

Planning Proposal

DA201600286 - Amendments to
Marrickville Local Environmental Plan 2011
to Facilitate Relocation of Petersham
RSL Club

3-7 & 13-17 Regent Street, 287-309
Trafalgar Street and 16-20 Fisher Street
PETERSHAM

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Attachment 2	Environmental Site Assessment

Issue	Date	Description	By
	09/05/2017	Planning Proposal	Andy Ludvik
1	30/05/2017	Planning Proposal (Amended)	Andy Ludvik
2	18/08/2017	Planning Proposal (Amended)	Andy Ludvik

1.0 Introduction

This planning proposal has been prepared in accordance with Section 55(1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and seeks to amend provisions contained in *Marrickville Local Environmental Plan 2011 (MLEP 2011)* applying to development on land at 3-7 and 13-17 Regent Street, 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham, to facilitate:

- the relocation of the Petersham RSL Club from its present site at 3-7 Regent Street to the land on the western side of Regent Street at 287-309 Trafalgar Street;
- the economic use and development of the Club's land in accordance with:
 - the object of Section 5(a)(ii) of the *EP&A Act*; and
 - contemporary town planning practice and principles relating to the integration of transport and land use planning and transit-oriented development; and
- significant public domain improvements in the surrounding area.

The planning proposal was originally submitted to Council on 10 June 2016 as DA201600286 and has been amended as a result of issues raised by Council most recently on 25 May 2017.

The RSL Club is a not-for-profit organisation that provides vital recreation, leisure, welfare and cultural facilities that meet the needs of the local community and the Club makes a significant contribution to many local community and sporting organisations and events.

The Club's existing facilities involve:

- the licensed club premises located on 3-7 Regent Street; and
- a total of 152 car parking spaces located on 3-7 and 13-17 Regent Street and 287 Trafalgar Street.

The Club has been involved in ongoing discussions with Council for many years concerning the fragmentation of its operations over the 3 sites it currently occupies and its desire to redevelop and relocate all of its facilities, including its car parks, onto a single consolidated site on the western side of Regent Street.

Essentially, the Club needs to relocate because of:

- the fragmented, outdated and inefficient nature of its existing facilities;
- the inability of existing facilities, both practically and structurally, to satisfactorily accommodate the contemporary needs of the local community; and
- the need to maintain the Club's ongoing economic viability.

All of the land involved in this planning proposal is zoned R4 High Density Residential under the terms of *MLEP 2011* and represents approximately 75% of the land in this zone within 200m of the Petersham Railway Station.

Development for the purposes of a “*registered club*” is prohibited in this zone under the land use controls contained in the *Plan*.

However, the Club made a submission to Council in February 2011, when *MLEP 2011* was publicly exhibited in a draft form, seeking a variation of the *Plan* to enable the Club to further its relocation plans.

The submission resulted in Item 14 being included in Schedule 1 of *MLEP 2011*, which permits a “*registered club*” as an additional permitted land use on the properties at:

- 3-7 Regent Street;
- 287 Trafalgar Street; and
- 16-20 Fisher Street.

The irregular configuration of 287 Trafalgar Street and 16-20 Fisher Street, onto which the Club could be relocated under the terms of Schedule 1 of *MLEP 2011*, provides a range of difficulties for the practical relocation of the Club’s premises.

Consequently, the land at 297-309 Trafalgar Street, which contains three (3) discrete obsolete industrial buildings and is currently owned by Deicorp Projects Petersham Pty Ltd (Deicorp), is to be used to facilitate the Club’s relocation.

The incorporation of these properties into the project will result in all of the land fronting Trafalgar Street between Regent Street and Fozzard Lane being consolidated into a single redevelopment site and creates a more logically configured site for the new Club.

The Club and Deicorp have entered into a Development Management Agreement to facilitate the Club’s redevelopment plans.

The Club’s landholdings are strategically located at the principal entry to Petersham from the Railway Station and the Club is acutely aware of the need to significantly improve the public domain in this area:

- to establish development that expresses an appropriate entry statement to Petersham;
- to create attractive pedestrian linkages to the Petersham Shopping Centre;
- to make public domain improvements in Trafalgar, Regent and Fisher Streets; and
- to minimise pedestrian/vehicular conflict.

Two (2) architectural firms, Candalepas Associates and Nordon Jago Architects, have been commissioned to prepare development concept plans for the entire 10,412m² landholding designed:

- to achieve the Club’s desired outcomes;
- to determine the nature and extent of development required to facilitate the land’s economically viable redevelopment; and
- to facilitate the land’s orderly and co-ordinated development.

These plans have been informed by the *Petersham Planning & Urban Design Study* prepared by Annand Associates Urban Design Pty Ltd.

A copy of the report is contained in **Attachment 1**.

The proposal is to be accompanied by copies of:

- the *Urban Design Study*;
- the development concept plans; and
- building envelope plans and sections reflecting the concept plans.

Plans for the new Club are to be designed by the Red Design Group.

A single application for consent is to be submitted for the development of the all of the land involved in this planning proposal.

To facilitate the project, this planning proposal proposes to amend *MLEP 2011* by:

1. amending Item 14 in Schedule 1 of the *Plan*:
 - to include the properties at 297-309 Trafalgar Street, so as to make development for the purposes of a “*registered club*” permissible, with Council’s consent, on them;
 - to omit reference to the properties at 16-20 Fisher Street, so as to preclude development for the purposes of a “*registered club*” on them as a result of these properties no longer being needed for the relocation of the Club; and
 - to exclude 150 off-street car parking spaces associated with the Club from being considered to represent “*gross floor area*”; and
2. amending the *Height of Buildings Map* and the *Floor Space Ratio Map* to apply development standards that reflect the development concept and building envelope plans accompanying this proposal.

The planning proposal is to be accompanied by a voluntary planning agreement, as contemplated by Section 93F(1) of the EP&A Act, to provide a range of public benefits to be agreed to with Council prior to the issue of a Gateway Determination.

The agreement is to include a provision that Council will not be required to expend the Section 94 contributions it receives from the ensuing development on facilities in the immediate vicinity of the Club’s land.

2.0 Land Details

This planning proposal applies to the land known as 3-7 and 13-17 Regent Street, 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham, shown as Sites 1, 2 and 3 in **Figure 1**.

The land comprises:

Site	Address	Lot/DP	Area	Improvements
Site 1	3-7 Regent Street	Lot 1, DP 629058	3,028m ²	Petersham RSL Club's registered club premises
Site 2	13-17 Regent Street	Lot 1, DP 830175	1,960m ²	Club's car park
Site 3	287-309 Trafalgar Street	Lot 1, DP1208130 Lot 10, DP 1004198	4,792m ²	Club's car park on 287 Trafalgar Street and 3 x obsolete factory buildings on 297-309 Trafalgar Street
	16-20 Fisher Street	Lots A, B & C, DP 440676	632m ²	3 x 3 storey terrace buildings
Total Area:			10,412m ²	

2.1 Site 1

Site 1 has frontage to Regent and Fisher Streets and contains the existing registered club premises occupied by the Club.

The site includes:

- the 2-storey registered club building;
- a cenotaph located adjacent to the Regent Street/Fisher Street intersection;
- 15 car spaces in a secured basement level car park; and
- 12 rooftop car spaces accessed from Council's Civic Centre site.

The site experiences a moderate fall from its rear boundary to its north-western corner adjacent to Regent Street.

The land adjoins:

- older-styled 2 and 3-storey residential flat buildings on 279-285 Trafalgar Street and a 2-storey terrace house on 277 Trafalgar Street to the north; and
- Council's 2-storey Civic Centre on 2-14 Fisher Street to the east.

Surrounding development includes:

- older-styled 2 and 3-storey residential flat buildings fronting Fisher Street;
- 2-storey terrace houses fronting Trafalgar Street; and
- the Club's car parks on Sites 2 and 3.

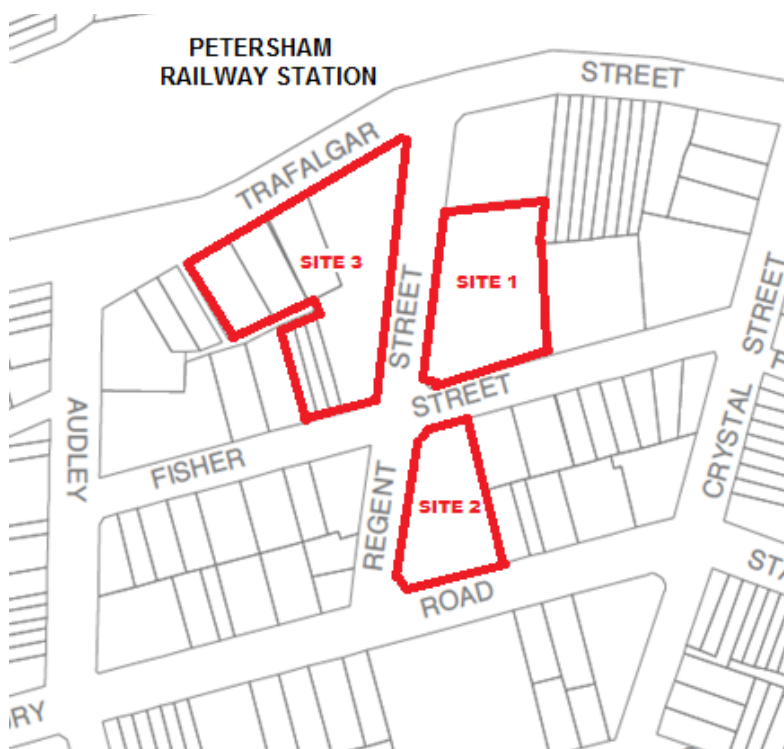


Figure 1: Locality/Site Plan

2.2 Site 2

Site 2 has frontages to Regent and Fisher Streets and New Canterbury Road and comprises an at-grade car park accommodating 44 cars used in connection with the Club.

