

Planning Services

Gateway Determination Report

LGA	Inner West Council
RPA	Department of Planning and Environment
NAME	Planning proposal to amend Marrickville LEP 2011 to make permissible a 'registered club' use on 287-309 Trafalgar Street, Petersham and to increase the height of buildings and floor space ratio development standards on 3-7 and 13-17 Regent Street, 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham.
NUMBER	PP_2017_IWEST_011_00
LEP TO BE AMENDED	Marrickville Local Environmental Plan 2011
ADDRESS	3-7 & 13-17 Regent Street, 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham
DESCRIPTION	Lot 1 DP 629058, Lot 1 DP 830175, Lot 1 DP 1208130, Lot 10 DP 1004198, and Lots A, B & C DP 440676
RECEIVED	24 July 2017
FILE NO.	17/11934
QA NUMBER	qA419315
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal is seeking to amend Marrickville Local Environmental Plan 2011 (Marrickville LEP 2011) in relation to 3-7 Regent Street (Site 1), 13-17 Regent Street (Site 2), 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham (Site 3).

Specifically, the planning proposal seeks to:

- amend Schedule 1, Item 14 to:
 - make a "registered club" a permissible use on 287-309 Trafalgar Street, Petersham;
 - remove reference to the properties at 16-20 Fisher Street in order to preclude development for the purpose a "registered club"; and
 - include a reference excluding 150 off-street car parking spaces associated with the Club from being considered part of gross floor area.
- amend the maximum building height from 23m to 29m on Site 1;

The current zoning and development standards of the sites under Marrickville LEP 2011 are provided below:

	Lot/DP	Zoning	Maximum Height of Buildings	Maximum FSR (n:1)
Site 1	Lot 1 DP629058	R4 High Density Residential	23m	2.8
Site 2	Lot 1 DP830175	R4 High Density Residential	17m	1.8
Site 3	Lot 1 DP 1208130	R4 High Density Residential	23m	2.2 to 2:5
	Lot 10 DP1004198		26m	2.3
	Lots A, B & C DP440676		20m	2.3

Table 1: Current zoning and development standards for subject sites



Figure 2: Aerial view of subject sites and immediate surrounds

Surrounding Area

The sites are bounded by Trafalgar Street to the north, New Canterbury Road to the south, Crystal Street to the east and Audley Street to the west. The immediate area surrounding the sites consists of a mixture of building types including single dwelling houses, residential flat buildings (walk-ups), industrial buildings and a four-storey administration building containing the Petersham Service Centre of the Inner West Council. The sites are also

located in close proximity to Petersham Railway Station (approximately 20-130 metres to the north) and the Petersham Commercial Centre (approximately 50-130 metres to the east). The Petersham Commercial Centre has building heights ranging from 1 to 6 storeys.



Figure 3: Site Context

Summary of Recommendations

The rezoning will facilitate the redevelopment of the site for a mixed used development that will provide an additional 353 new dwellings and 40 jobs. This is consistent with the Government's objectives to improve housing variety and supply within locations that are close to existing services and public transport.

The planning proposal is supported as it will provide housing and jobs in close proximity to other employment uses, local services and public transport.

PROPOSAL

Objectives or Intended Outcomes

The statement of objectives accurately describes the intention of the planning proposal. The proposal intends to amend Marrickville LEP 2011 to enable the relocation of the Petersham RSL Club to site 3 and facilitate a high density mixed-use development over the three sites.

Explanation of Provisions

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The planning proposal intends to amend Marrickville LEP 2011 in the following manner:

- amend Schedule 1, Item 14 to:
 - make a "registered club" a permissible use on 287-309 Trafalgar Street, Petersham;
 - remove reference to the properties at 16-20 Fisher Street in order to preclude development for the purpose a "registered club"; and
 - include a reference excluding 150 off-street car parking spaces associated with the Club from being considered part of gross floor area.
- amend the maximum building height from 23m to 29m on Site 1;
- amend the maximum building height from 17m to 20m and amend the floor space ratio (FSR) from 1.8:1 to 2.1:1 on Site 2; and

- amend the maximum building height from a range of 20-26m to 20-35m and increase the FSR from 2.2:1 to 3.4:1 on Site 3.

Mapping

The planning proposal contains maps which adequately show the current and proposed controls. These maps are considered adequate for public exhibition purposes.

NEED FOR THE PLANNING PROPOSAL

Marrickville Village Centres Urban Design Study was prepared for Council by Olsson & Associates Architects Pty Ltd in 2007-2009 to assist with the preparation of Marrickville LEP 2011. This study identified an area including the subject sites, and the Petersham Shopping Centre, as a focus for urban renewal for new housing and local improvements to access, parks and the public domain.

