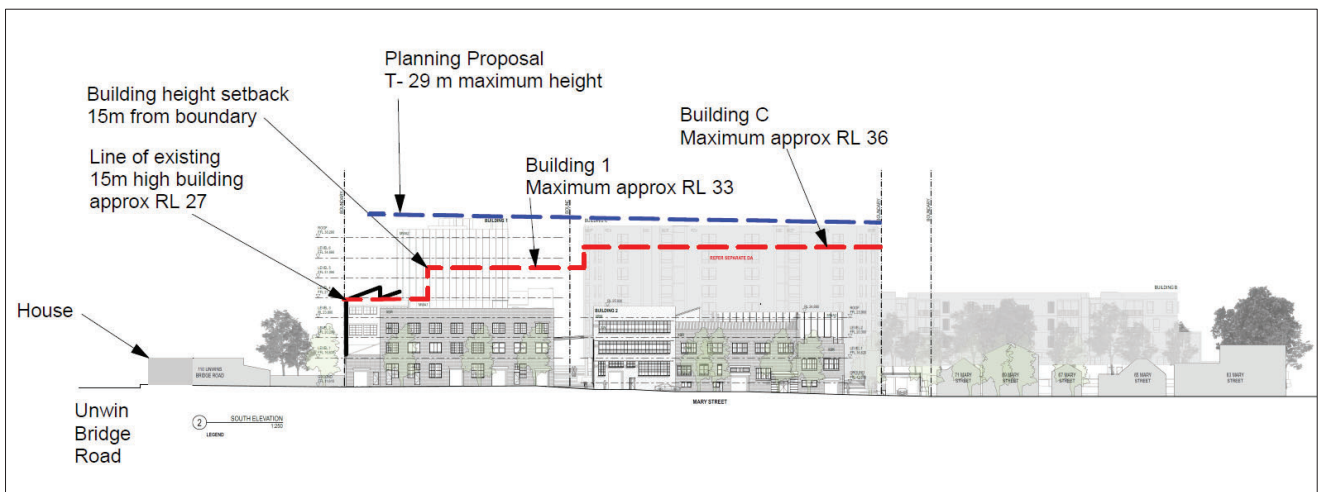


Figure 10- Mary Street elevation - extract of Development Application.

This shows the proposed height plane in blue line and the recommended height plane in red line



(iii) 67 Mary Street

The “isolated” land at 67 Mary Street is recommended to remain R2 Low Density Residential with no change to the corresponding building height.

Viewpoint 1 from Unwins Bridge Road looking toward site

Shows existing houses and existing 12- 15 metres high factory building to rear. A 29 metre building height is proposed.



Viewpoint 2 from Silver Street looking toward site

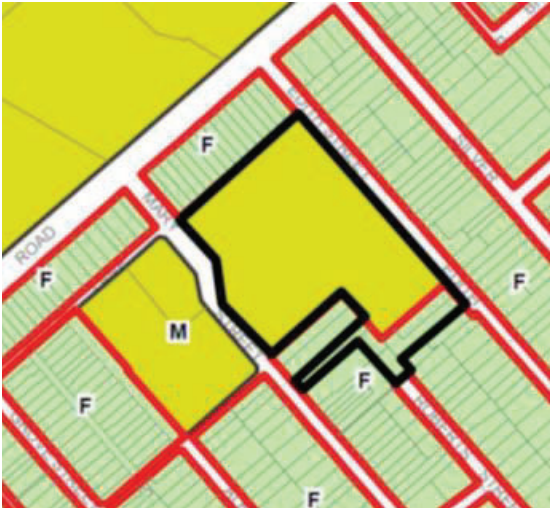
Shows existing house in Silver Street and in distance the existing building in Edith Street which is 8 metres high. A 23 metres height is proposed for Edith Street.



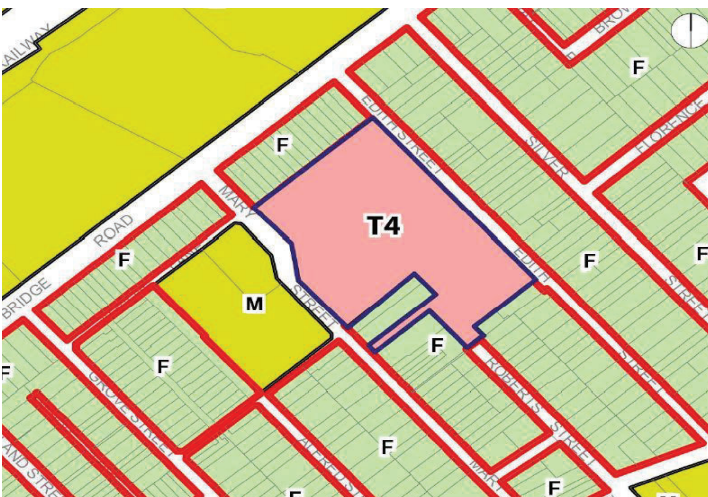
03 Amendment to Maximum Floor Space Ratio (FSR) Map

The application seeks to apply a 2.2:1 Maximum FSR development standard throughout the site as indicated in **Figure 11** below.

Figure 11 – Existing and Proposed FSR Map



Existing Maximum Floor Space Ratio Map. Industrial zoned part of site has a maximum FSR of 0.95 : 1.



Proposed Maximum FSR Map. This proposes a maximum FSR of T4 - 2.2:1.

Officer comment:

If a B4 land use zoning is applied to the site, in the first instance, the proposed maximum FSR should be reduced to reflect the recommended Maximum Heights recommended above in the report. This would result in a “ballpark” of a maximum FSR of 1.8:1 for the site. However this will require further reduction to take into account reduced residential floorspace for areas affected by aircraft movements for the ANEF 25-30 corridor. This would require further detailed design analysis.

The land at 67 Mary Street is recommended to remain R2 Low Density Residential with no change to the existing Maximum Floor Space Ratio of 0.6:1.

An alternate IN2 – Light Industrial Use and part R4 – High Density Residential use, would require different Maximum FSR development standards to those exhibited.

5.0 Site Specific Indicative Development Control Plan (IDCP)

The proposed IDCP in **Attachment 4** was produced by the proponent. It has not been formally exhibited as required in the procedures of the EPA Act 1979 for the making of a DCP. It therefore has no status other than being “indicative”. It is based on the site layout and built form indicated in the proponent’s Design Concept in **Attachment 9**, and has a site layout diagram (**Figure 12**) reflecting this and showing how buildings and open space should be arranged. It also proposes a “village/market” square between buildings on the northerly central part of the site.

Figure 12 – Extract of Map in IDCP



However there are several technical issues that need resolution, also to achieve acceptable building scale impacts on nearby residential areas, and to provide for the desirable type and quality of streetscape in Edith Street. The IDCP does not provide adequate guidelines for the matters identified below as also indicated by officer comments in **Part 5** below of this report:

Road infrastructure

- 1 Edith Street reservation (adjacent southern portion of the site) should have sufficient width to accommodate two vehicular way movements, on street parking and wide footpaths.

Edith Street

- 2 Edith Street should have verge areas (footpaths) that are wide enough for substantial tree planting and pedestrian movements to achieve the desirable character of the tree lined environment of nearby residential streets and improve its spatial and environmental qualities.
- 3 Front gardens should be provided within the site along Edith Street (southern portion of the site) to enhance the street, with front building setbacks and deep soil areas to establish significant amounts of vegetation.

Site servicing needs and businesses use certainty

- 4 Adequate waste collection areas should be provided catering for all users of the site, and collection areas should have the necessary vehicular manoeuvring spaces. Otherwise Edith Street and Mary Street are at risk of being used to compensate for inadequate waste collection area. (Refer to Waste Collection comments in **Part 5** of this report). Creating a risk that around 180 resident bins might be left on public streets or footpaths for waste collection is unacceptable.
- 5 Businesses on the site must be able to operate adequately, including having an adequate number of loading dock areas, and providing effective connecting service corridors to business areas for transfer of large goods. This is critical for ensuring that the LEP objective of having at least 50 percent of the Maximum FSR provided for employment uses is implemented.

Traffic movements through the site

- 6 There should be a clear and easy method of travel through the site that facilitates public and visitor use of basement for parking and loading areas.
- 7 Basement exit driveways to Mary Street should be designed to prevent conflict with pedestrians at Mary Street by having adequate vehicular sight lines, and consideration be given to separating service vehicles from exiting cars.

Building separation for privacy

- 8 An adequate building separation distance from the adjacent house at 71 Mary Street must be provided by creating a 3 m wide landscape buffer between the house and driveway ramp (being used for exit for 180 apartments and all businesses and their patrons).

- 9 Adequate building separation distances should be provided between proposed new buildings A (off Edith Street) and B to comply with the Apartment Design Guide (referenced by SEPP 65).

Compatible Building Scale

- 10 An appropriate building scale (height) for new buildings along Edith Street should be identified to ensure visual impacts to adjacent and nearby low rise residential properties between Edith Street and Silver Street are minimised.
- 11 Identifying an appropriate buildings scale (height) for new commercial buildings adjacent nearby houses in Unwins Bridge Road so that the amenity of houses is not further compromised.

Higher amounts of tree planting

- 12 Areas for substantial amounts of deep soil planting to accommodate tree planting and achieve higher levels of “urban forest canopy” in accordance with Marrickville Urban Forest Strategy 2011 should be identified.

Communal Open Space for residents

- 13 After accounting for the matters above and the necessary resulting revised site layout, provision is then made for a minimum 25 percent communal open space for the residential development component as required by the Apartment Design Guide.

ANEF 25-30 contour and aircraft noise

- 14 Due to the recent affectation of the ANEF 25-30 contour to a major part of the site which prohibit residential uses it is necessary to acknowledge this is in a DCP. It is also necessary to have controls for any residential uses in close vicinity which will be affected by noise from the adjacent flight paths.

Resolution of the above issues will affect the acceptable Maximum Height of Building and Maximum Floor Space Ratio as explained above in **Part 4.2** of this report.

Noting that the content of any Development Control Plan is a matter for Council to determine, under the EP&A Act Council is required to responsibly produce its own site specific DCP addressing the relevant issues.

5.0 OTHER STAFF COMMENTS

5.1 Development Engineering

These are contained in **Attachment 7**.

It was noted that that the Design Concept proposes that residential traffic entry is off Edith Street and exit is onto Mary Street. Non residential vehicles would be able to use both Edith and Mary Street for entry, but only have an exit onto Mary Street.

It was noted due to future development in the area and the impact of WestConnex there is likely to be an increase in traffic volumes in local streets and roads, including Mary Street. This will result in longer vehicle waiting times and more queuing in Mary Street which will impact on traffic flow movements in and out of the site.

There is a need in any site specific DCP to include the following provisions:

- overland stormwater flow through the site to account for flooding in Edith Street,
- guidelines for how Edith Street should operate,
- guidelines for how parking is accessed off Edith Street and Mary Street, and how vehicles would travel through the site. There should be a clear and easy method of travel through the site that facilitates use by the public and visitors of basement for parking and loading areas.

Other comments were provided related to matters which are addressed at Development Application stage.

5.2 Urban Ecology

Noted that the Site Investigation Report has been submitted to meet the Phase 1 report requirements of the Land Contamination Guidelines of SEPP 55, and that further analysis and reports will be provided at Development Application stage. Other comments pertained to matters that would be addressed at Development Application stage where an actual building design proposal is assessed.

5.3 Urban Forest Officer

Noted that the Design Concept and proposed DCP does not identify adequate amounts of tree planting, and recommended that future controls for the site provide for:

- An Urban Forest canopy (trees) target of 25 percent set for the site, in accordance with the Marrickville Urban Forest Strategy 2011
- An appropriate diversity of tree species and size
- Adequate space, soil volume, and pervious ground is provided to support the trees to be planted
- Appropriate maintenance, particularly irrigation, is detailed in the design
- Adequate verge (footpath) width and distances between driveways are provided
- Trees are setback from property boundaries so that potential development on neighbouring properties.

5.4 Waste/Resource Recovery Officer

Advised that the Design Concept Plan does not adequately cater for waste collections within the site by Council vehicles, or turning paths for garbage trucks.

Also advised that future site layout and building design must also demonstrate it has made allowance for waste collection by Council vehicles which are parked in positions which have easy access from a public road, and from temporary standing locations for bins which do not compromise the amenity of streets and surrounds. This is because future occupants will always be charged Council rates for residential waste collection as required under the Local Government Act. Should residents not agree to pay fees in addition to Council rates for commercial waste collection to occur by commercial companies, or via any other special arrangements with Council, it is not acceptable as default to be “forced” to have around 180 bins placed in local streets and footpaths.

5.5 Architectural Excellence Panel

The Panel reviewed the Design Concept in **Attachment 8**. This is an illustrative document and not an actual Planning Proposal. They made various comments on this concept which have been taken into consideration in this report. These included:

- that the Building 1 height of 29 m opposite houses in Unwins Bridge Road and height of buildings in Edith Street were of concern.
- there should be a deep soil front garden area along Edith Street (south side).

5.6 Transport Planner

Noted that the proposal has potential to result in a higher proportional increase in traffic movements than anticipated in the submitted traffic study with greater potential for parking overflowing into adjacent streets. Also recommended that basement exit driveways to Mary Street be designed in a way which prevents conflict with pedestrians at Mary Street by having adequate vehicular sight lines and that consideration should be given to separating service vehicles from exiting cars. Future Development Applications should ensure that the site is permeable and the public have access to any “village square” proposed for the business areas on the site as portrayed in the Design Concept.

It was also noted there is likely to be an intensification of land uses in key sites within the vicinity of the proposal, and the impacts of WestConnex will likely lead to greater traffic volumes in local roads.

FINANCIAL IMPLICATIONS

There are potential future costs to Council if the Planning Proposal in its current form is supported by the DPE and the issues identified in this report are not addressed and future development results, with regard to the following:

- Improvements to Edith Street if there are problems with traffic flow issues, and street redesign and reconstruction is required.
- Construction work in Mary Street to provide adequate footpaths.
- Further traffic studies and road/street changes to address impacts to existing traffic flows, including added congestion and impacts on local streets leading to possible of road works to address this.
- Further resident parking schemes to address loss of on street parking.

CONCLUSION

Council is the Planning Proposal Authority but does not have delegation for ultimately determining whether to make the Plan, or in what form the proposed amendments to the Marrickville LEP 2013 should be made. This decision ultimately rests with the Minister of Planning who is advised by the Department of Planning and Environment (DPE).

Council’s role for this stage of the process is to carry out Community Consultation and respond to submissions and to assess the Planning Proposal including the proposed new Land Use Zoning, Maximum Building Heights and Maximum Floor Space Ratio. Council then makes recommendations to the DPE on how the Planning Proposal should progress or not.

Council carried out Community Consultation and a large number of submissions were received objecting to the proposal outlined in **Part 3.1** of the report. These included concerns regarding: excessive building heights and loss of amenity, overdevelopment, land contamination, and Edith Street and Mary Street having a poor capacity to accommodate the needs of future

development and there being a consequent “overspill” into local streets. These concerns are agreed with.

Council’s consideration of the Planning Proposal was later deferred to enable the proponents to respond to Roads and Maritime Services requirements for more information on the relationship of the site with future WestConnex ventilation stacks 600 m away. The RMS advised Council on 15 August 2018 it no longer objected to the Planning Proposal on this basis. The RMS still has concerns about local road and street capacity and their ability to cater for future development needs and how they would interface with road conditions. This needs to be realistically addressed in a Council site specific Development Control Plan and remains outstanding.

As indicated in this report, the Proposal has been assessed in detail in accordance with the State Government Planning Proposal Guidelines, and it is considered that the current development standards cannot be supported. As outlined in **Part 4.2** of the report, the Planning Proposal should only be supported if there are there amendments to the proposed Maximum Building Heights to minimise amenity and visual impacts on houses in Unwins Bridge Road and nearby houses between Edith Street and Silver Street. This would result in a lower corresponding Maximum Floor Space Ratio.

With regard to the Land Use zoning, the recent extension of ANEF 25-30 corridor (aircraft corridor impacts) has affected a significant part of the site and in accordance with the Ministerial direction those parts must not have residential uses. If the proposal is to be progressed the Marrickville LEP 2011 it must have provisions that prohibit residential uses in the affected areas as indicated in **Part 4.2** of this report.

For the proposed B4 Mixed Use zoning (as exhibited), the Planning Proposal should only be progressed if there is an explicit site specific clause in the Marrickville LEP 2013 which ensures that existing employment levels on the site are maintained, by limiting Residential development to 50 percent of the Maximum Floor Space. This was also a prerequisite of the Sydney Eastern City Planning Panel who supported the Planning Proposal on the basis of existing employment levels retained and increased. It will also be necessary for Council to produce its own site specific Development Control Plan to provide certainty that future development will adequately cater for fundamental operations of a B4 Mixed use zone and supports the LEP clause provision for ensuring employment uses are maintained. This includes meeting the servicing needs of businesses to enable them able to operate. It will also be necessary to have a LEP clause which explicitly excludes residential uses for the areas affected by the ANEF 25-30 aircraft noise contour.

Alternatively the part of the site affected by the ANEF 25-30 corridor could retain the current IN2 Light Industrial Use zoning, with the remaining part of the site zoned R4- High Density Residential. This would be the preferred land use zoning for the purpose of maintaining the existing businesses on site and providing for employment, it would also accommodate the affectation of the ANEF 25-30 contour.

A Voluntary Planning Agreement should be negotiated that reflects Council objectives for affordable housing and affordable artist spaces, in addition to potential road and public domain improvements in Edith and Mary Street.

Given the above, whilst it is agreed that the site is capable of having alternate LEP provisions to update and maximise its potential for both employment uses and additional residential uses, Council should advise DPE that it does not support the Planning Proposal in its current form,

and that it recommends significant amendments as outlined in this report. Given the procedures for progressing the Planning Proposal, Council should seek a response from the DPE on how it intends to deal with this situation so that Council can respond and produce the required site specific Development Control Plan.

ATTACHMENTS

1. [↓](#) Sydney Eastern City Planning Panel
2. [↓](#) Gateway Determination and Letter
3. [↓](#) Planning Proposal
4. [↓](#) Development Control Plan
5. [↓](#) State Agency comments
6. [↓](#) Traffic and Parking Assessment Report
7. [↓](#) Council Engineer Comments
8. [↓](#) Council AEP comments
9. [↓](#) Design Concept Report
10. [↓](#) Remedial Action Plan
11. [↓](#) Heritage Assessment Report


**Planning
Panels**
**PRE-GATEWAY REVIEW
ADVICE REPORT
SYDNEY CENTRAL PLANNING PANEL**

DATE OF ADVICE	Wednesday 15 February 2017
PANEL MEMBERS	John Roseth (Acting Chair), Sue Francis, Julie Savet Ward
APOLOGIES	None
DECLARATIONS OF INTEREST	None

PRE-GATEWAY REVIEW

2016SYE106 – Inner West - PGR_2016_MARRI_001_00 - AT 67-73 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters (also known as Precinct 75 or the Taubmans Paint Factory) (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

PANEL CONSIDERATION AND RECOMMENDATION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that:

- ☒ The planning proposal **should** be submitted for a Gateway determination, subject to the matters raised in the recommendation of the Panel
- ☐ The planning proposal **should not** be submitted for a Gateway determination

The decision was unanimous.

ADVICE AND REASONS FOR THE RECOMMENDATION

The Panel considered this proposal for the first time in October 2016, at which time it asked for clarification of certain aspects. The proponent has now responded to this request with responses that the Panel considers adequate.




Since the Panel's first consideration of the proposal, the draft Sydney Central District Plan has been released for community consultation. That Plan suggests that a precautionary approach should be applied to any re-zonings of industrial land. The Panel considers that this rezoning proposal satisfies the precautionary principle, because the site is an isolated piece of industrial land and also because the amount of floor space devoted to employment will be greater following the proposed rezoning than it is now. Moreover, two studies undertaken by the former Marrickville Council (the Marrickville Urban Strategy of 2007 and the Marrickville Employment Land Study of 2015) supported the conversion of this type of isolated industrial site to alternative use.

The Panel is aware that there is some difference of opinion between the proponent and the council's planning staff in relation to the height of buildings along Edith Street and the Floor Space Ratio (FSR). The Panel accepts that the heights and FSR proposed by the proponent are appropriate to be exhibited. The Panel notes that the detailed proposal has been endorsed by the council's Architectural Excellence Panel.

The Panel is aware that in an amendment to the LEP specifying varying height limits over one site, it is advantageous to have some flexibility in relation to the exact boundary between different height limits. The Panel suggests that, instead of having recourse to a variation under cl 4.6 of the Marrickville LEP, it would be better to include a flexibility clause in this amendment, to the effect that the boundary between different height limits may be varied in any horizontal direction by up to 1m.

The Panel suggests that the objectives of the proposed amendment should include a reference to the relevant priorities of the draft District Plan (eg sustainability, creative employment, housing diversity and affordability, adaptive reuse of buildings and the mixing of employment and residential use on the one site).

The Panel recommends that the draft DCP should be exhibited at the same as the proposed amendment and that the council needs to be satisfied that the draft DCP enables the objectives of the draft LEP to be achieved.

PANEL MEMBERS		
		
John Roseth (Chair)	Sue Francis	Julie Savet Ward

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2016SYE106 – Inner West - PGR_2016_MARRI_001_00 - AT 67-73 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters (also known as Precinct 75 or the Taubmans Paint Factory)
2	LEP TO BE AMENDED	Marrickville Local Environmental Plan 2011
3	PROPOSED INSTRUMENT	<p>The planning proposal seeks to amend Marrickville Local Environmental Plan 2011 as follows:</p> <ul style="list-style-type: none"> • rezone the site from IN2 industrial and R2 Low Density Residential, to B4 mixed Use and RE1 Public • Recreation; • increase the maximum floor space ratio from 0.6:1 and 0.95:1, to 2.2:1 across the entire site; and • increase the maximum building height from 9.5m and no building height, to varying heights between 9.5m • and 29m across the site.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Pre-Gateway review request documentation • Department Justification Assessment Report • Additional information provided by the applicant
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting with Department of Planning and Environment (DPE), 6 October 2016, 9.30 am to 10.20 am <ul style="list-style-type: none"> ○ Panel members (Sydney East Joint Regional Planning Panel) in attendance: John Roseth (Chair), Sue Francis, Julie Savet Ward ○ DPE staff in attendance: Karen Armstrong, Martin Cooper • Briefing meeting with Council, 6 October 2016, 10.20 am to 11.00 am <ul style="list-style-type: none"> ○ Panel members (Sydney East Joint Regional Planning Panel) in attendance: John Roseth (Chair), Sue Francis, Julie Savet Ward ○ DPE staff in attendance: Karen Armstrong, Martin Cooper ○ Council representatives in attendance: Jaimie Erkin • Briefing meeting with Proponent, 6 October 2016, 11.05 am to 11.55 am <ul style="list-style-type: none"> ○ Panel members (Sydney East Joint Regional Planning Panel) in attendance: John Roseth (Chair), Sue Francis, Julie Savet Ward ○ DPE staff in attendance: Karen Armstrong, Martin Cooper ○ Council staff representatives in attendance: Jaimie Erkin ○ Proponent representatives in attendance: Paul Apostoles, Jack Varker-Mills, Mas Chalak, Andrew Duggan, Craig McLaren, Tim Greer • Briefing meeting with Department of Planning and Environment (DPE), 15 February 2017, 9.30 am to 10.00 am <ul style="list-style-type: none"> ○ Panel members (Sydney Central Planning Panel) in attendance: John Roseth (Acting Chair), Sue Francis, Julie Savet Ward ○ DPE staff in attendance: Martin Cooper, Michael Kokot • Briefing meeting with Council and Proponent, 15 February 2017, 10.00 am to 10.40 am <ul style="list-style-type: none"> ○ Panel members (Sydney Central Planning Panel) in attendance: John Roseth (Acting Chair), Sue Francis, Julie Savet Ward ○ DPE staff in attendance: Martin Cooper, Michael Kokot ○ Council staff representatives in attendance: Maxine Bailey, Jaimie Erkin ○ Proponent representatives in attendance: Paul Apostoles, Andrew Duggan, Tim Greer, Chis Patfield



Our Ref: PP_2017_IWEST_010_00 (17/11553)

Mr Rik Hart
Interim General Manager
Inner West Council
260 Liverpool Road
ASHFIELD NSW 2131

Dear Mr Hart

Planning Proposal PP_2017_IWEST_010_00 to amend Marrickville Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 67, 73-83 Mary, 50-52 Edith and 43 Roberts Streets, St Peters from R2 Low Density Residential and IN2 Light Industrial to B4 Mixed Use and amend the development standards.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with Section 117 Directions 1.1 Business and Industrial zones and 3.5 Development near licensed aerodromes are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Plan making powers were delegated to Councils by the Minister in October 2012. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Martin Cooper of the Department's Sydney Region East section to assist. Mr Cooper can be contacted on 9274 6582.

Yours sincerely

 10 October 2017
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway Determination


**Planning &
Environment**

Gateway Determination

Planning Proposal (Department Ref: PP_2017_IWEST_010_00): to rezone 67, 73-83 Mary, 50-52 Edith and 43 Roberts Streets, St Peters from R2 Low Density Residential and IN2 Light Industrial to B4 Mixed Use and amend the development standards

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Marrickville Local Environmental Plan (LEP) 2012 to rezone the site from R2 Low Density Residential and IN2 Light Industrial to B4 Mixed Use and amend the development standards should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to:
 - (a) include a satisfactory arrangements provision for contributions to designated State public infrastructure identified as part of a draft or final Sydenham to Bankstown Urban Renewal Corridor Strategy;
 - (b) identify an alternative zoning for the 43 Robert Street site, being either a B4 Mixed Use or RE2 Private Recreation zoning;
 - (c) include a remedial action plan to guide site remediation and validation procedures, and to manage waste for any require off-site disposal; and
 - (d) update the project timeline.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Environmental Protection Authority
 - Roads and Maritime Services
 - Federal Department of Infrastructure and Regional Development
 - Sydney Airport Corporation
 - Department of Education
 - Transport for NSW

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

INNER WEST (PP_2017_IWEST_010_00)

**Planning &
Environment**

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *10th* day of *October* 2017.


