

Item No: C0319(2) Item 1

Subject: **DRAFT DEVELOPMENT CONTROL PLAN AND CONTRIBUTIONS PLAN
AMENDMENTS FOR VICTORIA ROAD (PRECINCT 47)**

Prepared By: Wesley Folitarik - Strategic Planner - Developer Contributions Specialist

Authorised By: David Birds - Group Manager Strategic Planning

RECOMMENDATION

THAT:

1. **Council places on public exhibition, for a period of at least 28 days, the draft amendments to Marrickville Developer Contributions Plan 2014 (Victoria Road Precinct 47 sub - plan) contained in Attachment 3 and to Marrickville Development Control Plan 2011 (Victoria Road Precinct 47) contained in Attachment 4 (which includes changes outlined in Attachment 2) to this Report; and**
 2. **A further report be received by Council following public exhibition of the draft Amendments referred to in point 1 seeking Council's decisions whether to adopt these draft amendments to Marrickville Developer Contributions Plan 2014 (Victoria Road Precinct 47 sub - plan) and Marrickville Development Control Plan 2011 (Victoria Road Precinct 47).**
-

REPORT

Precinct 47 (P47) is located along Victoria Road at Marrickville and bounded by Sydenham Road to the south and Addison and Edinburgh Roads to the north. The Precinct was rezoned by the NSW Government in December 2017, to permit new multi-unit residential, mixed use and business development uses, significantly increasing development potential within the Precinct. A DCP to manage development within the Precinct was adopted by Council in July 2018. To deal with the identified most critical local infrastructure needs, namely stormwater mitigation and transport needs, consultants were commissioned to inform the development of a local contributions plan for the Precinct.







A contributions plan has subsequently been prepared, as an addendum to the existing Marrickville Section 94/94A Contributions Plan 2014, which includes transport improvements (located on public land) valued at about \$0.6m and stormwater improvements valued at about \$15m. Although monies will be collected first for these critical infrastructure items, the precinct will also continue to meet existing contribution requirements for recreation and community facilities within the Marrickville Contributions Plan 2014. Given that the critical infrastructure requirements for the Precinct can be met within the existing "cap" it is not proposed to recommend a review of the cap in this instance.

As not all of the required traffic and transport improvements for the Precinct are to be addressed in the contributions plan, amendments have been necessary to the adopted DCP to ensure the orderly delivery of this additional transport infrastructure, and for the delivery of that part of the required water infrastructure works that occurs on private land. Amalgamation plans are recommended to be included within the DCP to help ensure the delivery of this additional infrastructure. Other recommended changes to the adopted DCP for the Precinct relate to addressing some of the matters raised at the time of the adoption of the DCP which arose from the public exhibition of the DCP.

Supporting information on the consideration of the draft plans forms **Attachment 1**. It is recommended that the draft Contributions Plan and amended draft Development Control Plan be placed on exhibition for a minimum of 28 days in accordance with the Act.

Attachments 3, 4, 5 and 6 have been published separately in the Attachments Document on Council's Website <https://www.innerwest.nsw.gov.au/about/the-council/council-meetings/current-council-meetings>

ATTACHMENTS

1.  Supporting Information
2.  Summary Table of Changes to DCP
3.  Draft Victoria Road Precinct, Marrickville (Sub – plan) of Marrickville Developer Contributions Plan 2014 (**published separately on Council's website**)
4.  Draft Revised Part 9.47 Victoria Road Precinct Amendment of Marrickville Development Control Plan (DCP) 2011(**published separately on Council's website**)
5.  Traffic and Transport Needs Analysis Report – Victoria Road Precinct – Cardno - Nov. 2018(**published separately on Council's website**)
6.  Flooding and Stormwater Advice Report - Victoria Road Precinct - Cardno – Nov. 2018(**published separately on Council's website**)

Attachment 1 – Supporting Information – Victoria Road Precinct Draft Contributions Plan and Draft Development Control Plan Amendment

Precinct 47 (P47) is located along Victoria Road at Marrickville and bounded by Sydenham Road to the south and Addison and Edinburgh Roads to the north. The Precinct was rezoned by the NSW Government in December 2017, to permit new multi-unit residential, mixed use and business development uses, significantly increasing development potential within the Precinct.