The site experiences a moderate fall from its New Canterbury Road boundary to its north-western corner adjacent to the Regent Street/Fisher Street intersection and contains a number of trees which were planted as part of the establishment of the car park.

Existing site levels are well below the footpath level in New Canterbury Road.

The land adjoins a 1/part 2-storey community building used by the Petersham Boy Scouts on 13 New Canterbury Road and an older-styled 2-storey residential flat building on 19 Fisher Street to the east.

Surrounding development includes:

- an older-styled 3-storey residential flat building and single storey attached dwelling houses on the western side of Regent Street;
- the Club's licensed premises on Site 1 and its car park on Site 3; and
- Sydney Water Corporation's water reservoir and associated infrastructure on the southern side of New Canterbury Road.

2.3 Site 3

Site 3 has frontage to Trafalgar, Regent and Fisher Streets and Fozzard Lane and is located directly opposite the Petersham Railway Station and the railway infrastructure associated with the E2 Airport, Inner West & South Line and the E3 Bankstown Line on the Sydney metropolitan heavy rail network.

The site contains:

- a total 81 car spaces used in connection with the Club at-grade and in a 2-storey structure on 287 Trafalgar Street;
- three (3) obsolete 1/part 2-storey industrial buildings on 297-309 Trafalgar Street; and
- 3 x 3-storey residential terrace buildings on 16-20 Fisher Street.

None of the buildings on the site have been identified as having any heritage significance.

Vehicular access to the rear of the terrace buildings on 16-20 Fisher Street is available from Fozzard Lane, where there is limited parking available to residents of the terraces.

There is no off-street car parking available for use in connection with the Trafalgar Street industrial buildings.

The Trafalgar Street streetscape is largely dominated by roller shutter doors that provide vehicular access to the industrial buildings on 297-309 Trafalgar Street.

These buildings contain minimal fenestration in their Trafalgar Street elevations and there is little, if any, opportunity to activate Trafalgar Street in terms of their current building form.

The Fisher Street streetscape is largely dominated by trees located in the footpath area.

The site experiences a moderate fall from its south-eastern corner adjacent to the Regent Street/Fisher Street intersection to its north-western corner adjacent to the Fozzard Lane/Trafalgar Street intersection and there are a number of trees located adjacent to its Fisher Street/Regent Street corner.

The land adjoins:

- a 1/part 2-storey church hall and a 2-storey residential flat building on 22 and 24 Fisher Street, respectively, to the south and west; and
- an older-styled 2-storey industrial building on 311 Trafalgar Street on the western side of Fozzard Lane.

Development Application No. DA201600529 was submitted to Council on 17 October 2016 to demolish the church hall on 22 Fisher Street and to construct a 6-storey boarding house accommodating 50 boarding rooms and 12 car parking spaces and an appeal against Council's "deemed refusal" of the application was lodged with the Land and Environment Court of NSW on 28 November 2016.

Surrounding development includes:

- an older-styled 3-storey residential flat building and a single storey dwelling house on the southern side of Fisher Street;
- the Petersham Telephone Exchange and Post Office on the corner of Fisher and Audley Streets; and
- Petersham Railway Station and associated railway infrastructure on the northern side of Trafalgar Street.

2.4 General

The street block bounded by Fisher, Regent, Trafalgar and Audley Streets contains significant community infrastructure, including:

- the 4-storey Petersham Telephone Exchange and Post Office on 91 Audley Street; and
- the 2-storey premises occupied by the Petersham Assembly of God on 93 Audley Street and 313-315 Trafalgar Street.

The western side of Audley Street comprises retail and commercial facilities, including a vital eat-street, and provides a major pedestrian link from the Railway Station to the Petersham Shopping Centre and areas further to the south and south-west.

The land is conveniently located to major public transport services, with:

- Petersham Railway Station located opposite Site 3 in Trafalgar Street; and
- New Canterbury Road and Audley, Trafalgar and Crystal Streets accommodating major bus routes operated by Sydney Buses, including Routes 412, 444, 445 and L28, which connect the area to the Sydney CBD and intervening suburbs.

There is a traffic signal controlled pedestrian crossing at the Trafalgar Street/Regent Street intersection which provides the principal entry point to Petersham from the Railway Station.

Traffic movements in Regent Street at its intersection with Trafalgar Street are restricted to left-in/left out only and, with the exception of the 3 car parking spaces associated with the residential flat building on 279-285 Trafalgar Street, only the Club's land uses Regent Street for access, between Trafalgar and Fisher Streets.

This provides an opportunity for the public domain in this section of Regent Street to be significantly improved at this vital entry to Petersham from the Railway Station and the pedestrian connection linking the Railway Station to the Shopping Centre to be enhanced.

The location of Sites 1, 2 and 3 adjacent to the southern entry to the Station and on a principal pedestrian route from the Station to the Shopping Centre makes them eminently suitable for the construction of development that would accommodate a relocation of the Club and higher density residential development.

Such development would:

- enliven and activate Trafalgar Street at street level;
- improve the public domain areas surrounding the Station and the pedestrian route from the Station to the Shopping Centre;
- result in a desirable urban design outcome by renewing and revitalising development around the Station precinct; and
- be consistent with contemporary town planning principles and practice relating to the integration of transport and land use planning and transit-oriented development.

3.0 Planning Proposal

3.1 Planning Proposal

This planning proposal seeks amend *MLEP 2011* by:

1. amending Item 14 in Schedule 1 of the *Plan*:
 - to include the properties at 297-309 Trafalgar Street, so as to make development for the purposes of a “*registered club*” permissible, with Council’s consent, on them;
 - to omit reference to the properties at 16-20 Fisher Street, so as to preclude development for the purposes of a “*registered club*” on them as a result of these properties no longer being needed for the relocation of the Club; and
 - to exclude 150 off-street car parking spaces associated with the Club from being considered to represent “*gross floor area*”; and
2. amending the *Height of Buildings Map* and the *Floor Space Ratio Map* to apply development standards that reflect the development concept and building envelope plans accompanying this proposal.

3.1.1 Relocation of Club

Use of 297-309 Trafalgar Street

Development for the purposes of a “*registered club*” is currently permissible, with Council’s consent, on Site 1 and Site 3, with the exception of the properties containing the existing industrial buildings on 297-309 Trafalgar Street.

The land at 297-309 Trafalgar Street was specifically included into Site 3 to create an appropriately configured site to accommodate the Club’s relocation to the western side of Regent Street.

The incorporation of this land into the site for the new Club will result in:

- all of the land fronting Trafalgar Street between Regent Street and Fozzard Lane being consolidated into a single development site; and
- the properties at 16-20 Fisher Street no longer being required for the purpose of relocating the Club.

Accordingly, the planning proposal seeks to amend Item 14 in Schedule 1 - Additional Permitted Uses of *MLEP 2011* to read as follows:

"14 Use of certain land at 3-7 Regent Street and 287-309 Trafalgar Street, Petersham

- (1) *This clause applies to land at 3-7 Regent Street and 287-309 Trafalgar Street, Petersham, being Lot 1, DP 629058, Lot 10, DP 1004198, Lot 1, DP 1208130.*
- (2) *Development for the purpose of a registered club is permitted with consent."*

Car Parking

Only car parking required to meet Council's requirements is excluded from consideration as "gross floor area" by the definition contained in *MLEP 2011*.

Site 1 and 3 are located in Parking Area 1 on the plan associated with Part 2.10 of *Marrickville Development Control Plan 2011 (MDCP 2011)*.

Council's parking requirement for registered clubs in Parking Area 1 is 1 space/6 staff for patrons and staff.

On this basis, the Club's operations would equate to a parking requirement of between 10 and 15 car spaces.

The 152 car parking spaces currently available for parking on the Club's land satisfactorily accommodate the parking demand generated by the Club.

These spaces include:

- 27 spaces are on Site 1;
- 44 spaces are on Site 2; and
- 81 spaces are on Site 3.

The Club has stipulated that 150 spaces is the minimum number required to accommodate its operations.

Consequently, the car parking associated with the Club in excess of 15 spaces would be considered to be in excess of Council's requirements and, therefore, constitute "gross floor area".

An assessment of the parking needs of the Club has been prepared by Barker Ryan Stewart.

A copy of this assessment is to accompany this proposal.

The assessment indicates that:

- the NSW Roads and Maritime Services' *Guide to Traffic Generating Developments (RMS Guide)* does not have specific parking rates for registered clubs;
- the *RMS Guide* specifies that:
 - off-street parking must be provided to satisfy the average maximum demand generated by clubs;
 - parking demand varies substantially depending on the type of club and cannot readily be related to building floor areas or membership numbers; and
 - parking demand should be determined on the basis of the characteristics of a proposed club and a comparison with similar clubs; and
- the parking required under the terms of *MDCP 2011* is grossly inadequate for registered clubs.

The assessment surveyed 4 clubs that have similar operations to those of the proposed new Club.

The assessment indicates that the existing car parking capacity of 152 spaces associated with the Club is consistent with the levels of parking associated with these comparative clubs and the provision of 150 spaces in connection with the new Club would satisfy expected parking demand.

It is obvious that Council's current requirement for 15 spaces for the new Club is grossly inadequate to meet its parking demand and that the provision of 150 spaces would maintain the existing level of parking associated with the Club and be consistent with the *RMS Guide*.