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

INNER WEST (PP_2017_IWEST_010_00)



Planning Proposal

67, 73-83 Mary, 50-52 Edith & 43 Roberts Streets, St Peters



Amendment to Marrickville LEP 2011

Submitted to the Department of Planning and Environment
On Behalf of JVM Holdings and Chalak Holdings Pty Ltd

November 2017 ■ 15869

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JBA operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not **dated** below, it is a preliminary draft.

This report has been prepared by:



Nathan Croft

17/11/2017

This report has been reviewed by:



Andrew Duggan

17/11/2017

67, 73-83 Mary, 50-52 Edith & 43 Robert Streets, St Peters • Planning Proposal • November 2017

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F	BCA Assessment Report <i>Steve Watson & Partners</i>
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I	Landscape Report

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James Mather Delaney Design Pty Ltd Landscape Architects

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Tonkin Zulaikha Greer Architects
- K** Waste Management Plan
Elephants Foot Recycling Solutions
- L** Structural Adequacy Statement
Structural Design Solutions Consulting Engineers
- M** Preliminary Geotechnical Investigation Report
Environmental Investigations Australia
- N** Detailed Site Investigation Report
Environmental Investigations Australia
- O** Detailed Site Investigation Addendum
Environmental Investigations Australia
- P** Fire Engineering Concept Design Statement
Lote Consulting
- Q** Security Report
Lote Consulting
- R** Noise Impact Assessment
Acoustic Logic
- S** Engineering Services Report
Integrated Group Services
- T** Ecological Sustainable Design Report
Integrated Group Services
- U** Remedial Action Plan
JBS&G

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Executive Summary

This Planning Proposal has been prepared on behalf of JVM Holdings and Chalak Holdings Pty Limited and seeks to amend the *Marrickville Local Environmental Plan 2011* (LEP) Land Use Zone, Height of Building and Floor Space development controls and insert an additional clause regarding flexibility in building height in Schedule 1 specifically relating to 67, 73 - 83 Mary, 50-52 Edith & 43 Roberts Streets, St Peters (the Site).

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Act 1979 (NSW)* (EP&A Act), and includes the requirements as set out in *A guide to preparing planning proposals* published by the then Department of Planning and Infrastructure in October 2012.

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument
- **Part 3** – The justification for those objectives, outcomes and the process for their implementation
- **Part 4** – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- **Part 5** – Details of the community consultation that is to be undertaken on the planning proposal

Accompanying this report is an Indicative Scheme prepared by Tonkin Zulaikha Greer (**Appendix A**), a Proposed Site Specific DCP (**Appendix E**) and specialist consultant reports appended to this Proposal (refer to **Contents**).

1.0 Introduction

This Planning Proposal has been prepared by JBA on behalf of JVM Holdings and Chalak Holdings Pty Limited (herein referred to as the Proponent). It seeks to amend the provisions of the *Marrickville Local Environmental Plan 2011* (LEP) as they relate to 67,73-83 Mary, 50-52 Edith & 43 Roberts Streets, St Peters (the Site), also known as 75 Mary Street, St Peters, Precinct 75 and the Taubman's site.

The purpose of this Planning Proposal is to seek amendments to the LEP to facilitate a mixed-use development on the site. This will be achieved through an amendment to the land use zoning from IN2 Light Industry and R2 Low Density Residential to B4 Mixed Uses, a flexible and graduated change to the height control (where no height control exists at present) and an FSR control of 2.2:1.

Should the Planning Proposal be supported, the Proponent proposes to retain and enhance the existing employment generating, creative use precinct by upgrading the facilities to satisfy contemporary access, fire safety and amenity standards and integrate the use into the surrounding area by encouraging community interaction, creating pedestrian linkages and dealing with traffic and parking demands on site. A significant portion of the site is an at grade car parking which creates the opportunity for a residential interface providing a buffer to the lower density residential uses beyond and providing a local population to support and enhance the precinct. The site provides the opportunity for the provision of additional public open space and an associated series of pedestrian networks linking the area, through the site, to the nearby Sydenham station and the Princes Highway corridor.

The indicative scheme, provided in support of this Planning Proposal, demonstrates that a mixed-use redevelopment is achievable on this site at the scale proposed. The process would require a future DA approval and be subject to additional requirements at that stage.

This Planning Proposal describes the site and the proposed LEP amendments. It is supported by an indicative scheme of how the site might be developed considering the proposed changes. This Planning Proposal should be read in conjunction with the indicative scheme prepared by Tonkin Zulaikha Greer and specialist consultant reports appended to this Proposal (refer to Table of Contents).

This Planning Proposal has been prepared having regard to "A guide to preparing local environmental plans" and "A guide to preparing planning proposals" published by the then Department of Planning and Infrastructure.

1.1 Background

A Preliminary Planning Proposal for the site was completed by Mersonn Pty Ltd in December 2015, with a concurrent development application for mixed use development completed by JBA in February 2016. The Planning Proposal was supported by Council staff but subsequently refused by the elected Council. Following the refusal of the proposal by Marrickville Council in March 2016, the proposal was lodged with the Joint Regional Planning Panel for a Pre-Gateway Review.

The JRPP reviewed the application on 6 October 2016 and considered that the proposal has both strategic and site-specific merit. JBA responded to a request for further information from the Sydney East Joint Regional Planning Panel (JRPP) Pre-Gateway Review for Panel Ref #2016SYE106.

In February 2017, the Central Sydney Planning Panel determined that the proposal should proceed to Gateway. In July 2017, the Department of Planning and Environment (the Department) requested that the Planning Proposal be consolidated to be submitted as one single package including referenced/numbered annexures.

JBA has been engaged to prepare the consolidated Planning Proposal for submission to the Department ahead of its exhibition.

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2.0 The Site

2.1 Site Location and Context

The site is located at 67, 73-83 Mary, 50-52 Edith & 43 Roberts Streets, St Peters Sydney Metro Northwest within the Marrickville Local Government Area. The site is located approximately 8km south-west of the Sydney CBD and within 500m of Sydenham Station.

The site has a western boundary to Mary Street of approximately 108.4m and a frontage to Edith Street of approximately 142.98m. The common northern boundary is approximately 100.585m. The common southern boundary is stepped 52.26m, 28.12m and 53.72m.

The broader block in which the site is located is comprised of predominantly residential development and is bound by Unwins Bridge Road to the north and the Princes Highway to the south. The site is approximately 600 metres from Sydenham train station and 1 kilometre from St Peters station. The Sydney CBD is approximately 5 kilometres north-east of the site and Sydney Airport is located 1 kilometre to the south.

Historically an industrial area, St Peters is increasingly home to a variety of residential, commercial, and industrial uses. The site is located within a predominantly residential area, characterised by one and two storey developments.

The site's location within the context of the surrounding area is shown at **Figure 1**.

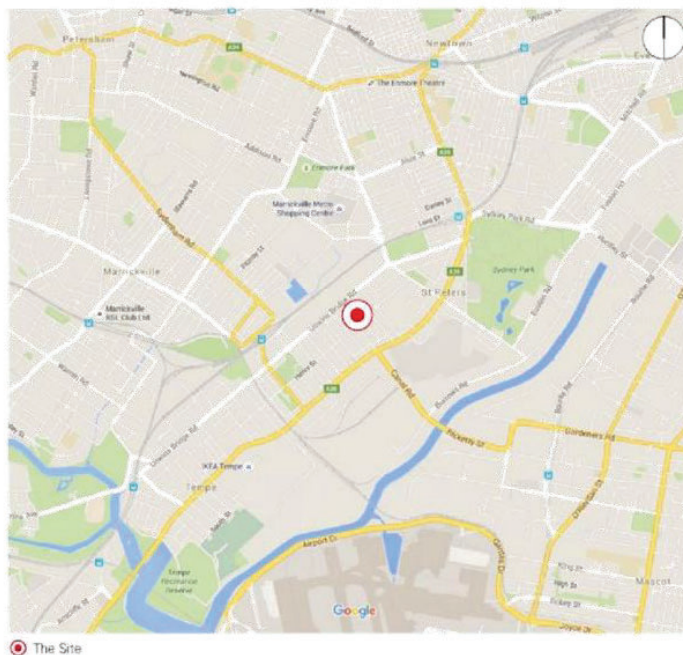


Figure 1 – Site in context
Source: Google Maps and JBA

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2.2 Site Description

The site consists of six allotments and is legally described as:

- Lot 1 DP 556914;
- Lot 1 DP 745014;
- Lot 1 DP 745657;
- Lot A DP 331215;
- Lot 1 DP 87885; and
- Lot 1 DP 180958;

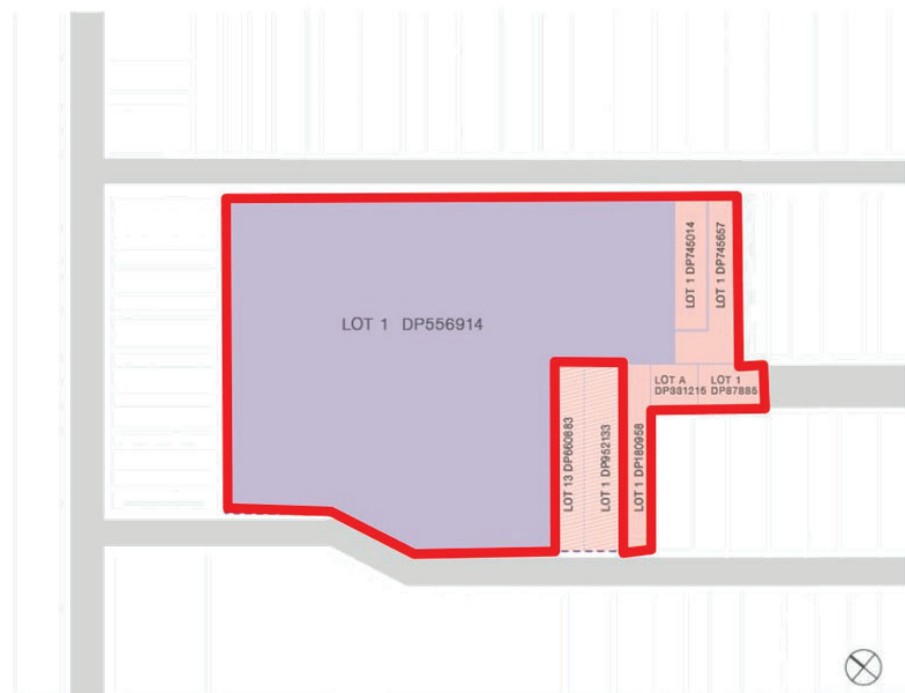


Figure 2 – Land subject to this Planning Proposal
Source: Tonkin Zulaikha Greer

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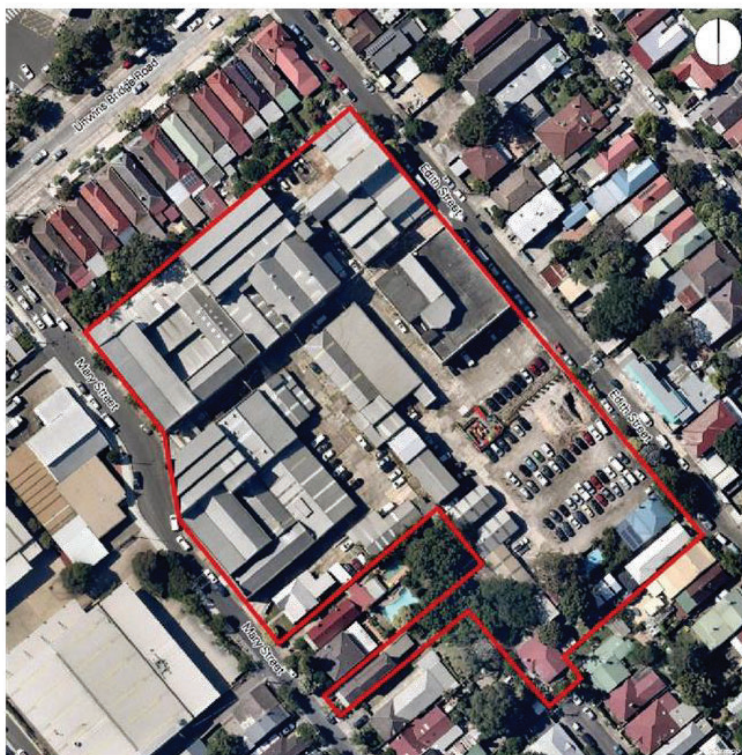


Figure 3 – Proponent Ownership
Source: Tonkin Zulaikha Greer

The site has a total area of approximately 1.5258 hectares and is irregular in shape.

- Lot 1 DP556914 13,395m²;
- Lot 1 DP745014 365.33m²;
- Lot 1 DP745657 575.7m²;
- Lot A DP331215 215m²;
- Lot 1 DP87885 273m²; and
- Lot 1 DP180958 434m²;

An aerial photo of the site is shown at **Figure 4**.



The Site

Figure 4 – Aerial photograph of the site
Source: Nearmap

Land zoned industrial south of Mary Street is not included as part of this planning proposal, primarily because it is not under the ownership of the proponent. Notwithstanding this, it also sits directly within the 25+ ANEF contour levels and therefore it is difficult to incorporate this into a residential use.

Existing Development

The site accommodates buildings of various ages and styles which are used for light industrial and artisan purposes. On-site parking is available in an existing at grade parking area on the southwestern portion of the site. Most of the buildings on the site would appear to have been constructed during the Taubmans occupation between 1905 and 1943 with most of the buildings constructed from the late 1920's to the early 1940's. There are currently 11 existing buildings on the site of various heights ranging from one to three storeys, as well as a cottage and three residential dwellings (all shown in Figure 5).

The north-west boundary of the site has substantial 2–3 storey buildings, the tallest of which are approximately 14.5 metres in height. The scale of these buildings is maintained through the central portion of the site, along Mary Street and Edith Street, and then decreases towards the south east of the site. This portion of the site has a number of small, single storey buildings and the north-east corner of the site is currently free of structures and used for car parking.

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Figure 5 – Existing development on the site, showing building numbers
Source: Tonkin Zulaikha Greer

Topography

The site has a slope of approximately 5 metres down from Edith Street to Mary Street.

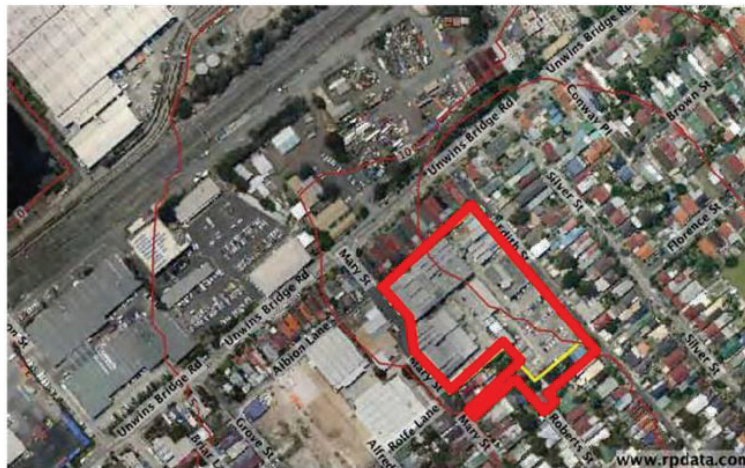


Figure 6 – Site indicating 5m contour
Source: Mersonn

Vegetation

The site is largely unvegetated except for some 25 trees located around the residential dwellings within the site

Heritage

The site is not affected by heritage constraints nor are there any heritage listed properties in the vicinity.

Access

The site has two street frontages, to Mary Street and Edith Street. Vehicles may access the site from entrances on each frontage. There is currently a

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large car park on the north-eastern corner of the site which can accommodate approximately 80 cars. The site is also accessible to pedestrians and is approximately 600 metres from Sydenham station and 1 kilometre from St Peters station.



Figure 7 – Building 1 and 2 viewed from Mary Street



Figure 8 – Vehicle entrance to the site from Mary Street and existing cottage

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Figure 9 – The site as viewed from Mary Street towards Unwins Bridge Road



Figure 10 – The site viewed from Edith Street

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Figure 11 – The site viewed from Edith Street, showing building 5 and existing car park

2.3 Surrounding Development

Land uses immediately surrounding the site are predominantly one and two storey residential dwellings as well as two-storey light industrial warehouses located south-west across Mary Street.

Unwins Bridge Road

The dwellings adjoining the site to the north-west front Unwins Bridge Road. The dwellings are oriented north south and directly adjoin the buildings on the subject site with a series of gardens.

The area to the north of the site over Unwins Bridge Road comprises the larger Marrickville industrial area and the Marrickville Metro Shopping Centre is also located approximately 650 metres north of the site.

Mary Street

An industrial estate adjoins the subject site to the south across Mary Street. The site is zoned Light Industrial and is surrounded by residential land zoned R2 under the provisions of Marrickville LEP 2011. The land is variously developed with single dwellings which generally fronts Mary Street.

The dwellings are a mixture of detached and semi-detached single and two storey dwellings with an irregular subdivision pattern of small lots. Dwellings are built close to the street alignment with open space to the rear.

More recent medium density development of attached dwellings occurs on the larger allotments.

Roberts Street

Low density residential land adjoins the site on Roberts Street to the south and is zoned R2 under the provisions of Marrickville LEP 2011. The land is variously developed with single dwellings which generally fronts Roberts Street.

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The dwellings are a mixture of detached and semi-detached single and two storey dwellings with an irregular subdivision pattern of small lots. Dwellings are built close to the street alignment with open space to the rear.

Edith Street

Low density residential land adjoins the site on the south side of Edith Street to the south and is zoned R2 under the provisions of Marrickville LEP 2011. The land is variously developed with single dwellings which generally front Edith Street.

The dwellings are a mixture of detached and semi-detached single and two storey dwellings with an irregular subdivision pattern of small lots. Dwellings are built close to the street alignment with open space to the rear.

The north side of Edith Street opposite the subject site is predominantly residential interspersed with former small-scale warehouse uses. The subdivision pattern is varied and irregular with lots fronting Edith Street and through-block lots fronting Silver Street to the north.

The land is zoned R2 low density residential and accommodates a variety of single and two storey dwellings of mixed age and style.



Figure 12 – Light industrial development located adjacent to the site across Mary Street

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Figure 13 – Residential development on Mary Street adjacent to the site typical of the surrounding area



Figure 14 – Two-storey residential development on Mary Street

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Figure 15 – Residential development on Roberts Street typical of the surrounding area



Figure 16 – Residential development on Edith Street



Figure 17 – Commercial development on Unwins Bridge Road

2.4 Development History

The site was originally amalgamated by Taubmans Paint and varnish works during their ownership from 1903 to 1965. The site was subsequently acquired by Genimpex Pty Ltd (1965 – 2013) and JVM Holdings and Chalak Holdings Pty Ltd (2013) which amalgamated further lots into the site.

Since 1965 (when Taubmans relocated to Villawood) the site has been used by a variety of mixed uses, light industries, warehousing and more latterly creative industries. These uses have adaptively repurposed the Taubmans facilities into a dynamic creative business precinct. Most of the buildings on the site would appear to have been constructed during the Taubmans occupation between 1905 and 1943 with most of the buildings constructed from the late 1920's to the early 1940's.

A variety of use applications have been approved on the subject site for the light industrial and creative industry tenants since the 1960's.

2.5 Demographics

A summary of key demographic indicators are outlined below.

- At the time of the 2011 census, there were 2,871 people living in 2,561 dwellings with an averaging household size of 2.2.
- The traditional owners of Marrickville LGA are the Cadigal Wangal clans of the Eora nation. In 2011, Aboriginal and Torres Strait Islander people made up 1.0% of the population, which is fairly consistent with the LGA, but lower than the NSW average at 2.5%.
- The median age of residents living in St Peters in 2011 was 35 years. This is on par with the LGA and State average.

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2.6 Existing Local Services

Public Transport

The site is approximately 500 metres from Sydenham train station and 1 kilometre from St Peters station. There are also Sydney Bus routes within walking distance.

Education

The area has a number of educational institutions in the locality, including:

- St Peters Primary School
- Marrickville Primary School; and
- St Pius' Catholic Primary School.

Health

The proposed development is located close by to a number of health care services, including Royal Prince Alfred Hospital, which is less than 3km from the site. There are a number of medical centres and other health practitioners in the vicinity that will be able to service the new residents.

Shopping

There are a number of nearby shopping destinations that would service the proposed development. These including Marrickville Metro Shopping Centre (700 metres).

Open Space

There are a number of parks in the surrounding area, being Sydney Park, Camdenville Park and Simpson Park as well as smaller local parks.

- The vast majority of St Peters residents were born in Australia (61.9%). Other countries of birth were England (6.0%), New Zealand (3.2%) and China (1.8%).
- In terms of employment statistics, 43.8% of residents work full time and 13.1% work part time. The majority of workers are Professionals, Managers and Clerical and Administrative workers).
- 20.4% of St Peters' homes are owned outright, 39.2% are mortgaged, and 37.5% of are rented.
- 17.5% of residents earned an individual income of more than \$1,500 per week.



3.0 Existing Planning Controls

This section of the report describes the existing planning controls that apply to the site under the current legislative planning framework and establishes the amendments to the LEP and DCP required to pursue the indicative development concept.

3.1 Marrickville Local Environmental Plan 2011

The Marrickville Local Environmental Plan 2011 (LEP) is the primary environmental planning instrument that applies to the site. These controls are discussed below.

3.1.1 Zoning

Under the LEP the site is part zoned IN2 – Light Industrial and R2 – Low Density Residential as shown in Figure 18 below. This Proposal seeks to rezone the site to B4 – Mixed Use.

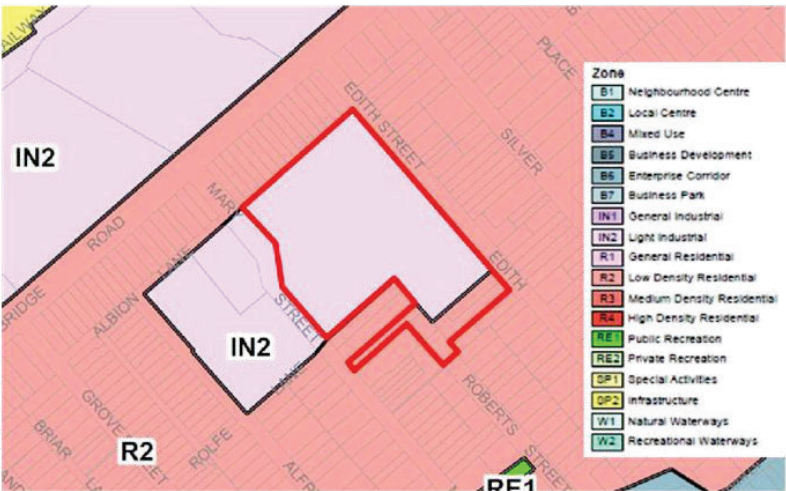


Figure 18 – Current Site zoning
Source: LEP

3.1.2 Building Height

The LEP does not currently include a height of building development standard for the IN2 zoned land. The R2 part of the site is however subject to the requirements of the LEP which allows a building height of 9.5 metres as shown in Figure 19 below. This Proposal seeks to flexibly impose a range of height limits (9.5, 17.0, 20.0, 23.0 and 29.0 metres) that respond to the existing buildings on site and to the adjoining and nearby building forms.

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Figure 19 – Existing Height of Buildings
Source: LEP

3.1.3 Floor Space Ratio

The LEP imposes an FSR of 0.6:1 for the R2 land and 2.2:1 for the IN2 zoned land as shown in **Figure 20** below. This Proposal seeks to extend the 2.2:1 FSR across the site.

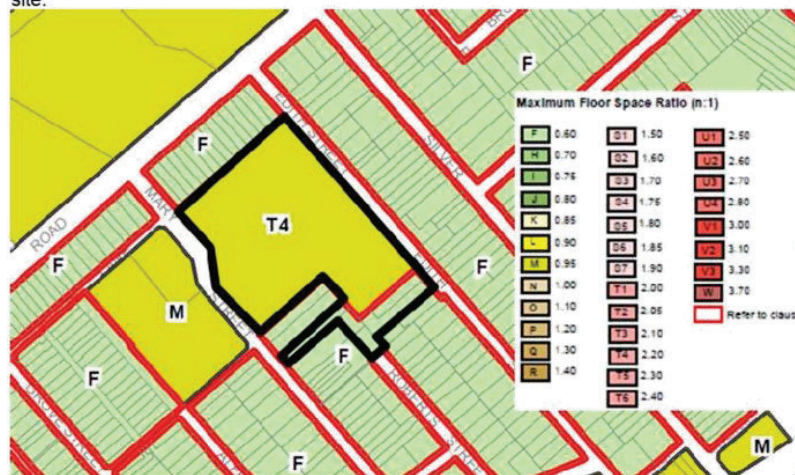


Figure 20 – Existing FSR map (noting that the T4 is incorrectly coloured)
Source: LEP

3.1.4 Australian Noise Exposure Forecast

The LEP requires Council consider the noise affectation associated with Sydney Airport on land subject to aircraft noise. This land is identified as land with an Australian Noise Exposure Forecast (ANEF) 2033 contour of 20 or greater which includes the site.