The rezoning necessitated the preparation of precinct specific controls required (as an amendment to Marrickville Development Control Plan (DCP) 2011) to guide the newly permitted development through the Development Application (DA) process. A draft DCP for the Precinct was placed on public exhibition and later adopted by Council in July 2018.

The rezoning also triggered the need for significant augmentations to the local road network and flooding and drainage infrastructure. A precinct specific Contributions Plan (CP) has been prepared by Council to ensure that adequate local infrastructure will be delivered to service the now permitted increased development. The draft CP contains the following infrastructure works which are to be recouped from developers of the up-zoned areas of the Precinct, through the DA process, as an amendment to the existing Marrickville Section 94/94A Contributions Plan 2014:

- Traffic and transport improvements – \$0.6m
- Flooding and stormwater improvements - \$15m

The schedule of infrastructure works for these improvements was informed by two consultant reports which sought to investigate the critical infrastructure needs of the up-zoned areas of P47:

- a) *Flooding and stormwater management*
- b) *Traffic and transport Infrastructure*

In addition to contributing towards these critical infrastructure items, the sites will continue to meet their community and recreation facility developer contribution responsibilities under the current Marrickville Developer Contributions Plan 2014.

It is not legally possible for all of the identified new infrastructure needs of the Precinct to be met by developer contribution payments. Council will be required to pay for a portion of the infrastructure works that cannot be charged to developers on the grounds of reasonableness – see the *Financial Implications* section below.

A significant proportion of the identified traffic and transport infrastructure works in the Precinct are located on privately-owned land. These works are required to improve vehicular and pedestrian access to these sites in keeping with the vision for the Precinct (in the adopted DCP) and relevant Roads and Maritime Services (RMS) vehicular access restrictions. A relatively minor proportion of the required stormwater and flood mitigation works are also located on private land. These combined infrastructure works significantly improve the built environment on the land upon which they are to be located. Accordingly, external verbal legal advice obtained by Council staff, recommended that these works be sought through the inclusion of appropriate controls in Council's DCP.

Council staff subsequently engaged consultants to prepare an amendment to the recently adopted DCP for Precinct 47.

The amendment to the DCP seeks to achieve the following:

1

- Secure new local shared zones; laneways; new and enlarged footpaths; and publicly accessible open space from proponents through the DA process;
- Introduce site amalgamation requirements to enable the vision for the Precinct to be met and required infrastructure achieved on private land; and
- To address previously reported anomalies within the Victoria Road DCP to ensure development within the Precinct can occur in an orderly manner.

The draft CP and draft DCP work together to ensure that appropriate local infrastructure is provided to accommodate future development within the Precinct.

FINANCIAL IMPLICATIONS

The necessary works identified to enable future development within Victoria Road Precinct 47 present a risk to Council's financial position. Furthermore, not all of the traffic and transport works on council-owned land can be apportioned to the landowners within the Precinct, on the grounds of reasonableness. By way of example, only a portion of the potential users of the proposed signalisation of the Fitzroy Street and Sydenham Road intersection will be new residents or employees within the up-zoned areas of the Precinct. Accordingly, the delivery of this facility and other similar apportioned works will commit Council to an expenditure of \$655,150 over the next 15-20 years. Council will need to meet this infrastructure cost shortfall through other means including accessing grant funding or through general revenue. In addition, Council would be able to stage delivery of these works as funding becomes available.

The adoption of the draft DCP and CP mitigates risk to Council's financial position by levying appropriate local infrastructure charges upon development in accordance with the Act and Regulations.

The funds generated through the Contributions Plan are sufficient to meet the critical infrastructure requirements for the Precinct, even though the calculated contributions for residential developments exceed the maximum \$20,000 cap for contributions for individual residential dwellings. This is because a significant proportion of the funding will come from non-residential land uses (commercial and retail) which are not subject to the State Government Cap. Any consideration of seeking variations to the cap will be made through the current Consolidated Contributions Plan project.