The proposed Club car park is to be located in a basement level of the building and would, therefore, not have any implications in terms of the intensity, height, bulk or scale of the development.

Accordingly, it is proposed to include a provision in Item 14 in Schedule 1 of *MLEP 2011* which provides for up to 150 car parking spaces associated with a registered club on land to which Item 14 applies to be excluded from "*gross floor area*".

It is proposed that a sub-clause (3) be added to Item 14 which is to read:

- "(3) *A car park accommodating up to 150 parking spaces associated with a registered club on this land is to be excluded from gross floor area.*"

3.1.2 Development Standards

It is accepted town planning practice that, in terms of urban form and structure, building height and density should be focused and intensified adjacent to a public transport node, such as a railway station, and that building height and density should gradually decrease relative to distance from the node.

This practice is consistent with:

- *A Plan for Growing Sydney*, published by the NSW Department of Planning & Environment in December 2014;
- the integrated transport and land use policies and transit-oriented development principles of Transport for NSW;
- the NSW Legislative Assembly Committee on Transport and Infrastructure's inquiry into the utilisation of land adjacent to rail corridors in the Sydney metropolitan area held in 2012; and
- the principles espoused in the *Sydenham to Bankstown Urban Renewal Corridor Strategy* published by the Department of Planning & Environment at the beginning of October 2015.

The ability to provide higher density residential development in areas adjacent to Petersham Railway Station is largely restricted by the heritage characteristics of the area, which include:

- the Petersham North Conservation Area on the northern side of the railway line;
- the Petersham South Conservation Area to the south of New Canterbury Road;
- the Petersham Commercial Precinct Conservation Area to the west of Audley Street; and
- significant heritage items on the eastern side of Crystal Street, including the Petersham Town Hall, the terrace housing on 109-123 Crystal Street and the former ANZ Bank building.

Consequently, the land zoned R4 High Density Residential in the area bounded by New Canterbury Road and Audley, Trafalgar and Crystal Streets represents the only real opportunity to significantly increase residential development densities in the vicinity of the Railway Station to take advantage of the public transport service Sydney's heavy rail network offers.

All of the land in the R4 High Density Residential zone in the Station precinct in this area is located within 150m of the entry to the Railway Station.

Figure 2 indicates the distance relationship between the R4 High Density Residential zone and the Station entry.

The land's proximity to the shops and services in the Petersham Shopping Centre also make it attractive and suitable for higher density residential development.

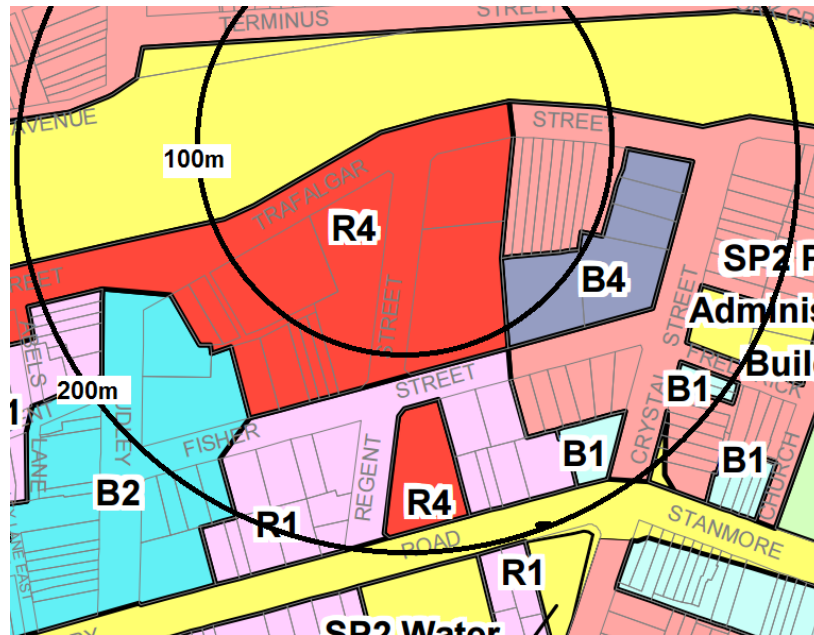


Figure 2: Zone/Station Relationship

The development standards currently contained in *MLEP 2011* have their genesis in the *Marrickville Village Centres Urban Design Study* that was prepared on Council's behalf by Olsson & Associates Architects Pty Ltd in the period 2007-2009 as a prelude to preparation of *MLEP 2011* and *MDCP 2011*.

This *Study*:

- was based on the *City of Cities - A Plan for Sydney's Future*, the metropolitan strategy published in December 2005, the predecessor the current strategy contained in *A Plan for Growing Sydney*;
- addressed development in only a part of the Station precinct; and
- pre-dated Council's decision to facilitate the relocation of the Club to the western side of Regent Street.

Consequently, the current development standards do not reflect:

- the current metropolitan strategy;
- contemporary policies relating to integrating transport and land use planning;
- the principles of transit-oriented development; or
- the plans to relocate the Club to the western side of Regent Street.

The current lot-by-lot standards in *MLEP 2011* are designed to accommodate development on individual properties rather than the development of larger aggregated sites, such as the land involved in this proposal and development which includes the relocation of the Club.

As a result, Sites 1, 2 and 3 are subject to:

- 4 building height zones varying from of 17m to 26m; and
- 5 floor space ratio zones ranging from 1.8:1 to 2.8:1.

The current standards applying to development in this area are largely dysfunctional and defy conventional town planning wisdom and logic.

For example:

- properties which are located further from the Station, such as the Civic Centre site which has a floor space ratio of 3.3:1, have significantly higher floor space ratios than properties immediately adjacent to the Station, which have floor space ratios ranging from 0.6:1 to 2.2:1;
- building heights do not appear to provide a cogent and wholistic urban design approach to development in the Station precinct; and
- there is a disconnect of standards, such as a 14m building height standard applying to properties with a 0.6:1 floor space ratio.

Guidance on a more appropriate approach to standards in a similar context is offered by the concept approval issued by the Department of Planning & Environment for the redevelopment of land at 78-90 Old Canterbury Road, land adjacent to the Lewisham West Light Rail Station and some 300m to 400m from the Lewisham Railway Station.

This site was included in the *Marrickville Villages Urban Design Study*.

The *Study* proposed building heights ranging from 4 to 9 storeys and a floor space ratio of 1.7:1 on this land, standards that were ultimately included in *MLEP 2011*.

The concept approved by the Department involved buildings with a height of 9-10 storeys for a distance of some 150m along the light rail corridor and a significant increase in floor space ratio from the 1.7:1 to 2.67:1.

The Department's assessment report on the development indicated that:

- it was generally satisfied that the site could accommodate increased height and density given its excellent access to public transport;
- the proposed development would deliver public benefits, including the renewal of industrial land with excellent access to public transport to provide high density residential development;
- the site presented an opportunity to provide significant transit-oriented development and the lower floor space ratio contained in *MLEP 2011* did not maximise the opportunities to significantly increase residential density immediately adjacent to public transport; and
- additional density was justified by, among other things, benefits offered by a voluntary planning agreement and benefits in terms of increased mode share by public transport and reduced car dependency and traffic generation.

The land currently zoned R4 High Density Residential in the Station precinct under *MLEP 2011* has an area of 13,782m².

Sites 1, 2 and 3 have an aggregated area of 10,412m² and represent 75% of the land in this zone in the precinct.

A summary of the remainder of the land in the R4 High Density Residential zone in the precinct is as follows.

Address	Area	Improvements	Comments
279-285 Trafalgar Street	1,578m ²	Older-styled 2/part 3-storey residential flat building containing 26 apartments	The land is subject to a floor space ratio of 1:1 and is unlikely to be redeveloped under this standard
311 Trafalgar Street	325m ²	1/part 2-storey factory building	The land is separated from Site 3 by Fozzard Lane and can only be developed in conjunction with 313 Trafalgar Street
313 Trafalgar Street	328m ²	2-storey terrace house which has been integrated into the Assembly of God and House of Faith Church located on 93 Audley Street	The land can only be developed in conjunction with 311 Trafalgar Street or the Assembly of God complex on 93 Audley Street
22 Fisher Street	581.7m ²	1/part 2-storey church hall	The land is subject to Development Application No. DA201600529 to construct a 6-storey boarding house accommodating 50 boarding rooms
24 Fisher Street	563.2m ²	2-storey residential flat building containing 8 dwellings	The land can only be redeveloped in conjunction with 22 Fisher Street or the telephone exchange and post office on 91 Audley Street

The redevelopment of the Club's land offers a unique opportunity to develop the vast majority of land in the R4 High Density Residential zone without prejudicing the future development of surrounding properties.

In these circumstances, a fresh approach is required to urban design principles applying to development in this R4 High Density Residential zone and, more particularly, the standards to be applied to the redevelopment of Sites 1, 2 and 3 in order to:

- facilitate the relocation of the vital community, entertainment and leisure facilities provided by the Club to a new modern facility designed to better serve the needs of the local community;
- optimise the development capability of this large landholding adjacent to the Railway Station;
- reflect contemporary urban design practice;
- embrace the principles of transit-oriented; and
- optimise the opportunities to increase residential densities on land immediately adjacent to the public transport facilities available in this area.

The building height and floor space ratio standards contained in this proposal are:

- an outcome of the *Petersham Planning & Urban Design Study* prepared by Annand Associates Urban Design Pty Ltd, which has been used to inform the development concept plans that have been prepared for Sites 1, 2 and 3;
- consistent with contemporary transit-oriented development principles which advocate higher-rise, higher-density buildings within 400m of railway stations;
- predicated on the creation of substantial public domain enhancements which improve walkability, amenity, attractiveness and public safety in this area; and
- designed to foster and promote the economic use and development of the land in this locality.

