



PLANNING PROPOSAL

13-55 Edinburgh Road, Marrickville

June 2020



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Introduction

This Planning Proposal has been prepared by Inner West Council (Council) to outline the intent and justification for an amendment to *Marrickville Local Environmental Plan 2011* (MLEP 2011) as it applies to 13-55 Edinburgh Road, Marrickville (the 'site'). The amendment seeks to include additional permitted uses for the site.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and guidelines published by the Department of Planning, Industry and Environment (DPIE) including 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

Site and Context

13-55 Edinburgh Road, Marrickville, shown in **Figure 1**, is legally known as Lot 1 DP 612551 and Lot 91 DP 4991. The site has an area of 8881.3m² and is irregularly shaped with frontage to Smidmore Street, Murray Street and Edinburgh Road.



Figure 1: Site Location (Source: SIX Maps)

The site currently comprises industrial warehouse buildings and associated car parking. A water drainage reserve also runs through the site.

The immediate surroundings comprise a mix of industrial, residential, commercial and educational uses. An electrical substation is located to the west of the site, on the opposite side of Smidmore Street. Marrickville Metro Shopping Centre is located to the north of the site, also on the opposite side of Smidmore Street.

The site is located approximately 800m from St Peters railway station. Enmore Park and Camdenville Oval are both approximately 450m from the site, while Sydney Park is located approximately 900m from the site.

The site is zoned IN1 General Industrial with a maximum FSR of 0.95:1 and no applicable height of building control. The Marrickville Metro Shopping Centre, located at 34 Victoria Road, is zoned B2 Local Centre. The site is identified as flood prone land

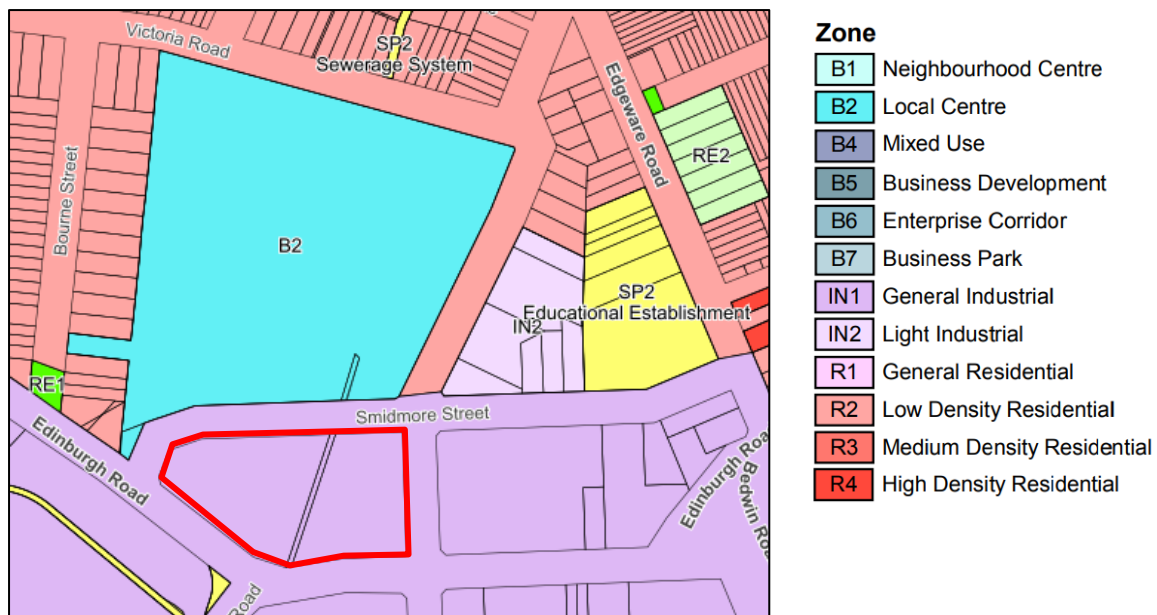


Figure 2: MLEP 2011 Zoning Map (site shown within red boundary)

