

Planning Proposal to amend Marrickville LEP 2011 to rezone 183 and 203 New Canterbury Road, Lewisham from IN2 Light Industrial to R4 High Density Residential and R2 Low Density Residential respectively and amend development standards (20 dwellings, 0 jobs)

Proposal Title :	Planning Proposal to amend Marrickville LEP 2011 to rezone 183 and 203 New Canterbury Road, Lewisham from IN2 Light Industrial to R4 High Density Residential and R2 Low Density Residential respectively and amend development standards (20 dwellings, 0 jobs)		
Proposal Summary :	The Planning Proposal seeks to amend the Marrickville Local Environmental Plan 2011 (MLEP 2011) as follows: • 183 New Canterbury Road, Lewisham; • rezone the land from IN2 Light Industrial to R4 High Density Residential; • apply a maximum building height of 14m; and • amend the FSR from 0.95:1 to 1.35:1. • 203 New Canterbury Road, Lewisham; • rezone the land from IN2 Light Industrial to R2 Low Density Residential; • apply a maximum building height of 9.5m; and • amend the FSR from 0.95:1 to 0.6:1.		
PP Number :	PP_2017_IWEST_009_00	Dop File No :	17/06069

Proposal Details

Date Planning Proposal Received :	01-May-2017	LGA covered :	Inner West
Region :	Metro(CBD)	RPA :	Inner West Council
State Electorate :	MARRICKVILLE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	183 New Canterbury Road		
Suburb :	Lewisham	City :	Sydney
Land Parcel :	Lot 81 DP 748418	Postcode :	2049
Street :	203 New Canterbury Road		
Suburb :	Lewisham	City :	Sydney
Land Parcel :	Lot 9 DP 653758	Postcode :	2049

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DoP Planning Officer Contact Details

Contact Name : **Douglas Cunningham**
 Contact Number : **0292746357**
 Contact Email : **douglas.cunningham@planning.nsw.gov.au**

RPA Contact Details

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

DoP Project Manager Contact Details

Contact Name : **Martin Cooper**
 Contact Number : **0262746582**
 Contact Email : **martin.cooper@planning.nsw.gov.au**

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 20 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The Planning Proposal seeks to amend the planning controls applying to 183 New Canterbury Road, Lewisham to allow a residential building development on the site and to amend the controls applying to the 203 New Canterbury Road, Lewisham to reflect the site's historic use as a residential dwelling.**

The Planning Proposal is supported as it will provide housing in close proximity to employment, local services and public transport. The rezoning will not result in a

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External Supporting
Notes :

significant loss of employment land.

The former Marrickville Council considered several reports on the appropriate future land use direction for IN2 Light Industrial zoned properties located on New Canterbury Road, Lewisham. On 5 June 2012, the former Marrickville Council considered a submission to rezone IN2 Light Industrial zoned properties located on New Canterbury Road and Wardell Road to a more flexible mixed-use zone that allows residential, retail and creative-industry uses. The submission also sought an increase in the FSR from 1:1 to 2.5:1 to allow redevelopment to four storeys with pronounced corner elements.

In July 2016, Inner West Council received a Planning Proposal request for 183, 203 and 218 New Canterbury Road, Lewisham. 183 and 203 New Canterbury Road are two adjacent sites on the northern side of the road, with 218 New Canterbury Road being directly opposite the two sites on the southern side of the road.

Council officers undertook a preliminary assessment of the proposal which identified significant issues with the application, particularly in relation to the site at 218 New Canterbury Road. The applicant was advised that, in its current form, Council would not support the planning proposal. Council recommended that should the applicant wish to proceed, an application for the northern side of New Canterbury Road (183 and 203 New Canterbury Road) would only be considered. The Applicant then submitted a Planning Proposal to this effect.