The planning proposal has been prepared to respond to the objectives and intended outcomes of the urban design study and the strategic planning framework relevant to the proposed development area.

STRATEGIC ASSESSMENT

State plans

A Plan for Growing Sydney

The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability including the delivery of housing, employment, infrastructure and open space. The proposal is generally consistent with the goals and guiding principles relating to growth and development of strategic centres outlined in A Plan for Growing Sydney. Specifically, the planning proposal is consistent with the following objectives of the plan:

- Goal 2- A city of housing, with homes that meet our needs and lifestyles
 - Direction 2.1: Accelerate housing supply across Sydney
 - Direction 2.2: Accelerate urban renewal across Sydney – providing home closer to jobs
 - Direction 2.3: Improve housing choice to suit different needs and lifestyles

The planning proposal will increase the local housing supply and choice in close proximity to jobs and public transport. It will facilitate urban infill and increase housing production around a local centre, transport corridors and public transport access points.

- Goal 3 – A great place to live with communities that are strong, healthy and well connected
 - Direction 3.1: Revitalise existing suburbs
 - Direction 3.3: Create healthy built environments

The proposal will help to revitalise the existing suburb of Petersham. It provides the potential for mixed use development within the Inner West Local Government Area that benefits from its proximity to transport, services and retail.

- Sydney Subregions – Central Subregion

The subject site falls within the Sydney Central Subregion. The proposal will facilitate housing intensification around an established centre and along a key public transport

corridor. It will also offer housing close to jobs and near the Petersham Commercial Precinct.

District Plan

Draft Central District Plan

The draft Central District Plan identifies the priorities for the District, which should be considered when preparing planning proposals.

- Liveability Priorities and Actions - Key relevant priorities include:
 - Improving housing choice
 - Improving housing diversity and affordability
 - Creating great places

The draft Plan establishes a housing target for the Inner West Council to provide an additional 5,900 dwellings by 2021. The additional densities sought as part of this planning proposal will assist Council to meet this dwelling target, whilst increasing housing diversity near a local centre and public transport, being Petersham Railway Station and bus routes along Trafalgar Street.

The concept plans submitted with the planning proposal have been reviewed by Council's Architectural Excellence Panel who are generally supportive of the proposed schemes. The proponent has identified public domain improvements coupled with high quality architecture that will create a well-designed, healthy, safe and inclusive space.

Local

Marrickville Urban Strategy

The Marrickville Urban Strategy (2007) supports the aim of locating additional residential and mixed use development in and around existing centres with good access to public transport and services. The Strategy identifies Petersham Shops and Petersham Station as centres within the former Marrickville LGA. The Strategy includes the following relevant urban renewal approaches to inform policy options for future residential development:

- Focus on residential density in and around centres
- Increase density in infill areas

It is considered that the planning proposal is consistent with the above criteria given it seeks to increase residential density in and around Petersham shops and Petersham Station.

The local Strategy has not been endorsed by the Department.

Marrickville Community Strategic Plan 2023

The Marrickville Community Strategic Plan (2013) includes the following actions relevant to the planning proposal:

- Pursue planning controls that support existing and new supplies of affordable housing
- Promote accessibility of railway and bus stops

The proponent has offered to enter into a Voluntary Planning Agreement (VPA) with Council which includes public domain improvement works, provision of public parking and provision of affordable housing. However, after considering the requirements of Council's Affordable Housing Policy, the proponent has advised that it will negotiate with Council as to the public benefits to be provided as part of the final VPA in accordance with Council's VPA policy.

The subject sites are located directly adjacent to or near Petersham Railway Station and bus stops along Trafalgar Street. It is considered that the proposal will promote effective accessibility to railways and bus stops.

Section 117(2) Ministerial Directions

The planning proposal is consistent with all applicable S117 Directions except the following:

Direction 4.3 – Flood Prone Land

This Direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

The planning proposal states that it is consistent with this Direction. However, a civil and structural engineering report prepared by Anacil P/L for the proposal identifies that part of site 3 is in a 'flood planning area'. Furthermore, the Marrickville LEP 2011 'flood planning map' indicates that part of the site 3 is in the flood planning area.

As the planning proposal seeks to amend the development standards applying to flood prone land, any development on site will be subject to clause 6.3 of the Marrickville LEP 2011 which contains provisions to address on site flooding.

A Gateway condition has been imposed requiring the planning proposal to be updated prior to community consultation to demonstrate consistency with this Direction.