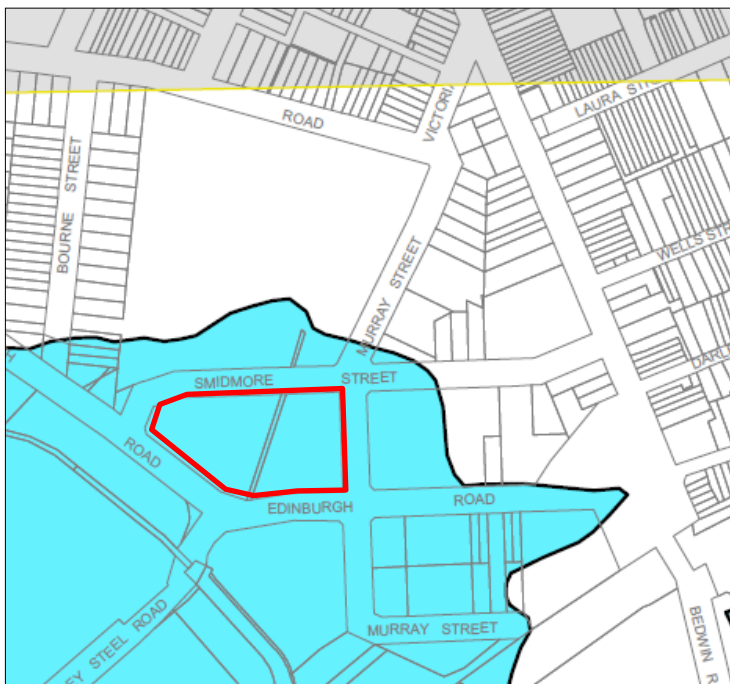


Figure 3: MLEP 2011 Flood Planning Map (site shown within red boundary)

Background

On 19 March 2012, the Department of Planning, Industry and Environment (DPIE) issued a Major Project Approval (MPA) (MP09_0191) to permit the expansion of the existing Marrickville Metro Shopping Centre. The MPA split the development into three stages:

- **Stage 1A** comprises works to the main entry of the existing Marrickville Metro shopping centre at Victoria Road, traffic management works and geotechnical works on the Edinburgh Road site.
- **Stage 1B** comprises the new shopping centre building at 13-55 Edinburgh Road.
- **Stage 2** comprises the expansion of the existing shopping centre, including first floor additions to the existing building at 34 Victoria Road.

Stage 1A of the MPA was completed in 2017 which means the MPA has physically commenced and is active. Works to Stage 1B have since commenced and the development, once completed, will be connected to the existing Marrickville Metro Shopping Centre by a pedestrian bridge.

On 4 July 2018, Council received a request for Pre-Planning Proposal advice for the site. The Proponent sought advice on the rezoning of the site from IN1 General Industrial to B2 Local Centre and increasing the maximum FSR from 0.95:1 to 1:65:1 to align the planning framework with the approved MPA.

On 8 August 2018, Council provided formal advice to the Proponent stating that a rezoning was unlikely to be supported. Council officers were concerned that a rezoning to B2 Local Centre may facilitate a development on the site that significantly departs from the granted MPA, such as shop-top housing, thus constraining the potential of the adjacent industrial precinct. As an alternative, Council officers recommended that the Proponent consider additional permitted uses. A copy of Council's Pre-Planning Proposal advice is included in **Attachment 3**.

DPIE and Greater Sydney Commission (GSC) have advised that the 'retain and manage' policy for industrial lands would not be enforced for this site as the MPA was activated prior to the adoption of the Eastern City District Plan.

On 31 October 2018, Modification 6 (MP09_0191_Mod 6) to the MPA was determined by the Department. The modification comprised external and internal changes to the approved development and construction of a new pedestrian bridge providing a link to the existing main shopping centre. The modification revised a condition to clarify the intent that both retail premises and business premises are permissible in the approved development on the site. Nevertheless, these land uses are still prohibited under the IN1 General Industrial zoning.

On 31 October 2018, a planning proposal application was lodged with Council. The Planning Proposal sought amendment of the MLEP 2011 to include additional permitted uses.

The Planning Proposal intends to address an anomaly whereby the uses approved by the MPA, specifically retail premises and business premises, are not permitted on the site under MLEP 2011, and seeks to permit other compatible uses that are commonly offered in shopping centres.

Under the existing planning framework, works relating to the proposed additional uses cannot be undertaken as exempt or complying development, nor obtain development consent from Council. This complicates the approval pathway for minor and low impact works relating to the approved shopping centre such as tenancy fitouts and first/change of uses. One of the general requirements for complying development is that development must be permissible with consent under an environmental planning instrument applying to the land.