REQUIREMENTS OF LOCAL ENVIRONMENTAL PLAN REZONING OF THE PRECINCT

The Local Environmental Plan amendment that implemented the zoning changes within P47, added new clauses 6.17 and 6.18 to *Marrickville Local Environmental Plan 2011*.

Clause 6.17 requires the preparation of a Development Control Plan (DCP) - this has been completed, although a number of refinements are now proposed. Clause 6.18 was also inserted which requires satisfactory arrangements to be made with the State regarding public infrastructure, specifically road widenings and an intersection upgrade at the junction of Victoria Road and Sydenham Road.

A draft pending *Planning Agreement* between Transport for NSW (TfNSW); Roads and Maritime Services (RMS); the Department of Planning and Environment (DPE); and Danias Holdings (the principal landowner in that part of the Precinct) is being negotiated. The progress of the agreement is being monitored by Council staff to ensure that the contents of the draft contributions plan for the Victoria Road Precinct is consistent with that arrangement (e.g. does not double up on these developer contributions). The draft CP can be adopted independent of Clause 6.18 being satisfied.

Attachment 2 - Proposed changes to the Victoria Road Precinct Development Control Plan (DCP) Amendment 9.47 of Marrickville Development Control Plan 2011

Table 1 below summarises the draft changes made to the Victoria Road Precinct DCP Amendment 9.47 in accordance with previous recommendations to Council and as prepared by planning consultants (Refer to Attachment No. 5 for a copy of the DCP with the proposed changes).

Table 1- Summary of changes made to VRP DCP Amendment.

Matter	Recommendation Action	Comments
	<i>Key Amendments</i>	
1) Amalgamation section - Need to ensure that the vision for the Precinct in the DCP can be achieved given the wide range of existing allotment sizes, and to ensure the required local infrastructure to meet the restricted vehicular access requirements of the Roads and Maritime Services (RMS), can be met.	<ul style="list-style-type: none"> ➤ Create amalgamation section. ➤ Rationalise zoning issues, achieve height/ Floor Space Ratios (FSR) via amalgamations. ➤ Create site amalgamation map. ➤ Create controls to enable compliance with urban design masterplan for the area. ➤ Acknowledge difficulty for some sites achieving height/ FSR due to fixed Local Environmental Plan (LEP) provisions. 	a) Amalgamation section has been created which includes objectives and diagrams for Council nominated amalgamation blocks. b) Amalgamation blocks also used to provide clarity on location of proposed additional local traffic and transport road network located on private land. c) Specific clause included which would permit alternative amalgamation schemes to be considered by Council which meets the objectives of this section and the masterplan for the DCP. <i>See pages 10 - 12 of the draft amended DCP.</i>
2) Heights/FSR relationships not tested well. Discrepancies between Floor Space Ratios (FSR) and achievable building heights.	<ul style="list-style-type: none"> ➤ Revise building blocks map to ensure building heights don't exceed FSR standards. ➤ Include statement regarding FSR in Local Environmental Plan (LEP) prevailing when conflict between FSR and height occurs. 	a) Building blocks building heights revised (range of heights given to keep within FSR limits) and statement on FSR standard prevailing included. <i>See page 26 of the draft amended DCP.</i>
3) Block structures (defined by Mitchell Street, Farr Street, Victoria Rd and Sydenham Road). Dimensioning of separation distances required.	<ul style="list-style-type: none"> ➤ Dimension separation distances between buildings blocks in the area - example of dimensioning on part 9.40 (MDCP 2011). ➤ Set Timber Yards sub precinct as separate master plan area including amalgamation map consistent with indicative masterplan. 	a) Separation distances and building envelope shown in the Timber Yards Sub-precinct (for the indicative block) and area identified as requiring separate masterplan. <i>See page 28 of the draft amended DCP.</i>