Council has requested delegation of the Minister's plan making functions under section 59 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Given the policy implications for the proposal and the outstanding inconsistencies with Section 117 Directions, delegation has not been issued to Council and the Department will manage the finalisation process.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The Planning Proposal seeks to amend the planning controls applying to 183 New Canterbury Road, Lewisham to facilitate the construction of 20 residential dwellings and to amend the controls applying to the 203 New Canterbury Road, Lewisham to reflect its current use as a residential dwelling.

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

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

Comment : The Planning Proposal seeks to amend the Marrickville Local Environmental Plan 2011 (MLEP 2011) as follows:

- 183 New Canterbury Road, Lewisham;
 - rezone the land from IN2 Light Industrial to R4 High Density Residential;
 - apply a maximum building height of 14m; and
 - amend the FSR from 0.95:1 to 1.35:1.
- 203 New Canterbury Road, Lewisham;
 - rezone the land from IN2 Light Industrial to R2 Low Density Residential;
 - apply a maximum building height of 9.5m; and
 - amend the FSR from 0.95:1 to 0.6:1.

203 New Canterbury Road, Lewisham does not form part of the proposed development site. The proposed rezoning and amendment of development standards align the controls with the current use of the site.

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Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

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

SECTION 117 DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

The objectives of this Direction are to encourage employment growth in suitable locations and support the viability of identified strategic centres. In addition, the Direction aims to protect employment land in business and industrial zones. This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone.

The Direction states that a planning proposal may be inconsistent with the terms of this Direction only if the proposed inconsistencies:

- are supported by a strategy or study which considers the site;
- is consistent with a regional or state government strategy that considers the objective of this Direction; or
- is considered to be of minor significance.

The applicant's proposal states the rezoning will facilitate additional housing which in turn will increase the population. This uplift in population would create an increased demand for local services, providing a need for more local jobs and provide growth in local employment uses. The applicant argues that this growth would outweigh any loss of employment from rezoning the sites. As the land represents only 0.1% of the total industrial zoned land in Marrickville, Council considers inconsistency with this Direction is considered minor.

The Planning Proposal is not supported by any economic assessment about the viability of the site for continued industrial use, nor is it supported by a Council study. Whilst Council has assessed the proposal against "A Plan for Growing Sydney", it has not assessed the proposal against the Industrial Lands Strategic Assessment Checklist, as required outlined in A Plan for Growing Sydney.

The proposal's inconsistency with this Direction is not considered to be adequately justified as it has not demonstrated the broader strategic merit to address the objectives of this Direction. Without the support of evidence based studies and reports, the Department does not consider the proposal's inconsistency with this Direction to be minor.

The Gateway determination has been conditioned to undertake a study to review the IN2 Light Industrial zoned sites between 133-203 and 180-228 New Canterbury Road, Lewisham to determine the suitability of retaining the IN2 zone and to determine whether the land is suitable for alternate urban services or employment uses.

GREATER SYDNEY COMMISSION

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The Greater Sydney Commission (GSC) was briefed about this proposal. The GSC raised concern regarding the proposal due to the proposed loss of employment zoned land. The GSC requested that the retention and use of the land for alternative employment uses be assessed. The GSC would prefer if Council undertook a review of the zoning of the entire strip of IN2 Light Industrial zoned land located on New Canterbury Road, Lewisham.

The GSC has been briefed on the conditional Gateway determination and noted that it is consistent with the advice it previously issues and supports the proposal proceeding to Gateway.

INDUSTRIAL LANDS STRATEGIC ASSESSMENT CHECKLIST

An assessment against the checklist has been provided below.

1. Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?

The proposal is inconsistent with State strategies relating to the protection and retention of employment lands. The proposed rezoning will result in the reduction of employment land and potentially impacting upon the future viability of the remaining industrial lands in the immediate surrounds. Council has no formal strategy relating to employment lands in the area.

2. Is the site:

- near or within direct access to key economic infrastructure?
- contributing to a significant industry cluster?

The site's only access is currently via New Canterbury Road. The site does not have direct access to Parramatta Road, however it can easily be accessed to the east via Crystal Street. The site does not form part of a significant industrial precinct, however is adjacent to and located in close proximity to several other IN2 Light Industrial zoned sites.