3.1.2.1 Building Height

Building envelope plans have been developed to reflect development concept plans that have been prepared for Sites 1, 2 and 3 and the comments provided by Council and its Architectural Excellence Panel following meetings held on 14 February and 25 May 2017.

These building envelopes will result in buildings with the following characteristics on the 3 sites.

Site	Description of Building Form
Site 1	The envelope is designed to permit a residential flat building with: • a maximum height ranging between 7 and 8-storeys; • a 5-storey element in its eastern elevation; and • vehicular access from Regent Street
Site 2	The envelope is designed to permit a residential flat building with: • a maximum of 7-storeys centrally on the sited; • 6-storey elements adjacent to its Fisher Street, Regent Street and New Canterbury Road frontages; and • vehicular access from Fisher Street
Site 3	The envelope is designed to permit a mixed-use development with: • the new RSL Club accommodated on the ground floor level fronting Trafalgar Street, containing 2-storey elements to facilitate the establishment of: • a café at the corner of Trafalgar and Regent Streets; • administrative offices associated with the Club; • 2 x residential flat buildings, Buildings B and C, varying from 7 to 9-storeys above the podium level to be established by the new Club; • a 6 to 8-storey residential flat building, Building A, fronting Fisher and Regent Streets; • a publicly accessible urban space to provide a pedestrian connection between Regent Street and Fozzard Lane; • 2-storey SOHO's designed to activate the urban space and Fozzard Lane; and • vehicular access to car parking facilities associated with the Club and the residential development from Trafalgar Street and loading facilities from Fozzard Lane

Building height standards have been determined to facilitate development in accordance with the development concept and building envelope plans.

The proposed height standards are designed to provide flexibility in the design of proposed buildings and to ensure that no variations to the standards will be required under Clause 4.6 of *MLEP 2011* to accommodate the crossfalls experienced on the sites or incursions by building elements, such as rooftop plant areas and lift overruns.

This is exemplified by the proposal involving an increase in the building height standard applying to development on Site 1 from 23m to 29m to accommodate rooftop plant and lift overruns to address the site's topographical characteristics, despite the floor space ratio of development on this site being less than the permissible ratio of 2.8:1.

The existing building height standards contained on the *Height of Buildings Map* accompanying *MLEP 2011* applying to development on the sites and the proposed standards are as follows.

Site	Lot/DP	Existing Height Standard	Proposed Height Standard
Site 1	Lot 1, DP 629058	S - 23.0m	T2 - 29.0m
Site 2	Lot 1, DP 830175	P - 17.0m	Q - 20m
Site 3	Lot 1, DP 68697 Lot 4, DP 1105379 Lot 1, DP 735751 Lot 1, DP 62688 Lot 10, DP 1004198 Lots A, B & C, DP 440676	S - 23.0m S - 23.0m S - 23.0m S - 23.0m T1 - 26.0m Q - 20.0m	V - 35.0m T2 - 29.0m Q - 20.0m

Maps indicating the existing and proposed standards are contained on **Figures 3 and 4** in Section 7.0 of this proposal.

Assurance that the building heights are consistent with the development concept and building envelope plans could be addressed by embodying building envelope plans and sections into the site-specific master plan controls in Part 9.6 of *MDCP 2011*, should this be considered necessary.

The Civil Aviation Safety Authority is to be consulted in relation to the *Obstacle Limitation Surface* and the *Procedures for Air Navigation Services Operations Surface* associated with the operations of Kingsford Smith Airport in relation to the proposed height standards as part of the consultation process required, following a Gateway Determination of the planning proposal.

3.1.2.2 Floor Space Ratio

The current floor space ratio standards contained on the *Floor Space Ratio Map* which accompanies *MLEP 2011* applying to development on the sites and the proposed standards are as follows.

Site	Lot/DP	Existing FSR Standard	Proposed FSR Standard
Site 1	Lot 1, DP 629058	U4 - 2.80:1	U2 - 2.8:1
Site 2	Lot 1, DP 830175	S5 - 1.80:1	T3 - 2.1:1
Site 3	Lot 1, DP 68697 Lot 4, DP 1105379 Lot 1, DP 735751 Lot 1, DP 62688 Lot 10, DP 1004198 Lots A, B & C, DP 440676	U1 - 2.50:1 T5 - 2.30:1 T4 - 2.20:1 T4 - 2.20:1 T5 - 2.30:1 T5 - 2.30:1	V4 - 3.4:1

Maps indicating the existing and proposed standards are contained on **Figures 5 and 6** in Section 7.0 of this proposal.

The proposed standards are based on the development concept plans that have been prepared and are to accompany this proposal.

These standards are designed to facilitate the economically viable:

- relocation of the Club from its present site at 3-7 Regent Street to the land on the western side of Regent Street at 287-309 Trafalgar Street; and
- provision of significant public benefits in the immediate locality in terms of:
 - public domain improvements; and
 - contributing to affordable housing.

The standards are also designed:

- to facilitate the economic use and development of the land in accordance with:
 - the object of Section 5(a)(ii) of the *EP&A Act*;
 - contemporary town planning practice and principles relating to the integration of transport and land use planning and transit-oriented development; and
- to ensure that no variations to the standards will be required under Clause 4.6 of *MLEP 2011*.

The development concept plans for Sites 1, 2 and 3 involve a total gross floor area of some 30,489m².

This exceeds the current maximum permissible gross floor area of 24,567m² by some 5,922m².

The new Club will represent 3,600m² of the gross floor area.

The development needs to finance the continued operation of the existing Club premises until the completion of the new Club.

The new premises, which will cost the Club \$20 million, are designed to benefit not only Club members, but the community at large, and do not represent a saleable element of the proposed redevelopment.

3.1.2.3 Voluntary Planning Agreement

The planning proposal originally submitted on 10 June 2016 included a voluntary planning agreement valued at \$4.6 million designed to provide a range of public benefits including:

- public domain improvement works;
- provision of public parking; and
- provision of affordable housing.

The proposed variation to the floor space ratio standards in this planning proposal accommodated an increase in the permissible gross floor area on the land of 7,562.1m², based on development concept plans that were prepared and submitted.

Modifications that have been required to be made to the concept plans to address issues raised by Council's Town Planners and its Architectural Excellence Panel have resulted in the increase in gross floor area being reduced from 7,562.1m² to 5,922m².

The original planning agreement is to be amended to reflect the modified concept plans and the public benefits to be provided in a manner to be agreed to with Council prior to the Gateway Determination.

This agreement needs to be considered in the context of:

- the RSL Club's role as a not-for-profit ex-servicemen's organisation formed to satisfy the recreation, leisure, welfare and cultural needs of the local community; and
- the underlying tenet of the planning proposal, which is to secure the Club's ongoing viability and economic future by facilitating its relocation to new modern premises befitting contemporary community standards and providing an income stream to enable the Club to continue the vital contribution it makes to local community life.

The new Club premises:

- will involve a building with a gross floor area of some 3,600m²;
- will involve the integration of 150 car parking spaces into the new premises; and
- will be required to be built while keeping the existing Club operational to provide a continuity of service to the local community.

The development needs to finance the continued operation of the existing Club premises until the completion of the new Club.

The new premises, which will cost the Club \$20 million to construct, are designed to benefit not only Club members, but the community at large, and do not represent a saleable element of the proposed redevelopment.

Over the last decade, the Club has made grants exceeding \$2.1 million to a wide range of community, welfare and sporting organisations.

A review of grants made in the 2015-16 financial year, indicates grants of over \$400,000.

Highlights of these grants include over:

- \$180,000 to ShareCare Inc, an organisation which provides services to families who have a child or young person with a disability;
- \$21,000 to the Petersham RSL Sub-Branch;
- \$20,000 to the Newtown Rugby League Football Club;
- \$12,000 to the Randwick Petersham Cricket Club; and
- \$16,000 to the Sydney Eisteddfod.

Significant grants have also been made to organisations including, the Heart Research Institute, the Marrickville Youth Resource Centre, Rainbow Club Australia Inc, RPA Newborn Care, Macular Disease Foundation, Holy Trinity Anglican Church, The Shepherd Centre, Good Shepherd Australia & New Zealand, Child Abuse Prevention Service and Vision Australia.

The redevelopment itself will result in significant public benefits in terms of public domain improvements, including:

- the undergrounding of overhead utility services on the western side of Regent Street;
- the installation of kerb blisters, rain gardens and footpath planting in road reserves;
- the provision a publicly accessible urban space between buildings on Site 3 to establish a pedestrian link between Regent Street and Fozzard Lane; and
- adjustments to the traffic signals to allow for both right and left turn movements out of Regent Street into Trafalgar Street.

A planning agreement is to be agreed to with Council prior to the issue of a Gateway Determination and is to include a provision that Council will not be required to expend the Section 94 contributions it receives from the ensuing development on facilities in the immediate vicinity of the Club's land.

3.2 Purpose of Proposal

The Club's land is strategically located in terms of its proximity to:

- major public transport facilities, including:
 - Petersham Railway Station; and
 - trunk bus routes using New Canterbury Road and Audley, Trafalgar and Crystal Streets;
- the Petersham Shopping Centre;
- Council's Civic Centre site; and
- the arterial road network.

The Club's land provides a unique opportunity to take advantage of this strategic location to synergise the Club's relocation plans with future development in the Station precinct to achieve a desirable urban design outcome in the manner fostered and promoted by contemporary town planning practice and metropolitan strategies embodied in *A Plan for Growing Sydney*.