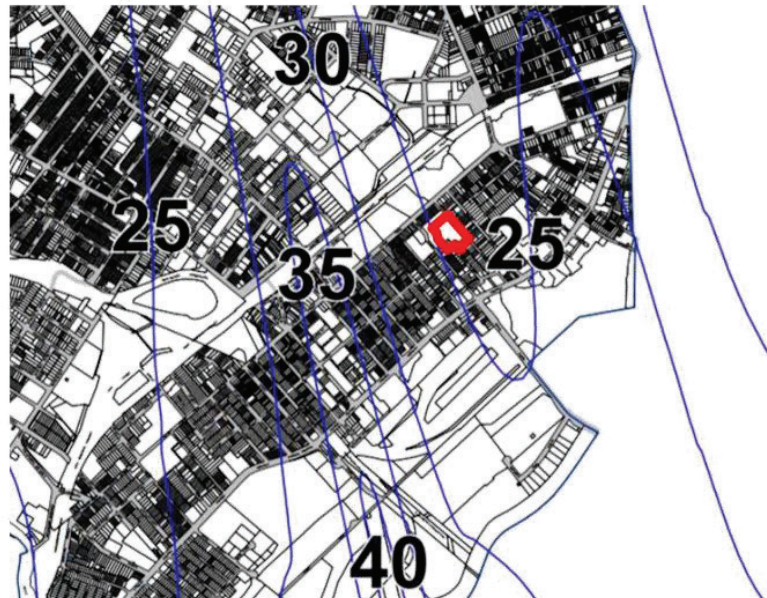


Figure 21 – ANEF Contours
Source: Inner West Council

3.2 Marrickville Development Control Plan 2011

The Marrickville Development Control Plan 2011 (DCP) builds upon and provides more detailed provisions than the LEP. The DCP includes controls based on development typology. Part 4 details the requirements for residential development and Part 6 details the requirements for industrial development. These controls are generally not relevant to the proposed land uses and are therefore not discussed further.

In addition to the typology controls, Part 9 of the DCP includes strategic controls based on the location of the site, with the former Marrickville LGA being divided into 41 precincts. The site is within Unwins Bridge Road (Precinct 31). There are no site-specific development controls for the Precinct.

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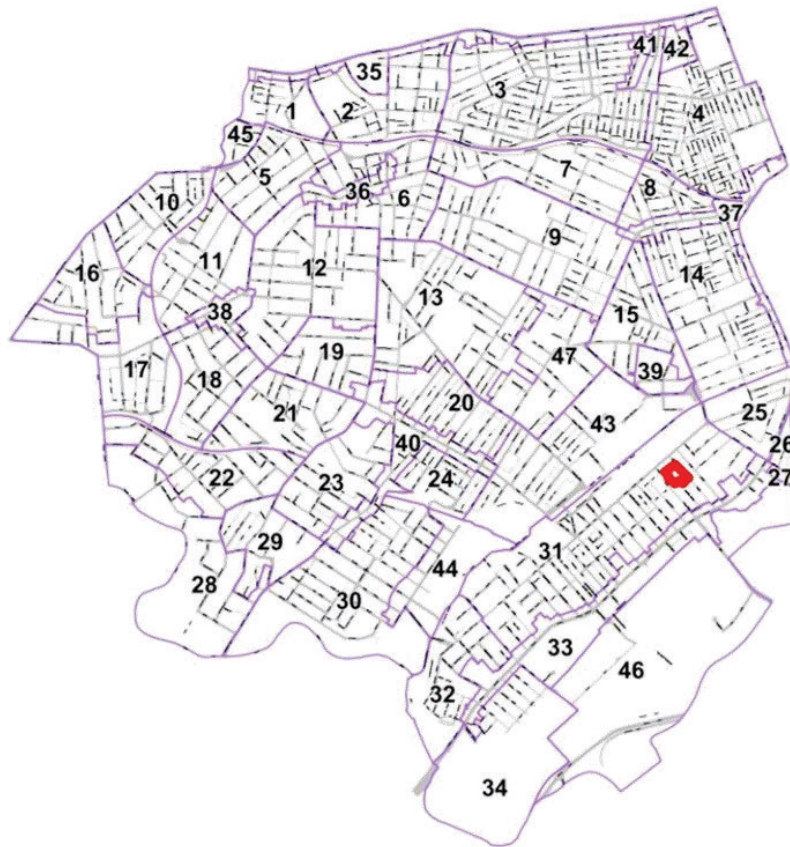


Figure 22 – DCP Precincts
Source: DCP

The DCP identifies this precinct as being characterised predominantly by low density Victorian, Federation, Inter-War, and Contemporary residential dwellings followed by industrial, commercial, and institutional land uses. It recognises a generally uniform subdivision pattern of small lots with narrow street frontages with narrow street widths and footpaths. Industrial lots within the precinct are an exception and have an inconsistent subdivision pattern.

The DCP indicates the desired future character for the area is:

1. To protect and preserve the identified period buildings within the precinct and encourage their sympathetic alteration or restoration.
2. To protect the identified Heritage Items within the precinct.
3. To maintain distinctly single storey streetscapes that exist within the precinct.
4. To protect groups or runs of buildings which retain their original form including roof forms, original detailing and finishes.
5. To protect significant streetscapes and/or public domain elements within the precinct including landscaping, fencing, open space, sandstone kerbing and guttering, views and vistas and prevailing subdivision patterns.
6. To preserve the predominantly low density residential character of the precinct.
7. To support pedestrian and cyclist access, activity and amenity including maintaining and enhancing the public domain quality.

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8. *To ensure that the provision and location of off-street car parking does not adversely impact the amenity of the precinct.*
9. *To protect the identified values of the Collins Street Heritage Conservation Area.*

This Planning Proposal proposes the addition of new Site-Specific controls to be added into 9.31.5.

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4.0 The Planning Proposal

This section of the report describes the Planning Proposal process and the indicative design scheme.

4.1 The Process

In accordance with department guidelines, this planning proposal has been prepared by the JBA on behalf of the Proponent.

The Planning Proposal has been informed and supported by the following detailed technical investigations:

- Urban Design;
- Ecological Sustainability;
- Servicing;
- Traffic and Parking;
- Security, Fire, Structural and BCA Assessments;
- Geotechnical;
- Contamination;
- Waste;
- Noise;
- Heritage; and
- Landscape.

These technical studies are provided as appendices to this report (refer to table of contents). If adopted and incorporated into the LEP, the Planning Proposal will guide future development within the subject site. Key steps in the preparation of this Planning Proposal included:

- **Understanding place** - effective strategy is based on a clear understanding of place. This step investigated the site and its context
- **Building the evidence base** – using existing studies and strategies as a platform and undertaking supplementary studies and strategies
- **Defining the challenge** – clearly identifying the key issues to be investigated and resolved so that the strategic planning proposal process is focussed on tackling the right issues
- **Developing a vision and key outcomes** – developing a vision and key outcomes for the future of the site
- **Generating strategy and initiatives** – developing strategy and initiatives that address the key issues and seek to achieve the vision and key outcomes
- **Evaluation** – assessing the strategy and initiatives against state and local strategic and statutory planning policy to ensure its promotes or is consistent with the intent of these policies
- **Implementation** – preparing proposed amendments to existing zoning, FSR and height controls in the LEP to facilitate the intended outcomes of the proposal.

4.2 Site Constraints

In establishing the sites development potential, the following site constraints were recognised by Tonkin Zulaikha Greer:

- Aircraft noise;
- Traffic;
- Lack of public open space and landscape amenity;
- The historical pattern of the development of the site;
- Contamination;
- Slope;
- Land use context of industrial ringed by residential; and
- Lack of access and compliance with modern building standards

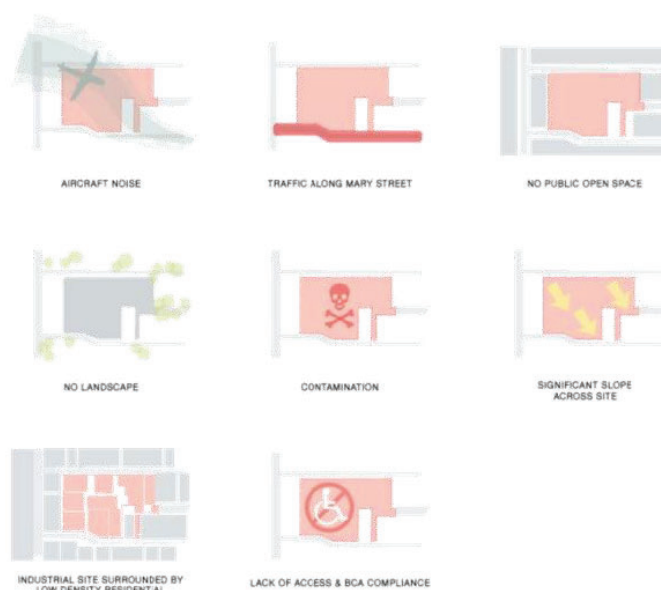


Figure 23 – Constraints Analysis
Source: Tonkin Zulaikha Greer

The development scheme can respond to these constraints however there exist further planning constraints which artificially constrain the site:

- Maximum building height on the R2 part of the site;
- The historical pattern of the development of the site;
- Maximum FSR; and
- Industrial zoning of most of the site.

While the local area is relatively intensively developed for residential uses it is characterised by a lack of local facilities and public open space. The local context is also relatively poor in terms of pedestrian connectivity and the occurrence of local centres. The local and neighbourhood centres within the Marrickville Local Government

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Area tend to be concentrated further to the west and north with little in the way of retail or community precincts within proximity of the site.



Figure 24 – Open Space
Source: Tonkin Zulaikha Greer

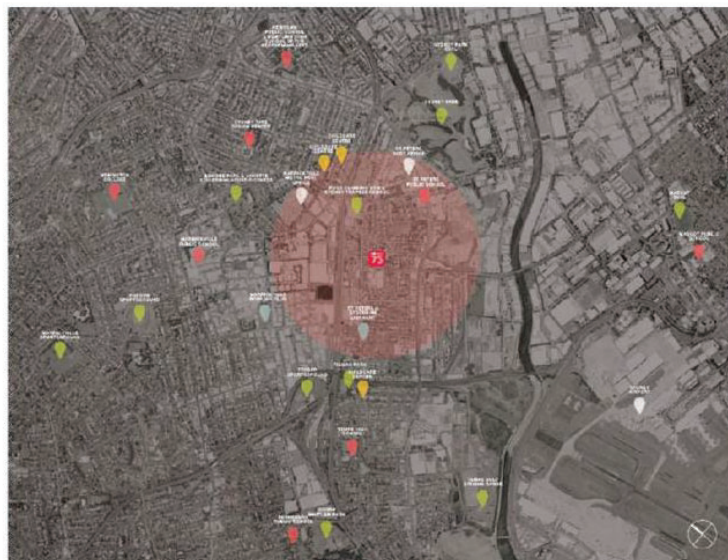


Figure 25 – Community Infrastructure
Source: Tonkin Zulaikha Greer

The subject site is located between two major north-south arterials being the Princes Highway and Unwins Bridge Road. Mary Street currently provides a significant east-west linkage between these routes and connects with Canal Street and Gardeners Road to the east. These are highly traffic routes which offer little pedestrian amenity and the current local road network offers little in the way of alternative pedestrian or bicycle routes between these corridors.

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Figure 26 – Road Network
Source: Tonkin Zulaikha Greer

The future of the Princes Highway under the Sydney Metropolitan Plan and the Marrickville LEP is for the future development of this corridor as an intensive mixed-use locality. It is noted that Enterprise Corridor is adopted in the Marrickville Urban Strategy stretching from St Peters through Wolli Creek and dependent on the parallel rail infrastructure following to the north.

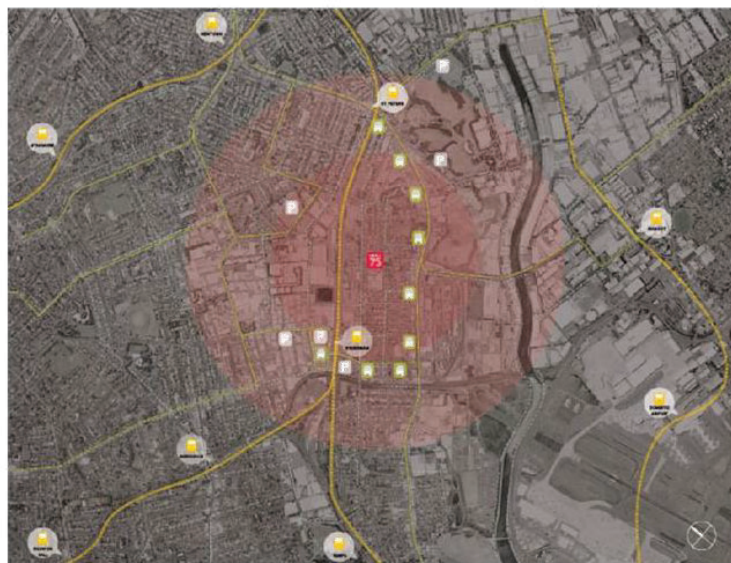


Figure 27 – Public Transport
Source: Tonkin Zulaikha Greer

[illegible]

This Planning Proposal will seek to address these planning constraints on the basis that they unreasonably restrict a site that is suitable for a mixed-use development that is consistent with State, regional and local strategic planning policies. Development that is free of these constraints can deliver an urban outcome that is suitable to the unique opportunities presented by the site.

- Access through the site;
- Views from the site;
- Potential for a new community space and focus;
- Landscape embellishment;
- Foster and expand the existing creative industries base;
- Live/work housing solutions;
- Express the existing and create new architectural interest; and
- Encourage employment land uses on the site.

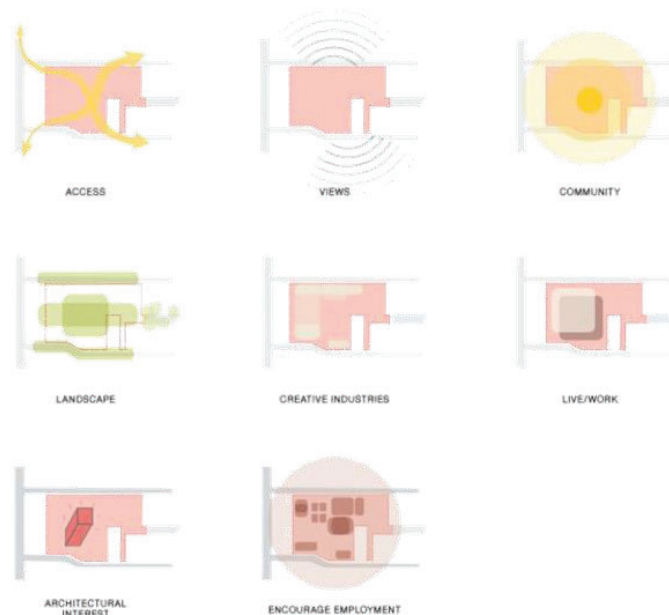


Figure 29 – Opportunities Analysis
Source: Tonkin Zulaikha Greer

4.4 Indicative Scheme

A number of preliminary options were investigated before and during the preparation of the indicative design scheme and prior to the preparation of the Planning Proposal:

- Option 1: Do nothing
- Option 2: Develop the site in accordance with the existing land use zoning (ie. incorporate an additional circa 1,000m² light industrial floor space within the site)
- Option 3: Rezone the land and introduce appropriate site-specific controls resultant from a detailed strategic assessment of the site capacity.

Option 3 provided significant benefits by way of rationalising the existing development of the site, presenting an opportunity for site remediation, providing for upgraded and new development and facilitating development considerate of the site constraints and opportunities.

An indicative design scheme has been produced by Tonkin Zulaikha Greer (refer to **Appendix G**). The indicative scheme has been designed to show how the site may be developed under the LEP and DCP provisions, as proposed to be amended.

The indicative scheme has first considered the value of the existing buildings and has sought to retain these as contributory to the existing character of the site. The retention of the existing buildings is also considered important to retaining the existing creative industries on-site. Generally, those buildings selected for demolition are of poor construction, lightweight materials, modern additions or obstruct intended future through site links.

New buildings have been located to reinstate a sense of order to the urban layout and to frame the existing street and future on-site public domain.

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Key features of the indicative scheme include:

- Retention and adaptive reuse of higher quality, robust buildings that retain the industrial character of the site;
- Removal of newer and lightweight, more temporary, contemporary buildings;
- New pedestrian and cycle through site linkages to encourage activation and passive surveillance;
- Reinstatement of the street block pattern delivered as linear connections fronted by buildings;
- Underground car parking;
- A series of vertical circulation points;
- High quality embellished public domain and semi-private resident gardens; and
- Landscaped public areas.

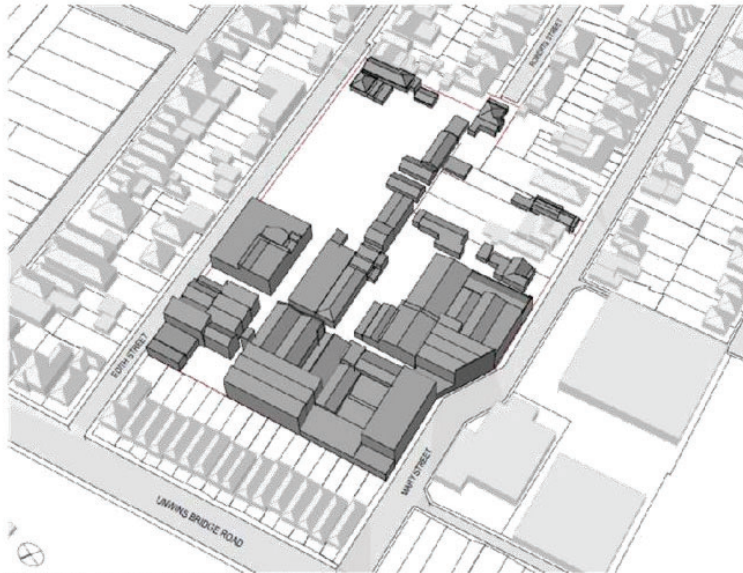


Figure 30 – Existing development on the site
Source: Tonkin Zulaikha Greer

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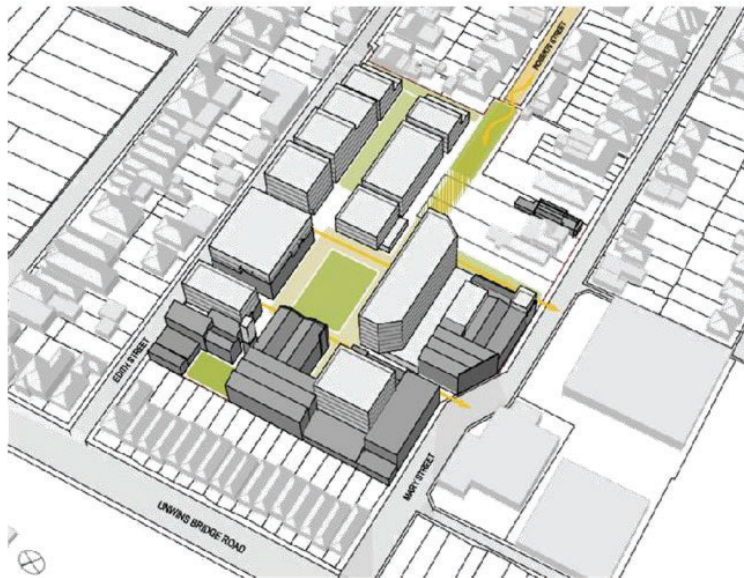


Figure 31 – Intended completed design scheme
Source: Tonkin Zulaikha Greer



Figure 32 – Intended building massing
Source: Tonkin Zulaikha Greer

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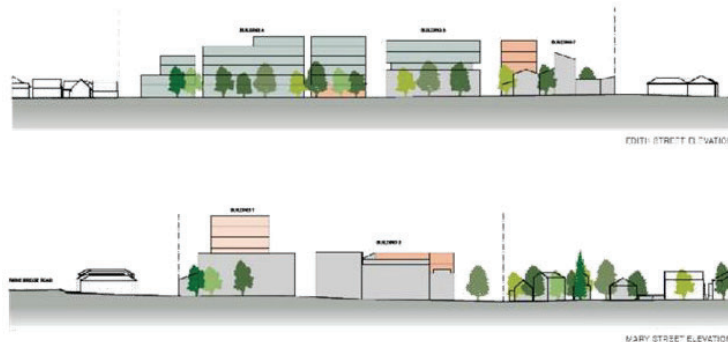


Figure 33 – Intended building massing
Source: Tonkin Zulaikha Greer

The intended outcome for the subject site is a built form consistent with the intention of providing a more appropriate edge development which retains and improves amenity while providing access through the site for residents of surrounding buildings and broader locality.

The impacts of the Scheme are discussed further in **Section 6.0**.

5.0 Assessment of Planning Proposal

This section of the report describes the Planning Proposal and design principles that establish the foundation for the proposed amendments to the LEP and DCP. Further detail is provided throughout the environmental assessment in the following chapters.

The following section includes an assessment against the requirements in *A guide to preparing planning proposals* published by the then Department of Planning and Infrastructure in October 2012. This section demonstrates the need for the proposal and its relationship with the strategic planning framework.

5.1 Part 1 – Objectives and Intended Outcomes

This section of the Planning Proposal sets out the objectives or intended outcomes of the Planning Proposal.

The main objectives of the Planning Proposal are to amend the LEP to:

- a) Provide for the opportunity for the future development of a mixed-use development which:
 - Provides for the continued and upgraded use of the site for creative industries
 - Provides for diversity and housing choice locally and contributes to supply and diversity across the LGA; and
 - Is located within close proximity and within ready access to services and facilities including public transport.
- b) Provide for a development that is well suited to the area and to this specific site, has clear connections with its surrounding context and which will make a positive contribution to the character of the area.

The Planning Proposal does this by amending the LEP to facilitate a mixed-use development on the site. This will be achieved through an amendment to the land use zoning from IN2 Light Industry to B4 Mixed Uses, a flexible and graduated change to the height control (where no height control exists at present) and an FSR control of 2.2:1 (where no FSR control exists at present).

The intended outcome of the Planning Proposal is to enhance the existing employment generating, creative use precinct by upgrading the facilities to satisfy contemporary access, fire safety and amenity standards and integrate the use into the surrounding area by encouraging community interaction, creating pedestrian linkages and dealing with traffic and parking demands on site.

The redevelopment of the at grade car parking as a residential interface will provide a buffer to the lower density residential uses beyond and provide a local population to support and enhance the precinct. The development of the site will provide additional public open space and an associated series of pedestrian networks linking the area, through the site, to the railway station and the Princes Highway corridor.

5.2 Part 2 – Explanation of Provisions

The Planning Proposal incorporates amendments to the LEP as it relates to the site at 67,73-83 Mary, 50-52 Edith & 43 Roberts Streets, St Peters. To achieve the objectives outlined in Part 1 (Section 5.1), this Planning Proposal seeks to amend the LEP as shown below in Table 2.

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The proposed outcome will be achieved through an amendment to the LEP land use zone, height of building and floor space ratio mapping as well as the inclusion in Schedule 1 of a site-specific amendment to provide for flexibility in the height limits for the site. The intent of these provisions is to allow for a mixed-use development, such as the indicative scheme, that helps meet current strategic planning objectives and targets.

Table 1 – Existing Controls and Proposed Amendments

	Existing	Proposed
Land Use Zone	R2 Low Density Residential	B4 Mixed Use
	IN2 Light Industrial	
Building Height	9.5 metres	3.0, 9.5, 17.0, 20.0, 23.0 & 29.0 metres
	No Height Limit	Schedule 1 flexibility inclusion
Floor Space Ratio	0.6:1	2.2:1
	2.2:1	

The proponent has no objection to a drafting of a provision by parliamentary council into the draft LEP that would suspend Clause 1.8A in respect of the consideration of any DAs that may have been lodged concurrently with the assessment planning proposal and certainly before the making of any subsequent Draft LEP.

5.2.1 Land Use Zone

The Planning Proposal seeks to amend the existing IN2 Light Industrial and R2 Low Density Residential to B4 Mixed Use. The land at 71 Mary Street is retained as R2 Low Density Residential.

The objectives of the B4 Mixed Use zone:

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design.
- To promote commercial uses by limiting housing.
- To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.
- To constrain parking and restrict car use.

The B4 Mixed Use zone land uses:

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

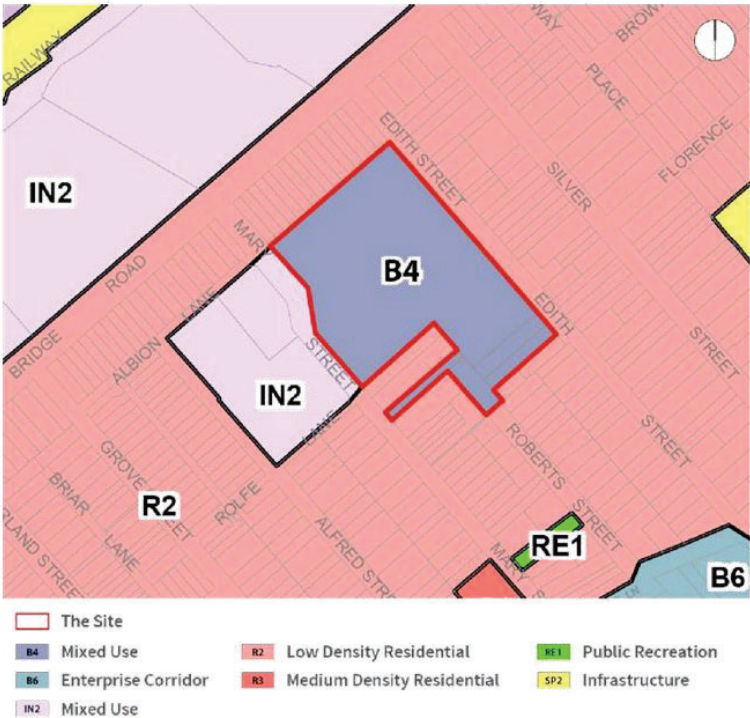
4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism



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boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities



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considered 'mixed use' developments incorporating either 'commercial premises' and/or 'community facility' and a 'residential flat building'. As 'residential flat buildings' are prohibited in the B4 mixed use zone, a site-specific Schedule 1 inclusion to permit a residential flat building is required.

The draft Schedule 1 additional permitted use clause could be as follows:

(2) Development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed-use development.

Other zoning options have been considered in the preparation of this planning proposal, as outlined below.

