

Proposed Sydenham Station Creative Hub entertainment and employment precinct

Proposal Title :	Proposed Sydenham Station Creative Hub entertainment and employment precinct		
Proposal Summary :	The planning proposal seeks to amend Marrickville Local Environmental Plan 2011 (LEP) in relation to the industrial precinct adjacent to Sydenham Railway Station and Port Botany Freight Railway as follows: 1. Inclusion of additional permitted uses (restaurants, cafes, small bars; and business and office premises relating to creative purposes/industries) within Schedule 1 of the LEP; and 2. Amendment of the LEP Key Sites Map to include the precinct as a key site. The proposal seeks to retain the area's industrial function whilst supporting the establishment of a 'creative hub'/entertainment and employment precinct, where live music venues, small bars, restaurants and cafes operate alongside traditional and creative industries.		
PP Number :	PP_2016_IWEST_001_00	Dop File No :	16/15019

Proposal Details

Date Planning Proposal Received :	02-Dec-2016	LGA covered :	Inner West
Region :	Metro(CBD)	RPA :	Inner West Council
State Electorate :	MARRICKVILLE	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Land bounded by Sydney Street, part Sydenham Road, Fitzroy Street, Saywell Street, Shirlow Street, Garden Street, Railway Parade and Marrickville Road.		

DoP Planning Officer Contact Details

Contact Name :	Andrew Watkins
Contact Number :	0292746558
Contact Email :	andrew.watkins@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Maxine Bayley
Contact Number :	0293352060
Contact Email :	maxine.bayley@marrickville.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Martin Cooper
Contact Number :	0292746582
Contact Email :	martin.cooper@planning.nsw.gov.au

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department's Code of Conduct has been complied with.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **Sydney Region East Section has not knowingly met with or communicated with any lobbyist in relation to this planning proposal.**

Supporting notes

Internal Supporting Notes : **The planning proposal seeks to include additional permitted uses in Schedule 1 of the Marrickville LEP 2011. Council has prepared a draft clause as follows:**

"Use of certain land at Marrickville

(1) This clause applies to certain land in Marrickville as shown coloured blue on the Key Sites Map.

(2) Development for the following purposes is permitted with consent:

(a) on land identified as "K" on the Key Sites Map — restaurants or cafes, small bars and business premises and office premises, but only where the consent authority is satisfied that the business premises and/or office premises will be used for a creative purpose such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes."

The precinct is identified as the 'Sydenham Enterprise Area' in the Sydenham to Bankstown Draft Urban Renewal Corridor Strategy area, and as a 'proposed area of change' within the Sydenham precinct. In terms of future growth, the draft Strategy anticipates that Sydenham will have more businesses with lighter industrial activities, and that more 'creative' sectors will occupy the business areas in Sydenham.

Following a report to Council on 25 October 2016, the planning proposal was amended so as to retain the current IN1 General Industrial zoning (as opposed to rezoning to IN2 Light Industrial). It was recommended that the application of restaurants, cafes and small bars as additional permitted uses be limited to an area immediately adjacent to Sydenham Railway Station and the Port Botany Freight Railway (fronting Marrickville Road and parallel to Railway Parade opposite the station) with the additional 'creative' uses to apply to the whole of the precinct. This was to avoid potential adverse social impacts, and impacts upon road and pedestrian safety and the operation of existing industrial land uses. However, Council resolved to apply all of the proposed additional uses across the whole

precinct.

The planning proposal indicates that, consistent with Council's resolution to prepare and exhibit the planning proposal, an economic study/strategy and development control plan (DCP) to address socio-economic impacts will also be prepared and exhibited with the planning proposal, should a favourable Gateway determination be issued.

The planning proposal does not seek to rezone any sites (currently IN1 General Industrial) within the proposed precinct, nor amend any existing development controls.

The proposal is supported as it:

- will ensure the on-going use of the precinct for industrial purposes through the retention of its IN1 General Industrial zoning;
- will allow the precinct to respond to changes to the industrial sector and widen its employment-generating potential by permitting creative and high-technology industries; and
- is consistent with the strategic planning framework, including A Plan for Growing Sydney, the draft Central District Plan and the draft Sydenham to Bankstown Urban Renewal Corridor Strategy.

Council has requested delegation to make the plan and has submitted 'Attachment 4' – Evaluation Criteria for Delegation'. Council's request for delegation for making this LEP is supported.