The Planning Proposal will enable works to be undertaken in accordance with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), and allow development applications for child care facilities, medical centres and community facilities to be considered by Council. It will also ensure that the site can respond to any future amendments to the Codes SEPP or other state-wide planning policies that would affect the approval pathway for works typically associated with a shopping centre.

In accordance with the Local Planning Panel Ministerial Direction for planning proposals, Council's former General Manager determined that the Planning Proposal does not require advice from the Inner West Local Planning Panel. It was considered that the proposal would not have significant adverse impact on the environment or adjoining land. A copy of the General Manager's Memorandum can be found in **Attachment 4**.

PLANNING PROPOSAL

The Planning Proposal has been prepared by Council officers following assessment of the Proponent's requested amendments to MLEP 2011.

PART 1 – Objectives and Intended Outcomes

The objective of the Planning Proposal is to amend the *Marrickville Local Environmental Plan 2011* (MLEP 2011) to support the approved shopping centre redevelopment of 13-55 Edinburgh Road, Marrickville (the 'site') to:

- ensure consistency between the MLEP 2011 and the current Major Project Approval (MPA) for a shopping centre development on the site with regards to permissible land uses;
- ensure minor and low impact works associated with a shopping centre can be undertaken as exempt or complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*; and
- enable compatible land uses that are typically offered in a shopping centre to be considered in a development application to Council.

PART 2 – Explanation of Provisions

To achieve the desired objectives and outcomes, the Planning Proposal seeks to amend the MLEP 2011 by:

- Inserting 13-55 Edinburgh Road, Marrickville (Lot 1 DP612551 and Lot 91 DP4991) into Schedule 1 to:
 - permit retail premises, business premises, centre-based child care facilities, medical centres and community facilities; and
 - allow the additional permitted uses only in conjunction with the approved shopping centre extension under Major Project Approval MP09_0191.
- Amending the Key Sites Map (KYS_004) to include 13-55 Edinburgh Road, Marrickville.

Restricting the permissibility of the additional uses to only in conjunction with the approved shopping centre extension will ensure that if the intended development does not eventuate, only development consistent with the IN1 zoning would be possible.

The clause may be written as follows:

Schedule 1

23 – Use of certain land at 13-55 Edinburgh Road, Marrickville

(1) This clause applies to land at 13-55 Edinburgh Road, Marrickville, being Lot 1 in DP 612551 and Lot 91 in DP 4991.

(2) Development for the purposes of the following uses of an approved development is permitted with development consent;

- *Retail premises;*
- *Business premises;*
- *Centre-based child care facilities;*
- *Medical Centres; and*
- *Community facilities*

These uses must be delivered as part of the redevelopment of the site as an extension to the existing shopping centre and not within the existing warehouse buildings on site.

In the event that the consolidated Inner West LEP is published in advance of the subject planning proposal being finalised, the amendment would be incorporated into the Inner West LEP rather than being pursued as an amendment to MLEP 2011. This would not alter the intended outcome.

PART 3 – Justification

Section A – Need for the Planning Proposal

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

The Planning Proposal is not the result of a strategic study or report undertaken by Council. Council received a request on behalf of the owners of the site to amend the planning controls for 13-55 Edinburgh Road, Marrickville (the 'site').

The Planning Proposal supports the future use of Stage 1B of the MPA, granted in 2012, which permits the redevelopment of a new shopping centre building on the site. The proposed amendment would facilitate uses on the site consistent with the intended outcome of the MPA.

The IN1 General Industrial zoning of the site is not reflective of the approved retail development on the site as it prohibits retail premises and business premises, and restricts other uses that are typically offered in a shopping centre.

Since these uses are prohibited in the IN1 zone, a complying development certificate could not be issued under the Codes SEPP nor development consent granted under the MLEP 2011. One of the general requirements for complying development under the Codes SEPP is that development must be permissible with consent under an environmental planning instrument applying to the land (Clause 1.18 (1) (b)).

Similarly, under the existing planning framework, any other uses that might typically be offered in a shopping centre, such as community facilities, medical centres and child care centres, would need to obtain approval by way of a modification of the MPA as opposed to a development consent from Council.

The Planning Proposal seeks to simplify the approval process for minor works associated with the uses permitted under the MPA; and include other compatible uses, not considered at the time of the MPA.

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

Council officers considered the following three alternative options at Pre-Planning Proposal stage:

1. Do nothing;
2. Retain the IN1 zoning and include additional permitted uses;
3. Rezone to B2 Local Centre

Option 1 would continue the prohibition of uses that have been approved on the site under the MPA, unduly complicating the approval process for minor works and changes of use within the shopping centre. It would also preclude compatible uses from locating within the development.