The Club is a not-for-profit organisation and is largely required to use its land resources to finance its relocation plans and the ongoing services and facilities it provides to the local community.

The Club's existing facilities are fragmented over the 3 sites and its registered club premises are provided over 2 levels in a building that is, both practically and structurally, incapable of being altered or added to overcome its shortcomings and to meet contemporary community standards.

The relocation of the Club to the western side of Regent Street will enable all of the Club's services and facilities to be provided on a single level and for all of the car parking associated with it to be consolidated onto the Club's site.

Additionally, the existing registered club premises need to be kept operational on Site 1 until the completion of the new Club on Site 3.

The purpose of the planning proposal is:

- to facilitate the relocation of the RSL Club to modern single level premises and enable it to satisfy recreation and leisure needs of the local community;
- to renew and revitalise this locality and realise Council's vision for growing Petersham as a residential precinct and as a centre;
- to provide public benefits in terms of:
 - significantly enhancing the public domain in this area; and
 - contributing to the provision of affordable housing;
- to promote and co-ordinate the orderly and economic use and development of the land in this locality; and
- to facilitate development in a manner consistent with contemporary town planning practice and principles relating to the integration of transport and land use and transit-oriented development and the use of public transport as the principal means of access to shops, services, leisure and recreational facilities.

4.0 Part 1 - Statement of Objective and Intended Outcome

The objectives and intended outcome of this planning proposal are:

- to facilitate the relocation of the Petersham RSL Club from its present site at 3-7 Regent Street to the land on the western side of Regent Street at 287-309 Trafalgar Street;
- to provide significant public benefits in the surrounding area, including public domain enhancements;
- to facilitate the economic use and development of the land in this locality in an orderly and co-ordinated way;
- to renew and revitalise development in the area surrounding the Petersham Railway Station; and
- to foster and promote development that is consistent with:
 - *A Plan for Growing Sydney*;
 - contemporary town planning practice and principles relating to the integration of transport and land use planning and transit-oriented development; and
 - Council's vision for growing Petersham as a residential precinct and as a centre.

5.0 Part 2 - Explanation of Provisions

5.1 Item 14 - Schedule 1

Schedule 1 of *MLEP 2011* contains number of properties on which land uses, in addition to those permitted under their zoning, may be carried out.

The new Club is to be located on Site 3.

Site 3 is zoned R4 High Density Residential under the terms of *MLEP 2011* and development for the purposes of a "registered club" is prohibited in this zone.

However, Item 14 in Schedule 1 enables a "registered club" to be constructed on the vast majority of Site 3, i.e. 287 Trafalgar Street and 16-20 Fisher Street.

The inclusion of 297-309 Trafalgar Street into Item 14 will enable those properties to be used in conjunction with the land at 287 Trafalgar Street to facilitate a more practical site for the relocation of the Club.

As 16-20 Fisher Street will not be required to accommodate the Club's relocation, it is proposed remove reference to those properties in Item 14 of Schedule 1.

The inclusion of subclause (3) into Item 14 is designed to ensure that the 150 car parking spaces required to support the Club's operation are not considered to be "gross floor area" and do not prejudice the development potential of the site as expressed by its "gross floor area".

5.2 Development Standards

The existing building height and floor space ratio standards and the standards involved in this planning proposal are as follows.

Building Height

Site	Lot/DP	Existing Height Standard	Proposed Height Standard
Site 1	Lot 1, DP 629058	S - 23.0m	T2 - 29.0m
Site 2	Lot 1, DP 830175	P - 17.0m	Q - 20m
Site 3	Lot 1, DP 68697 Lot 4, DP 1105379 Lot 1, DP 735751 Lot 1, DP 62688 Lot 10, DP 1004198 Lots A, B & C, DP 440676	S - 23.0m S - 23.0m S - 23.0m S - 23.0m T1 - 26.0m Q - 20.0m	V - 35.0m T2 - 29.0m Q - 20.0m

Floor Space Ratio

Site	Lot/DP	Existing FSR Standard	Proposed FSR Standard
Site 1	Lot 1, DP 629058	U4 - 2.80:1	U2 - 2.8:1
Site 2	Lot 1, DP 830175	S5 - 1.80:1	T3 - 2.1:1
Site 3	Lot 1, DP 68697	U1 - 2.50:1	V4 - 3.4:1
	Lot 4, DP 1105379	T5 - 2.30:1	
	Lot 1, DP 735751	T4 - 2.20:1	
	Lot 1, DP 62688	T4 - 2.20:1	
	Lot 10, DP 1004198	T5 - 2.30:1	
	Lots A, B & C, DP 440676	T5 - 2.30:1	

The proposed amendments to the building height and floor space ratio standards indicated on the *Height of Buildings Map* and the *Floor Space Ratio Map* represent the standards required to develop the land in this locality:

- to meet the objectives and intended outcomes of this planning proposal as outlined in Section 4.0; and
- to achieve the development in accordance with the development concept plans, relating to the proposed redevelopment of Sites 1, 2 and 3.

The rationale for the amendments of the standards is contained in Section 3.1.2 and the amendments to the maps are indicated on **Figures 3** and **6** in Section 7.0.

6.0 Part 3 - Justification

6.1 Justification

The justification for the planning proposal is that:

- it will facilitate the redevelopment of the land for a vital community-related recreation, leisure and cultural facility;
- it will renew and revitalise development in this locality and realise Council's vision for growing Petersham as a residential precinct and as a centre;
- it will ensure the promotion and co-ordination of the orderly and the economic use and development of the land in accordance with the object contained in Section 5(a)(ii) of the *EP&A Act*;
- it will be consistent with the metropolitan strategy for Sydney as embodied in *A Plan for Growing Sydney*;
- it will facilitate the redevelopment of the land in a manner consistent with contemporary town planning practice and principles relating to the integration of transport and land use and transit-oriented development; and
- it will provide a catalyst for further redevelopment of land in this locality in a manner consistent with Council's vision for the development of this locality.

6.2 Section A - Need for Planning Proposal

Is the planning proposal a result of any strategic study or report?

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 *MLEP 2011* and *MDCP 2011*.

This area, together with the Petersham Shopping Centre, was identified as a focus for urban renewal for new housing and local improvements to access, parks and the public domain.

The *Study* was prepared prior to Council's decision to include Item 14 into Schedule 1 of *MLEP 2011* to facilitate the relocation of the Club to the western side of Regent Street and, as such, did not contemplate this relocation.

Since that time:

- *A Plan for Growing Sydney*, an update of the Sydney metropolitan strategy, was published by the NSW Department of Planning & Environment in December 2014;
- Transport for NSW has fostered and promoted integrated transport and land use policies and transit-oriented development principles; and
- the NSW Legislative Assembly Committee on Transport and Infrastructure in 2012 held an inquiry into the utilisation of land adjacent to rail corridors in the Sydney metropolitan area.

This planning proposal has been prepared in the context of these contemporary strategic town planning practices and principles.

See also:

- the *Petersham Planning & Urban Design Study* prepared by Annand Associates Urban Design Pty Ltd in **Attachment 1**; and
- Section 3.1.2.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal represents the only means of achieving its objectives and intended outcomes.

6.3 Section B - Relationship to Strategic Planning Framework

6.3.1 State & Regional Planning Context

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

The strategic planning context for the consideration of this planning proposal involves:

- *A Plan for Growing Sydney*; and
- the draft Central District Plan.

6.3.1.1 A Plan for Growing Sydney

A Plan for Growing Sydney was published by the NSW Department of Planning & Environment in December 2014.

Its vision for Sydney is “*a strong global city, a great place to live*”.

This vision is to be realised by Sydney achieving the following goals:

- Goal 1: A competitive economy with world-class services and transport
- Goal 2: A city of housing choice with homes that meet our needs and lifestyles
- Goal 3: A great place to live with communities that are strong, healthy and well connected
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The *Plan* provides the following relevant directions and actions relating to this planning proposal.

Direction/Action	Proposal
<u>Direction 2.1: Accelerate housing supply across Sydney</u> Action 2.1.1 Accelerate housing supply and local housing choices Action 2.1.2 Accelerate new housing in designated infill areas (established urban areas) through the Priority Precinct program	The proposal is consistent with this Direction in that it will facilitate significant urban renewal and accelerate housing supply and local housing choice in terms of: • its proximity to employment opportunities; • its proximity to the Petersham Railway Station and Shopping Centre; • its proximity to high volume/high frequency public transport services; and • the existing infrastructure servicing this area.
<u>Direction 2.2: Accelerate urban renewal across Sydney - providing homes closer to jobs</u> Action 2.2.1 Use the Greater Sydney Commission to support Council-led urban infill projects Action 2.2.2 Undertake urban renewal in transport corridors which are being transformed by investment	The proposal will facilitate urban renewal and additional housing supply and is consistent with <i>MLEP 2011</i> which envisages a relocation of the Club to the western side of Regent Street and lifting housing production around the Petersham Railway Station. The proposal will facilitate urban renewal along the E2 Airport, Inner West & South and the E3 Bankstown railway corridor.
<u>Direction 3.1: Revitalise existing suburbs</u>	The proposal will facilitate the renewal and revitalisation of this section of Petersham and will provide a catalyst for further revitalisation.

The *Plan* is based on achieving a target of an additional 664,000 new dwellings by 2031 throughout the metropolitan area.

The planning proposal:

- is consistent with the goals, directions and actions contained in the *Plan*;
- will accelerate urban renewal and housing production;
- will remove barriers to increased housing production; and
- will put into place flexible planning controls which enable housing development that is feasible and appropriately located for increased residential densities.