Option One – B7 Zone

It is noted that a B7 Business Park Zone would allow for the development of residential flat buildings. This zone has the objective of providing for creative industries such as the arts, technology, production and design sectors. It is an employment zone that permits limited residential development and only in conjunction with employment uses at the ground floor and it is promoted through the Marrickville Creative Industries Policy 2011. However, the permissibility of residential flat buildings is similar to that of a B4 zoning, in terms of restricting residential on the ground floor. As such complete B7 zoning of the site would also require a Schedule 1 additional permitted use as is currently proposed through the B4 Mixed Use zone.

Option 2 – R3 Zone

An R3 Medium Density Residential zone would also allow for residential flat buildings, but only as part of the conversion of existing industrial and warehouse buildings, as is the case with office premises. Office premises are also provided for (in conjunction with retail premises) in existing buildings designed and constructed for commercial purposes. As noted in the TZG Design Report, whilst some of the buildings are being adaptively reused, a number of new buildings are also proposed and the commercial use of these buildings under an R3 zoning would be restricted. Accordingly, it is considered that a R3 zone across the entire site is not appropriate.

Option 3 – Split Zone

There is the potential to split the site into two zones comprising a residential and commercial precinct. However, this split zoning would still be subject to the constraints of the options as outlined above in terms of ground floor residential uses in respect of the B4 and B7 zone and the prohibition of standalone residential flat buildings in the R3 zone.

Preferred Zoning – B4 Mixed Use

The advantage of the B4 Mixed Use Zone is that it allows for a wide range of permissible uses throughout the site, including commercial, residential, retail and community uses. Given the intent of the development as a true mixed-use precinct, the B4 Zone is by far the most preferable and most appropriate. None of the options explored are perfect in terms of their land use table, however the use of B4 Zones in areas of southern Sydney including Harold Park, East Village and places like Potts Point where there are true mixed-use precincts demonstrates why this is an appropriate zone in this instance.

The TZG Design Report illustrates the intention to integrate its industrial past and current creative vibrancy and future liveability. It does this by blending the existing commercial uses along the north western portion of the site with the proposed residential uses to the north east. These buildings maintain commercial uses at the lower levels, with residential uses proposed above. However, as mentioned, not all of the residential buildings have activated ground floors. It has been concluded that a B4 mixed use zone with the

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additional permitted use in Schedule 1 is the most appropriate means of meeting this vision.

Whilst we acknowledge that the B4 Zoning is a broad zone, the proponent's vision for the site is reflected in a draft DCP and a draft planning agreement with Council and the panel therefore can have confidence that the scheme underpinning the Planning Proposal will be delivered.

5.2.2 Height of Buildings

The Planning Proposal seeks to impose a new height limit on the existing IN2 zoned land and increase the height limit on the existing R2 land. A range of heights limits (3.0, 9.5, 17.0, 20.0, 23.0 and 29.0 metres) are sought that increase towards the centre of the site.



Figure 35 – Height of Buildings
Source: JBA

Outlined below is a chronology of the proposal process that gives an understanding of the rationale behind the proponent's proposed building heights. As discussed, the building heights were considered to be reasonable by Council staff up until the Council meeting of 3 February 2016. The revised heights following this date are considered unreasonable by the proponent for reasons outlined below.

2014-2015 – Initial Proposal

The initial proposal incorporated a range of building heights ranging from 9.5m to 29m. Building 1 had a maximum height of 29m proposed and Building 7 had a maximum height of 23m as illustrated on the plan below:

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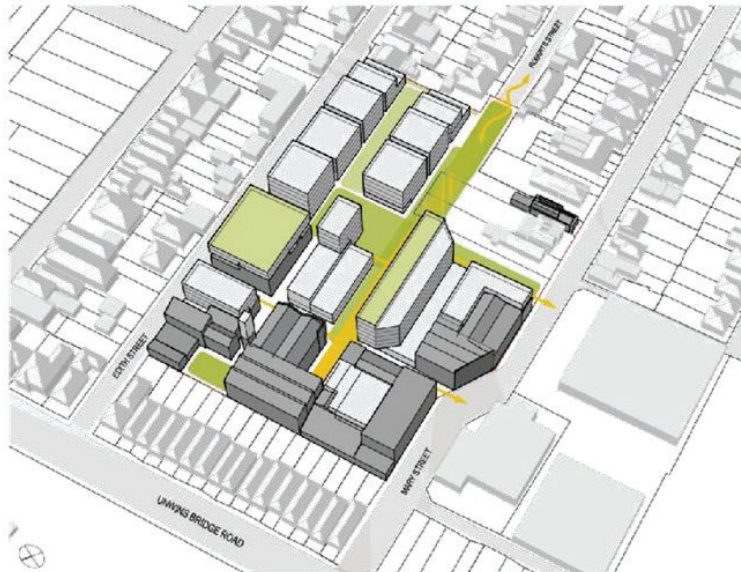


Figure 36 – Site plan of initial proposal (now superseded)
Source: Tonkin Zulaikha Greer

On 17 June 2015, the initial proposal was considered by Marrickville's Architectural Excellence Panel. The panel was made up of Kate Napier (Heritage and Urban Design Advisor, Marrickville Council) and Roderick Simpson (Director, Simpson + Wilson). A copy of the Panel's report is attached as **Attachment F**.

The recommendations of Marrickville Council's Architectural Excellence Panel as they related to height are summarised below in **Table 1** as is the manner in which the proponent responded to the recommendations.

Table 2 – Recommendations of the Architectural Excellence Panel

Architectural Excellence Panel Recommendation	Proponent Response
Overall support for scheme but requires resolution of residential amenity, shadow impacts (on buildings A+B and public domain as well as adjoining properties), site planning and justification for height of Building D.	As a result of the panel review, the proponent moved to remove Building D from the site plans (see Figures 3 and 4 below). This has resulted in a reconfigured open space and has resolved shadow impacts on Buildings A and B. The public domain has a DCP control stipulating solar access requirements that is further described later in this response (see February 2016 – Council Assessment and initial consideration by Councillors). Building design has been amended to ensure overshadowing impacts on adjoining properties is minimal, as can be seen in Figure 5 .



Figure 37 – Initial site plan
Source: Tonkin Zulaikha Greer



Figure 38 – Revised site plan

February 2016 – Council Assessment and initial consideration by Councillors

When Council officers reported the matter to Council on 3 February 2016, the report to Council had been prepared with the benefit of the review by Council's Architectural Excellence Panel and the resulting updated plans put forward the proponent. The report to Council considered the proposed building height for Building A to be reasonable (refer to page 212 of the report).

Council officers considered that the heights of Buildings 7 and 8 may require further consideration so that they did not exacerbate the overshadowing of the central open space. Accordingly, the draft planning controls for the subject site have included a requirement (Recommendation 1. (e)) that 50% of the central open space receives at least 2 hours of solar access between 9.00am and 3.00pm midwinter. It was noted that this may require some relocation of massing from Buildings 7 and 8.

The overshadowing of 48 Edith Street was also specifically considered by Council officers and it was concluded that the proposal meets the solar access requirements of clause 2.7.5.1 C8 ii. of the DCP as it will receive solar access to the majority of its open space between 10.00am and 12.00 noon.

It was recommended by Council officers that Council support the planning proposal subject to the relevant conditions listed above (in part). However, at the meeting on 3 February 2016 Council resolved to not proceed with the planning proposal. At this meeting, a comment was made by Councillor Macri that he felt that six storeys on Edith Street was too high and as such requested the proposal be amended. There was no reasoning behind the Councillor's comment apart from that he 'felt it was too high'.

These same heights had been endorsed by Council staff and had been developed in response to Council's Architectural Excellence panel. Following the rejection of the planning proposal by the Councillors the comments of Councillor Macri was reflected in a Council further redrafted site specific DCP that reduced heights to 17m, contradicting the Council's own draft LEP map that retained a height of 23m.

October 2016 – Review by JRPP

Whilst the above is instructive in terms of the history of the assessment of heights, the fact is that the proponent seeks to undertake a mixed-use development with heights ranging from 9.5m to 29m and in particular the following building heights:

- Building A: 23m
- Building B: 17m
- Building C: 29m
- Building 1: 29m
- Building 2: 17m
- Building 6: 29m
- Building 7: 23m
- Building 8: 23m

We believe that the heights of buildings are appropriate because:

1. The building heights have been reviewed and endorsed by Council's Architectural Excellence Panel (see **Attachment F**)
2. Solar access to open space is to be maintained and this adopted in the draft DCP provisions
3. Solar access to surrounding developments is maintained as per TZG assessment (refer to **Figure E** below)

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4. The heights are appropriate in this urban setting and so close to multiple points of mass transit
5. The heights are complementary to the existing buildings on the site
6. A relatively modest FSR is achieved on the site even with the proposed building heights

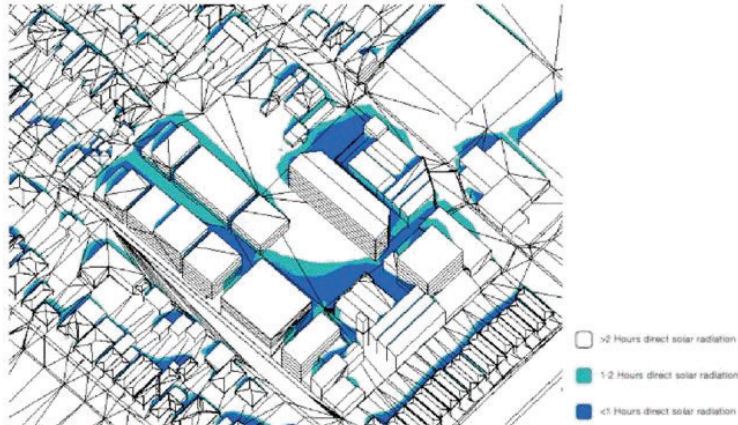


Figure 39 – Solar Study – Mid-Winter
Source: Tonkin Zulaikha Greer

The proponent supports the control stipulating overshadowing requirements of the open space (Recommendation 1. (e) as referred above). The proponent does not support further decreasing the height controls as any reduction is simply not warranted and would be inconsistent with the recommendation of Council officers in their report of 3 February 2016.

5.2.3 Floor Space Ratio

The Planning Proposal seeks to apply an FSR of 2.2:1 across the entire site.

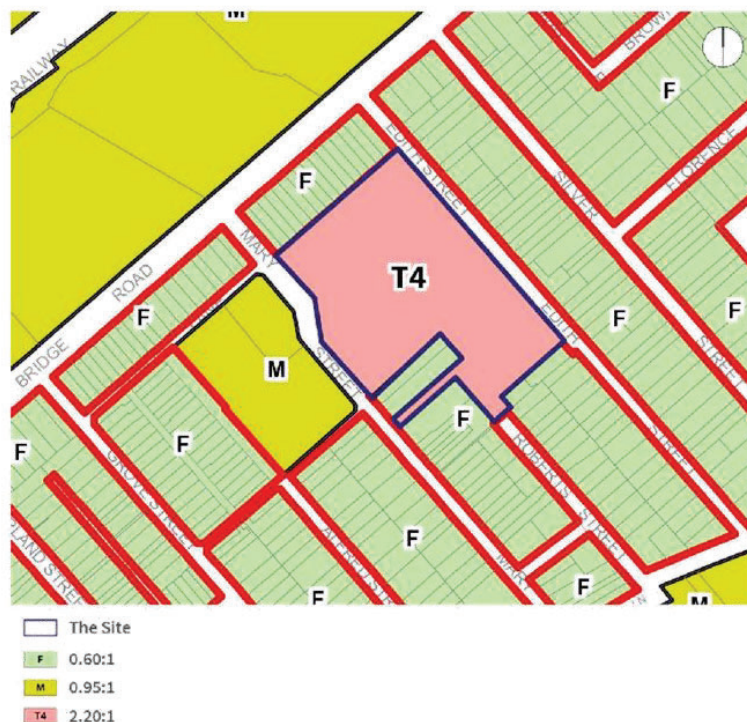


Figure 40 – FSR
Source: JBA

5.2.4 Planning Panel Flexible Clause

The LEP indicates maximum height controls for various parts of the site. It is accepted by the proponent that there should be some flexibility in the control to avoid the need for variation of the control at the development application stage as a result of detailed architectural design.

Within the LEP, it is proposed to include a provision that allows for flexibility in the application of the height limits for the site without the need for a variation under Clause 4.6 of the LEP. This inclusion will ensure that the Planning Proposal is consistent with the recommendations of the Central Sydney Planning Panel advice provided on 15 February 2017. Their recommendation stated that:

The Panel is aware that in an amendment to the LEP specifying varying height limits over one site, it is advantageous to have some flexibility in relation to the exact boundary between different height limits. The Panel suggests that, instead of having resource to a variation under Clause 4.6 of the Marrickville LEP, it would be better to include flexibility clause in this amendment, to the effect that the boundary between different height limits may be varied in any horizontal direction by up to 1 metre.

5.2.5 Local Flexible Clause

Within the LEP, it is proposed to include a provision to support a concurrent amendment to the DCP (refer to **Section 5.3** below regarding proposed objective O2) control to retain a mixed use precinct by ensuring that a limit on the quantum of residential development permitted to 50% of total gross floor area to ensure the precinct retains a mix of spaces for future and current industrial/commercial tenants

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and residents. This is intended to support ongoing creative industries and employment in the zone with residential development.

5.3 Concurrent Amendments to the DCP

The Planning Proposal seeks to amend the land use zoning of the site to permit a mixed-use development outcome. Part 5 of the DCP details the requirements for mixed use development and will become relevant for any future development scheme. No changes are proposed to Part 5 – the only DCP amendment likely to be required is the addition of site specific controls.

To provide certainty to the indicative development scheme it is proposed to amend the DCP with the addition of new Site-Specific controls to be added into the Part 9 precinct controls specifically the inclusion of a new Section 9.31.5.

The amendments include the objectives for a mixed-use development of the site that provides a cap on residential land uses, requires adaptive reuse and exception design quality, ensures the site is suitable for the intended land uses and provides significant public benefit:

- O1 *To provide for the redevelopment of the site into a mixed-use precinct incorporating commercial, community and residential uses.*
- O2 *To ensure that the precinct provides an appropriate mix of land uses by limiting the amount of residential development permitted to a maximum of 50% of the total permissible floor area.*
- O3 *To retain and adaptively re-use select existing buildings to reflect the industrial heritage and character of the site.*
- O4 *To ensure that new buildings are of exceptional design quality.*
- O5 *To ensure that new residential development provides good amenity for residents and does not adversely impact on existing surrounding development.*
- O6 *To ensure that the site is remediated to an acceptable standard to accommodate residential development.*
- O7 *To increase the amount of landscaping and greenery across the site, including deep soil plantings, green roofs and walls and open space areas.*
- O8 *To improve permeability through the site to benefit the wider area.*
- O9 *To provide safe pedestrian and cyclist access through the site to improve local connectivity.*
- O10 *To provide an accessible space for community purposes.*
- O11 *To accommodate a range of building heights across the site up to 29 metres.*

The controls proposed relate to building height, site design, building retention, land use, open space, public domain improvements, vehicular access and parking.

5.4 Concurrent Development Application

To provide greater certainty and clarity regarding the outcomes of the Planning Proposal it is proposed to lodge a development application for the site redevelopment so that it can be placed on public exhibition with the Planning Proposal (subject to the Gateway determination).

5.5 Voluntary Planning Agreement

The proponent is currently in the process of negotiating the terms of a Voluntary Planning Agreement with Inner West Council.

5.6 Part 3 – Justification

A Planning Proposal will provide a better outcome than a development application based on current statutory and local planning provisions because it will:

- Allow for the suitable staged and co-ordinated use and redevelopment of the entire site;
- Allow for a mixed-use development in a form and of a scale that is economically viable and that will support the continuing use of the site for creative industries whilst limiting the impacts of the intended development scheme on neighbouring properties;
- Provide for, and contribute to, residential dwelling targets;
- Provide for more housing, of a high level of amenity, in accordance with the objectives of the NSW Government; and
- Acknowledges the specific constraints and opportunities presented by the unique locational and other characteristics of this site.

The following section includes an assessment against the requirements in 'A guide to preparing local environmental plans' (April 2013) and 'A guide to preparing planning proposals' (October 2012) published by the former Department of Planning and Infrastructure.

The *Environmental Planning and Assessment Act 1979* (the Act) and the 2000 Regulation set out amongst other things, the:

- requirements for amending planning instruments;
- requirements regarding the preparation of a local environmental study as part of this process;
- matters for consideration when determining a development application; and
- approval permits and/or licenses required from other authorities under other legislation.

This Planning Proposal has been prepared in accordance with the requirements set out in section 55 of the Act, in that it explains the intended outcomes of the proposed amendment to the instrument to which this Proposal relates. Further, it also provides justification and an environmental analysis of the proposal.

5.7 The Need for a Planning Proposal

The site has been the subject of consultation with Marrickville Council and the Department. That consultation has focused on the proposed changes to the land use zones and the resultant built form appropriate for the site.

5.7.1 Q1 – Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal has been initiated by the proponent as a result of a detailed strategic merits study. The land use, building height and FSR proposed are the result of a thorough site and design analysis for a mixed-use development on site. This analysis by Tonkin Zulaikha Greer, and the feedback from the Marrickville Design Review Panel, led to the indicative scheme illustrated in the plans at **Appendix G**, and is the basis for the standards proposed by the amended mapping and the proposed Schedule 1 amendment.

Details of the study are provided in **Section 4.2** of this planning proposal. It is considered reasonable to amend the controls for the subject site in response to the design study. The site is an isolated industrial site surrounded by low density residential uses which are compromised by the edge effects. The current development on the site is unable to provide for contemporary servicing nor are the impacts of the current land uses able to be mitigated. The redevelopment of the site will effect a tangible positive benefit for the quality of life of the occupants and residents because of the introduction

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of mixed uses. The inclusion of a height control and amended FSR control will guide development of the site.

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

Yes. The Planning Proposal is the best means of achieving the objectives and intended outcome of the proposal.

In preparing this Planning Proposal, three options were considered. These options are listed below:

- Option 1: Do nothing
- Option 2: Develop the site in accordance with the existing land use zoning (ie. incorporate an additional circa 1,000m² light industrial floor space within the site)
- Option 3: Rezone the land and introduce appropriate site-specific controls resultant from a detailed strategic assessment of the site capacity.

Option 3 was chosen as the most suitable way to achieve a further development of the site that also has the benefit of providing residential land uses that can support the existing creative industries and contribute to housing supply and diversity. It also provides for the upgrade and rationalisation of the existing built form.

The amendment to the land use zone, building height and FSR is considered a practical outcome to facilitate the development whilst having a minimal impact on the surrounding properties. The provision of further site-specific controls within the DCP respect the unique qualities of the site and provide for the continued use by the existing creative industries.

The justification to proceed with the amending LEP has taken into consideration the public interest and the consequence of not proceeding with the necessary changes to the planning controls.

The following table provides an evaluation of the Planning Proposal against the key criteria for a Net Community Benefit Test set out in the Department of Planning's Draft Centres Policy. While the subject site is not located in a recognised centre it is considered appropriate to use the evaluation criteria to ensure consistency with the assessment process in determining the net community benefit test for the amending LEP.

The assessment of the key evaluation criteria in the table, it is considered that the proposed changes to the Marrickville LEP 2011 will produce a net community benefit.

Table 3 – Key Evaluation Criteria for net community benefit

Test	Response
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	<p>The LEP is compatible with the following State and regional strategic directions;</p> <ul style="list-style-type: none"> To achieve a balance between greenfield development and redevelopment in existing areas; To improve and enhance existing employment generating uses in established areas well served by public transport; To resolve the edge effects between employment generating uses and adjoining residential areas; To co-locate employment and residential development; To concentrate activity in accessible centres; To provide new housing within the walking catchments of existing and planned centres of all sizes with good public transport; To produce housing that suits our expected future needs; and, To improve the quality of new housing development and urban renewal
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional or subregional strategy?	The LEP is located in the Global Economic Corridor identified in the Metropolitan Strategy.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The LEP arises from the recommendations of the Marrickville Strategy which can consistently be extended to this block where the site conditions provide unique opportunities which are consistent with the desired outcome. The expectations of the landowner or other landowners in the precinct will be informed by the findings.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no identified cumulative effects from spot rezoning in the locality that needs to be considered.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Permanent employment activity will be enhanced and increased within the non-residential tenancies of the site and the management of the residential edge components.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The amending LEP will increase the quality of residential housing supply and affordability from the site.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access?	The existing public infrastructure (road, utilities and rail) is capable of servicing the proposed development of the site. There will be improved pedestrian access in the locality of the subject site. The subject site is well serviced by bus and train being within the proximity of the Sydenham station. The Sydney Metro will increase capacity on the rail network servicing the site by 2024.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	<p>The proposal is expected to reduce car distances travelled by collocating work and residential uses and proximities to services and existing public transport. This will result in a decrease in greenhouse gas emissions and operating costs and result in improved road safety.</p>

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Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	Yes. There is significant investment in the existing rail network. The patronage on the rail network will increase.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts?	No
Is the land constrained by environmental factors such as flooding?	No
Will the LEP be compatible or complementary with surrounding land uses?	The LEP will be compatible with existing development in the area.
What is the impact on amenity in the location and wider community?	The proposal will provide for improved streetscape and contribute to the revitalisation of this precinct. In particular, the proponent will enter into a Voluntary Planning Agreement (VPA) that will contribute to the provision of new open space and pedestrian and cycle access in the precinct.
Will the public domain improve?	Yes. The VPA will contribute to the provision of more public open space in the precinct and provide improved movement interface.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will increase the number of employment uses operating in the area and will provide a mix of non-residential tenancies through the site.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No
What are the public interest reasons for preparing the draft plan?	The public interest for preparing the draft plan includes: <ul style="list-style-type: none"> Improved and increased creative industry employment opportunities; Improved facilities to service employment generating uses on the site; Improved residential interface; Improved streetscape and pedestrian interface; Provision of public open space; Meet the demand for dwellings with high amenity and access to services; Improved sustainability due to proximity to public transport and services.
What are the implications of not proceeding at this time?	The site will be redeveloped at a lesser intensity with little public benefit accruing from the redevelopment with future uncertainty in the preferred future built form of the precinct. The site is unlikely to be remediated as it is the proposed residential land uses that are driving and facilitating this process.

Source: Adapted from Mersonn Pty Ltd

5.8 Relationship with Strategic Planning Framework

5.8.1 Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

State and Regional Strategic Framework

NSW State Plan 2021

The New South Wales State Plan sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The Plan nominates one of the key challenges for the State as being the planning challenges that arise from continued population growth.

The rezoning and future redevelopment of the site is considered to be consistent with the State Plan as it will provide jobs and encourage housing diversity in a location that is close to nearby services and facilities. It will also support the investment in the Sydney Metro Southwest.



Figure 41 – Key infrastructure projects and their committed delivery timeframe, as identified in the Premier's priorities

Source: Infrastructure NSW

A Plan for Growing Sydney

Released in December 2014, *A Plan for Growing Sydney* is the NSW Government's strategic metropolitan plan to guide growth across Sydney over the coming decades. The Plan identifies a substantial growth challenge and sets out a series of infrastructure programs and planning directions to facilitate this. Recent amendments to the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) introduced a new Part 3B of the Act which gives *A Plan for Growing Sydney* statutory effect as the primary strategic planning document for development in Sydney (Section 75A(2)(b)).

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Table 4 – Consistency with A Plan for Growing Sydney

Goal/ Direction/Action	Comment
Goal 1: Sydney's Competitive Economy	
Direction 1.6 Expand the Global Economic Corridor	The subject site is located within St Peters and the intended development will support and expand employment within the Global Economic Corridor. The Planning Proposal proposes a mixed-use development outcome on land within the global economic corridor. The commercial component of the development is focused on promoting and expanding the existing creative industries on the site. The continued use of the site for creative industries contributes to the diversity of employment in Sydney. The Planning Proposal seeks to the existing creative industry base as a vibrant hub.
Goal 2: Sydney's housing choices	
Direction 2.1 Accelerate housing supply across Sydney	The Planning Proposal provides an opportunity for diversity of housing in a predominately single, detached dwelling area. It will contribute to the supply of housing. The Planning Proposal will provide housing where housing is not currently permissible in the form of apartments.
Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs	The Planning Proposal applies to a site that is within walking distance of public transport services providing transport to nearby local centres and the CBD.
Direction 2.3: Improve housing choice to suit different needs and lifestyles	The Planning Proposal seeks to provide apartments which present a more affordable housing option to the single dwellings in the immediate locality.
Goal 3: Sydney's great places to live	
Direction 3.1 Revitalise existing suburbs	Focusing new housing within Sydney's established suburbs brings real benefits to communities. The facilitation of housing on this site has the potential to provide housing close to employment and of a price point that is more accessible than the existing housing stock.
Direction 3.3 Create healthy built environments	The subject site is within walking distance of public transport, and other recreational facilities and provides the opportunity for people to walk and cycle which promotes social cohesion and community connectivity. Overall the proposal supports strong, healthy and well connected community.
Sydney's Subregions	
Central Subregion	The Planning Proposal is consistent with the priorities for the Central Subregion.
Accelerate housing supply, choice and affordability and build great places to live	The planning proposal seeks to provide increased capacity for a mixed-use development (commercial and residential), thereby increasing dwelling supply
A Competitive Economy	The Planning Proposal will increase the quantum of employment floor space generating commercial opportunities to support the local economy.
Centres and Corridors	Increasing the density of the site will support the viability of the global economic corridor which will enhance the potential for a vibrant community.
Housing	The Planning Proposal seeks residential land uses on the subject site. Increasing the level of housing choice in this appropriate location will support the growth of the Precinct.
Transport	The Planning Proposal provides for density in a location close to transport. The indicative design scheme provides opportunities to increase walking and cycling by establishing through site links.
Environment, Heritage and Resources	The increased density of the subject site will not result in an adverse impact to the environment or heritage. The future design of this mixed use development will be sensitive to the significance of the locality.
Parks, Public Places and Culture	Commitments detailed in the Draft Voluntary Planning Agreement provide a direct benefit by providing public spaces for the use of the community. Other privately owned spaces on the site will supplement the public spaces.