2

4) Block structure: Wicks Park Sub precinct- separation distance between buildings unclear and it is also important for solar access to Wicks Park to be maintained.	<ul style="list-style-type: none"> ➤ Dimension separation distances to ensure sub - precinct meets separation distances within the NSW Apartment Design Guide (ADG) guidelines and which also ensures appropriate solar access to Wicks Park is maintained. ➤ Set sub-precinct as a separate masterplan area. 	a) Separation distances and shadow diagram added showing compliance of solar access into Wicks Park for indicative block. <i>See page 27 of the draft amended DCP.</i>
5) Building dimensions measurements generally.	<ul style="list-style-type: none"> ➤ Dimension building envelopes, (in metres) for mixed use and residential for R4, R3, B4 zones to limit bulk of buildings. 	a) Building envelop areas (depicting bulk), in a table, added. <i>See pages 29-30 of the draft amended DCP.</i>
6) Publicly accessible open space: There is a need for these parks to be dimensioned.	<ul style="list-style-type: none"> ➤ Provide dimensions for proposed publicly accessible open spaces. 	a) Minimum dimensions provided. <i>See page 22 of the draft amended DCP.</i>
7) Pedestrian thoroughfare for canal corridor north of Rich Street should be added which incorporates <i>Water Sensitive Urban Design</i> (WSUD) principles.	<ul style="list-style-type: none"> ➤ Incorporate separate DCP section providing WSUD objectives and controls for canal corridor north of Rich St, subject to meeting Sydney Water requirements. 	a) WSUD section created referencing WSUD principles and approaches in the MLEP DCP. <i>See pages 24 - 25 of the draft amended DCP.</i>
8) Pedestrian link to Wicks Park not provided in Wicks Park Sub – precinct also publicly accessible footpath (3m wide) needs to be included on northern and eastern park edges in the DCP.	<ul style="list-style-type: none"> ➤ 3m wide publicly accessible footpaths are to be provided along the northern and eastern built edges of Wicks Park - This needs to be shown in the DCP. ➤ Through site link in the Wicks Park Sub - precinct needs to be added. 	a) New publicly accessible footpath shown on movement network plan. b) Through site link in Wicks Park Sub - precinct added. <i>See pages 12 - 15 of the draft amended DCP.</i>

9) Engineering: Stormwater/Flooding- Concerns of proposed development increasing flooding risk.	<ul style="list-style-type: none"> ➤ Flooding /Stormwater Mitigation measures to be included in the DCP. ➤ All drainage systems to be upgraded to a 1 in 20 year capacity. ➤ 1 in 100 year overland flow paths are to be provided in all Council and Sydney Water drainage systems. ➤ All blocked overland flow paths must be opened and cleared. 	a) These recommendations are included in the controls with background studies also referenced in the DCP. <i>See pages 23 - 24 of the draft amended DCP.</i>
10) Engineering: Roads and other infrastructure- no detail of infrastructure upgrades relating to traffic signals, road widening and powerlines.	<ul style="list-style-type: none"> ➤ Infrastructure work details to be included in DCP. ➤ The DCP should adopt a control requiring undergrounding of power lines in a separate "other infrastructure" section -Brompton Street, Chalder Lane and Chalder Street. 	a) Proposed infrastructure upgrades on private land referred to in controls and background study referenced. b) Separate "other infrastructure" section created. c) Controls in relation to basement not permitted to encroach on land utilised for new or widened footpaths included. <i>See pages 12 - 15 and page 34 of the draft amended DCP.</i>
11) Cycling infrastructure- insufficient detail, and need to show Addison Road cycle route to integrate bicycle road network.	<ul style="list-style-type: none"> ➤ DCP should identify cycling infrastructure treatments and enhancements on routes for consistency with Marrickville Bicycle strategy. ➤ Include Addison Road bicycle network in movement network map. 	a) Cycling infrastructure treatments and enhancements included. b) Addison road cycling treatment included in movement network map. <i>See pages 12 - 15 of the draft amended DCP.</i>
12) Privacy for Marrickville Public School: Visual privacy of schools not addressed in MDCP 2011.	<ul style="list-style-type: none"> ➤ Add objective and control requiring minimising of overlooking into Marrickville Public School. ➤ Amend the setback map to increase setback to Marrickville Public School from 6m to 9m. 	a) Relevant objective and control included and setback map amended. <i>See pages 31 - 32 of the draft amended DCP.</i>