6.3.1.2 Draft Central District Plan

The Inner West LGA is located in the Central District of Greater Sydney.

Draft *Central District Plan* was published by the Greater Sydney Commission in November 2016 and was exhibited until the end of March 2017.

The *Plan* is expected to be finalised toward the end of 2017.

The *Plan* translates and tailors the metropolitan planning directions of *A Plan for Growing Sydney*, specifically those relating to:

- accelerating housing supply across Greater Sydney;
- accelerating urban renewal across Greater Sydney by providing homes close to jobs;
- improving housing choice to suit different needs and lifestyles; and
- delivering timely well planned land release precincts and housing;

Its framework for a liveable city includes notions of:

- housing choice, by supporting affordable and appropriate housing for all;
- urban design excellence, by delivering high quality design that supports community safety, health and wellbeing and enhances community assets and character;
- connected communities, by supporting walking, cycling and public transport movement between destinations; and
- sense of belonging and social identity, by creating great places that are socially inclusive and promote respect and feelings of belonging.

The *Plan* indicates that:

- planning must ensure that there is capacity for new housing that responds to local needs and housing market characteristics in proximity to public transport, health, education, infrastructure and services;
- housing choice is to be improved by creating additional housing capacity in the District;
- housing strategies need to consider opportunities for additional capacity around strategic and district centres and other areas with good transport connectivity and service provision;
- because of the timeframes associated with delivering supply to the housing market, the planning system will need to continue to identify areas to create additional capacity;
- there is a need to accelerate housing supply across Greater Sydney to accommodate new housing growth while also responding to housing affordability;
- urban renewal provides opportunities to focus new housing in existing and new centres with frequent public transport that can carry large numbers of passengers meaning that more people can live in areas that provide access to jobs and services; and
- co-location of complementary land uses improves the viability of public transport, walking and cycling.

The proposal is consistent with an underlying tenet of the *District Plan* that design-led planning supports high quality urban design and creates great places.

The housing creation target for the Inner West LGA for the period 2016-2021 is 5,900 new dwellings.

The proposal is consistent with the draft *District Plan* in terms of:

- creating the capacity to deliver 20-year strategic housing supply targets across the District;
- increasing housing capacity, diversity, choice and affordability.
- increasing housing close to centres and stations making it easier to walk or cycle to shops or services, and to travel to work or other centres and reduce traffic congestion; and
- increasing building height in the right locations.

6.3.2 Local Planning Context

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council adopted *Marrickville Community Strategic Plan* in June 2013.

The proposal is consistent with this *Strategic Plan* as it will:

- provide the community with access to diverse and affordable sporting and recreation opportunities and improved accessibility to those facilities as a result of the relocation of the Club;
- assist in maintaining a local not-for-profit Club which provides vital sporting, leisure and cultural facilities to the local community;
- make a contribution to the provision of affordable housing to meet the needs of the local community; and
- align with the metropolitan strategies as expressed in *A Plan for Growing Sydney* and the draft *District Plan*.

6.3.3 State Environmental Planning Policies

Is the planning proposal consistent with applicable state environmental planning policies?

6.3.3.1 Summary Assessment

An assessment of the State environmental planning policies and Sydney regional environmental plans that apply to the land and the planning proposal is as follows.

State Environmental Planning Policy	Applicability
SEPP No.1 – Development Standards	N/A
SEPP No.14 – Coastal Wetlands	N/A
SEPP No.19 – Bushland in Urban Areas	Applies
SEPP No.21 – Caravan Parks	N/A
SEPP No.26 – Littoral Rainforests	N/A
SEPP No.30 – Intensive Agriculture	N/A
SEPP No.33 – Hazardous and Offensive Development	N/A
SEPP No.36 – Manufactured Home Estates	N/A
SEPP No.44 – Koala Habitat Protection	N/A
SEPP No.47 – Moore Park Showground	N/A
SEPP No.50 – Canal Estate Development	N/A
SEPP No.52 – Farm Dams and Other Works	N/A
SEPP No.55 – Remediation of Land	Applies
SEPP No.62 – Sustainable Aquaculture	N/A
SEPP No.64 – Advertising and Signage	Applies
SEPP No.65 – Design Quality of Residential Apartment Development	Applies
SEPP No.70 – Affordable Housing (Revised Schemes)	Applies
SEPP No.71 – Coastal Protection	N/A
SEPP (Affordable Rental Housing) 2009	Applies
SEPP (Building Sustainability Index: BASIX) 2004	Applies
SEPP (Exempt and Complying Development Codes) 2008	Applies
SEPP (Housing for Seniors or People with a Disability) 2004	Applies
SEPP (Infrastructure) 2007	Applies
SEPP (Integration and Repeals) 2016	N/A
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A
SEPP (Kurnell Peninsula) 1989	N/A
SEPP (Mining, Petroleum Production & Extractive Industries) 2007	N/A
SEPP (Miscellaneous Consent Provisions) 2007	N/A
SEPP (Penrith Lakes Scheme) 1989	N/A
SEPP (Rural Lands) 2008	N/A
SEPP (State and Regional Development) 2011	N/A
SEPP (State Significant Precincts) 2005	N/A
SEPP (Sydney Drinking Water Catchment) 2011	N/A
SEPP (Sydney Region Growth Centres) 2006	N/A
SEPP (Three Ports) 2013	N/A
SEPP (Urban Renewal) 2010	N/A
SEPP (Western Sydney Employment Area) 2009	N/A
SEPP (Western Sydney Parklands) 2009	N/A

Sydney Regional Environmental Plans	Consistency
SREP No.8 – (Central Coast Plateau Areas)	N/A
SREP No.9 – Extractive Industry	N/A
SREP No.16 – Walsh Bay	N/A
SREP No.20 – Hawkesbury-Nepean River	N/A
SREP No.24 – Homebush Bay Area	N/A
SREP No.26 – City West	N/A
SREP No.30 – St. Marys	N/A
SREP No.33 – Cooks Cove	N/A
SREP (Sydney Harbour Catchment) 2005	Applies

6.3.3.2 Consideration of Applicable Policies/Plans

SEPP No. 19 – Bushland in Urban Areas

The Policy applies to the Marrickville LGA, however, as the land does not contain any bushland, there are no relevant considerations of the proposal in terms of the Policy.

SEPP No. 55 – Remediation of Land

All of the land to which the proposal relates is zoned for high density residential purposes and the proposal does not raise any additional issues relating to the appropriateness of the soil conditions on the land to accommodate residential use under the terms of SEPP No.55.

An environmental site assessment prepared by Environmental Investigations is contained in **Attachment 2**.

SEPP No.64 – Advertising and Signage

The Policy applies to the Marrickville LGA.

The provisions of the Policy will be considered in relation to any development application that may be submitted for approval to erect and display signage.

SEPP No. 65 – Design Quality of Residential Apartment Development

The Policy applies to any development proposed under the current R4 High Density Residential zoning of the land under *MLEP 2011* in the same way as it applies to the increased development potential inherent in this proposal.

The provisions of the Policy will be considered in relation to the development application that is to be submitted for approval to construct residential apartment development on the land.

SEPP No. 70 – Affordable Housing (Revised Schemes)

The Policy applies to the land within the Greater Metropolitan Region.

Clause 9 does not identify that there is a need for affordable housing in the Marrickville LGA under the Policy.

SEPP (Affordable Rental Housing) 2009

The Policy applies to the whole State.

The proposal does not contain any provision that is relevant to the ongoing operation of this Policy.

SEPP (Building Sustainability Index: BASIX) 2004

The Policy applies to the whole State.

The provisions of the Policy will be considered in relation to the development application that is to be submitted for approval to construct residential development on the land and BASIX certificates will be submitted with that application.

SEPP (Exempt and Complying Development Codes) 2008

The Policy applies to the whole State.

The proposal does not contain any provision that is relevant to the ongoing operation of this Policy.

SEPP (Housing for Seniors or People with a Disability) 2004

The Policy applies to the whole State.

The proposal does not contain any provision that is relevant to the ongoing operation of this Policy.

SEPP (Infrastructure) 2007

The Policy applies to the whole State.

There is a comprehensive local road network serving this area which is conveniently connected to the arterial road network with intersections controlled by traffic signals and/or roundabouts.

The proposal is expected to increase the total number of apartments on the sites from 289 apartments permissible under the current standards to 359 apartments under the proposed standards, i.e. an increased potential of 70 apartments.

This increase is not expected to have any significant effect on the efficiency and effectiveness of the road network.

Adequate off-street parking can be provided in accordance with the *Apartment Design Guide* associated with SEPP No.65 and the Roads & Maritime Services' *Guide to Traffic Generating Developments*.

The effects of noise and vibration associated with surrounding rail and road infrastructure on any proposed residential development is capable of being addressed in accordance with established engineering practice.

Detailed assessments are to be submitted in connection with any development application.

SREP (Sydney Harbour Catchment) 2005

The Plan applies to land in this part of the Marrickville LGA.

Development on the land does not raise any issues relating to relevant provisions contained in the Plan.

Conclusion

The proposal is consistent with all relevant State policies and regional environmental plans.

6.3.4 Section 117 Directions**Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?****6.3.4.1 Summary Assessment**

An assessment of the proposal in terms of the Directions issued by the Minister for Planning & Environment under Section 117 of the *EP&A Act* that apply to the land and the proposal is as follows.