The Planning Proposal is considered consistent with the Priorities for the Central Subregion. It is considered that the redevelopment of the site will also contribute to the 'key directions':

- Plan for housing choice in an appropriate location;

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- Develop and support improvements to the increasingly integrated transport system; and
- Improve the quality of the built and natural environment while aiming to decrease the subregion's ecological footprint.

A Plan for Growing Sydney is the foundation for achieving region-wide outcomes in relation to the economy and employment; centres and corridors; housing and transport; environment; parks and implementation and governance for Sydney. The goals which support the overarching vision for Sydney to become a strong global city and great place to live are:

- *A competitive economy with world-class services and transport;*
- *A city of housing choice with homes that meet our needs and lifestyles;*
- *A great place to live with communities that are strong, healthy and well connected; and*
- *A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

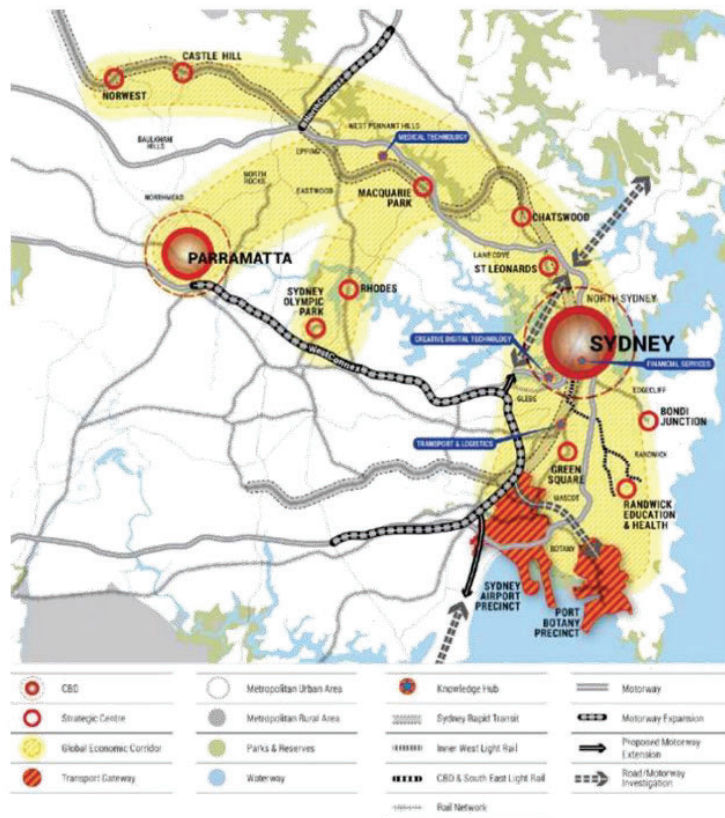


Figure 42 – Global Economic Corridor
Source: Department of Planning and Environment

NSW Long Term Transport Master Plan 2012

The NSW Long Term Transport Master Plan 2012 has the aim of better integrating land use and transport. A Plan for Growing Sydney has been prepared to integrate with the Long Term Transport Master Plan.

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The site is located nearby to the Sydney rail network which provides access to nearby strategic centres and is therefore ideally located to provide for housing and employment.

The Planning Proposal will best serve the objectives of this Plan through:

- supporting the current expansion of the rail system, by providing employment and residential density in direct proximity to the future Sydenham metro rail station;
- reducing private vehicle trips outside the Precinct by providing for local retail needs relieving pressure on the road system;
- encouraging public transport use by providing housing adjacent the Sydenham metro rail station; and
- contributing towards an improved pedestrian network, and encouraging cycling through new links to the station.

Sydney's Rail Future: Modernising Sydney Trains

Sydney's Rail Future: Modernising Sydney's Trains is the NSW Government's long-term plan to increase the capacity of Sydney's rail network by investing in new services and upgrading existing infrastructure. The Sydney Metro City and Southwest project was announced as Stage 2 of the first tier of planned improvements for transforming Sydney's rail network.

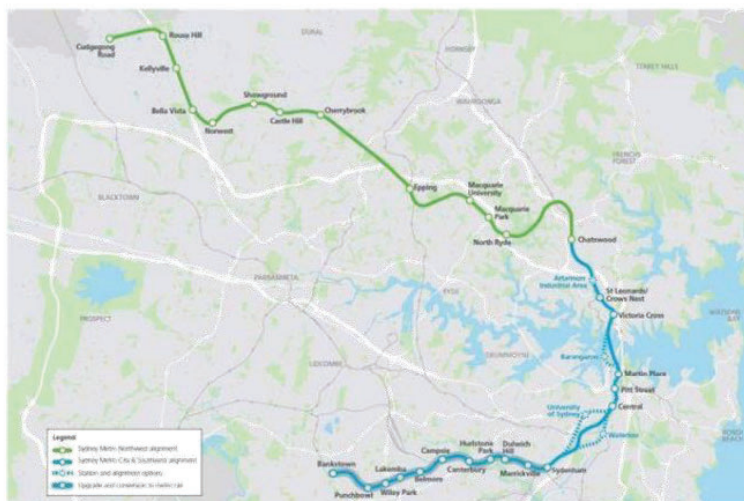


Figure 43 – Sydney Metro Northwest, City, and Southwest Map
Source: Sydney Metro

Accordingly, the provision of increased employment and proposed increase in residential density recognises and responds in an appropriate and anticipated manner to the catalytic effect of the improved rail network.

Draft Eastern (formerly Central) District Plan

In November 2016, the Greater Sydney Commission (GSC) released draft District Plans. The purpose of the District Plans is to provide a layer of sub-regional strategic planning that sits between the overarching 'A Plan for Growing Sydney' and detailed Local Environmental Plans. The site is in the Central District.

The following discussion demonstrates consistency with the relevant provisions of the draft Central District Plan including but not limited to sustainability, creative employment, housing diversity and affordability, adaptive reuse of buildings and the mixing of employment and residential use on the one site.

The site is not located within a Strategic Centre, however the site forms part of the revised Sydenham Precinct of the Sydenham to Bankstown Urban Renewal Corridor, as recognised in the draft District Plan. There is a vision for this precinct to become a creative and entrepreneurial district, for which the proposal contributes to this vision in the following ways:

- A leading Sydney example of an employment generating creative use precinct currently exists on site. Providing a local population on site will support and enhance this precinct;
- The proposal will improve the residential interface between the existing residential areas and the ex-industrial creative industries of the precinct; and
- The proposal will improve the streetscape and pedestrian interface, whilst maintaining the 'fascinatingly gritty' nature of the area recognised in the *Marrickville Creative Industries Policy 2011*.

The following sections discuss in further detail segments of the draft Central District Plan as highlighted by the Sydney Central Planning Panel.

Table 5 – The proposal in relation to Sustainability Priorities of the draft Central District Plan

Overarching Sustainability Priorities	Comment
Enhancing the Central District in its landscape	Due to the site's history as the former Taubmans Paint Factory, the natural features of the site including vegetation, biodiversity and waterways are limited. The proposal will enhance natural features on the site through the development of a series of high quality public spaces, including a central public open space.
Protecting the District's waterways	The site is not located within close proximity to a District waterway. The proposed development is also subject to the Water Sensitive Urban Design requirements under Section 2.17 of the DCP, which outline stormwater quality load reduction controls that will be implemented as a result of the development further protecting the District's waterways.
Managing coastal landscapes	Not applicable – the site is not located within close proximity to the coast.
Protecting and enhancing biodiversity	As detailed above, due to the site's history as the former Taubmans Paint Factory, biodiversity on the site is limited. The proposal will enhance biodiversity through the development of high quality public spaces, including a central public open space.
Delivering Sydney's Green Grid	The proposal increases access to open space, creates new high quality public areas and spaces and makes the urban environment greener.
Creating an efficient Central District	The proposal assists in creating an efficient Central District by upgrading a portion of the District's grey grid of ageing infrastructure with a focus on urban renewal areas and precincts. This upgrade includes improvement to energy and wastewater outputs.
Planning for a resilient Central District	According to the draft District Plans, the most significant natural hazards and acute shocks that could affect the Central District include coastal inundation and flooding. The site has not been identified as being at risk to these events.

Sustainability

In addition to Productivity and Liveability, Sustainability is a central chapter of the draft District Plans. **Table 5** outlines the overarching sustainability priorities and discusses the proposed development in relation to these priorities.

Creative Employment

A key productivity priority identified in the draft District Plans is to enhance the Eastern City's role as a global leader by fostering and supporting the growth of innovation and creative industries. The site currently has over 70 innovative businesses working collaboratively on site. The site offers a range of different sized office spaces which allow these businesses to grow on site, which is considered to be a unique offering for the region that strongly contributes to growth of innovation and creative industries in the District.

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The Planning Proposal presents a unique opportunity to promote the existing creative industry precinct by upgrading the facilities to satisfy contemporary access, fire safety and amenity standards and integrate the use into the surrounding area by encouraging community interaction, creating pedestrian linkages and dealing with traffic and parking demands on the site.

The site covers 16,629sqm and currently has 13,780sqm of leasable light industrial floor space. The proposal would yield 5,662sqm of commercial office space in addition to 9,676sqm of retained light industrial space to add to the employment generating capacity of the vicinity. This therefore equates to an increase in the total amount of employment generating space to over 15,000sqm. The Planning Proposal strongly builds on the successful role in growing innovative and creative industries that the Precinct currently plays.

Housing Diversity and Affordability

A key liveability priority is to improve housing diversity and affordability. The draft District Plans aim to achieve this in ways including planning and delivering on housing diversity and facilitating integrated infrastructure planning. The proposal will allow for a unique residential offering of residential apartments within a creative precinct.

The Central District has the second highest housing targets (5 and 20 year) of all Districts, following the West Central District. The targets are an additional:

- 46,550 dwellings within 5 years (of which the Inner West Council is to target 5,900 dwellings (13% of the total District)); and
- 157,500 dwellings within 20 years.

The proposal will assist in the meeting of housing targets for both the Inner West Council and the Central District, with a total of 180 residential units including 38 adaptable units.

Adaptive Reuse of Buildings

Sustainability Action S7 in the draft Central District Plan aims to identify land for future waste reuse and recycling. The adaptive reuse of some of the existing buildings (Buildings 1, 2, 6, 7 and 8; refer to **Figure 44**) within the site as proposed will result in a significant waste reduction as outlined in the Ecological Sustainable Design (ESD) Report submitted in support of the planning proposal.

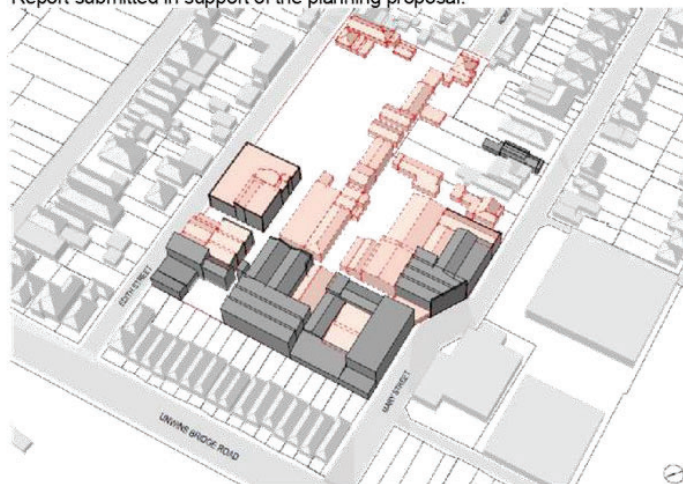


Figure 44 – Selective Demolition Plan
Source: Tonkin Zulaikha Greer

Existing Building to be Retained
Existing Building to be Demolished

Mixing of Employment and Residential Use on the One Site

We consider that the proposal is a blueprint for creative hubs that meets the objectives of the draft Central District Plan.

The draft District Plans have taken a precautionary approach to the development of employment and urban services land (which have been renamed from 'industrial lands'). This approach extends to the rezoning of employment and urban support lands or adding additional permissible uses that would hinder their role and function.

In the Central Sydney Planning Panel's advice that the planning proposal should be submitted for a Gateway determination (15 February 2017), the panel considered that this rezoning proposal satisfied the precautionary principle, because the site is an isolated piece of industrial land, it accounts for less than 1% of the LGA's stock of industrial land and also because the amount of floor space devoted to employment will be greater following the proposed rezoning than it is now. This includes 5,662sqm of commercial office space and 9,676sqm of light industrial being retained. One of the buildings is to be repurposed for residential uses, whilst the rest will be retained for employment uses.

Moreover, two studies undertaken by the former Marrickville Council (the Marrickville Urban Strategy of 2007 and the Marrickville Employment Land Study of 2015) supported the conversion of this type of isolated industrial site to alternative use.

The implications of mixing various uses (e.g. employment and residential uses) on the one site is not discussed in detail in the draft District Plans other than the precautionary approach to rezoning industrial lands as outlined above. However, the proponent considers this action to be suitable in this context for the following reasons:

- A residential population will contribute to the ongoing activation of an existing creative precinct;
- The proposal offers a unique repurposing of existing buildings for primarily employment uses, protecting the industrial heritage and 'gritty' nature of the wider Sydenham precinct; and
- The proposal will contribute to housing targets for the LGA by increasing residential offering in a precinct on a site not constrained by issues faced in nearby areas including flooding and aircraft noise.

Revised Draft Eastern City District Plan

In October 2017, the GSC released a revised Draft Eastern City District Plan (renamed from the Central District). Two main actions (numbered Actions 50 and 51) from this revised plan are directly relevant to the subject planning proposal, which relate the management of industrial and urban services land. These actions, and a response in relation to the subject Planning Proposal are outlined below.

50. Manage industrial land in the Eastern City District by protecting all industrial zoned land from conversion to residential development, including conversion to mixed uses.

This matter was considered by the JRPP in their assessment of the subject Planning Proposal, even considering that the proposal was conceived prior to the release of the initial draft District Plans. The Panel considered that the rezoning proposal satisfies the precautionary principle, because the site is an isolated piece of industrial land and also because the amount of floor space devoted to employment will be greater following the proposed rezoning than it is now. Moreover, two studies undertaken by the former Marrickville Council (the Marrickville Urban Strategy of 2007 and the Marrickville Employment Land Study of 2015) supported the conversion of this type of isolated industrial land to alternative use.

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The siting of areas to be used for residential purposes is not currently used for intensive industrial or job generating use. The site is primarily an at-grade car park and small warehouse spaces.

51. Facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights.

As detailed above (e.g. adaptive reuse of buildings), this proposal facilitates contemporary adaptation of industrial and warehouse buildings in a way that will ultimately increase commercial floorspace for employment uses. This includes the adaptive reuse of Buildings 1, 2, 6, 7 and 8.

Draft Greater Sydney Region Plan

In October 2017, the GSC released the draft Greater Sydney Region Plan. The Plan sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. It includes 40 objectives across the themes of:

- Infrastructure and collaboration;
- Liveability;
- Productivity;
- Sustainability; and
- Implementation.

The Plan, which operates at a regional level, does not have any site-specific implications for this proposal. It demonstrates the connectivity between the three cities and how objectives will be met and measured.

As outlined above in relation to the *Revised Draft Eastern City Plan*, a key relevant objective is to ensure industrial and urban services land is planned, protected and managed. It states that in the Eastern Harbour City, there are many smaller industrial precincts which have a higher than average proportion of urban services activities. Therefore while they may appear to be only a small part of the industrial land supply they are important for providing urban services and in some cases creative industries. Whilst this matter has been considered by the JRPP in their assessment of this proposal, a key outcome of the proposed development concept is to increase the ability of creative industries on site to trade and manufacture on site.

Ultimately, the proposal meets the key objectives of the Plan in that it will create a more liveable neighbourhood and provide more homes closer to jobs. The project offers significant public benefits in terms of the provision of public spaces, and will help the Eastern City meet its housing and job targets. In line with the vision to 2056, this small scale urban renewal acknowledges local identity and amenity which is essential to building on the credentials of the Eastern Harbour City.

Sydenham to Bankstown Urban Renewal Corridor Strategy

The NSW Government is currently planning for dwellings and jobs growth along the Sydenham to Bankstown Corridor through the finalisation of the draft Sydenham to Bankstown Urban Renewal Corridor Strategy. The Strategy will identify the necessary State public infrastructure required to support growth of the Sydenham precinct.

The proposal includes the intention to provide an equitable contribution towards State public infrastructure to support the implementation of Sydenham to Bankstown Urban Renewal Corridor Strategy, if required.

As the planning proposal progresses, the proponent will continue to liaise with the relevant Government agencies to work through the appropriate form of this contribution and any necessary amendments to the Marrickville Local Environmental Plan 2011.

5.8.2 Q4 – Is the planning proposal consistent with a Council's local strategy and other local strategic plan

The former Marrickville Council prepared a number of key strategic planning documents that outline Council's strategy for the LGA. The following provides a summary of how the Planning Proposal is consistent with the objectives of the local strategic plans.

Marrickville Urban Strategy 2007

The former Marrickville Council first prepared the Marrickville Urban Strategy (MUS) in 2005. The MUS was adopted by Council in April 2007 and provides the planning context for future development across the Marrickville LGA.

It recognises the myriad of redevelopment constraints inherent in the LGA and recognises that policy changes are required if anticipated dwelling demands are to be satisfied. It recognises that some form of policy intervention is required to prevent the tightness of supply contributing to continuing declining population, declining housing affordability and discouraging community diversity.

The MUS provides a consolidated planning framework for the Marrickville LGA. The intention of the strategy is to translate the principles of the Sydney Metropolitan Plan within a local planning context. The following are urban renewal approaches within the plan:

1. Focus on residential density in and around centres;
2. Focus on commercial zoned land in centres;
3. Rezone select industrial sites;
4. Develop new centres;
5. Rezone select special uses sites; and
6. Increase density in infill areas

This Planning Proposal draws on approaches 3 and 6.

The MUS identifies the site as a 'Strategic Employment Area.'

This focus on employment is in line with Marrickville Council's long term urban strategy for this locality, whereby the site is within the 'Strategic Employment Area' adjacent to the 'Enterprise Corridor' along the Princes Highway.

The MUS provides Urban Strategy Objectives and Actions relevant to the Planning Proposal:

- 1.4: Select rezoning of industrial sites.
- 1.8 Consider increased dwellings in out-of-centre locations that have good access to public transport and open space.
- 3.2 Preserve and strengthen strategic employment lands
- 3.3 Improve amenity in industrial areas
- 4.1: Identify opportunities for strategic employment lands renewal.
- 4.4: Support creativity and innovation.
- 5.1: Focus new development in areas within walking distance of centres and public transport.
- 5.3: Review development controls to prioritise walking, cycling and access to public transport.
- 7.2: Provide for community services.
- 9.4: Prioritise improvements to walking and cycling access to open space.

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- 12.1: Create an urban structure that supports physical activity and opportunities for walking and cycling.
- 12.2: Create places for community interaction.

Many of the recommended actions within the MUS have been incorporated into the draft Marrickville LEP and DCP 2010. It is considered that the Planning Proposal can positively contribute to the objectives of the MUS by retaining and expanding existing employment land uses at the same time as assisting achievement of housing density targets.



Figure 45 – Marrickville Urban Strategy
Source: Tonkin Zulaikha Greer

Marrickville Employment Lands Study

The Marrickville Employment Lands Study (MELS) contributes to a more detailed understanding of future industrial land needs in the Marrickville LGA and was completed in April 2008. The MELS was updated in 2014 to assist Council's consideration of proposals to rezone industrial areas across the LGA.

The MELS acknowledges that creative industries are potentially an activity with persistent or growing demand for Marrickville's industrial land. Creative industries in particular may look to start up in Marrickville in some of the transitioning industrial areas or may migrating there after being priced out of the city-fringe areas such as Surry Hills and Ultimo-Pymont. The MELS recognises these activity types can be mostly accommodated within existing industrial precincts under current planning controls.

The MELS identifies the greatest pressure on Marrickville's industrial land as residential development.

Action 4.3 of the MELS strategies is relevant to the Planning Proposal:

- Consider rezoning of select residential interface sites to B4 Mixed Use.

Some industrial sites that are peripheral to the main industrial precincts, or are fragmented, but have good public transport accessibility and are not within the ANEF 25 contour may be appropriate for mixed use zoning. Rezoning to B4 Mixed Use should not compromise existing industrial activity and should not jeopardise the future role and function of industrial precincts and should not risk the ability of the LGA to meet demand employment targets.

It is considered appropriate that the site be rezoned in accordance with the MELS as the site specific controls in the proposed DCP will ensure the site continues to expanding existing employment land uses at the same time as assisting achievement of housing density targets.



Figure 46 – Marrickville Employment Lands Study
Source: Tonkin Zulaikha Greer

5.9 Relationship to Statutory Planning Framework

5.9.1 Relevant Legislation and Regulations

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulations 2000* set out amongst other things the:

- Requirements for rezoning land;
- Requirements regarding the preparation of a local environmental study as part of the rezoning process;
- Matters for consideration when determining a development application; and
- Approval permits and/or licenses required from other authorities under other legislation.

This Planning Proposal has been prepared in accordance with the requirements set out in Section 55 of the EP&A Act in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal.

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

State and Regional Statutory Framework

The consistency of the Planning Proposal with the relevant State Environmental Planning Policies (SEPPs) is addressed in Table 3 below.

Table 6 – Consistency against SEPPs

State or Regional Policy	Consistent			Comment
	YES	NO	N/A	
SEPP No. 1 Development Standards			✓	The Standard Instrument Clause 4.6 supersedes the SEPP.
SEPP No. 55 – Remediation of Land	✓			SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing risk and harm to human health or any other aspects of the environment. In particular, it requires the consent authority to consider if remediation work is required for rezoning land or building works, and ensure that the subsequent remediation works are satisfactory with respect to standards and notification requirements. The site is capable of being used for commercial and residential purposes, with any requirement for remediation of the site addressed in the detailed DA for the mixed-use development.
SEPP No. 65 Design Quality of Residential Flat Development	✓			The PP will achieve consistency with the SEPP through application of design excellence provisions. The Architectural Indicative Scheme addresses in detail the implications for realising the design quality principles in the SEPP and demonstrated an appropriate built form on the site.
SEPP (Affordable Rental Housing) 2009			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Building Sustainability Index) BASIX 2004	✓			Future residential DA's would be subject to the requirements of the BASIX SEPP.
SEPP (Exempt and Complying Development Codes) 2008			✓	Not applicable to this proposal
SEPP (Infrastructure) 2007	✓			The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (State and Regional Development) 2011			✓	Not applicable to this proposal
SEPP (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)	✓			The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.

Local Statutory Framework

Marrickville LEP 2011

The Planning Proposal's consistency with the overall aims of the LEP is demonstrated in **Table 4** below.

Table 7 – Consistency with the overall aims of Marrickville LEP 2011

Aim	Proposal	Consistency
(a) to support the efficient use of land, vitalisation of centres, integration of transport and land use and an appropriate mix of uses,	This Planning Proposal seeks to provide for mixed use development that maximises the efficiency of the land by reorganising the urban form to increase the employment floor space in addition to providing housing on the site	✓
(b) to increase residential and employment densities in appropriate locations near public transport while protecting residential amenity,	This Planning Proposal seeks to contribute to the range of housing available within close proximity to public transport.	✓
(c) to protect existing industrial land and facilitate new business and employment,	The site makes up less than 1% of the industrial land in the LGA nonetheless the employment floor space is being increased by the proposal.	✓
(d) to promote sustainable transport, reduce car use and increase use of public transport, walking and cycling,	This proposal provides for through site links, street block permeability which will encourage walking, cycling and public transport use.	✓
(e) to promote accessible and diverse housing types including the provision and retention of affordable housing,	This proposal aims to provide housing that supports the existing creative industries precinct and provide apartments as a more affordable alternative to existing local single dwelling stock.	✓
(f) to ensure development applies the principles of ecologically sustainable development,	A range of ESD measures have been proposed for the future development of the site.	✓
(g) to identify and conserve the environmental and cultural heritage of Marrickville,	Not applicable. No impact on any heritage items.	✓
(h) to promote a high standard of design in the private and public domain.	This proposal respects and responds to the character of the site and provides for future buildings to contribute to the neighbourhood amenity. Public domain works are focused on accessibility.	✓

The Planning Proposal's consistency with the objectives of the B4 Mixed Use zone is demonstrated in **Table 5** below.

Table 8 – Assessment against the B4 Mixed Use Objectives

Objective	Proposal	Consistency
• To provide a mixture of compatible land uses.	The proposal seeks a mix of non-residential supported by residential development	✓
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport	The proposal seeks to collocate compatible and synergistic land uses on a site well located to public transport	✓

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patronage and encourage walking and cycling.		
• To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design.	The indicative design scheme provides for the renewal of the site through adaptive reuse, upgrades, and renewal	✓
• To promote commercial uses by limiting housing.	The proposal seeks to increase employment floor space at the same time as providing for housing on the site that will support the employment land use	✓
• To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.	Not applicable to this proposal	N/A
• To constrain parking and restrict car use.	Parking is restricted	✓

5.9.3 Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The Planning Proposal is consistent with the relevant directions for Planning Proposals issued by the Minister for Planning under Section 117(2) of the EP&A Act.

Ministerial Directions

Ministerial Directions under Section 117 of the EP&A Act set out a range of matters to be considered when preparing an amendment to a Local Environmental Plan. The relevant Section 117 Directions for this Planning Proposal have been outlined at Table 6 below.

