

Item No: C0521(1) Item 2

Subject: POST EXHIBITION OF PLANNING PROPOSAL - 13-55 EDINBURGH ROAD, MARRICKVILLE

Prepared By: Alan Chen - Strategic Planner

Authorised By: Daniel East - Manager Strategic Planning

RECOMMENDATION

THAT Council:

1. **Note the engagement outcomes of the public exhibition of the Planning Proposal;**
2. **Endorse the amendments to the Marrickville Local Environmental Plan 2011 for 13-55 Edinburgh Road Marrickville detailed in the revised Planning Proposal (Attachment 1) as informed by the Post Exhibition Report (Attachment 2);**
3. **Submit the Planning Proposal and liaise with the Department of Planning, Industry and Environment Minister to make the amendment under section 3.36 of the Environmental Planning and Assessment Act 1979.**

DISCUSSION

The Planning Proposal (**ATTACHMENT 1**) seeks to amend Marrickville Local Environmental Plan (LEP) 2011 to permit retail premises, business premises, centre-based childcare facilities, medical centres and community facilities at 13-55 Edinburgh Road, Marrickville (the 'site') that is currently zoned as IN1 General Industrial. The purpose of the proposed amendment is to simplify the approval process for minor works, such as tenancy fit outs and changes of use, for retail premises and business premises, allowing these works to be undertaken as complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The proposal also seeks to enable other compatible land uses on the site that are typically offered in shopping centres. It is noted, this proposal only requires a LEP amendment and a Development Control Plan amendment is not required.

A Part 3A Major Project Approval (MPA) to allow the expansion of the existing Marrickville Metro Shopping Centre at 34 Victoria Road and a new two-level retail building at the site was granted in 2012 by Department of Planning Industry and Environment (DPIE). Construction of this MPA is due to complete in June 2021.

On 28 July 2020, Council resolved to endorse the Planning Proposal for Gateway Determination. A Gateway Determination was received on 15 September 2020 and DPIE endorsed the Planning Proposal for public exhibition on 26 February 2021. Council exhibited the Planning Proposal between 3 - 31 March 2021. A total of 11 individual submissions were received; 10 supported the proposal and 1 opposed it (**ATTACHMENT 2**).


The engagement outcomes report can be viewed:

<https://yoursay.innerwest.nsw.gov.au/planning-proposal-marrickville-metro>. The issue raised in the objection related to the location of a bus stop, which is not relevant to the planning proposal.

A submission from the proponent received by Council on 22 March 2021 (refer to **ATTACHMENT 2**) requested the proposed wording, that restricts the permissibility of the proposed additional uses to the approved development under the MPA and not within the existing warehouse buildings, be removed. The original intent of this clause was to avoid a piecemeal development of an existing industrial site in the event where the LEP amendment would progress in advance of the approved development. Given the current circumstances where the approved development is anticipated to be finalised in June 2021, this proposed clause is no longer necessary. Council Officers have reviewed the submission and accept the rationale of the request which is now reflected in the revised Planning Proposal.

ATTACHMENTS

1. [↓](#) Revised Planning Proposal
2. [↓](#) Post Exhibition Council Officer Report

	
COUNCIL OFFICER'S PLANNING PROPOSAL ASSESSMENT REPORT	
Planning Proposal No.	PPAP/2020/0005
Address	13-55 Edinburgh Road, Marrickville
Proposal	Planning proposal to amend <i>Marrickville Local Environmental Plan 2011</i> to include retail premises, business premises, centre-based child care facilities, medical centres and community facilities as additional permitted uses.

1. Background

In 2012, a Part 3A Major Project Approval (MPA) was granted to allow a new two-level retail building on the site that forms part of the expansion of the existing Marrickville Metro Shopping Centre.

On 31 October 2018, the proponent, Urbis, lodged a Planning Proposal application with Council.

The intent of the Planning Proposal was to address an anomaly whereby the uses approved by the MPA, specifically retail premises and business premises, are not permitted on the IN1 General Industrial zoned site under MLEP 2011, and seeks to permit other compatible uses that are commonly offered in shopping centres.

Council officers prepared a Planning Proposal following the assessment of the Proponent's requested amendments to MLEP 2011. The Planning Proposal included an amendment to the Key Sites Map and a proposed clause to restrict the permissibility of the additional uses only in conjunction with the MPA.

The amendment to the Key Sites Map has since been removed as it was deemed unnecessary because the textual inclusion of the proposed uses were considered adequate in achieving the objective and intended outcome of the proposed amendment.

On 28 July 2020, Council resolved to endorse the Planning Proposal for Gateway Determination. A Gateway Determination was received on 15 September 2020 and DPIE endorsed the Planning Proposal for public exhibition on 26 February 2021.

The purpose of the proposed amendment is to simplify the approval process for minor works, such as tenancy fit outs and changes of use, for retail premises and business premises; and enable other compatible land uses on the site that are typically offered in shopping centres.

2. Submissions

The Planning Proposal was publicly exhibited for 28 days from 3 March 2021 to 31 March 2021. The exhibition material was made available on Council's Yoursay Inner West Website. Letters were sent to owners and occupiers in the surrounding area. A notification letter was also sent to NSW SES as part of the Gateway requirement to consult with public authorities.

A total of 11 individual submissions were received; 10 submissions supported the development and 1 opposed it. In summary, the single submission which opposed it did not relate to the Planning Proposal.

A submission was directly received from the proponent on 22 March 2021 (refer to **Appendix 1**).

The submission relates to the proposed clause to restrict the permissibility of the additional permitted use to the approved development and not within the existing warehouse buildings. The original intent of this clause was to avoid a piecemeal development of an existing industrial site in the event where the LEP amendment would progress in advance of the approved development. Given the current circumstances where the approved development has begun construction and is anticipated to open in June 2021, this proposed clause is no longer necessary. As such, the proponent requests this proposed clause to be removed from the Planning Proposal.

3. Recommendation

Council Officers note that since the lodgement of the Planning Proposal, the construction of the shopping centre development on the site is near completion. Council officers accept the rationale of the proponent's submission and agrees the proposed clause in Schedule 1 to bind the permissibility of the additional uses with the approved development is unnecessary given the progress of the construction.

It is recommended that the abovementioned clause to be removed from the proposed amendment.