The Proponent initially requested Option 3 to rezone the site to B2 Local Centre in order to be consistent with the existing Marrickville Metro at 34 Victoria Road, on the opposite side of Smidmore Street. However, this approach was not supported by Council officers for the following reasons:

- It would provide opportunity to substantially depart from the MPA and permit an array of (potentially inappropriate) uses that are not possible under the current approval. This was of particular concern given that work on the site under the MPA had not yet commenced;
- Development outcomes under a B2 zoning may result in land use conflict with the adjacent industrial uses and constrain the ability of the precinct to intensify its industrial function in the future;
- A rezoning to B2 would reinforce an extension of the local centre and encroachment upon industrial lands, the strategic merit of which has not been demonstrated;
- While the expansion of the Marrickville Metro in accordance with the MPA would result in the loss of industrial land, this should not be reinforced by the rezoning of the land. In the event that the approved development does not eventuate, the land should be returned to the valuable industrial stock of the Eastern City District and Inner West LGA.

The retention of the IN1 zoning and addition of permissible uses (Option 2) was considered the most appropriate and efficient means of achieving the intended outcome. It will ensure consistency with the intended outcome of the MPA and facilitate other compatible uses that are typically found in a shopping centre. It will also prevent a development that departs from the intended outcomes of the MPA and safeguard the industrial zoned land in the event that development under the MPA is not achieved.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan – Metropolis of Three Cities

The Greater Sydney Region Plan (GSRP) manages growth and change in the Greater Sydney Region. The GSRP integrates land use, transport and infrastructure planning.

Table 1 considers the consistency of the proposal with relevant objectives under the GSRP.

Table 1: Consideration of Objectives of Greater Sydney Region Plan

Objectives	Council's Response
Liveability	
Objective 6 Services and infrastructure meet communities' changing needs.	Consistent The Proposal seeks to permit centre-based childcare, medical centres and community facilities on the site which would service the current and future needs of the local community.
Objective 7 Communities are healthy, resilient and socially connected	Consistent The Proposal provides the opportunity to co-locate social infrastructure within an approved retail development that is close to public transport and can be easily accessed by the local community.
Objective 12 Great places that bring people together	Consistent The Proposal facilitates retail and business premises and integrates social infrastructure within an approved retail development on the site. In conjunction with the existing Marrickville Metro shopping centre, the Proposal provides further land use mix and amenity to the community.
Productivity	
Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	Consistent The Proposal seeks to facilitate the co-location of different services and uses adjacent to Marrickville Metro shopping centre, which is identified as a 'Local Centre' under the Eastern City District Plan. The proposal enables the use of retail premises and business premises within an approved shopping centre development, and seeks to facilitate social infrastructure on a site that is well serviced by existing public transport and that is identified as a 'local centre'. The proposal is consistent with this objective and priority by enabling further mix uses in an established centre.

<p>Objective 22 Investment and business activity in centres</p>	<p>Consistent</p> <p>The Proposal is prepared to reflect the MPA for the extension of Marrickville Metro shopping centre on the site.</p> <p>The proposed additional permitted uses support the delivery of retail and business premises and social infrastructure within the approved retail development, further enhancing the viability of the existing local centre and accessibility of day-to-day goods and services.</p> <p>The Region Plan establishes a three-level hierarchy of centres – metropolitan, strategic and local – to manage investment and business activity in Greater Sydney. The site is identified as a ‘Local Centre’ that is important for access to day-to-day goods and services.</p> <p>The proposal simplifies the approval process for retail premises and business premises which will encourages retail and commercial growth within an existing Local Centre. The proposal is consistent with this objective and priority.</p>
<p>Objective 23 Industrial and urban services land is planned, retained and managed</p>	<p>Inconsistency is justified</p> <p>The GSRP identifies industrial land in the Inner West LGA to be retained and protected from competing pressures such as residential or mixed use development. This is to ensure that Greater Sydney can accommodate economic and employment services to support the city’s productivity.</p> <p>The ‘retain and manage’ approach as detailed in the Plan is not applicable to this site as a Major Project Approval for a shopping centre was granted prior to the adoption of the District Plan.</p> <p>On 21 September 2018, DPIE and the Greater Sydney Commission (GSC) advised the Proponent that the retain and manage policy would not be enforced for this site.</p> <p>Refer to Table 2 and Table 5 for further discussion.</p>

Eastern City District Plan

The site is located within the Eastern City District which comprises the Bayside, Burwood, City of Canada Bay, City of Sydney, Inner West, Randwick, Strathfield, Waverley and Woollahra LGAs.