Table 10 – Assessment against 117 Directions

Ministerial Directions	Consistent			Comment
	Yes	No	N/A	
Employment and Resources				
1.1 Business and Industrial Zones	✓			This planning proposal retains the existing employment floor space quantum and supports its continued relevance by upgrading it and providing increased amenity for workers and housing diversity to support the employment uses and activate the site.
1.2 Rural Zones			✓	Not applicable
1.3 Mining, Petroleum Production and Extractive			✓	Not applicable
1.4 Oyster Aquaculture			✓	Not applicable
1.5 Rural Lands			✓	Not applicable
Environment and Heritage				
2.1 Environment Protection Zones			✓	Not applicable
2.2 Coastal Protection			✓	Not applicable

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2.3 Heritage Conservation			✓	Not applicable
2.4 Recreation Vehicle Areas			✓	Not applicable
Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			This planning proposal will encourage a greater diversity of housing type in this locality. The site is well serviced for utilities and other infrastructure.
3.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable
3.3 Home Occupations			✓	Not applicable
3.4 Integrating Land Use and Transport	✓			The proposal locates employment floor space and residential accommodation close to in an existing urban area and close to transport infrastructure.
3.5 Development Near Licensed Aerodromes	✓			The proposal includes accommodation only within the 20-25 AENF contours with non-residential in the 25-30 AENF contour.
3.6 Shooting Ranges			✓	Not applicable
Hazard and Risk				
4.1 Acid Sulfate Soils	✓			The site is mapped as Class 5 Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land			✓	Not applicable
4.3 Flood Prone Land			✓	Not mapped as being flood prone land
4.4 Planning for Bushfire Protection			✓	Site is not mapped as being bushfire prone land.
Regional Planning				
5.1 Implementation of Regional Strategies			✓	See comments above on District Plans. No Regional Plans apply.
5.2 Sydney Drinking Water Catchments			✓	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast			✓	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast			✓	Not applicable
5.8 Second Sydney Airport Badgerys Creek			✓	Not applicable
5.9 North West Rail Link Corridor Strategy			✓	Not applicable
Local Plan Making				
6.1 Approval and Referral Requirements			✓	No new concurrence provisions are proposed
6.2 Reserving Land for Public Purposes			✓	No new reservation is proposed
6.3 Site Specific Requirements	✓			Site specific amendments to the LEP are sought but they are not restrictive or onerous, seeking only to provide flexibility regarding the use of height over the

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				site consistent with the request for inclusion by the Planning Panel
Metropolitan Planning				
7.1 Implementation of A Plan for Growing Sydney	✓			The Planning Proposal is consistent with the objectives and strategies of A Plan for Growing Sydney (see Section 6.5.1)
7.2 Implementation of Greater Land Release Investigation			✓	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy			✓	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan			✓	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable

5.10 Environmental, Social and Economic Interests

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

This Planning Proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats. There has been no critical habitat or threatened species, populations or ecological communities, or their habitats, identified on this site.

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

A Geotechnical Assessment (**Appendix N**) has been prepared and attached to this report. It gives an indication of the likely impacts and constraints on any future development of the site. This report is further addressed in **Section 6.9**.

A Contamination Report (**Appendix O**) has been prepared and indicates that contamination does not pose an impediment to rezoning and can be addressed during the DA assessment phase.

The site is an existing urban site devoid of significant vegetation with no ecological value. There are no likely other environmental impacts as a result of this Planning Proposal. The proposed change to the zoning, FSR and height limit is not likely to give rise to any particular environmental impact given the location of the subject site and the nature of existing built form in the area.

Any future development of the site will be assessed against the environmental provisions of the applicable planning instruments.

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

The Planning Proposal will result in positive social and economic effects for the local area through the generation of local employment opportunities during construction and operation. It will improve local facilities, employment opportunities, movement networks, increase housing stock close to public transport and amenities, provide greater housing choice as well as improve public domain facilities and the pedestrian interface with the surrounding streets.

The Social Impacts of the proposal have been assessed in greater depth in **Section 6.11** and the Public Benefits are discussed further in **Section 6.12**.

5.11 State and Commonwealth Interests

5.11.1 Q10 – Is there adequate public infrastructure for the planning proposal?

The site is located in an established urban area and has access to a range of existing facilities and services. Future development applications will require further investigation of the likely provision of services that will be required, however it is anticipated that the public infrastructure will adequately serve the area.

5.11.2 Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth authorities will have the opportunity to provide comment on the Planning Proposal as part of its formal exhibition period. At this stage, the Planning Proposal is not considered to be of a scale that would require preliminary discussions with these authorities.

Any future Development Application will be referred to the relevant authorities as required.

5.12 Part 4 – Mapping

Maps of the proposed amendments to the LEP land use zone, height of buildings and floor space ratio controls applying to the site have been provided and are located at **Appendix B to D**.

5.13 Part 5 – Community Consultation

It is proposed that in accordance with '*A guide to preparing local environmental plans*' that the Planning Proposal undergo a 28 day public exhibition period. It is noted that confirmation of the public exhibition period and requirements for the Planning Proposal will be given by the Minister as part of the LEP Gateway determination.

Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

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5.14 Project Timeline

It is projected that the planning proposal will generally follow the project timeline shown in **Table 10**. This timeline will be confirmed as part of the Gateway Determination.

Table 21 – Project timeline

Stage or Milestone	Duration	Approximate date
Anticipated commencement date (date of Gateway determination)	N/a	2.10.17
Anticipated timeframe for the completion of required technical information	No further technical studies expected	N/a
Timeframe for government agency consultation (pre- and post-exhibition as required by Gateway determination)	3 weeks (during exhibition)	October 2017
Commencement and completion dates for public exhibition period	5 weeks	November 2017
Dates for public hearing (if required)	None anticipated	N/a
Timeframe for consideration of submissions	1 month	December 2017
Timeframe for the consideration of a proposal post exhibition	TBC	TBC
Date of submission to the department to finalise the LEP	1 month (dependent on Council meeting schedule)	February 2018
Anticipated date RPA will make the plan (if delegated)	1 month	February/March 2018
Anticipated date RPA will forward to the department for notification.	1 month	March 2018

6.0 Assessment of Planning Issues

This section considers the key planning issues associated with the Planning Proposal as well as those associated with a future development.

In establishing the Planning Proposal, an indicative scheme and renders of the scheme were prepared by Tonkin Zulaikha Greer to ensure that all relevant built form, separation, amenity, and design parameters have been considered, and to establish a reasonable scale and density for this type of development on this particular site. Accordingly, the outcomes of these investigations and analysis (**Appendix D**) have largely guided the content of this Planning Proposal.

In order to provide Inner West Council and the community with greater certainty of the future built form, a Proposed Site Specific DCP has been prepared by the former Marrickville Council (**Appendix E**).

By adopting this approach, the built outcomes and associated impacts of the Planning Proposal (and subsequent DA) can be tested, understood and clearly presented.

6.1 Heritage

The site is not located within a conservation area nor does it contain any heritage items, however at Council's request, a heritage assessment has been undertaken to establish the heritage values and overall character of the site and the immediate surrounding residential context. An assessment of the impacts of the likely demolition, scale, intensification, materials, and connections has been undertaken.

Most of the buildings on the site appear to have been constructed during the Taubmans occupation between 1905 and 1943 with most of the buildings constructed from the late 1920's to the early 1940's. Since 1965 (when Taubmans relocated to Villawood) the site has been used by a variety of mixed uses, light industries, warehousing, and more recently creative industries. These uses have repurposed the Taubmans facilities with very little works undertaken or improvements made.

The architectural and heritage assessment identifies buildings and fabric of merit. Generally, the buildings are an accretion of structures of varying age and utility which have been combined and extended over time.

The analysis identifies the potential demolition of buildings 3, 4, 5 and 9, 10 and 11. Further elements of buildings are identified for demolition as intrusive later additions to improve the functioning and compliance of the buildings to be retained and adaptively reused. The dwellings on the site are not heritage items, nor located within a conservation area but are considered representative examples of houses constructed between 1900 and 1940.

The study concludes that while the site does not meet the criterion for local heritage significance; the history of use, contribution to the local character and the community of tenants established through the variety of leases since 1965 contribute towards a recommendation that the site be adaptively reused as a sustainable outcome that retains a tangible link to the former industrial use.

The assessment concludes that the planning proposal will have minimal impact on the heritage values of the site and surrounding area.

This planning proposal and the proposed site specific DCP provides for the more robust buildings to be adaptively reused so that the former use of the site can be interpreted.

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Figure 47 – Demolition Plan
Source: Tonkin Zulaikha Greer

6.2 Built Form

The resulting built form has been addressed within the indicative scheme prepared by Tonkin Zulaikha Greer (**Appendix G**). A Proposed Site Specific DCP has been prepared (**Appendix E**) that will provide certainty to the future built scale, massing and form.

The indicative design scheme is predicated on many design principles:

Adaptive Reuse

Many of the existing buildings on site are to be retained for local creative industries to maintain the site's unique industrial character.

Pedestrian Focus

Pedestrian and bicycle amenity for residents of the site and the surrounding residential area is increased by creating a link through the subject site towards Unwins Bridge Road. A functional and permeable internal street pattern will act to encourage both movement through and moments within the site.

Site Activation

Increased pedestrian activity within the site increases exposure, activity, and interest for the creative industries on site and supports the long-term viability of businesses. The redeveloped site is intended to be a focus for the community.

Passive Surveillance

An active and well-populated pedestrian environment is recognised as a highly effective strategy for crime prevention both within the site and the immediate surrounds.

Coordinated Masterplan

In the long term the site is intended to be reordered and integrated with the surrounding neighbourhood.

Land Use Distribution

Residential uses are located along the eastern boundary interfacing the neighbouring residential along Edith Street and establishing a buffer between the residential and creative industry uses. Mixed uses occupy the centre of the site. Creative and light industry uses are located at the western boundary.

Streetscape Massing

The pedestrian paths act to divide the building massing to the street.

Vehicle Access

Vehicles entry points into the site is restricted to funnel vehicles to the collector road system and minimise the traffic impacts in the locality. Parking is exclusively located underground to reduce the visual impact of vehicles and emphasise the pedestrianised nature of the site.

Public Gathering Spaces

A central plaza and park is envisaged framed by cafes, restaurants, community spaces and retail space for the local community.

Retention of the Creative Industries

The retention of the existing buildings is intended to ensure the continued occupation of the site by the existing creative industries.

Commercial Floor Space

An additional 5,600m² commercial floor space replaces the 4,600m² floor space proposed to be demolished consistent with the currently permissible floor space control (0.95:1).

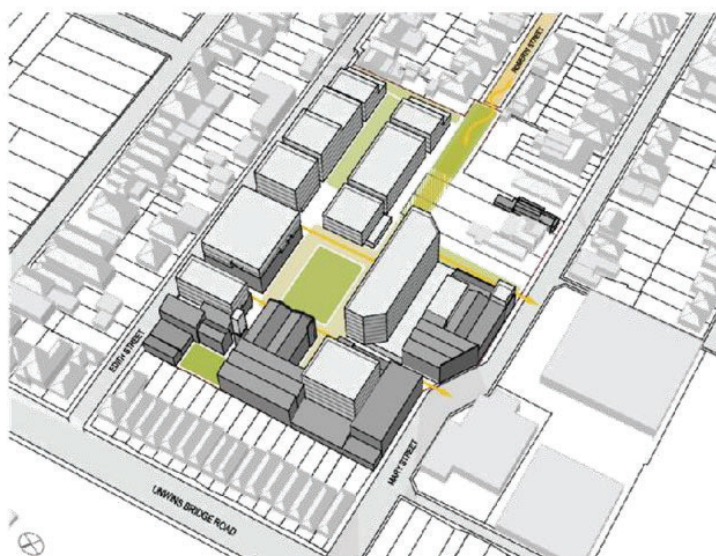


Figure 48 – Completed Built Form
Source: Tonkin Zulaikha Greer

6.3 Residential Amenity

The design of the indicative scheme has considered the local context to minimise the impact on neighbouring properties as much as possible. Setbacks have considered the streetscape reinstate a built form along Edith Street to replace the existing open car park.

Residential land uses are focused at the south-eastern end of the site adjoining existing residential development. There are also opportunities for residential land uses atop the new and existing commercial buildings. The indicative design scheme can comply with

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the design requirements of SEPP65 although this is a matter for assessment at DA stage.

The indicative design scheme is predicated on several design principles specific to the residential component:

Building Massing

Building heights transition from the one and two storey residences along the south-eastern boundary to the existing industrial scale forms on site. The proposed building massing and setbacks respond to the scale of the adjoining development.

Defining the Streetscape

Residential buildings are proposed to replace the existing at grade car park so as to redefine the street domain and provide a transition to the larger commercial buildings.

SEPP 65

SEPP 65 provides guidance with respect to privacy, solar access and cross ventilation.

Open Space Interface

The buildings are focused around the public domain, be it the street or the open spaces that are create within the site. They overlook these spaces yet are designed to provide semi private open spaces available to residents.

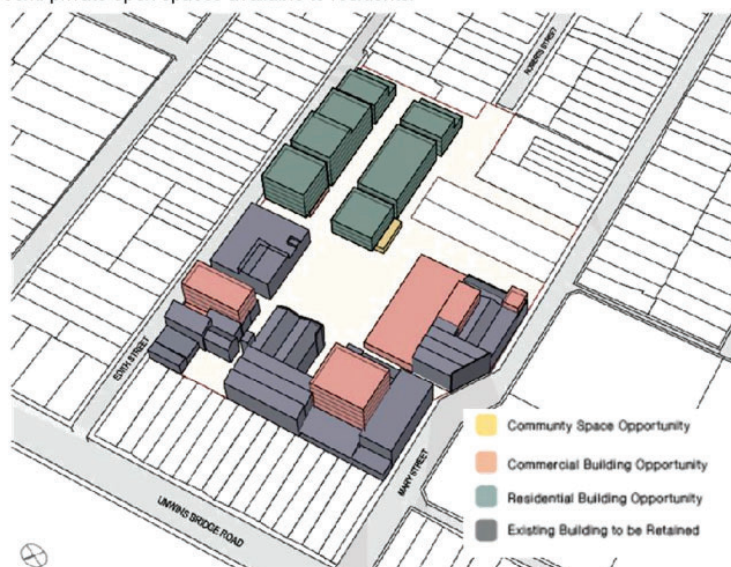


Figure 49 – New residential apartments
Source: Tonkin Zulaikha Greer

Different design principles are relevant to the residential component within the mixed-use buildings:

Massing

Building heights are greatest at the centre of the site where the impacts on adjoining neighbours are minimised.

Mixed Use

The central portion of the site blends the existing commercial uses along the north western portion of the site with the proposed residential uses to the north east.

Diversity

A variety of housing forms appeals to the widest cross section of the community.

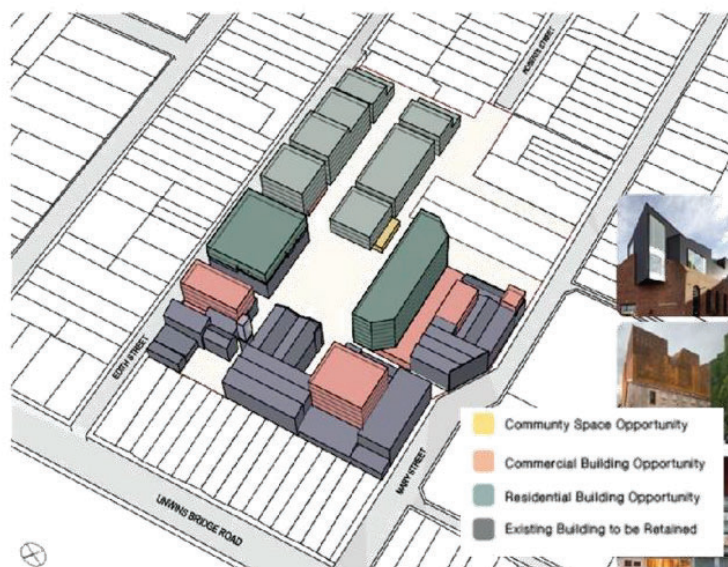


Figure 50 – New residential on top of existing and new commercial land uses
Source: Tonkin Zulaikha Greer

6.4 Landscape

A detailed Landscape Analysis and Site Strategy has been prepared for the site. The assessment identifies the distinct lack of existing landscaped areas and vegetation characteristic of industrial sites.

The devoid nature of the site provides an opportunity to interpret the history of the past uses through the future landscape design and the major constraint to new planting, aside from the future building footprints, will be the location of the underground car park.

The indicative design scheme provides for a central green axis intersecting a central public open space and punctuated by pedestrian oriented through site links. The landscape focus is on providing a high quality public domain that can act as an urban sanctuary and encourages the community to gather.

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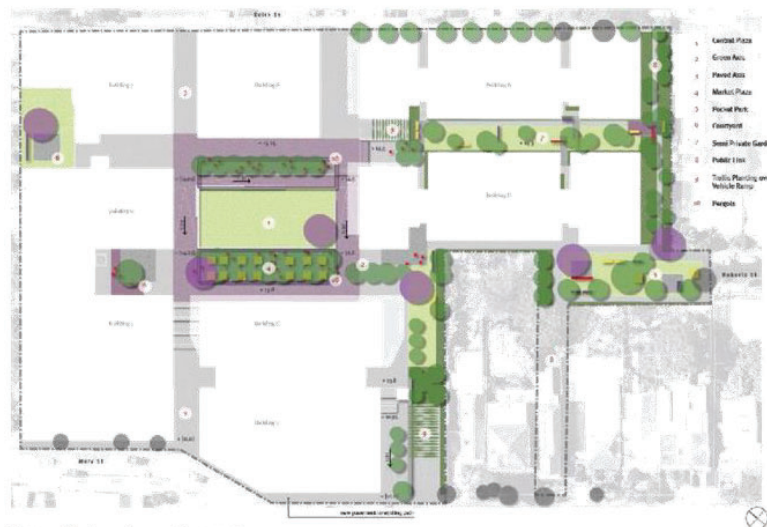


Figure 51 – Landscape Concept
Source: James Mather Delaney Design Pty Ltd

6.5 BCA, Structural Assessment and Fire Safety Audit

An assessment of the proposed design has been undertaken against the Deemed-to-Satisfy provisions of the relevant sections of the BCA to identify compliance issues and potential solutions. It also assessed the impact of the upgrade works that are proposed as part of the indicative design scheme. The assessment revealed that it is possible to comply with the BCA either through the Deemed-to-Satisfy provisions or through Fire Engineered Solutions.

The BCA report is supplemented by a Fire Safety Audit that confirms that a fire engineered Alternative Solution is possible to meet the relevant Performance Requirements of the BCA.

An investigation of the structural integrity of the existing buildings and the impact of the proposed demolitions, adaptive reuse and new construction associated with the intended design scheme has been undertaken by SDS Consulting Engineers. The report concludes that the structural integrity of the existing buildings will not be compromised or undermined by the construction of the new buildings and basement car park. Furthermore, the existing buildings are structurally suitable for the incorporation of the proposed works and additions.

6.6 Services

An investigation of the existing site services has been undertaken by IGS Engineering Services. Consultations have been carried out with Railcorp, RMS, Ausgrid, Sydney Water, Jemena, Telstra/Optus/Uecomm and Marrickville Council. Based on information received sufficient supply is available for sewer, gas, telecommunications and stormwater services.

Further consultation will be required throughout the development process:

- Ausgrid regarding new substations and decommissioning the existing one (S.723);
- Sydney Water for water main upgrade from the corner of Unwins Bridge Road and Edith Street;
- Sydney Water for sewer diversion within the site/precinct;

- Marrickville Council for OSD; and
- NBN endorsement.

Power

An existing substation servicing the site will need to be decommissioned and replaced with two new substations to service the development of the site.

Natural Gas

There is existing gas mains reticulation along Mary Street, Edith Street and Roberts Street and a gas main on Unwins Bridge Road. This capacity is adequate for the proposed new development.

Telecommunications

Multiple conduits are located along Unwins Bridge Road, Edith and Mary Street. High bandwidth services are available in the direct vicinity of the site. The telecommunications services are expected to have capacity to suit the needs of the proposed new development.

Stormwater

Council's requirement for post-development site discharge is limited to the existing site conditions. This means that the maximum discharge from the development should be limited to the existing site conditions discharge for all storms ranging from 5-yr to 100-yr ARI event. As the site is almost entirely hard surfaces with no current detention of stormwater it is expected that any redevelopment will reduce the discharge from the site.

Water and Sewer

There are water mains running along Mary and Edith Streets and a larger main on Unwins Bridge Road. It is likely that the mains will require upgrade from Unwins Bridge Road.

Gravity sewer services reticulate along Mary Street and within the site to Roberts Street. The sewer mains will be sufficient to cater for sewer/drainage requirements of the proposed new development however the main within the site will require diversion to accommodate the intended development.

6.7 Acoustic Assessment

An Acoustic Assessment of both traffic and aircraft noise has been undertaken to inform the Planning Proposal. Most of the subject site is located between the ANEF 20 and 25 contours (with a small portion in the north-western corner within the 25 – 30 ANEF). The part of the site within the 25 – 30 ANEF will have no residential accommodation. The report concludes that all internal noise levels within the development will be less than the required criteria within the Australian Standards and will result in an acceptable acoustic amenity for future occupants.

6.8 Traffic, Parking and Access

An investigation of the traffic and parking environment has been undertaken by McLaren Traffic Engineering. The assessment concludes that the Planning Proposal is supportable in terms of its traffic and parking impacts subject to a number of recommendations:

- Car share vehicles be used to fill the numeric car parking shortfall;
- Car parking access be shared between the residential and commercial land uses;
- A management plan be prepared for servicing and waste collection to avoid conflict and to reduce the amount of loading bays required for the entire development; and

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- Implement changes to the existing kerbside parking in Edith Street.

It is expected that Council would require any future DA be accompanied by a traffic study to demonstrate that the access and car parking is suitable for the proposed scale of the development, and the level of traffic can be accommodated satisfactorily without adversely affecting local intersection performance.

6.9 Contamination and Geotechnical Assessment

An Environmental Site Investigation has been carried out given the history of industrial uses on the site. Contamination was identified at multiple locations and is likely to have resulted from past filling and from the previous site operations. Soil and groundwater contaminations were noted in both fill and residual strata and are likely to require remediation.

The investigation concluded that the conditions of the site soil and groundwater do not prevent the site being rezoned to allow mixed residential and commercial land-use and the site contamination issues can be managed through the development application process in accordance with the State Environmental Planning Policy 55 (SEPP 55) – Remediation of Land and the Marrickville Council Contaminated Land Policy.

A suitably accredited contamination consultant has been engaged in order to assess the sites of the building that are to be adaptively reused as part of a future DA.

A preliminary Geotechnical Investigation has been carried out which identifies the specific sub-surface site conditions, ground water and acid sulphate soils. The study has shown shallow fill overlying a residual soil and weather bedrock profile. The site is listed as Acid Sulfate Soils Class 5. The report considers there is low risk of geotechnical conditions preventing the development of the site.

6.10 Flooding

The site has not been mapped as being located within the flood planning area by the LEP. The site does not have a history of flooding.

6.11 Social Impact

Social impacts are defined as significant changes to:

- People's way of life and how they live, work, play and interact on a daily basis;
- Their culture including shared beliefs and customs;
- Their community, its cohesion, stability, character, services and facilities;
- Their health, including physical and mental health.

Housing Choice

This proposed development would provide a greater diversity of housing choice for residents of the local area. It would also increase the supply of smaller dwelling types. This would contribute to increased housing supply and diversity in the area, which is important to ensure different household types have access to appropriate housing, whilst supporting a diverse community.

Mobility and Access

Incorporating accessibility into design of the built environment is a key requirement to ensure older people, people with a disability, young people and parents with prams can move freely and independently throughout the community.

The proposed development includes 20% adaptable dwellings, each with associated accessible sanitary and kitchen facilities and accessible car parking spaces.

The provision of public transport, walking and cycling facilities are essential to ensuring quality of life and socially sustainable communities. The proposed development is close to bus stops and rail stations, ensuring ease of access to public transport options.

Community and Recreation Facilities and Services

Whilst the proposed development is proposed to increase the number of residents in the local area, the number of additional residents is not considered to pose a strain on the existing community are recreation facilities in the area.

The proposed development includes a community facility, as well as supporting creative industries that will add to the vibrancy of the locality.

Crime Prevention

The clear definition of the sequences of the common spaces, including entry foyers and naturally lit lobbies, will positively contribute to the safety and security of the future inhabitants of the development. The entries have been designed to provide architectural, landscape and spatial interest and a clear address.

The design of the development optimises safety and security, both internal to the development and for the public domain. Safety and security has also been considered in accordance with Crime Prevention Through Environmental Design principles of surveillance, access, territorial reinforcement and space management as follows:

- Surveillance is provided through casual overlooking of streetscape, communal open spaces and through-site links from apartment windows;
- Access control is achieved through security entry (smart key entry and video intercom) for the lobby, basement and communal open space entry points;
- Territorial reinforcement is provided through landscaping and fencing where appropriate to delineate public and private spaces within the development with appropriate maintenance and management policies; and
- Space management will be achieved through selection of appropriate materials/finishes and routine maintenance of the through-site link, landscaping, paving, wayfinding signage and low-level illumination, to ensure a positive contribution to the public realm and to resist graffiti and anti-social behaviour.

Health

The proposed development is not anticipated to strain the existing health service facilities in the area.

As previously described, the proposed development is located close by to health care services, including Royal Prince Alfred Hospital, which is less than 3km from the site. There are medical centres and other health practitioners in the vicinity that will be able to service the new residents.

6.12 Public Benefit

There is a well-documented need for greater housing supply and diversity throughout the Sydney metropolis and the Inner West LGA is no exception.

The planning proposal is considered to provide a public benefit to the local area by:

- Creating new commercial and retail opportunities;
- Upgrading existing creative industry spaces;
- Retaining buildings that demonstrate the history of land uses and contribute to the character of the area;
- Creating a new community space;

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- Increasing housing supply in the area to include a variety of apartment types;
- Providing housing close to public transport;
- Contributing to housing diversity within the Inner West LGA;
- Providing new through site access;
- Providing more casual surveillance in the area – achieving CPTED principles;
- Remediating contamination associated with the historical industrial uses of the site;
- Providing improved accessibility and essential life services throughout the site; and
- Fostering creative and artistic uses within the site.