External Supporting
Notes :

Council supports the planning proposal because it reflects the former Marrickville Council's involvement in a number of initiatives and studies/reports of relevance to this proposal, specifically:

- City of Sydney Council's initiative which resulted in recommendations aimed at encouraging live music and performance across Sydney;
- Future Cities Program 2014 which led to the concept of a Creative Industry Hub in the Sydenham industrial lands to create a live music and entertainment hub "collaboratively with traditional and creative industries."
- Action 3.2 (Continue to plan for a Sydenham music/entertainment precinct) of the Marrickville Employment Lands Study Review 2014; and
- Key Result Area 2.1 ("Marrickville is a creative community participating in arts and cultural activities at all stages of life") of the Marrickville Community Strategic Plan 2023.

The planning proposal states that Council's Economic Development Officer (EDO) raised concerns that the area is a highly successful industrial area, accommodating existing industrial uses that are extremely valuable to the local economy and that the proposed live music and late night economy businesses have a much narrower range of employment opportunities. The EDO advised that Council should ensure the precinct's value to the local economy is enhanced, not diminished.

Council had resolved to commission an economic study to assess the potential impacts of the proposal, but due to a lack of funding, this has not progressed. However, Council anticipates the preparation of such a study as a condition of a favourable Gateway determination.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The objective of the planning proposal is to amend the Key Sites Map to identify the precinct, and to amend Schedule 1 Additional Permitted Uses of the Marrickville LEP 2011, to support the establishment of the Sydenham Station Creative Industries Hub intended to operate as an entertainment and employment precinct, where live music venues, small bars, restaurants and cafes "thrive alongside traditional and creative industries."

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **To achieve the objectives of the planning proposal, the following amendments to Marrickville LEP 2011 are sought in relation to the properties located within the proposed precinct's boundaries:**

- **amendment of the Key Sites Map to include the proposed precinct; and**
- **inclusion of an additional clause in Schedule 1 Additional Permitted Uses to allow restaurants, cafes, small bars and business premises and office premises, but only where the business and/or office premises are used for "creative purposes such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes."**

A draft clause has been included in the planning proposal documents.

The proposal also indicates that an economic strategy/study and a Development Control Plan will be prepared and exhibited with the planning proposal documents.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**
- SEPP No 33—Hazardous and Offensive Development**
- SEPP No 55—Remediation of Land**
- SEPP No 65—Design Quality of Residential Flat Development**
- SEPP (Building Sustainability Index: BASIX) 2004**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Housing for Seniors or People with a Disability) 2004**
- SEPP (Infrastructure) 2007**
- SEPP (Major Projects) 2005**
- SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered :

Sydenham to Bankstown Draft Urban Renewal Corridor Strategy 2015
Draft Central District Plan 2016

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Section 117 Directions:

It is considered that the planning proposal is consistent with all relevant s.117 Directions except for:

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid environmental impacts of development on acid sulfate soils. The planning proposal provides little discussion of acid sulfate soils except to say that it does not involve an intensification of uses and that therefore it is

consistent with the Direction.

However, the precinct is identified as Class 2 Acid Sulfate Soil and the proposal, by widening the range of permissible uses in the precinct and facilitating an increase in the potential number of visitors/patrons entering the precinct and premises therein, would result in an intensification of use of sites within the precinct.

Whilst clause 6.1 Acid Sulfate Soils of the LEP 2011 provides sufficient control relating to the development of such land, the proposal has not demonstrated consistency with this Direction.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure development of flood prone land is consistent with the Floodplain Development Manual 2005 and ensure that provisions of LEPs are commensurate with potential flood impacts. The precinct is identified in the Marrickville LEP 2011 as being flood prone. The planning proposal provides little discussion except to say that it will not result in the intensification of development on affected land.

Whilst clause 6.3 of the LEP 2011 provides sufficient control relating to the development of flood prone land, the proposal has not demonstrated consistency with this Direction for the same reason as with Direction 4.1.

It is recommended that prior to exhibition, further advice is prepared to justify inconsistencies with the Directions 4.1 and 4.3, which can be required by way of a condition on the Gateway Determination.

Direction 1.1 Business and Industrial Zones

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

The proposal maintains the current IN1 General Industrial zoning and, by introducing additional permitted uses, will broaden the range of potential employment opportunities, particularly by the addition of 'creative' industries-related business and office uses, within an identified precinct which forms part of a wider, albeit draft, strategy. In these circumstances it is considered the proposal is largely consistent with this Direction.

However, given Council's Economic Development Officer's view that this industrial area is highly successful, and that the precinct's value to the local economy should be enhanced, it is considered prudent to further consider the potential economic impacts of the proposal, and therefore its consistency with this Direction. This can be done by way of an economic study, to be carried out as a condition of the the Gateway determination.