Direction	Applicability
Direction 1.1: Business and Industrial Zones	N/A
Direction 1.2: Rural Zones	N/A
Direction 1.3: Mining, Petroleum Production and Extractive Industries	N/A
Direction 1.4: Oyster Aquaculture	N/A
Direction 1.5: Rural Land	N/A
Direction 2.1: Environment Protection Zones	N/A
Direction 2.2: Coastal Protection	N/A
Direction 2.3: Heritage Conservation	See Section 6.3.4.2
Direction 2.4: Recreation Vehicle Areas	N/A
Direction 3.1: Residential Zones	See Section 6.3.4.2
Direction 3.2: Caravan Parks and Manufactured Home Estates	N/A
Direction 3.3: Home Occupations	See Section 6.3.4.2
Direction 3.4: Integrating Land Use and Transport	See Section 6.3.4.2
Direction 3.5: Development Near Licensed Aerodromes	See Section 6.3.4.2
Direction 3.6: Shooting Ranges	N/A
Direction 4.1: Acid Sulfate Soils	See Section 6.3.4.2
Direction 4.2: Mine Subsidence and Unstable Land	N/A
Direction 4.3: Flood Prone Land	See Section 6.3.4.2
Direction 4.4: Planning for Bushfire Protection	N/A
Direction 5.1: Implementation of Regional Strategies	See Section 6.3.1.2
Direction 5.2: Sydney Drinking Water Catchment	N/A
Direction 5.3: Farmland of State and Regional Significance on the NSW Far North Coast	N/A
Direction 5.4: Commercial and Retail Development along the Pacific Highway, North Coast	N/A
Direction 5.5: Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010
Direction 5.6: Sydney to Canberra Corridor	Revoked 10 July 2008
Direction 5.7: Central Coast	Revoked 10 July 2008

Direction	Applicability
Direction 5.8: Second Sydney Airport: Badgerys Creek	N/A
Direction 6.1: Approval and Referral Requirements	See Section 6.3.4.2
Direction 6.2: Reserving Land for Public Purposes	See Section 6.3.4.2
Direction 6.3: Site Specific Provisions	See Section 6.3.4.2
Direction 7.1: Implementation of the Metropolitan Plan for Sydney 2036	See Section 6.3.1.1
Direction 7.2: Implementation of Greater Macarthur Land Release Investigation	N/A
Direction 7.3: Parramatta Road Corridor Urban Transformation Strategy	N/A
Direction 7.4: Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
Direction 7.5: Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A

6.3.4.2 Consideration of Applicable Directions

Direction 2.3 - Heritage Conservation

The proposal does not involve any land that has been identified as containing any heritage items or Aboriginal areas, objects, places or landscapes, nor is it located in any heritage conservation area.

The proposal does not involve any change to the heritage provisions contained in *MLEP 2011* and, more particularly, provisions relating to the consideration of the effect of development on any heritage item or heritage conservation area in the vicinity of a proposed development.

The proposal is consistent with this direction.

Direction 3.1 - Residential Zones

The proposal will:

- broaden variety and choice of housing types to meet for existing and future housing needs;
- make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services;
- contribute to reducing housing demand on the urban fringe;
- facilitate well-designed housing; and
- not reduce the permissible residential density of the land, but will, in fact, increase it.

The land is serviced by the utility service infrastructure required to support its current zoning for high density residential development.

The proposal is consistent with this direction.

Direction 3.3 - Home Occupations

The proposal does not involve any amendment of the provisions contained in *MLEP 2011* relating to home occupations.

The proposal is consistent with this direction.

Direction 3.4 - Integrating Land Use and Transport

The proposal is consistent with contemporary State and regional town planning practice and principles relating to the integration of transport and land use and transit-oriented development and is consistent with aims, objectives and principles contained in:

- *Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001)*; and
- *The Right Place for Business and Services - Planning Policy (DUAP 2001)*.

The proposal is consistent with this direction.

Direction 3.5 - Development Near Licensed Aerodromes

The site is located in an area within which the ANEF varies between 20 and 25.

Clause 6.5(3)(c) of *MLEP 2011* requires Council to be satisfied that any development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) contained in *AS 2021-2000 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*.

Clause 6.6(2) of *MLEP 2011* requires Council to consult with the Civil Aviation Safety Authority in relation to any development application it receives that it is satisfied will penetrate Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the *Obstacle Limitation Surface Map* or the *Procedures for Air Navigation Services Operations Surface Map* for the Kingsford Smith Airport.

The proposal does not involve any change to Clauses 6.5 and 6.6 of *MLEP 2011* which contain provisions relating to development in areas subject to aircraft noise and airspace operations.

The proposal is consistent with the objectives of the direction of:

- ensuring the effective and safe operation of the Airport and not compromising its operation; and
- ensuring that residential development incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

The proposal is consistent with this direction.

Direction 4.1 - Acid Sulfate Soils

The site has not been identified as containing acid sulfate soils on the *Acid Sulfate Soils Map* accompanying *MLEP 2011*.

The proposal does not involve any change to the designation of acid sulfate soils as shown on the *Acid Sulfate Soils Map*.

The proposal is consistent with this direction.

Direction 4.3 - Flood Prone Land

The proposal does not create, remove or alter a zone or a provision that affects flood prone land.

The proposal is consistent with this direction.

Direction 6.1 - Approval and Referral Requirements

The proposal does not involve any provisions that:

- require the concurrence, consultation or referral of development applications to a Minister or public authority; or
- identify development as designated development

The proposal is consistent with this direction.

Direction 6.2 - Reserving Land for Public Purposes

The proposal does not involve creation, alteration or reduction of existing zonings or reservations of land for public purposes.

The Minister or public authority is not expected to request that any part of the land be reserved for a public purpose.

The proposal is consistent with this direction.

Direction 6.3 - Site Specific Provisions

The proposal does not involve any change to the zoning of the land but does involve an amendment to existing site-specific planning controls contained in Item 14 in Schedule 1 of *MLEP 2011* designed to facilitate the relocation of Petersham RSL Club onto 287 Trafalgar Street to include 297-309 Trafalgar Street to create an appropriately configured site to accommodate the relocation.

Existing development standards contained in *MLEP 2011* in this area are site-specific and the amendments proposed to them reflects the comprehensive urban design assessment contained in **Attachment 1**.

The proposal is consistent with this direction.

6.3.5 Summary

This planning proposal is consistent with:

- the strategic State, regional and local planning framework;
- all relevant State environmental planning policies; and
- all relevant Section 117 Directions.

6.4 Section C - Environmental, Social & Economic Impact

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?

The land is situated in a suburban context and is intensely developed for industrial and community uses.

The proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor will it have any adverse environmental effects.

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

Desired Future Character

The proposal does not involve any change to the zoning of the land for high density residential purposes.

Significant change is inherent in this zoning strategy.

The proposal will result in a development that is consistent with the desired future character of development in this locality.

Natural Environment

The proposal would not significantly change the effect of development on natural vegetation currently envisaged under the terms of *MLEP 2011* and the master plans for Sites 2 and 3 in the strategic context controls contained for the Petersham South Precinct in Part 9.6 of *MDCP 2011* which involve buildings ranging in height from 3 to 5-storeys setback 3m from Regent, Fisher and Trafalgar Streets and New Canterbury Road.

It is inevitable that any development will result in tree loss.

However, public domain improvements, such as:

- the undergrounding of overhead utility services on the western side of Regent Street;
- the installation of kerb blisters, rain gardens and footpath planting in road reserves; and
- the creation of an avenue of trees along Regent Street,

and site landscaping will establish a desirable public domain in the vicinity of the site, befitting its desired future character.

A detailed public domain and landscape plan is to be submitted in connection with any development application.

Heritage

There are a number of heritage items located in the vicinity of the site, most relevantly:

- the Petersham Railway Station group of buildings in Terminus and Trafalgar Streets;
- a group of Victorian houses on 1-5 Fisher Street; and
- the Petersham Reservoir and site on New Canterbury Road.

The proposal is not expected to have any effect on the heritage significance or setting of the infrastructure elements associated with the railway station or the reservoir.

The houses on 1-5 Fisher Street are well removed from the site and land in their immediate vicinity is zoned:

- B4 Mixed Use, with buildings up to 23m in height and floor space ratios varying from 2.4:1 to 3.3:1 permissible; and
- B1 Neighbourhood Centre, with buildings up to 14m in height and a floor space ratio of 1.2:1 permissible.

The proposal is not expected to have any effect on the heritage significance or setting of these houses.

A statement of heritage impact is to be submitted in connection with any development application.

Traffic & Parking

There is a comprehensive local road network serving this area which is conveniently connected to the arterial road network with intersections controlled by traffic signals and/or roundabouts.

The total number of apartments that could be constructed on the sites under the floor space ratio standards currently contained in *MLEP 2011* has been assessed to be 289 apartments.

This number is expected to increase to 359 apartments under the standards contained in the proposal, i.e. an increased potential of 70 apartments.

This increase is not expected to have any significant effect on the efficiency and effectiveness of the road network.

Adequate off-street car parking can be provided in accordance with the *Apartment Design Guide* associated with SEPP No.65 and the Roads & Maritime Services' *Guide to Traffic Generating Developments*.

A detailed traffic and parking impact assessment is to be submitted in connection with any development application.

General

Development likely to result from the proposal will not have any unexpected or unplanned environmental impacts.

The impacts of any development on the land are capable of being managed and regulated in the same way as any development contemplated on the site under the current zoning, *MLEP 2011* and *MDCP 2011*.

Has the planning proposal adequately addressed any social or economic effects?

The proposal will not result in any adverse social or economic impacts.

It will, in fact:

- 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 by Council as a high density residential precinct;
- increase the supply of housing thereby contributing to housing affordability;
- provide funds through a voluntary planning agreement to be entered into with Council that could be directed to providing 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
- be consistent with the State, regional and local planning strategic directions.