3. How would the proposed rezoning impact the industrial land stocks in the subregion or region and the ability to meet future demand for industrial land activity?

The site represents 0.1% of the industrial land supply within the Marrickville area. The rezoning would not significantly impact upon the industrial land stocks within the region and the ability to meet future demand for industrial land activity.

Despite its IN2 Light Industrial zoning, 203 New Canterbury Road is currently being used for residential purposes, with a purpose built residential dwelling located on site. Council states that there is no evidence that the site has ever been used for industrial purposes.

4. How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objective?

The proposed rezoning would not significantly impact upon the achievement of regional or local government area employment capacity targets and employment objectives as the site only represents 0.1% of total industrial zoned land within the former Marrickville local government area.

5. Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future?

The Applicant's main argument for rezoning the sites is the long term benefits that

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residential dwellings would bring to the area. The proposal has not considered whether the site could be used for alternative industrial or employment uses.

6. Is the site critical to meeting the need for land for an alternative purpose?

The site is not critical to meet any future residential targets or retail/commercial space goals. The site is approximately 1,500m² and is considered by Council to be too small for mixed use zoning.

INDUSTRIAL PRECINCT REVIEW - HILL PDA 2015

As part of the preparation of the draft District Plans for Metropolitan Sydney, an industrial precinct review (Hill PDA, 2015) was commissioned to inform and support the evidence base for the preparation of three of Sydney's District Plans (Northern, Central and Southern). The study assessed the 'health' of 135 industrial precincts across Sydney. In this study the 'health' of each precinct is based on its economic function and output together with its attraction as a place to invest and operate an industrial use.

The New Canterbury Road, Lewisham industrial area was found to be in 'poor health' with a score of 6 out of 15 (being given a score of 1.5 for 'Investment and Business', a score of 2.5 for 'Location, Function and Connections' and a score of 2 for 'Economic Outputs and Jobs'). The nearby Old Canterbury Road, Lewisham industrial area was also deemed to be in 'poor health' with a score of 3 out of 15 (being given a score of 0 for 'Investment and Business' and 'Economic Outputs and Jobs' and a score of 3 for 'Location, Function and Connections').

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

If No, explain :

Although Council has not justified the inconsistency with Section 117 Direction 1.1 Business and Industrial Zones, it is considered the rezoning of the two sites would not compromise future options for the surrounding industrial operators. 203 New Canterbury Road is currently being used for residential purposes and Council states that there is no evidence that the site has ever been used for industrial purposes.

The light industrial zoned land within the New Canterbury Road, Lewisham area is generally underutilised or not being used for light industrial purposes. Council states that the extension of retail uses from the main Petersham commercial precinct to the site is considered to not be viable, given the size and type of development.

Council has noted that if 183 New Canterbury Road formed part of a larger amalgamated site a mixed use/commercial use would have been seen as being more appropriate. As the site is proposed to be developed independent of other sites, Council considers that these uses are not appropriate.

It is considered that the proposal has demonstrated site specific merit to support it progressing to Gateway as it will deliver housing in a location that is close to services and public transport and would not result in a significant loss of employment land. However, the Planning Proposal's broader strategic merit, consistency with S117 Direction 1.1 Business and Industrial Zones and State policy for employment lands has not been demonstrated.

Should the proposal proceed to Gateway determination, it is recommended that a review of the IN2 Light Industrial zoned land on New Canterbury Road, Lewisham be undertaken to determine the suitability of retaining the IN2 Light Industrial zone, determine whether the land is suited for an alternate urban services or employment use, and to satisfy and comply with the requirements of Section 117 Direction 1.1 Business and Industrial Zones.

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided is considered adequate for the assessment of the planning proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal notes that the Gateway Determination will specify the community consultation to be undertaken. A period of 28 days is recommended.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in relation to Principal LEP : **Marrickville LEP 2011 was notified on 12 December 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is not a result of any strategic study or report. A planning proposal is the best means to achieve the intended outcomes and objectives to facilitate the redevelopment of the site.**

Consistency with strategic planning framework : **The proposal is considered consistent with the goals and objectives of A Plan for Growing Sydney relating to the provision of housing.**

The proposal has not considered or addressed inconsistencies with Goal 1: A competitive economy with world-class services and transport relating to the loss of employment generating floor space and industrial land and the loss of jobs.