State Environmental Planning Policies:

It is considered that the proposal is generally consistent with all relevant SEPPs but has not demonstrated consistency with SEPP (Urban Renewal) 2010. The aims of this SEPP are to establish the process for assessing and identifying sites as urban renewal precincts, to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts, and to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

The planning proposal incorrectly states that it does not relate to an identified urban renewal precinct, and that it is consistent with this SEPP. The precinct is identified for urban renewal as part of the draft Sydenham to Bankstown Urban Renewal Corridor Strategy (which is currently being reviewed following its public exhibition).

It is recommended that prior to exhibition, the planning proposal be updated to demonstrate its consistency with this SEPP.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal includes an aerial photo showing the location and boundaries of the precinct, and an extract from the current Land Zoning Map also indicating the boundaries of the precinct.**

For the purposes of clarity it is recommended that current and proposed extracts from the Key Sites Map should be included in the planning proposal exhibition materials.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal indicates that community consultation will take place within the 'project timeline', but does not provide details of the means or duration of consultation or exhibition.**

The proposal also refers to an initial consultation process which occurred in April 2016 and August/September 2016, prior to the submission of the planning proposal to the Department. Following this consultation, the planning proposal was amended to remove the originally proposed rezoning of the precinct from IN1 General Industrial to IN2 Light Industrial.

It is recommended that the planning proposal be exhibited for a minimum of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **The proposal does not address consistency with the draft Central District Plan, or the Sydenham to Bankstown draft Urban Renewal Corridor Strategy. Therefore, prior to exhibition, the planning proposal should be updated to demonstrate consistency with:**

- the draft Central District Plan.**
- any draft or final version of the Sydenham to Bankstown Urban Renewal Corridor Strategy; and**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Whilst addressing adequacy requirements, the proposal contains a number of apparent errors and inconsistencies including:**

- references to both the rezoning of the precinct and the retention of its current IN1 zoning; and**
- incorrect reference to the site not relating to an identified urban renewal precinct.**

It is recommended that prior to public exhibition, the planning proposal be reviewed and any such errors and inconsistencies be corrected.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Marrickville Local Environmental Plan 2011 was gazetted on 12 December 2011.**

Assessment Criteria

Need for planning proposal :

The planning proposal is the result of a number of initiatives and studies aimed at encouraging live music and performance across Sydney:

- City of Sydney Council's Live Music Matters initiative;
- Future Cities Program 2014;
- Action 3.2 (Continue to plan for a Sydenham music/entertainment precinct) of the Marrickville Employment Lands Study Review 2014; and
- the Marrickville Community Strategic Plan 2023.

The former Marrickville (now Inner West) Council has committed to identifying ways it can encourage and support entertainment and live music operations throughout the local government area. The above initiatives and studies provide a background to that commitment.

Consistency with strategic planning framework :

A Plan for Growing Sydney

The planning proposal provides only limited discussion on its relationship to the strategic planning framework, in particular, A Plan for Growing Sydney. The aims and objectives of A Plan for Growing Sydney are relatively 'high level', but the planning proposal is considered consistent with the relevant overall aims.

Draft Central District Plan 2016

The planning proposal pre-dates the release of the draft Central District Plan, which recognises that employment and urban services land in the Central District is highly productive, and that many of these areas are transitioning from traditional manufacturing to professional, high-tech and scientific commercial uses with requirements for some ancillary distribution, warehouse and development spaces.

Productivity Action P5 of the draft Plan seeks to develop a better understanding of the value and operation of employment and urban services land, with a view to increasing employment.

The proposal is considered consistent with the draft Plan.

Draft Sydenham to Bankstown Urban Renewal Corridor Strategy 2015

The draft Strategy is currently under review following public exhibition, and the Department is aiming to re-exhibit a revised draft in early 2017. The proposal's consistency with any revised draft Strategy should be a requirement of the Gateway Determination.

The current draft Strategy anticipates that Sydenham will have more businesses with lighter industrial activities, and that more 'creative' sectors will occupy the business areas in Sydenham. It also identifies the subject precinct as the 'Sydenham Enterprise Area'.

The draft Strategy does not explain in detail how the Enterprise Area would operate, but states more jobs could be provided by increasing the range of permissible business activities, including creative industries and start-up businesses, and limiting new housing development.

The 'Vision' for the enterprise area is to increase the range of permissible business activities within it, including creative industries and start-up businesses.

The proposal is considered consistent with the draft Strategy.

Marrickville Employment Lands Review 2014

The Review supported the progression of the project subject to there being no residential development or changes to development controls that would compromise the precinct's existing businesses. The proposal is consistent with this approach.