4

13) Trees and Landscape section required to deal with comments on DCP by Council's Urban Forest Manager.	Insert comments from IWC Urban Forest Manager who has argued the need for some additional controls and guidelines within the <i>VRP DCP</i> concerning the protection of existing trees and the provision of new trees within the precinct.	a) Separate section on Urban Forestry within the Precinct included. <i>See pages 23-24 of the draft amended DCP.</i>
14) Waste Management: separate waste DCP section to be added to maximise resource separation and recovery.	1) A separate part of the DCP be added to incorporate waste management objectives and controls.	a) Separate section on waste management included. <i>See page 36 of the draft amended DCP.</i>
Minor Amendments		
1) Location of community facilities: child care facilities encouraged in an aircraft noise area prohibited by Noise Exposure Forecast (NEF) contour +25.	➤ Delete "childcare" from community facilities objectives and controls and desired future character objectives.	a) Deleted accordingly. <i>See page 35 of the draft amended DCP.</i>
2) Street Sections: Wicks Park - full height of building not depicted in section drawings.	➤ Show full height of Wicks Park building in section drawing to show the full height of the building.	a) Full height of Wicks Park building shown in section (showing possible heights). <i>See page 21 of the draft amended DCP.</i>
3) Desired future character objectives should be enhanced to include architectural excellence objectives and residential amenity enhancement.	➤ Add objectives to the DCP, accordingly. ➤ Integrate design and sustainability. ➤ Ensure higher density development shows good urban design and sustainability and that they protect residential amenity.	a) Objectives enhanced. <i>See pages 5-6 of the draft amended DCP.</i>
4) Sub - precinct boundaries do not align with corresponding zone	➤ Realign sub-precinct boundaries with correct zonings and corresponding land boundaries as per comments.	a) Precinct boundaries corrected to align with zone boundaries.

5

boundaries.		<i>See pages 5-6 of the draft amended DCP.</i>
5) Validity of Sub - precinct 5 Chalder Avenue Sub - precinct (9.47.4 p10 of the adopted DCP): questionable given that light industries encouraged as buffer between heavy industry and commercial zones. Zoning IN1 does not allow for this.	<ul style="list-style-type: none"> ➤ Merge Sub-precinct 5 into Sub-precinct 7. ➤ Remove the "Special Transitional Industrial Uses" building blocks in figure 4 p 11 of the adopted DCP that are located in the IN1 (industrial zone). 	a) Sub-precincts 5 and 7 merged as one – now included as Sub – precinct 6. b) "Special Transitional Industrial Uses" building blocks deleted from the Indicative Masterplan diagram. <i>See pages 5-6 and page 9 of the draft amended DCP.</i>
6) Set back map - Sydenham Road and Victoria Road (fig 17 p29 of the adopted DCP): set back at corner of Sydenham and Victoria Roads does not account for planned future road widening.	<ul style="list-style-type: none"> ➤ Amend set back map in relation to the intersection of Sydenham and Victoria Roads in accordance with SP2- Infrastructure zoning on the relevant zoning map in MLEP 2011. ➤ Delete "or existing predominant setback" from the 2m setback legend. 	a) Detail explaining setback which needs to be in accordance with MLEP 2011 included. <i>See page 32 of the draft amended DCP.</i>
7) Heights in sub-precinct character descriptions (Timber yards Sub - precinct- 9.47.4 p 9 of the adopted DCP): description of sub-precinct is incorrect.	<ul style="list-style-type: none"> ➤ Amend description of Timber Yards Sub-Precinct to read "Built form will transition in height being predominantly 3-7 storeys along the periphery....." 	a) Change made in keeping with the revised building heights shown in the indicative building heights diagram. <i>See pages 7 and 26 of the draft amended DCP.</i>
8) Potential future connections (fig 4 p 11 of the adopted DCP): movement networks pass through existing industrial buildings which have not been up-zoned. Future connections are thus very unlikely to be achieved.	<ul style="list-style-type: none"> ➤ Remove line reference to "possible future connections" on land that remains IN1- General industries under MLEP 2011. 	a) Line reference removed. <i>See page 9 of the draft amended DCP.</i>