The Eastern City District Plan (EDCP), released in March 2018, contains the priorities and actions for implementing the GSRP at a district level.

Table 2 provides an assessment of the proposal against the relevant priorities in the ECDP.

Table 2: Consideration of Priorities of Eastern City District Plan

Priority	Council's Response
Liveability	
Planning Priority E3 Providing services and social infrastructure to meet people's changing needs	Consistent The Proposal seeks to permit centre-based childcare, medical centres and community facilities on the site which would serve the current and future needs of the local community.
Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	Consistent The Proposal provides the opportunity to co-locate social infrastructure within an approved retail development that is close to public transport and can be easily accessed by the local community.
Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage	Consistent The Proposal facilitates retail and business premises and social infrastructure within an approved retail development on the site. In conjunction with the existing Marrickville Metro shopping centre, the Proposal provides further land use mix and amenity to the community.
Productivity	
Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city	Consistent The Proposal co-locates different services and uses adjacent to Marrickville Metro shopping centre, which is identified as a 'Local Centre' under the Eastern City District Plan which is well serviced by existing public transport.

Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres	Consistent The proposal simplifies the approval process for retail premises and business premises which will encourages investment and business activity within an existing Local Centre.
Planning Priority E12 Retaining and managing industrial and urban services land	Inconsistency is justified The site is zoned IN1 General Industrial. A MPA for a retail development on the site was granted in 2012, essentially changing the industrial nature of the site. The approval remains active. DPIE and Greater Sydney Commission (GSC) have advised that the 'retain and manage' approach is not enforceable for this site as the MPA was activated prior to the adoption of the ECDP. The objective of this Planning Proposal is to ensure the MLEP 2011 permits uses that align with the active MPA and provide flexibility to accommodate other uses that are appropriate within a shopping centre. Notwithstanding, it is proposed that the amendment will include a provision that ties the additional permitted uses to the redevelopment of the site in accordance with the MPA, prohibiting these uses in any other scenario. If the MPA does not proceed, only development consistent with the IN1 zoning could be permissible.

Assessment Criteria

'A guide to preparing planning proposals' establishes Assessment Criteria to be considered in the justification of a Planning Proposal, which is considered below.

Table 3: Consideration of the Planning Proposal against the Assessment Criteria of 'A guide to preparing planning proposals'

Criteria	Assessment
(a) Does the proposal have strategic merit? Is it:	
<ul style="list-style-type: none"> Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; 	<p>As outlined above, the Planning Proposal is consistent with the GSRP and the ECDP.</p>
<ul style="list-style-type: none"> Consistent with the relevant local council strategy that has been endorsed by the Department; or 	<p>The Planning Proposal is broadly consistent with Council's LSPS and Community Strategic Plan – 'Our Inner West 2036'.</p>
<ul style="list-style-type: none"> Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends what have not been recognised by existing planning controls. 	<p>The Planning Proposal responds to an existing MPA that will deliver a new shopping centre development on the site.</p> <p>The zoning of the site under MLEP 2011 prohibits uses that are consistent with the approved shopping centre development.</p> <p>Therefore, the Proposal seeks to amend the MLEP 2011 to allow a range of uses that are appropriate and complimentary to the approved development.</p>
(b) Does the proposal have site-specific merit, having regard to the following:	
<ul style="list-style-type: none"> The natural environment (including known significant values, resources or hazards), 	<p>The subject land is identified as flood prone. However, the proposal presents no further flood risk in relation to the proposed uses.</p> <p>Further discussion of flooding is provided in Section C.</p>
<ul style="list-style-type: none"> The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and 	<p>The site is currently subject to a MPA for a new retail development that was granted in 2012. Works for this approval has physically commenced.</p>
<ul style="list-style-type: none"> The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. 	<p>The subject site is located within an established urban area. The Planning Proposal does not include additional residential dwellings on the site. It is not anticipated that the proposal will create substantial additional demand for infrastructure and services.</p>

Q4. Is the planning proposal consistent with the council's local strategy or other local strategy plan?

There are a number of local strategies and plans that are relevant to the Planning Proposal, which are considered below.