Direction 3.5 – Development Near Licensed Aerodromes

As the sites are located within the 20-25 Australian Noise Exposure Forecast (ANEF) contours, it is recommended that the Federal Department of Infrastructure and Regional Development and the Sydney Airport Corporation be consulted during community consultation of the planning proposal.

This recommendation is consistent with the objectives of the Direction.

State Environmental Planning Policies (SEPPs)

The planning proposal identifies several State Environmental Planning Policies (SEPPs) that are applicable to the site. The Department's assessment considers that the proposed rezoning is consistent with the identified SEPPs and does not contain any provisions that would contravene the operation of relevant SEPPs.

SEPP 55 – Remediation of Land

A Detailed Site Investigation (DSI) Report prepared by Environmental Investigations Australia Pty Ltd was submitted as part of the planning proposal. The DSI Report concluded that there was no widespread contamination across the sites and that subject to preparation and implementation of a Remediation Action Plan, the sites would be suitable for the proposed redevelopments.

Given the above, it is considered that the proposal has satisfied the requirements of, and demonstrates consistency with the aims and objectives of SEPP 55. Future development applications will be subject to further consideration of SEPP 55.

SITE SPECIFIC ASSESSMENT

Social

The proposal retains and enables the update of the club facilities and public domain improvements. It notes that community infrastructure needs will be provided for in discussions with Council.

Environmental

Natural Environment

The site is located in an established urban area with no significant vegetation of ecological value located on site. It is agreed that there are no known critical habitats or threatened species, populations or ecological communities or their habitats that will be affected by the proposal.

Urban Design

The proposal concepts were referred to Council's Architectural Excellence Panel and subsequently refined to improve internal amenity, address the street better and break up built form on the large sites. The Urban Design Study demonstrates that the building envelopes sought generally comply with the controls, standards and principles of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and its supporting document the Apartment Design Guidelines and will allow satisfactory solar access to the surrounding area.

Heritage

The subject sites are not identified as heritage items under Marrickville LEP 2011, however there are 6 local and 3 state significant heritage items located in the vicinity of the sites. Any potential impacts on these buildings should be taken into consideration as part of any future DA.

Economic

An economic assessment has not been submitted with the planning proposal. However economic benefits of the planning proposal are that it will:

- facilitate the economic use and development of the land for the relocation of the Club and the modernisation of the recreation, leisure and cultural facilities it provides to the local community;
- facilitate an increase in the extent and nature of housing available in this area that has been earmarked as a focus for renewal within the Marrickville Local Strategy (2007);
- increase the supply of housing thereby contributing to housing affordability;
- provide funds through a VPA for community infrastructure needs such as affordable housing;
- generate economic activity in the building and construction industry and create employment opportunities during both the construction and operational phases of the development of the land; and
- increase the population density and is likely to stimulate the local economy and increase the demand for local services and likely to influence other sites to urban renewed.

CONSULTATION

Community

Public consultation will be undertaken in accordance with the Gateway Determination. An exhibition period of 28 days is considered acceptable.

Agencies

It is recommended that consultation is undertaken with the Federal Department of Infrastructure and Regional Development and Sydney Airport Corporation, as outlined in S117 Direction 3.5 – Development Near Licensed Aerodromes.

Given the site's proximity to the Inner West rail line, it is recommended that Transport for NSW are consulted.

TIMEFRAME

The proponent has proposed a timeframe of approximately three months to complete the LEP. A timeframe of 9 months is considered more appropriate given the nature of the proposal. A Gateway condition has been imposed to require the timeframe to be updated prior to community consultation.

DELEGATION

Council has sought delegation to carry out the Greater Sydney Commission's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979. Delegation is considered appropriate as the matter is of local significance.

CONCLUSION

The planning proposal is supported to proceed, as it:

- will facilitate residential development to accelerate housing supply and choice;
- will facilitate employment and create jobs close to existing residential areas;
- is in close proximity to existing transportation infrastructure and services; and
- does not apply to land with any significant conservation value.

The proposal is generally consistent with all relevant state and local environmental planning instruments, strategies, plans and policies, and will not result in any adverse environmental or amenity impacts on the site or neighbouring land.

RECOMMENDATION

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal to be updated to:
 - (a) demonstrate consistency with Section 117 Direction 4.3 – Flood Prone Land; and
 - (b) include a revised project timeline for the proposal to be completed within 9 months.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Transport for New South Wales;
 - Federal Department of Infrastructure and Regional Development; and
 - Sydney Airport Corporation.
4. A public hearing is not required to be held into this matter.

5. The timeframe for completing the LEP is to be 9 months from the date of the Gateway Determination.



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