A detailed social impact study is to be submitted in connection with any development application.

6.5 Section D - State & Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

There is extensive public utility service infrastructure available in this area which supports the existing industrial, warehouse and business activities, including:

- water;
- sewerage;
- electricity;
- gas;
- telecommunications;
- roads; and
- public transport.

The available infrastructure is expected to be more than adequate to support development of the land as facilitated by this planning proposal.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The proposal does not raise any issues that are expected to be of concern to any State or Commonwealth public authority.

It is not expected that there will be any issues in connection with the *Obstacle Limitation Surface* and the *Procedures for Air Navigation Services Operations Surface* associated with the operations of Sydney (Kingsford Smith) Airport.

This will be confirmed by the Civil Aviation Safety Authority in the consultation process required following a Gateway Determination of the planning proposal.

Any State or Commonwealth authority identified in the Gateway Determination as needing to be consulted, will be consulted following that determination.

7.0 Part 4 - Mapping

Figures 3 to 6 illustrate the current and proposed development standards to be applied to the redevelopment of Sites 1, 2 and 3 in terms of height of buildings and floor space ratio.

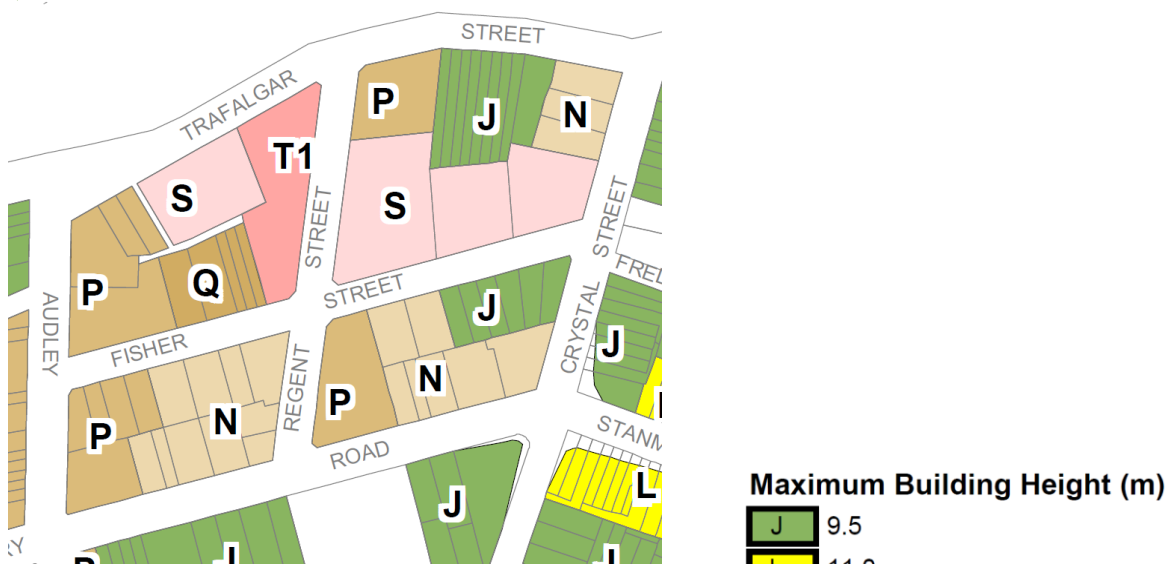


Figure 3
Existing Height of Buildings Map

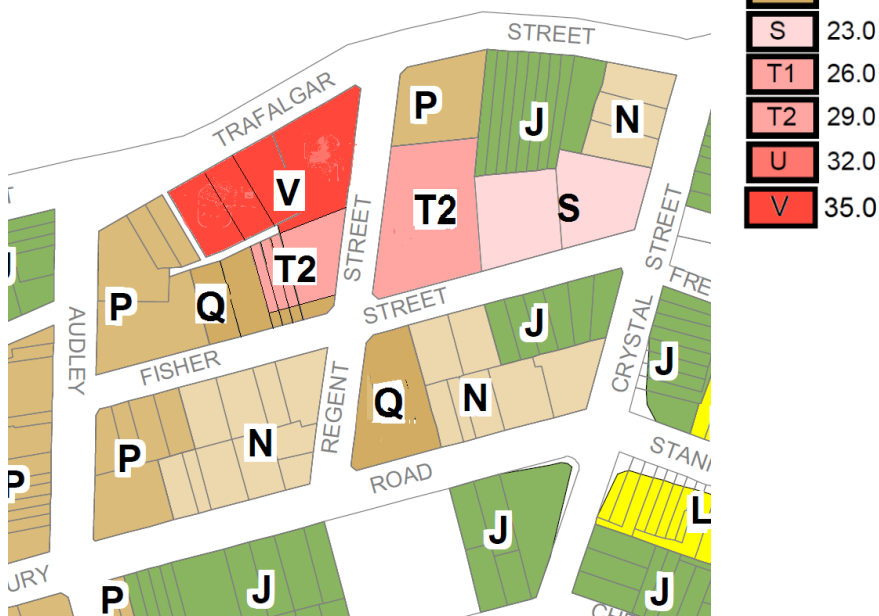


Figure 4
Proposed Height of Buildings Map

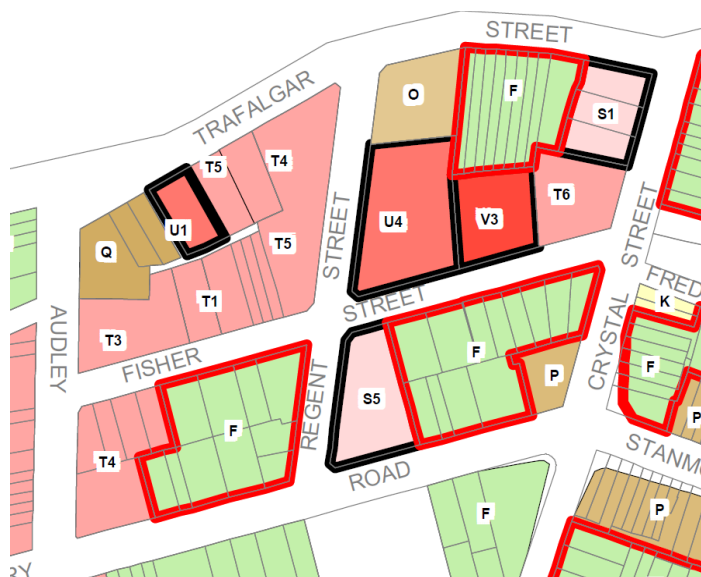


Figure 5
Existing Floor Space Ratio Map

Maximum Floor Space Ratio (n:1)

F	0.60	S1	1.50	U1	2.50
H	0.70	S2	1.60	U2	2.60
I	0.75	S3	1.70	U3	2.70
J	0.80	S4	1.75	U4	2.80
K	0.85	S5	1.80	V1	3.00
L	0.90	S6	1.85	V2	3.10
M	0.95	S7	1.90	V3	3.30
N	1.00	T1	2.00	V4	3.40
O	1.10	T2	2.05	W	3.70
P	1.20	T3	2.10		
Q	1.30	T4	2.20		
R	1.40	T5	2.30		
		T6	2.40		

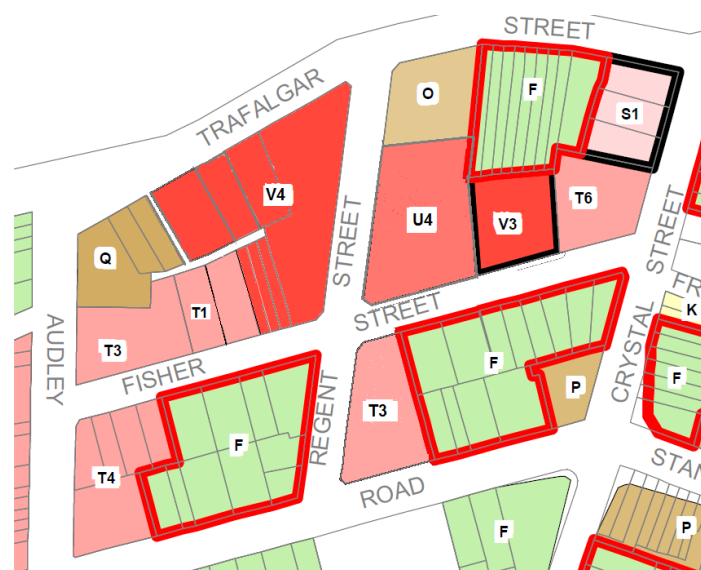


Figure 6
Proposed Floor Space Ratio Map

8.0 Part 5 - Community Consultation

The community consultation program to be undertaken for this proposal is expected to involve the normal requirements, including:

- the community consultation requirements of Section 57 of the *EP&A Act* and the *Environmental Planning and Assessment Regulation 2000*; and
- any consultations considered necessary by the Department of Planning & Environment with relevant State and Commonwealth authorities.

9.0 Part 6 - Project Timeline

The expected timeline for this planning proposal is as follows.

Task	Timing
Anticipated commencement date (date of Gateway determination)	September 2017
Anticipated timeframe for completion of required technical information	N/A
Timeframe for Government agency consultation (pre and post exhibition as required by Gateway determination)	September/October 2017
Commencement and completion dates for public exhibition	October/November 2017
Dates for public hearing (if required)	Not expected to be required
Timeframe for consideration of submissions	November/December 2017
Timeframe for the consideration of the planning proposal following exhibition	4 weeks
Consideration of planning proposal by Council (Council Meeting)	December 2017
Date of submission to the Department to finalise LEP	December 2017
Anticipated date LEP will be made	January 2018