Inner West Local Strategic Planning Statement

Our Place Inner West – Local Strategic Planning Statement (LSPS), dated 20 March 2020, guides land use planning and development in the area to 2036 and provides the link between the Eastern City District Plan and priorities of Council's Community Strategic Plan.

The Planning Proposal is inconsistent with Planning Priority 9 of the LSPS which contains the action to “*Implement the Employment and Retail Lands Strategy*”. This will include the preparation of LEP provisions to preserve industrial and urban services land. Given the existing MPA was granted prior to the adoption of the Region and District Plans, the ‘retain and manage’ approach does not apply. Therefore, the inconsistency with Planning Priority 9 is justified. Further assessment of the proposal against the draft Employment and Retail Lands Strategy is provided in the section below.

Overall, the Planning Proposal is not inconsistent with the priorities of the LSPS.

Our Inner West 2036

Council's Community Strategic Plan (CSP) - ‘Our Inner West 2036’, endorsed in June 2018, identifies the community's vision for the future and sets out the long-term goals and strategies to get there and how to measure progress towards that vision. The Planning Proposal is consistent with the following outcomes of the CSP:

- *2.3 - Public spaces are high-quality, welcoming and enjoyable places, seamlessly connected with their surroundings;*
- *3.3 - The local economy is thriving;*
- *3.5 - Urban hubs and main streets are distinct and enjoyable places to shop, eat, socialise and be entertained;*
- *4.4 - People have access to the services and facilities they need at all stages of life.*

The Planning Proposal facilitates uses that are consistent with the intended outcomes of the MPA for the site and provides flexibility to support evolving uses that are typically offered in a shopping centre. The additional uses would also enable social infrastructure and community facilities on the site which positively contribute to the local community. Notwithstanding, the Planning Proposal is considered inconsistent with the following outcome:

- *3.4 - Employment is diverse and accessible*

Strategy 3.4.1 is to support local job creation by protecting industrial and employment lands. As discussed previously, the site is subject to an active MPA for a retail building that was granted in 2012. It has been confirmed by the GSC and DPIE that the 'retain and manage' policy is not enforceable for the site as the MPA was activated prior to the adoption of the Eastern City District Plan. Nevertheless, a site specific clause is proposed that links the additional permitted uses with the MPA ensuring that the land is returned to the LGA's industrial stock in the event that the retail development does not eventuate. Therefore, the proposal's inconsistency with this outcome is justified.

In consideration of the above, the Planning Proposal is generally consistent with *Our Inner West 2036*.

Inner West Draft Employment and Retail Land Strategy

IWC's Draft Inner West Employment and Retail Lands Strategy (EaRLS) and study provide an evidence based approach to managing employment lands and commercial centres in the LGA. The strategy was exhibited between 23 September 2019 and 27 October 2019.

The draft EaRLS study acknowledges the IN1 General Industrial zoning of the site is no longer appropriate and does not permit the wide range of uses that the site is being developed for as part of the MPA. A recommendation to rezone the site from IN1 General Industrial to B2 Local Centre is included to permit the widest range of retail and commercial uses while limiting residential uses.

As previously discussed, rezoning of the site is inappropriate as it may create the opportunity for a development outcome that departs from the MPA. However, rezoning of the site may be considered as part of the Inner West LEP program in the future, after completion of the approved development.

Overall, the proposal is not inconsistent with the strategies and actions of the draft EaRLS.

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

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (SEPPs) as shown in the table below.

Table 4 - Consideration of the Planning Proposal against relevant SEPPs

State Environmental Planning Policy	Comment
SEPP 55 – Remediation of Land	<p>Consistent</p> <p>Contamination of the site has been considered in accordance with SEPP 55 as part of the original MPA and the recent Modification (MP 09_0191 Mod 6).</p> <p>It has been found that the site is suitable for the approved development.</p> <p>The suitability of the site for childcare purposes would be considered as part of a development</p>
SEPP (Exempt and Complying Codes) 2008	<p>Consistent</p> <p>The Proposal enables the exempt and complying development provisions of this SEPP to apply to the approved development on the site.</p> <p>The Proposal does not contain any provisions that contradict this SEPP.</p>
SEPP (Infrastructure) 2007	<p>Consistent</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p> <p>Should the Planning Proposal proceed, any future development must comply with the requirements of this SEPP.</p>
SEPP (Educational Establishments and Child Care Facilities) 2017	<p>Consistent</p> <p>The Planning Proposal does not propose provisions that will preclude consent authorities from considering any additional matters before the determination of a development application for child care facilities in Zone IN1 or IN2.</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The Planning Proposal has been assessed against each of the Section 9.1 directions. Consistency with relevant directions are discussed in the table below.