The change in land use zoning, increase in height limit and FSR proposed by the Planning Proposal on the site is necessary to deliver a significant local public benefit.

6.13 Ecologically Sustainable Development

The indicative design scheme is predicated on the principles of ecologically sustainable development:

- Natural lighting to reduce power consumption
- Sensitive and intelligent material selection
- Building design and orientation to maximise solar access and thermal comfort
- Waste separation and recycling
- Adaptive reuse
- Materials reuse and the use of salvaged items
- Smart building services technologies
- Low flow water saving fittings
- Water sensitive and conservative landscaping
- Rainwater harvesting and reuse for irrigation and garden watering
- Smart water metering

7.0 Conclusions and Recommendation

This Planning Proposal seeks amendments to the LEP to facilitate a mixed-use development on the site. This will be achieved through an amendment to the land use zoning from IN2 Light Industry to B4 Mixed Uses, a flexible and graduated change to the height control and an FSR control of 2.2:1.

The Proponent proposes to enhance the existing employment generating, creative use precinct by upgrading the facilities to satisfy contemporary access, fire safety and amenity standards and integrate the use into the surrounding area by encouraging community interaction, creating pedestrian linkages and dealing with traffic and parking demands on site. A significant portion of the site is an at grade car parking which creates the opportunity for a residential interface providing a buffer to the lower density residential uses beyond and providing a local population to support and enhance the precinct. The site provides the opportunity for the provision of additional public open space and an associated series of pedestrian networks linking the area, through the site, to the railway station and the Princes Highway corridor.

The indicative scheme, provided in support of this Planning Proposal, demonstrates that a mixed-use redevelopment is achievable on this site at the scale proposed. The process would require a future DA approval and be subject to additional requirements at that stage.

This Planning Proposal is considered justified for the following reasons:

- The proposal is considered consistent with the metropolitan, district and local strategic planning frameworks that emphasise the need to provide housing diversity;
- The proposal is consistent with the applicable SEPPs;
- Our preliminary analysis of the concept scheme has concluded that the proposal is unlikely to have any significant adverse environmental impacts;
- The proposed rezoning will permit housing to be provided in tandem with increased employment floor space and the continuing use of the land for creative industries;
- There is significant public benefit in providing site specific controls that permit the continuation of employment on the site supported by residential development.

A development concept has been prepared that takes into account the opportunities and constraints of the site. The LEP amendments described in this report will ensure redevelopment can be undertaken with consistency across the site.

In light of the above, we recommend that the Planning Proposal proceed through the Gateway process to public exhibition.

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Land to which this Planning Proposal Applies



The Site

9.31.5 Site-specific planning controls

9.31.5.1 67, 73-83 Mary Street, 50 Edith Street, 52 Edith Street and 43 Roberts Street, St Peters

Objectives

- O1** To provide for the redevelopment of the site into a mixed use precinct incorporating commercial, creative light industries, community and residential uses.
- O2** To ensure that the precinct provides an appropriate mix of land uses by limiting the amount of residential development permitted.
- O3** To retain and adaptively re-use select existing buildings to reflect the industrial heritage and character of the site.
- O4** To ensure that new buildings are of exceptional design quality.
- O5** To ensure that new residential development provides good amenity for residents and does not adversely impact on existing surrounding development.
- O6** To ensure that the site is remediated to an acceptable standard to accommodate residential development.
- O7** To increase the amount of landscaping and greenery across the site, including deep soil plantings, green roofs and walls and open space areas.
- O8** To improve permeability through the site to benefit the wider area.
- O9** To provide safe pedestrian and cyclist access through the site to improve local connectivity.
- O10** To provide an accessible space for community purposes.
- O11** To accommodate a range of building heights across the site up to 29 metres.

Controls

C1 Building heights:

Future building heights must:

- i. Provide lower transitional heights (for Building A and B) to the eastern boundary interface with 48 Edith Street and 41 Roberts Street, St Peters;
- ii. Respect the low density residential character of the properties 67, 69 & 71 Mary Street, St Peters;
- iii. Minimise overshadowing of open space areas and buildings on the site and adjacent sites;
- iv. Minimise the impacts of taller development to the surrounding residential street; and
- v. Building heights must generally be a maximum of:
 - a. Building A: 23m
 - b. Building B: 17m
 - c. Building C: 29m
 - d. Building 1: 29m
 - e. Building 2: 17m
 - f. Building 6: 29m
 - g. Building 7: 23m
 - h. Building 8: 23m



Figure 1: Building identification and locations

Legend

- New buildings
- Alterations and additions to existing buildings
- Retained buildings
- Open Space

C2 Site design must:

- i. Ensure buildings along Edith Street respect their interface with low density residential development;
- ii. Ensure Building A and Building B are setback adequately to respect their interface with 48 Edith Street and 41 Roberts Street;
- iii. Ensure that adequate separation is provided between Building A and Building B to avoid excessive overshadowing and to provide adequate amenity to residents;
- iv. Provide articulation of Building A and Building B to reduce their visual bulk and retain a fine grained feel of the precinct;
- v. Provide significant greening of the subject site through the use of landscaping as well as greening of buildings such as green roofs and/or walls;
- vi. Use the design of new building facades to reflect the use, orientation, prominence and context of the frontage;
- vii. Make all entries clearly visible, safe and accessible;
- viii. Where buildings are additions to retained structure, have a complementary scale and facade sensitive to the retained building;

- ix. Use setbacks to promote appropriate building mass and provide adequate amenity and privacy to all uses on site;
- x. Ensure that the central public open space area and the Roberts Street 'pocket park' receives adequate solar access.
- xi. Accommodate pedestrian and cyclist access off Roberts Street into the subject site, with through links into both Mary Street and Edith Street.
- xii. Where possible accommodate local artists in any works commissioned for the site.

C3 Land Use:

To ensure a mixed use precinct of employment, creative light industries, adaptive re-use and housing, no more than 50% of the total gross floor area is to be used for residential purposes.

C4 Building Fabric Retention:

Buildings to be retained and buildings to be demolished (either in part or entirely) are shown on the following image:

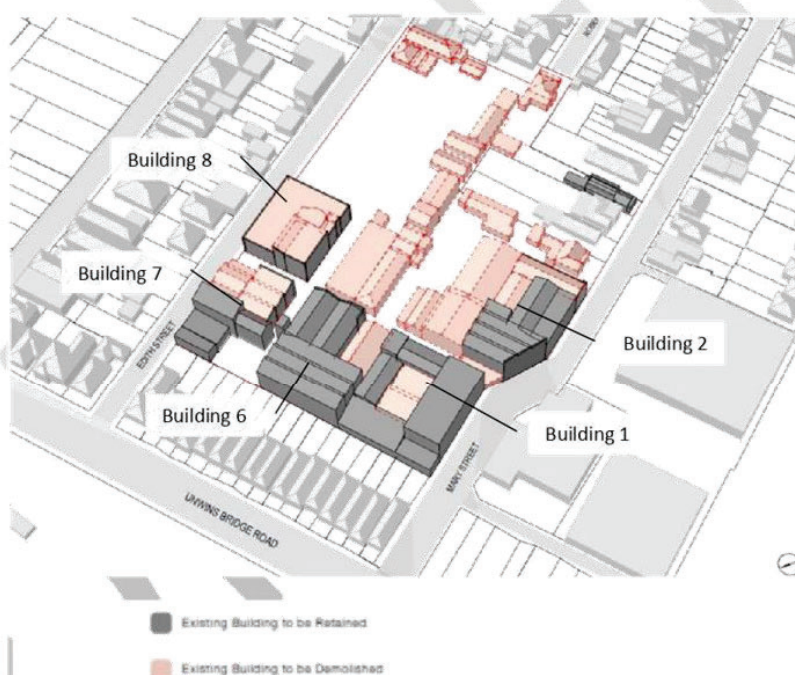


Figure 2: Buildings to be demolished and buildings to be retained

- i. The buildings built to the street, including parts of Buildings 1, 2, 6, 7 & 8 have landmark qualities, within their immediate streetscape context, and are considered worthy of retention and adaptive reuse.
- ii. An interpretation strategy is to be developed as part of a development application for the site, detailing elements to be

- either retained in situ or relocated to other parts of the site and how these elements are to be presented and explained, including:
 - a. Elements relating to the site's former industrial use to be retained in situ including the good hoist in Building 6, ceramic insulators and fire bells on the exterior of the buildings and various crane rails and hoisting jibs; and
 - b. Elements relating to the site's former industrial use contained within building to be demolished to be salvaged and relocated on site.
- iii. The Mary Street entrance to Building 2, timber stairs and office on the first floor must be retained to reflect their role as the main public entrance to the larger Taubmans site;
- iv. Any alterations or additions to a retained buildings must be clearly discernible from the original fabric;
- v. Adaptation of building interiors must aim for maximum retention of original spaces and fabric while allowing for the adequate adaptation to new uses.
- vi. New development within the site must be contemporary in design with sensitivity to the retained buildings through the proportions, alignments, colours and materials used in the new development.
- vii. An archaeological assessment must be undertaken prior to excavation works and an archaeologist is to be on call during the construction phase of the development.

C5 Open space and landscaping:

- i. Development within the site must create a series of high quality public spaces including passive recreational areas, access routes and circulation areas. Public open space areas are shown red hatched in Figure 3.



Figure 3: Location of public open space areas

- ii. The central public open space adjacent to Building C must be at least 600m² and must receive at least 2 hours of solar access between 9.00am and 3.00pm midwinter for 50% of its area.

- iii. The 'pocket park' open space on Roberts Street must receive at least 2 hours of solar access between 9.00am and 3.00pm midwinter for 50% of its area.
- iv. The central public open space must be planted with a local native grass meadow or lawn.
- v. Local native provenance plants are to be used within all the landscaping for optimum biodiversity outcomes.
- vi. Planting for shade in summer and sunlight penetration in winter must be provided in open public spaces.
- vii. Landscape design must promote screening between different building uses for the privacy of occupants.
- viii. An arborist's report is to be prepared to accompany any development application for the site assessing all existing mature trees on the site.
- ix. Significant deep soil zone areas are to be developed for the site within public open space areas shown in Figure 3.
- x. Where possible, trees and planting are to be flush with surrounding finish levels (no raised planters).
- xi. Trees must be planted in minimum 1 metre depth of soil plus mulch and drainage.

C6 Streetscape design must:

- i. Reinforce the existing landscape characters of Edith Street, Mary Street and Roberts Street;
- ii. New buildings in proximity to Mary Street, Edith Street and Roberts Street are to be more articulated to reflect the character of those areas; and
- iii. The existing footpath along Mary Street currently ends adjacent to the loading dock. In order to provide a continuous, safe and accessible path of travel for pedestrians along the Mary Street frontage the footpath must be redesigned and reconstructed to be of a more consistent width for the full length of the Mary Street frontage, subject to agreement/approval to undertake works within the Mary Street road reserve.

C7 Built form proposals must:

- i. Encourage a variety of complementary building styles within the site including adaptive re-use of retained buildings;
- ii. Offer high quality contemporary architecture that responds to, but does not mimic, the existing architectural character of the site with appropriate proportions and articulation to the building massing;
- iii. Have a distinct base and middle with high quality roof treatments that are integrated with the architecture of the buildings;
- iv. Treat facades as front elevations to all sides of the building;
- v. Use high quality materials throughout;
- vi. Ensure the architectural expression of residential buildings offers a balance of solid to void without depending on continuous balconies to create articulation and interest;
- vii. Treat materials accessible at ground level for graffiti resistance;
- viii. Incorporate environmentally appropriate facade treatments according to orientation;

- ix. Provide shading and good internal amenity including cross ventilation, solar access, adjoining indoor and outdoor living spaces and generously sized rooms; and
- x. Ensure that the residential components of buildings comply with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and its associated Apartment Design Guide.

Vehicular access

- C8** Vehicular access must operate as follows:
- i. Car entry to site via Edith Street;
 - ii. Car exit from site via Mary Street;
 - iii. Service vehicles entry and exit from Mary Street; and
 - iv. No vehicle access from Roberts Street.

Parking

- C9** Parking:
All car parking is to be underground.

Waste Management

- C10** A Waste Management Plan must operate on site to ensure:
- Waste is managed to reduce the amount of waste and recyclables to land fill;
 - i. Waste is recovered, reused and recycled wherever possible; and
 - ii. Compliance with all relevant codes and practices
 - iii.

State Agency Submissions



Our reference: DOC18/42060-01

Mr Harjeet Atwal
Planning Operations Manager
Inner West Council
PO Box 14
PETERSHAM NSW 2049

By email: council@innerwest.nsw.gov.au

Dear Mr Atwal

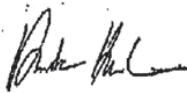
67 AND 73 MARY STREET, 50-52 EDITH AND 43 ROBERTS STREETS, ST PETERS

Thank you for your letter dated 16 November 2016 seeking comments from the NSW Environment Protection Authority (EPA) on a planning proposal for 67 and 73 Mary Street, 50-52 Edith and 43 Roberts Street, St Peters NSW. EPA understands that multiple parcels of land are included in this planning proposal.

Inner West Council requested advice from the EPA on whether the matter should be managed through the *Contaminated Land Management Act* (CLM Act). Inner West Council also requested a response to the planning proposal, in relation to contaminated land matters. Our comments are provided in Attachment A.

If you have any questions on this matter, please contact Victoria Lee on 02 9995 5564 or at victoria.lee@epa.nsw.gov.au

Yours sincerely



ANDREW HAWKINS
Unit Head, Contaminated Land Management
Environment Protection Authority

23 February 2018

Enclosure
Attachment A: Comments in consideration of contaminated land matters
Attachment B: List of reports reviewed

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5909
TTY (02) 9211 4723
ABN 43 892 285 758
www.epa.nsw.gov.au

Attachment A – Comments in consideration of contaminated land matters
THE SITE

Inner West Council received a Gateway Determination from the Department of Planning and Environment in October 2017 for proposed changes to the current planning controls in the Marrickville Local Environmental Plan 2011 for the former Taubmans Paint Factory site to allow new development to occur.

Key features of the planning proposal are:

- To rezone from R2 Low Density Residential and IN2 Light Industrial to B4 Mixed Use to support the ongoing use of the site for employment while allowing residential apartments in a mixed-use development.
- To create approximately 180 apartment dwellings.
- To increase the building heights and floor space ratios on the site (as per table in Inner West Council's letter dated 16 November 2017 (Council Ref: 14/5390))

Lot identifiers for land subject to current planning controls, as follows:

Address	Lot Identifiers	Current Zoning
50 Edith Street, St Peters, NSW, 2044	Lot 1 DP 745657	R2 Low Density Residential
52 Edith Street, St Peters, NSW, 2044	Lot 1 DP 745014	R2 Low Density Residential
67 Mary Street, St Peters, NSW, 2044	Part Lot 1 DP 180958	R2 Low Density Residential
73 Mary Street, St Peters, NSW, 2044	Lot 1 DP 556914	IN2 Light Industrial
43 Roberts Street, St Peters, NSW, 2044	Lot A DP 331215	R2 Low Density Residential
43 Roberts Street, St Peters, NSW, 2044	Lot 1 DP 87885	R2 Low Density Residential

The EPA understands that a rezoning application was submitted for the above parcels of land. The planning proposal request seeks to rezone the land to B4 Mixed Use with a small area of RE1 Public Recreation (Part Lot 1 DP 180958, Lot A DP 331215 and Lot 1 DP 87885)

Advice on whether the matter should be managed through the Contaminated Land Management Act (CLM Act)

The former industrial manufacturing facility (Taubman's Paints) located at 67 and 73 Mary Street St Peters (previously 75 Mary Street), has been notified to the NSW EPA in relation to section 60 of the *Contaminated Land Management Act* (CLM Act). This site was assessed as "regulation under the CLM Act not required".

Other sites listed below have not been notified to the NSW EPA in relation to section 60 of the CLM Act. The following sites are not regulated under the CLM Act:

- 50-52 Edith Street, St Peters NSW
- 43 Roberts Street, St Peters NSW

The EPA regulates contaminated sites where the contamination is significant enough to warrant regulation. Contaminated sites that are not regulated by the EPA are managed by local councils through land-use planning processes.

It is important to ensure that the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination. The EPA should be notified (or re-notified) under section 60 of the CLM Act for any contamination identified which meets the triggers in the *Guidelines for the Duty to Report Contamination*. (www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf)

Review of reports (listed in Attachment B) in consideration of contaminated land matters

- EPA notes that the Remediation Action Plan (RAP) was primarily focused on the former Taubman's facility located at 67 and 73 Mary Street St Peters.
- EPA notes that no intrusive investigations have been conducted in the residential properties (50-52 Edith Street, and 43 Roberts Street, St Peters).
- EPA notes that there is a site suitability opinion prepared for the site. This is different from a site audit statement which certifies if the site can be made suitable for the proposed land use. Council's attention is drawn to the EPA website, which mentions that site auditors are able to provide increased certainty to planning authorities about the nature and extent of contamination and the suitability of a site for a specified use.

RECOMMENDATIONS:

1. Conduct of detailed site investigation on residential areas where no site assessments have been prepared. If contamination is found in these residential properties, then the existing RAP dated 25 August 2017 should be revised.
2. Preparation of a detailed unexpected finds protocol. The detailed protocol should be followed during the actual implementation of the project.
3. Preparation and implementation of a comprehensive Environmental Management Plan (EMP) to control potential direct exposures to site soils and groundwater. (*EPA notes that there is an interim EMP within the RAP.*)
4. The investigation and any remediation and validation work should be carried out in accordance with the guidelines made or approved by EPA under Section 105 of the Contaminated Land Management Act 1997. The following guidance should be considered:
 - Technical Note: Investigation of Service Station Sites, 2014
<http://www.epa.nsw.gov.au/publications/contaminatedland/140315servstatsites>
 - NSW EPA Sampling Design Guidelines
www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf
 - Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017
<https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>
 - Guidelines for Consultants Reporting on Contaminated Sites, 2011
www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
 - The National Environment Protection (assessment of contamination) Measures 2013 as amended.

5. EPA recommends use of "certified consultants". Please note that the EPA's Contaminated Land Consultant Certification Policy (<http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en>) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Hence, the EPA requires all reports submitted to the EPA to comply with the requirements of the *Contaminated Land Management Act 1997* (CLM Act) to be prepared, or reviewed and approved, by a certified consultant.
6. Due to proposed change from industrial to mixed use, consideration should be given to the use of a site auditor accredited under the CLM Act to confirm suitability of the land use. The site auditor should also be engaged to review the adequacy of the investigations, human health risk assessments, unexpected finds protocol, any remedial works or management plan required.
7. The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under section 6(2) of CLM Act].
8. The EPA should be notified (or re-notified) under section 60 of the CLM Act for any contamination identified which meets the triggers in the *Guidelines for the Duty to Report Contamination* (www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf)
9. The processes outlined in *State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.

Attachment B – List of Documents Reviewed

1. JBS&G (2017) – *Site A: Precinct 75 Commercial (Buildings 1, 2, 6 & 7) and Site B: Precinct 75 Mixed Use Redevelopment (Buildings A, B, C & 8), Remedial Action Plan, 50 and 52 Edith Street, 67 and 73 Mary Street and 43 Robert Street, St Peters, NSW, 2044*. JBS&G Australia Pty Ltd, 25 August 2017. (Appendix U)
2. JBS&G (2016) – *Site Suitability Opinion – 75 Mary Street, St Peters, NSW*. JBS&G Australia Pty Ltd, 19 October 2016. (Appendix O)

Roads and Maritime Services Comments

Item 12

Attachment 5



**Transport
Roads & Maritime
Services**

15 August 2018

Our Reference: SYD17/01667/03
Council Ref: 14/5390

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

Attention: Colette Goodwin

Dear Sir/Madam

**PLANNING PROPOSAL TO AMEND MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011
FOR 67 & 73 MARY STREET, 50-52 EDITH STREET AND 43 ROBERTS STREET IN ST
PETERS – REVISED AIR QUALITY IMPACT ASSESSMENT**

Reference is made to email correspondence dated 30 July 2018, regarding the received final Air Quality Impact Assessment and peer review for the abovementioned proposal which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with the consultation requirements set out under Section 3.34 of the *Environmental Planning and Assessment Act, 1979* and Gateway determination. Roads and Maritime appreciates the opportunity to provide comment on the proposal.

It is noted that the planning proposal seeks to:

- Rezone the subject land from part R2 Low Density Residential and part IN2 Light Industrial to B4 Mixed Use
- Allow building heights ranging from 9.5m to 29m
- Amend FSR from part 0.6:1 & part 0.95:1 & part to 2:2.1 for the whole site
- Allow residential development for a maximum of 50% of the total floor area (approximately 180 dwellings).

Roads and Maritime's initial review of the supporting Air Quality Impact Assessment identified inaccuracies in the modelling, and review and correction of the modelling was requested. Roads and Maritime has reviewed the revised assessment (Rev 2 dated 7 August 2018) and provides the following comments in relation to the Air Quality Impact Assessment for Council's consideration:

1. It is noted the revised assessment has been peer reviewed by an experienced modelling professional who has determined that the approach undertaken is appropriate and that the conclusions are valid.
2. Predicted incremental impacts from CVRF emissions are low in comparison to background for all pollutants assessed, and predicted cumulative glcs meet EPA criteria for all pollutants assessed except PM_{2.5}.

Roads and Maritime Services

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

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3. The predicted change in annual average $PM_{2.5}$ is the key health risk assessment metric for this proposal, and all predicted $\Delta PM_{2.5}$ for receptors are below the risk metric utilised in the M4-M5 link EIS.

Thank you for the opportunity to provide comment on the subject planning proposal. Should you have any enquiries in relation to this matter, please contact Rafael Morrissey, Graduate Planner at e: development.sydney@rms.nsw.gov.au

Yours sincerely,



Rachel Nicholson
Senior Strategic Land Use Coordinator
Sydney Planning, Sydney Division



**Transport
Roads & Maritime
Services**



26 March 2018

Roads and Maritime Reference: SYD17/01667/01 (A20561913)
Council Reference: 14/5390

The General Manager
Inner West Council
PO Box 14
PETERSHAM, NSW 2049

Attention: Colette Goodwin

Dear Sir/Madam,

PLANNING PROPOSAL TO AMEND MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 FOR 67 & 73 MARY STREET, 50-52 EDITH STREET AND 43 ROBERTS STREET IN ST PETERS

Reference is made to Council's letter dated 16 November 2017 regarding the abovementioned planning proposal which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* following Gateway determination issued by the Department of Planning & Environment (DPE). Roads and Maritime appreciates the opportunity to provide comment.

Roads and Maritime has reviewed the submitted material and notes that the Planning Proposal seeks to amend Marrickville LEP 2011 to:

- Rezone the subject land from part R2 Low Density Residential and part IN2 Light Industrial to B4 Mixed Use
- Allow building heights ranging from 9.5 metres to 29 metres
- Amend FSR (floor space ratio) from part 0.6:1 & part 0.95:1 to 2.2:1 for the whole site, and
- Allow residential development for a maximum of 50% of the total floor area (approximately 180 dwellings).

Roads and Maritime has concerns with the proposed Planning Proposal proceeding prior to completion of planning investigations for the Sydenham to Bankstown Urban Renewal Corridor. In this regard, the following comments are provided:

1. Any Planning Proposal for the subject site should be consistent with the outcomes of the strategic planning investigations for the broader Sydenham Precinct and supporting Special Infrastructure Contribution plan.

From the submitted Planning Proposal report it was noted that the proponent has the intention to provide an equitable contribution towards State public infrastructure to support the implementation of Sydenham to Bankstown Urban Renewal Corridor Strategy, however the cumulative traffic impacts of development in the corridor and Precinct have not yet been assessed and details of any proposed contribution have not been provided.

Roads and Maritime Services

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2. The proposal may set a precedent with other land owners within the Precincts requesting increased uplifts and land uses ahead of planning investigations and supporting studies being completed. Therefore, Roads and Maritime has concerns in relation to the potential cumulative traffic and transport impacts of this and other proposals on an already constrained local and regional road and transport network. This proposal should be assessed in the context of the cumulative Traffic and Transport Impact Assessment for the Sydenham to Bankstown Priority Precinct with the level of developer contribution commensurate with an identified Special Infrastructure Contribution for the Precincts. This would require a deferral of the proposal until such time that the Sydenham to Bankstown Priority Precinct planning investigations and Traffic and Transport Impact Assessment is finalised and a funding delivery mechanism for infrastructure is formally adopted.
3. Should Council decide to proceed to finalise the amendment to the LEP in the absence of a Special Infrastructure Contribution being established for the Sydenham to Bankstown Priority Precincts, the proponent should consider putting forward a monetary contribution via a suitable funding mechanism towards local and regional road and transport infrastructure for consideration by Council, Roads and Maritime and Transport for NSW.

Council may also wish to give consideration to the need for travel demand management measures to be provided for any future development of the site to encourage the use of public and active transport and ensure mode shift to rail is achieved, given the proximity of the site to train services. Consideration may be given to the inclusion of restraints to on-site car parking provision for residential and commercial uses within the site specific DCP to encourage the use of public and active transport.

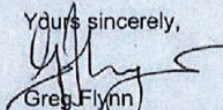
4. Further to the above matters, the proponent should be advised that the subject property is also within a broad area currently under investigation in relation to the proposed WestConnex Project (M4 — M5). An indicative route has been proposed which includes a tunnel and at present, Roads and Maritime advises that the subject property remains within an area of investigation. The design will be finalised following feedback on the environmental impact statement and once a contractor has been appointed Roads and Maritime will directly advise owners whose properties are impacted by the final road design.

As the site is currently zoned IN2 Light Industrial and is proposed to allow B4 Mixed Use with residential flat buildings permitted up to 9 storeys, which will introduce more sensitive land uses in close proximity to exhaust stacks at the St Peters interchange, the proponent should prepare an air quality assessment to demonstrate that the impacts to future residents will be acceptable, or will be suitably mitigated. Any mitigation measures required would need to be included in any funding mechanism prepared for the site. This should be prepared and submitted to Council and DPE prior to the making of the amendment to the LEP.