Environmental social
economic impacts :

Environmental:

- The Department is satisfied that there is no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by the planning proposal.

- The site is identified in the Marrickville LEP 2011 as being flood prone land, as most of the precinct is low lying and subject to flooding associated with the former Gumbramorra Creek. The proposal is likely to result in an increase in visitors to the area and therefore potential flooding impacts may be more significant than under current circumstances. However, it is considered Clause 6.3 (Flood Planning) of the LEP provides a sufficient level of control to address flooding issues.

- The site is located in close proximity to the airport, in an area with a level of aircraft noise above 25 ANEF that significantly restricts the development of uses other than traditional industrial and 'creative' industrial uses such as those proposed. It is considered unlikely that the proposal will result in any adverse noise impacts in these circumstances.

The precinct is sufficiently well separated from existing residential development for there to be no significant noise impact arising from activity generated from entertainment-related uses, even outside the airport's hours of operation.

Social:

A social impact assessment commissioned by Council has been included with the planning proposal, and considers the specific risks of alcohol related harm, risks to pedestrians and employment risk. The assessment concludes that due to the risks identified, the promotion of live music requires a well thought out, robust and consistent policy framework. The assessment recommends that Council prepares a creative and traditional industries precinct policy/strategy which takes account of alcohol-related harm, diversity of current industries and of industries in the precinct in the future, the limits and opportunities of the precinct's current built form and its limits and opportunities.

This is considered appropriate and can be required to be prepared, prior to exhibition, by way of a condition attached to a Gateway determination.

Economic:

Given the precinct's acknowledged importance as a successful industrial area, it is important that the precinct's industrial viability is maintained. In this regard, it is considered appropriate for further work to be carried out to ensure that any potential adverse economic impacts are addressed. It is recommended that a condition be added to the Gateway Determination to require the preparation and exhibition of an economic study. This is consistent with Council's resolution of 25 October 2016.

It is recommended that the economic impact study has particular regard to the potential effect of the proposed clause which seeks to permit non-general industrial uses.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Arts NSW Transport for NSW Fire and Rescue NSW NSW Police Force Sydney Water Other		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Economic

Other - provide details below

If Other, provide reasons :

The proposal indicates that as well as an economic study being carried out, a precinct-wide development control plan will be prepared to provide additional controls to take account of potential social impacts and to include a creative industries policy, licensed premises controls and plans for public domain improvements. This can be required by a condition on the Gateway determination.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
0482_001.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **The planning proposal is recommended to proceed subject to the following conditions:**

- 1. Prior to public exhibition, the planning proposal is to be updated to:**
 - a) correct any errors and inconsistencies within the planning proposal documents relating to, in particular, contradictory references to the zoning/rezoning of the precinct and the identification of the precinct within the draft Sydenham to Bankstown Urban Renewal Corridor Strategy (2015);**
 - b) provide further justification for inconsistencies with Section 117 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land;**
 - c) demonstrate consistency with State Environmental Planning Policy (Urban Renewal) 2010;**
 - d) demonstrate consistency with the draft Central District Plan released in November 2016;**
 - e) demonstrate consistency with any re-exhibited draft or final Sydenham to Bankstown**

Urban Renewal Corridor Strategy;

f) include an economic impact assessment;

g) include a draft Development Control Plan to address matters, including but not exclusively, potential flooding issues, and those matters that have been or may be identified within both the social impact assessment (as submitted to the Department) and economic impact assessment (as required by Condition 1(f)); and

h) provide an extract from both the current and proposed Marrickville LEP 2011 Key Sites maps.

2. The planning proposal is to be publicly exhibited for a minimum of 28 days.

3. Consultation is required with the following public authorities:

- Arts NSW;

- Transport for NSW;

- Fire and Rescue NSW;

- NSW Police Force;

- Roads and Maritime Services;

- Australian Railtrack Corporation (ARTC); and

- Sydney Water.

The public authorities are 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.

4. A public hearing is not required to be held.

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The Department considers that:

- the planning proposal has not addressed the directions, actions and priorities of the Draft Central District Plan due to the timing of the proposal's preparation prior to the recent release of the draft Plan. The draft (and/or future final) Plan is an important aspect of the consideration of planning proposals and must be considered by (an updated version of) the planning proposal;

- the planning proposal has not adequately demonstrated consistency with s.117

Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land;

- given the acknowledged success of the current industrial uses within the precinct, it is important that the proposal does not jeopardise the role or function of the industrial precinct.

The Department's Urban Renewal team has confirmed its support for the planning proposal.

Signature:



Printed Name:

KAREN ARMSTRONG

Date:

12/1/17