Table 5 - Consideration of the Planning Proposal against Section 9.1 Directions

Direction title	Comments
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>Inconsistent</p> <p>The site is zoned industrial and is located within a significant industrial precinct. However, a MPA for a retail development on the site was granted in 2012, and is currently active, which has effectively turned the site over from industrial stock.</p> <p>On 5 October 2018, GSC issued Information Note, 'Industrial and urban services land (Retain and Manage) – transitional arrangements' (SP2018-1) and outlines how the retain and manage approach applies to planning proposals lodged before and after the adoption of the District Plan. It notes that for planning proposals lodged after the adoption of the District Plans in March 2018, the policy to retain and manage industrial and urban services land is to be applied.</p> <p>Notwithstanding, given the MPA precedes adoption of the District Plan, the retain and manage approach is not applicable to this Proposal. Both the GSC and DPIE have confirmed that the retain and manage policy of the EDCP would not be enforced for this site.</p> <p>A site-specific clause is proposed that links the permissibility of the additional uses with the MPA. This mechanism would not result in the permanent loss of the site as an industrial stock in the event that the MPA does not eventuate.</p> <p>Therefore, it is considered the proposal's inconsistency is minor and justifiable.</p>
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum production and Extractive Industries	Not applicable

1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Management	Not applicable
2.3 Heritage Conservation	<p>Consistent</p> <p>A number of heritage items are located within the vicinity of the site. The Planning Proposal will not affect the significance of these items.</p>
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E3 and E3 zones and Environmental Overlays in Far North Coast LEPs	Not applicable
2.6 Remediation of Contaminated Land	<p>Consistent</p> <p>Contamination has been considered under the MPA and modifications. A Contamination Synthesis Report established that the site is suitable, from an environmental perspective, for the proposed shopping centre redevelopment subject to the satisfaction of conditions during construction.</p> <p>The suitability of the site for childcare purposes would be considered as part of a development application.</p>
3. Housing, Infrastructure and urban Development	
3.1 Residential Zones	Not applicable
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	<p>Consistent</p> <p>The proposal facilitates uses within walking distance of public transportation including bus and railway.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>Not applicable</p> <p>The site is located on land below ANEF 30.</p>
3.6 Shooting ranges	Not applicable

3.7 Reduction in non-hosted short-term rental accommodation period	Not applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	<p>Consistent</p> <p>The site is located on land identified as having a probability of containing Class 2 Acid Sulfate Soil, however the proposal does not seek to facilitate any additional external works.</p>
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Land	<p>Consistent</p> <p>The site is identified as flood prone land. Consideration of the flood risk of the development has been undertaken as part of the assessment of the MPA. A Flood Emergency Response Plan has been prepared to support Stage 1B of the MPA to manage risk to customers and staff of the shopping centre along with measures to protect and minimise damage to the property.</p> <p>The Planning Proposal would not amend the approved built form on the site and therefore would not impact the flood risks to the users of the shopping centre.</p> <p>At the request of Council's Engineers, the proponent has prepared a detailed flooding assessment report to investigate the feasibility of permitting medical centres on the site in respect of the flood risk..</p> <p>The submitted Flood Assessment and Emergency Response (FAER) Plan, considers it unlikely that patients attending a medical centre, such as a general practice, would require emergency treatment. However, it acknowledges that a patient may develop a medical emergency and require evacuation from the centre during a flood event. It identifies an off-site evacuation point that is available during extreme flood events.</p>

	<p>The evacuation point is located via a staircase off Victoria Road to which access can be provided from an approved pedestrian bridge between the existing shopping centre and the new retail development on the site.</p> <p>Council's Engineer raises no objections to the proponent's FAER Plan. Further consideration of flood risk will be undertaken in the assessment of development applications.</p>
4.4 Planning for Bushfire Protection	Not applicable.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchment	Not applicable
5.3 Farmland of State and Regional Significance on NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.9 North West Rail Link Corridor Strategy	N/A
5.10 Implementation of Regional Plans	N/A
5.11 Development of Aboriginal Land Council land	N/A
6. Local Plan Making	
6.1 Approval and referral requirements	<p>Consistent</p> <p>The Planning Proposal does not include provisions requiring additional concurrences, consultation or referrals of future development applications.</p>
6.2 Reserving Land for Public Purposes	Not applicable