Further information about this project is available by contacting the WestConnex Team on 1800 660 248 or info@westconnex.com.au, or by visiting the project website at www.westconnex.com.au.

Thank you for the opportunity to provide advice on the subject planning proposal. If you require clarification on the above matter, please contact Ahsanul Amin, Acting Senior Strategic Land Use Planner on 8849 2762 or e-mail at development.sydney@rms.nsw.gov.au.

Yours sincerely,



Greg Flynn
Senior Manager Strategic Land Use
Sydney Planning, Sydney Division



**Transport
Roads & Maritime
Services**

2 July 2018

Roads and Maritime Reference: SYD17/01667/02 (A22908879)
Council Reference: 14/5390

The General Manager
Inner West Council
PO Box 14
PETERSHAM, NSW 2049

Attention: Colette Goodwin

Dear Sir/Madam,

**PLANNING PROPOSAL TO AMEND MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011
67 & 73 MARY STREET, 50-52 EDITH STREET AND 43 ROBERTS STREET, ST PETERS**

Reference is made to Council's correspondence dated 16 May 2018 regarding the air quality assessment submitted for the subject planning proposal, referred to Roads and Maritime Services (Roads and Maritime) for comment. Roads and Maritime appreciates the opportunity to provide comment on this proposal.

As the proposed amendments to the Marrickville Local Environment Plan (LEP) seek to facilitate a mixed-use development on the site by amending the land use zoning from IN2 Light Industry and R2 Low Density Residential to B4 Mixed Use and introducing a graduated change to the height control and floor space ratio control of 2.2:1, the planning proposal may result in the introduction of high-rise residential development at the subject site in close proximity to the M4-M5 link ventilation outlets, as the site is approximately 600m from the M4-M5 link Campbell Road ventilation facility.

As Council is aware, Condition E42 of the M4-M5 Planning Approval requires that "the Proponent must assist the relevant planning authority(s) in developing an air quality assessment process for inclusion in a Development Control Plan or other appropriate planning instrument, in considering planning and building approvals for new development in areas adjacent to the ventilation outlets which would be within a potential three-dimensional zone of affectation (buffer volume)". Roads and Maritime understands there are currently no specific development controls in the Marrickville LEP or DCP relating to building height and distance restrictions from ventilation outlets.

Roads and Maritime provides detailed comments at **Attachment A** in relation to the submitted report titled 'Air Quality Impact Assessment of Proposed Motorway Ventilation Outlets, Precinct 75', dated 15 May 2018.

Roads and Maritime advises that its comments dated 26 March 2018 (copy attached) regarding the cumulative traffic and transport impacts of the planning proposal and contribution for regional transport improvements to support growth in the Sydenham to Bankstown Urban Renewal Corridor remain applicable.

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

Thank you for the opportunity to provide advice on the subject planning proposal. If you require clarification on the above matters, please contact Rachel Nicholson on 8849 2702 or email development.sydney@rms.nsw.gov.au.

Yours sincerely,



Greg Flynn
Senior Manager Strategic Land Use
Sydney Planning, Sydney Division

Attachment A: Detailed comments on Air Quality Impact Assessment

Roads and Maritime has reviewed the submitted Air Quality Impact Assessment dated 15 May 2018 prepared by JBS&G Australia, which considers the potential air quality interactions between the St Peters Interchange ventilation outlets and the subject site with proposed amendments to planning controls. The purpose of the assessment is to demonstrate that there are no potential adverse building and outlet interactions as a result of the planning proposal. The following comments are provided to Council:

1. The assessment should be in accordance with NSW EPA guidelines for the modelling and assessment of air pollutants in New South Wales. However, the results presented for PM₁₀ and PM_{2.5} are not feasible and indicate that there are errors in the set up and execution of the modelling. Of note:
 - Predicted maximum 24 hour average PM_{2.5} ground level concentrations (glcs) are in excess of two times greater than the predicted maximum 24 hour average PM₁₀ glcs (Tables 6.6, 6.7 and 6.8). This is not possible as PM_{2.5} emissions are always less than PM₁₀ emissions.
 - Emission data is presented in Table 6.3 from hour 00 to hour 24 – indicating that modelling has been conducted with 25 hours in a day rather than 24.

The significant differences in magnitude between the maximum predicted PM_{2.5} and PM₁₀ glcs in the assessment when compared with the M4-M5 Link EIS have been attributed to the conservatism of the AERMOD model, rather than errors in model set-up or results processing, meaning that the above errors have not been identified during the review stage of the report. It is recommended that peer review/guidance from an experienced dispersion modelling professional is sought to review and correct the assessment.

2. Once the modelling has been corrected the focus of the assessment needs to be on the predicted change in the annual mean PM_{2.5} concentration ($\Delta PM_{2.5}$) following commissioning of the tunnel ventilation facilities as this is the key risk assessment metric. As stated in the M4 –M5 link EIS (Appendix I, page 46):

Change in annual mean PM2.5

Appendix K (Human health risk assessment) of the EIS has adopted a risk level in excess of 10^{-4} (one chance in 10,000) as a point where risk is considered to be unacceptable. Although the Human Health Assessment considers a comprehensive range of health endpoints, the key metric that emerged during the assessment of the NorthConnex, M4 East and New M5 projects was the increase of risk in all-cause mortality for ages 30 and over. An increase in risk of all-cause mortality is related to the change in the annual mean PM_{2.5} concentration ($\Delta PM_{2.5}$) (Boulter et al., 2015; Manansala et al., 2015). A risk of one in 10,000 equates to a value for $\Delta PM_{2.5}$ that varies depending on the baseline mortality, and is calculated as follows:

$$R = \beta \times \Delta PM_{2.5} \times B$$

Where, for the M4-M5 Link study area:

R = additional risk

β = slope coefficient for the % change in response to a 1 $\mu g/m^3$ change in exposure (β = 0.0058 for PM_{2.5} all-cause mortality ≥ 30 years) (Krewski et al., 2009)

$\Delta PM_{2.5}$ = change in concentration in $\mu g/m^3$ at the point of exposure

B = baseline incidence of a given health effect per person (eg annual mortality rate) (976.6 per 100,000 for mortality all causes ≥ 30 years) (Golder Associates, 2013)

This equation can be rewritten as:

$$\Delta PM_{2.5} = R / (\beta \times B)$$

For the M4-M5 Link project, the value of $\Delta PM_{2.5}$ for a risk of one in 10,000 is:

$$\Delta PM_{2.5} = 0.0001$$

$$0.0058 \times 0.00976 = 1.8 \mu g/m^3$$

3. In summary, it is recommended that the following key revisions to the assessment are undertaken:
 - a) Review and correction of the modelling as appropriate to ensure correctly predicted PM_{10} and $PM_{2.5}$ g/cfs.
 - b) Presentation and discussion of the predicted changes in annual mean $PM_{2.5}$ concentration ($\Delta PM_{2.5}$) at the proposed development site assessed against the one in 10,000 risk metric of $1.8 \mu g/m^3$ as utilised for assessment of health impacts in the M4-M5 link EIS.

Transport for NSW Comments

**Transport
for NSW**

Mr Harjeet Atwal
Planning Operations Manager
Inner West Council
PO Box 14
PETERSHAM NSW 2049

Attn: Colette Goodwin

**DRAFT AMENDMENTS TO MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 –
67 AND 73 MARY STREET, ST PETERS**

Dear Mr Atwal

Thank you for your letter dated 16 November 2017 to Transport for NSW (TfNSW) seeking advice for the above.

Roads and Maritime Services (RMS) will provide a separate response.

Public Transport

The location is well serviced by bus routes to a variety of locations and is an acceptable (approximately 900 metre) walk to Sydenham Station. It is currently expected that when Sydney Metro Stage 2 City and Southwest opens that additional transit capacity within an acceptable walking distance will be provided.

Active Transport

It is noted the proponent is providing adequate bicycle parking and that there is access to train and bus services from the development (10-15 minutes walking time). The pedestrian through link between Edith and Mary Street could improve overall pedestrian connectivity for residents beyond this development if use of this access route was made open to the public and encouraged by wayfinding or other means.

Nearby Projects - Sydney Metro (City and Southwest) Project and WestConnex Stage 2

The development site is located within the vicinity of the Sydney Metro City and Southwest Project and WestConnex Stage 2 Project. Several construction projects, including these infrastructure projects could occur at the same time as any future development on the site. The cumulative increase in construction vehicle movements from these projects could have the potential to impact on general traffic, bus operations, and the safety of pedestrians and cyclists particularly during commuter peak periods. Any future development application should address these cumulative construction related impacts in consultation with TfNSW (Sydney Coordination Office).

Transport for NSW (TfNSW)
241 O'Riordan Street, Mascot NSW 2020
T 02 8202 2200 | W transport.nsw.gov.au | ABN 18 804 239 602

A copy of TfNSW current standard wording for conditions relating to the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP) is attached at Tab A.

If you have any further questions, Mr Tim Dewey, Senior Transport Planner can be contacted at tim.dewey@transport.nsw.gov.au.

Yours sincerely



1/2/2018

Mark Ozinga
Principal Manager
Land Use Planning and Development

CD17/13265

Sydney Airport Comments

Item 12

Attachment 5

Sydney Airport comments – 15 October 2018

Further to our conversation, attached is advice from Sydney Airport's Peter Bleasdale concerning Sydney Airport's prescribed airspace and the implications it has for this planning proposal.

We also note that ANEF 2039, which has now replaced the previous ANEF 2033, has seen a change in the location of the ANEF25 contour over the land covered by the planning proposal. Council may choose to consider this change when it considers the planning proposal.

Please let me know if you need any further information.

regards

Ted Plummer

Special Adviser – Government and Community Relations

Sydney Airport

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www.sydneyairport.com.au

Sydney Airport's Peter Bleasdale comments regarding prescribed airspace and the implications it has for the planning proposal are contained in the Sydney Airport letter dated 12 December 2017.



Tuesday, 12 December 2017
Reg No.: 17/0951

TO: INNER WEST COUNCIL

Notice to Proponent Property Development

Dear Sir/Madam

Application for approval pursuant to s.183 Airports Act - Notification of decision under Reg 15A(2) of the Airports (Protection of Airspace) Reg's 1996

Proposed Activity: PROPERTY DEVELOPMENT

Location: MARY, EDITH & ROBERTS STREETS, ST PETERS

Proponent: INNER WEST COUNCIL

Date: 27/11/2017

Sydney Airport received the above application from you.

This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 42.0 metres Australian Height Datum (AHD).

In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 42.0 metres AHD.

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Should you wish to exceed this height a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Information required by Sydney Airport prior to any approval is set out in Attachment A.



"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).

The height of the prescribed airspace at this location is 44 metres above AHD.

Planning for Aircraft Noise and Public Safety Zones

Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

Yours Sincerely



Peter Bleasdale
Airfield Design Manager

NOTE:

1. a person who conducts a controlled activity otherwise than with or in accordance with an approval commits an offence against the Act.
- s. 183 and s. 185 Airports Act 1996.
- Penalty: 250 penalty units.
2. if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.

Sydney Water (Via UrbanGrowth) Comments

Item 12

Attachment 5

Alan Qi Chen

From: UrbanGrowth <UrbanGrowth@sydneywater.com.au>
Sent: Saturday, 16 December 2017 1:52 PM
To: Colette Goodwin
Cc: Inner West Council
Subject: RE: Planning Proposal - 14/5390 Draft Amendments to Marrickville Local Environmental Plan 2011 at 67 and 73 Mary Street, 50-52 Edith and 43 Roberts Street, St Peters

Dear Colette,

Thank you for referring the Planning Proposal listed above to Sydney Water. We have reviewed the application and provide the following comments:

- Sydney Water has no objection to the Planning Proposal.
- Water and wastewater facilities are available within the area.
- Amplifications or extensions to these mains may be required depending on the size and scale of development.
- Detailed requirements will be provided when developments are referred to Sydney Water at Section 73 stage.

If you require any further information, please contact Lulu Huang of Growth Planning and Development on urbangrowth@sydneywater.com.au.

Kind Regards,
Growth Planning & Development Team



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School Infrastructure NSW

Alan Qi Chen

To: Colette Goodwin
Subject: RE: TRIM: RE: Two Planning Proposals Inner West Council - St Peters & Petersham

From: Johnson, Susanne [<mailto:susanne.johnson2@det.nsw.edu.au>]
Sent: Wednesday, 14 February 2018 9:24 AM
To: Colette Goodwin
Subject: TRIM: RE: Two Planning Proposals Inner West Council - St Peters & Petersham

Dear Colette

Thank you for the opportunity to provide comment on the PP at Edith, Mary and Roberts Streets, St Peters. This site is in the catchment zones of St Peters Public School and Alexandria Park Community School.

Based on the 180 high rise units, the projected student yield would be around 10 primary students and 4 secondary students. Therefore it would not have a significant impact on the need for school infrastructure at the schools.

Please don't hesitate to contact me if you require any further information,

Regards

Susanne

Susanne Johnson

Senior Asset Planner | School Infrastructure NSW | Planning and Strategy

T 02 9561 1005 | M 0467 727 423 | F 9561 8438 | E Susanne.Johnson2@det.nsw.edu.au | www.schoolinfrastructure.nsw.gov.au

Level 4, 35 Bridge Street, Sydney NSW 2000 | GPO Box 33, Sydney NSW 2001



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Traffic and Parking Impact Assessment Report

www.innerwest.nsw.gov.au/precinct-75-planning-proposal

MEMORANDUM

TO Colette Goodwin

FROM Joseph Bertacco-Coordinator Development Engineering

DATE 28 May, 2018

SUBJECT Planning Proposal
75 Mary Street, St Peters

TRIM NO

Engineering Comments**Traffic and Parking**

- The development proposes entry only for cars from Edith Street. While Mary Street will accommodate entry and exit for service vehicles and exit only for cars. There will be no vehicle access from Roberts Street. It is not clear how exit only for cars at Mary Street will be enforced. This must be clearly explained.
- The 340 carspaces proposed represents a shortfall of 11 carspaces however, the applicant's inclusion of 7 "car share" vehicles within the development will negate this shortfall and is supported.
- The site proposes three loading bays, one is for designated for garbage collection accessible by an 9.8m rear loading truck whilst a further two spaces are provided for loading purposes accessible by an 8.8m MRV and 6.4m SRV.
- The footpath in Mary Street is of varying width and just comes to an abrupt end adjacent to a loading dock. In order to provide a continuous, safe and accessible path of travel for pedestrians along the Mary Street frontage the footpath should be redesigned and reconstructed to be of a more consistent width for the full length of the Mary Street frontage (min 2m). In addition due to the increased pedestrian generation, footpaths along all frontages to the site must be widened to provide a minimum 2m clear width (this may require buildings to be offset from road to allow for footpath widening).
- The Traffic Study in support of the proposal by McLaren Traffic Engineering found that the proposal will generate an additional 179 peak hour vehicle trips split between Mary and Edith Streets. During the Morning peak Edith Street will receives an additional 124 vtph while Mary Street receives an additional 55 vtph. In the afternoon peak Edith Street receives an additional 55vtph while Mary Street receives an additional 124 vtph.
- The Traffic study assessed the impact of the additional traffic generated using SIDRA and found that all intersections maintain their existing Level of Service including the critical intersections of Canal Road with the Princes Highway and Mary Street with Unwins Bridge Road.
- The Traffic Study also assessed the residential amenity of the increased traffic on both Edith and Mary Streets and found that Edith Street remains within the RMS Guidelines for residential amenity of 200-300 vpd for local streets. Mary Street is already operating above the 600-900 vpd amenity threshold for a collector road however the additional traffic will not impact on residential amenity further as a majority of additional

- car movements generated by the development are restricted to the northern end of Mary Street (ie right turn exit from the site) where there are a few residential properties.
- The Traffic and Parking Impact Assessment contains data and analysis from 2015 and should be updated to demonstrate that the level of traffic proposed can be accommodated satisfactorily without adversely affecting local intersection performance. It is noted that the surveys of traffic shown in the report were undertaken between August 2010 and March 2015. These figures show a variety of traffic volumes and the lowest traffic rates were used.
 - Forecast Mid-block traffic levels for Mary Street should be divided into sections north and south of the development sites proposed exit.
 - Additional vehicle surveys should be carried out to more precisely assess the existing site's traffic generation during peak periods.
 - Further justification for Journey to Work calculations (Appendix E) are required including proposed routes for accessing the various destination suburbs listed.
 - Provide information on existing and proposed volume/type of heavy vehicles that are to access the site noting the current 3t load limit on Mary Street
 - An appropriate delivery management plan must be prepared for consideration with any submitted DA
 - Investigation of measures to ensure turnover of commercial parking should be considered
 - Basement car park must allow circulation aisles and appropriate turning areas for dead-end aisles, swept path diagram are to be provided to demonstrate all ramps, ingress and egress points and turning bays operate effectively
 - Off street parking to be compliant with AS 2890.1:2004, AS 2890.2:2002, AS 2890.6:2009
 - All vehicle access points shall provide appropriate building splays and traffic control devices to minimise conflict between vehicles and pedestrians on egress and ingress.
 - Given the narrow width of Mary Street and Edith Street the design of the driveways must allow ingress/egress with parking to be retained on the north-eastern side of Edith Street and the southwestern side of Mary Street. Swept path analysis must be provided to support this.
 - Driveway widths shall be designed having regard to tables 3.1 and 3.2 of AS2890.1:2004. Given the volume of traffic using the Mary Street driveway the need for a divided entry/exit should be investigated.
 - Consideration should be made to the cumulative impact of intensified land uses in proximity to the site including impact of the Sydenham to Bankstown Transformation Strategy and WestConnex.

The following changes are recommended to the parking restrictions in Edith Street:

- Time Restrict kerb side parking in Edith Street within 20m of the Unwins Bridge Road intersection during the morning and afternoon peak periods (To assist with the efficiency of traffic movements at this intersection);
- Install "No Stopping" 5m either side of Edith Street driveway. (Please note this has been reduced from the 10m either side recommended in the McLaren Traffic Study); and
- Install "No Stopping" along the site frontage for approximately 20m near the existing speed hump in Edith Street to provide passing opportunities for vehicles (refer to Annexure H of the McLaren Traffic Study for clarity).
- Banning of the right turn movements into Edith Street from Unwins Bridge Road is not supported;

Flooding and Stormwater

The Alexander Canal Flood Study has identified flooding at the trapped low point in Edith Street. The redevelopment of the site provides an opportunity to provide a formalised overland flow path through the site from Edith Street through Robert Street and then onto Mary Street. The overland flow path shall be allowed for in the redevelopment of the site. Mary Street suffers minor flooding but this escapes down Rolfe Lane.

DCP should refer to standard DCP controls for matters relating to flooding, stormwater design and environmental initiatives (WSUD, OSD, pollutant reduction, etc)

JOSEPH BERTACCO
COORDINATOR DEVELOPMENT ENGINEERING

WestConnex Unit Comments – 23 May 2018

Colette,

The Planning proposal for Mary, Edith, Roberts St generally does not have adverse impact to / by WestConnex project.

However, the concerns may be given to the extended delay caused by the nearby main roads, such as Princes Hwy and Unwins Bridge Road due to the potentially increasing traffic volumes. Traffic exiting from those side streets may experience longer waiting time and queuing. However, the traffic impact assessment in the EIS does not provide details.

The other concern I have is the reducing tolerance from nearby residents to the construction impacts. Due to the existing significant impact of WestConnex construction in Haberfield and St Peters, the neighbours may be more sensitive to any construction activities impacts, such as noise, dust, vibration and etc. Therefore, the construction condition of the proposal may need to be more restricted to release the resident's nerves.

I have ever provided comments to the VPA Precinct 75 requested by John Stephens in relations to road conditions. Please see the attached email.

Felix Liu | Engineer WestConnex Unit
Inner West Council

INNER WEST COUNCIL**ARCHITECTURAL EXCELLENCE PANEL (FORMER MARRICKVILLE LGA) - REPORT**

Site Address:	67, 73-83 Mary, 50-52 Edith and 43 Roberts Streets, St Peters
Proposal:	Planning Proposal to rezone from R2 Low Density Residential and IN2 Light Industrial to B4 Mixed Use to support the ongoing use of the site for employment while allowing residential apartments in a mixed use development; to create approximately 180 apartment dwellings; to increase the building heights and floor space ratios on the site
File Reference:	14/5390
Planning Officer:	Colette Goodwin
AEP Members in attendance:	Matt Pullinger (Director, Matthew Pullinger Architect) Jocelyn Jackson (Practice Director – TKD Architects) Renata Ferreira (Urban Design Advisor, Marrickville Council – Chair);
Meeting Date:	15 May 2018
Report Date	30 May 2018
TRIM:	46334.18

BACKGROUND

In June 2015, the AEP assessed a Pre-Planning Proposal (PDA201500038) for the subject site. Panelists were Kate Napier and Roderick Simpson. Please refer to report in TRIM 69850.15. The proposal was generally supported by the Panel subject to further considerations regarding proposed building height for one building (8 storeys), vehicular access and car parking provisions, building separation, public domain improvements, overshadowing impacts, land use and internal amenity to the apartments.

Subsequently, the proposal was amended substantially (particularly with regard to building envelopes and location of open spaces) and submitted to Council as a Planning Proposal. The AEP did not assess the Planning Proposal.

The Planning Proposal was publicly exhibited in February 2016 and refused by the former Marrickville Council in March 2016. The proponents applied to the NSW Department of Planning and Environment (DP&E) for a Pre-Gateway Review and, in February 2017, the Sydney Central Planning Panel recommended the existing Planning Proposal be submitted to the DP&E for Gateway Determination.

In October 2017 DP&E approved the planning proposal at Gateway for public exhibition.

In February 2018, the Panel was requested to provide advice on the Planning Proposal that is currently on public exhibition. Please refer to comments and recommendations in TRIM 14617.18.

In May 2017, Tonkin Zulaikha Greer Architects submitted additional information in response to AEP's requests made in February 2018.

The Panel was requested to review the additional information to provide additional comments and recommendations within this report. This report should be read in conjunction with the AEP report prepared in February 2018 (TRIM 14617.18)

DISCUSSION & RECOMMENDATIONS

1. Tonkin Zulaikha Greer Architects prepared drawings that adequately address the request for additional information. The Planning Proposal can now be fully assessed.
2. Edith Street is a narrow, primarily residential, street (12m wide) consisting of predominantly 1 to 2-storey residential buildings. The Panel, therefore, reiterates the concern about the relationship established between the existing context and the proposed 6-storey building (Building A) along Edith Street. The proposed 1.0m to 2.0m front setback is not sufficient to mitigate the building height relationships along Edith Street, or provide adequate private open space to Ground Level units and landscaping opportunities to the street. Additionally, the Panel is not convinced the existing 1.8m wide footpath is capable of accommodating proposed tree planting.

It is **recommended** that [1] a minimum 3.0m front setback be provided for Building A to provide an adequate private open space to Ground Level units and improve street interface and its relationship with the context; [2] the basement level be further recessed from the front boundary (and approximately in accordance with the previous Pre-Planning Proposal drawings), to allow for deep soil planting on the private open space areas; and [3] the proposed landscape street verge be located on the kerb side, rather than the property fence side, and be increased in width to accommodate tree and other street planting. In an ideal scenario, the site boundary may need to be adjusted and a portion of the current site area be dedicated as public road.

3. It is acknowledged that the overall strategy to locate additional building bulk in the middle of the site is an adequate response. However, the scale of Building 1 (7 storeys) creates interface challenges with the low-scale residential properties directly to the north-west of the subject site. These interface issues and potential impacts haven't yet been adequately addressed.

It is **recommended** that a portion of the existing single-storey building on the site located to the north-west of Building 1 be demolished (provided that it is not regarded as having heritage significance), the existing face-brick boundary wall be preserved and an area for deep soil planting, dense vegetation and tree planting be proposed to mitigate the visual impact of the proposed 7-storey element when viewed from the rear of the properties at 102 to 110 Unwins Bridge Road. This recommendation would also improve the overall percentage of deep soil planting proposed on the site.

4. The proposed 2.4m setback between Building B and the properties to the south (69 and 71 Mary Street) is not sufficient to accommodate meaningful landscaping/green buffer and pedestrian path and to ensure adequate levels of privacy to the residential apartments and the properties to the south.

It is **recommended** that the setback be increased by at least 1.0m (or more) and adequate planting, paving and lighting design be proposed to achieve a good east-west through site link and improve privacy to future residents.

5. The combination of deep soil area and deep landscaped areas shown on pages 6 and 7 appears to be reasonable, **provided** that, [1] additional areas for deep soil planting are proposed on the front setback of Building A and on the area between the residential properties to the north-west and Building 1, as recommended above; and [2] the structure of the basement car parking be designed to support the additional load of the soil and planting in accordance with the appropriate Australian Standards.
6. The pinch point (less than 1.0m) on the north-eastern side of the Mary Street footpath is a matter for Council's engineer and RMS to consider. Ideally, footpath widening and streetscape improvements should be proposed.
7. Concomitant with an increase in the density, there should be a commitment to an increase in sustainability, architectural excellence and preservation of significant internal and external fabric of period buildings. High environmental performance to the buildings should be achieved by a range of means such as green roofs, water efficiency targets equal to Basix plus 20% and energy efficiency equal to Basix plus 10%.
8. Previous comments made about the amended MDCP 2011 remains. Please refer to AEP report in TRIM 14617.18
9. After close examination of the heights analysis on pages 4 and 5 of the Additional Information package, the Panel **concludes** that [1] there is scope to reduce the MLEP height in metres to be more closely aligned with the heights shown on the plans on pages 4 and 5; and [2] it would be beneficial to provide separate height in metres and FSR standards for Sites A and B.

Design Concept Report

www.innerwest.nsw.gov.au/precinct-75-planning-proposal

Remedial Action Report

www.innerwest.nsw.gov.au/precinct-75-planning-proposal

Item 12**Attachment 10**

Heritage Assessment and Statement of Heritage Impact

www.innerwest.nsw.gov.au/precinct-75-planning-proposal