6.3 Site Specific Provisions	<p>Inconsistent</p> <p>The objective of this direction is to limit unnecessarily restrictive site-specific controls.</p> <p>The Planning Proposal is inconsistent with this direction as it introduces additional permitted uses on the site and imposes an additional requirement that ties the delivery of these uses to the existing development approval.</p> <p>The Planning Proposal seeks to facilitate compatible uses to support the future use of a retail development approved under the former Part 3A. The proposed uses are otherwise not permissible under the existing industrial zoning.</p> <p>A rezoning of the site to accommodate the additional uses was considered inappropriate as it could facilitate an outcome on the site contrary to the MPA. Despite the site not being subject to the retain and manage approach, as confirmed by GSC and DPIE, a site specific clause is proposed to ensure the site continues to operate as industrial land in the event that the MPA does not eventuate.</p> <p>For this particular proposal, an amendment to Schedule 1 of MLEP 2011 is considered the most appropriate way to achieve the objectives. The proposal would not impose additional development standards or requirements to IN1 zones and does not contain any drawings or specific details of a development.</p> <p>Therefore, the inconsistency is of minor nature and justified.</p>
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7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	<p>Consistent.</p> <p>This direction requires planning proposals to be consistent with A Plan for Growing Sydney. A Plan for Growing Sydney was superseded by the Greater Sydney Region Plan in March 2018.</p> <p>The proposal is consistent with the Greater Sydney Region Plan as outlined in the response to Q3.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable

Section C – Environmental, social and economic impact

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

No critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal.

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

The site is identified as flood prone land in MLEP 2011.

Previous assessment of the MPA has considered the flood risk of the development on the site. A Flood Emergency Response Plan has also been prepared to support Stage 1B of the MPA to manage risk to customers and staff of the shopping centre along with measures to protect and minimise damage to the property.

A Flood Assessment and Emergency Response (FAER) Plan, prepared by Hydrostorm Consulting, was submitted at the request of Council's Engineers (**Attachment 2**). The FAER Plan assessed the flood risk associated with permitting medical centres as a permissible use on the site and made recommendations to manage risk.

The FAER Plan identifies an off-site evacuation point that is available during extreme flood events. The evacuation point is located via a staircase off Victoria Road to which access can be provided from an approved pedestrian bridge between the existing shopping centre and the new retail development on the site.

Council's Engineer raises no objections to the proponent's FAER Plan. Further consideration of flood risk will be undertaken in the assessment of development applications.

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

The Planning Proposal will result in social and economic benefits as it supports the future shopping centre development on the site which will positively contribute to the local community and economy. Permitting childcare facilities, medical centres and community facilities on the site would enable social infrastructure accessible by the local community.

The proposal is inconsistent with the 'retain and manage' approach of the Region Plan and District Plan. However, the inconsistency is justified as the MPA was granted prior to the adoption of the ECDP in 2018.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is located in an established urban area and has access to relevant utilities. It is approximately 800m from St Peters railway station and is serviced by existing bus routes. Notwithstanding, future development applications will require further investigation of the likely services that will be required for the site.

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

Consultation with relevant state and Commonwealth public authorities will be undertaken in accordance with a Gateway determination.

PART 4 – Mapping

The proposed mapping will be prepared to support the exhibition of the proposal following a Gateway decision.

PART 5 – Community Consultation

Stakeholder and community consultation will be undertaken in accordance with the legislative requirements, any conditions of a Gateway determination and Council's Community Engagement Framework.

PART 6 – Project Timeline

The table below outlines the anticipated timeline for completion of the Planning Proposal if approved for public exhibition at Gateway.

Milestone	Timeframe
Planning Proposal submitted to DPIE seeking Gateway determination	June 2020
DPIE assesses the Planning Proposal and issues Gateway Determination	July 2020
Public Exhibition	Aug-Sept 2020
Consideration of submissions and preparation of updates to the Planning Proposal	September 2020
Report to Council on post-exhibition outcomes and seek resolution to finalise the Planning Proposal	October 2020
Drafting of amendments with Parliamentary Counsel and finalisation of mapping	November 2020
LEP made (if delegated)	December 2020
Plan forwarded to DPIE for notification	January 2021