Council's report states the proposal's consistency against the draft Central District Plan actions and priorities relating to economic land and housing as it :

- **will assist Council in meeting its dwelling target;**
- **increases housing diversity in close proximity to a local centre and public transport;**
- **is not considered to be a large lot, nor part of core IN2 Light Industrial employment lands; and**
- **would not compromise future options for the surrounding industrial operators.**

Should the proposal proceed to Gateway, it is recommended that the proposal be updated to include this an assessment against the draft Central District Plan.

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Environmental social
economic impacts :

ENVIRONMENTAL

The subject site is located in an urbanised area and does not contain any known critical habitat or threatened species, populations, ecological communities or habitats.

HERITAGE

The site is not a heritage item or located within a heritage conservation area. However, the site is located in close proximity to a heritage item (the Huntsbury Hotel) and adjacent to the Lewisham Estate Heritage Conservation Area (HCA). Any development application lodged for either site will need to address impacts upon the HCA and nearby heritage items.

TRAFFIC & TRANSPORT

The site is located in an area well serviced by public transport. Bus services are located within walking distance of the site. The sites are located approximately 700m from Lewisham and Petersham train station. As the sites can only be accessed from New Canterbury Road, a classified road, the proposal will be referred to Roads and Maritime Services for comment.

CONTAMINATION

The applicant undertook a detailed site investigation (DSI) report into contamination on the subject sites to support its planning proposal. The investigation concludes that the site is currently suitable for the proposed rezoning, despite identifying contamination issues and the need for a remedial action plan (RAP) to be developed.

Council's Environmental Officer reviewed the DSI and noted that the report contained an incorrect conclusion about the site suitability for the proposed rezoning. Despite this, Council's Environmental Officer has concluded that the contamination is relatively minor, and can be readily managed with an RAP. It was also noted that 203 New Canterbury Road was not included in the assessment, however it appears to have a residential existing use rights and is considered to be a low risk of contamination. It is considered that the proposal has adequately addressed the requirements of Clause 6 of SEPP55 to support the proposed rezoning.

SOCIAL & ECONOMIC

The planning proposal will enable housing supply in an appropriate location while ensuring the operational viability of remaining adjacent employment lands is not compromised. The rezoning will increase housing choice and supply in an area with access to jobs, services and good public transport.

The proposed rezoning will result in a reduction to the current industrial floor space and employment capacity of the site. The site represents 0.1% of the industrial land supply within the Marrickville area. The rezoning would not significantly impact upon the industrial land stocks within the region and the ability to meet future demand for industrial land activity, nor the future viability of the adjacent industrial zoned sites.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d)	Transport for NSW - Roads and Maritime Services		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter - 183 & 203 New Canterbury Road, Lewisham.pdf	Proposal Covering Letter	Yes
Council Meeting - 183 & 203 New Canterbury Road, Lewisham.pdf	Proposal	Yes
Council Meeting Minute Action Sheet.pdf	Proposal	Yes
Planning Proposal.pdf	Proposal	Yes
Detailed Site Investigation Report - 183 & 203 New Canterbury Road, Lewisham.pdf	Proposal	Yes
Geotechnical Report - 183 & 203 New Canterbury Road, Lewisham.pdf	Proposal	Yes
Traffic and Parking Assessment Report - 183 & 203 New Canterbury Road, Lewisham.pdf	Proposal	Yes
Letter from Illuminate Living Pty Ltd regarding changes to FSR.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **It is recommended that the planning proposal proceeds subject to the following conditions:**

1. Prior to community consultation, the Planning Proposal is to be updated and amended to include:

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- (a) a study to review the IN2 Light Industrial zoned sites between 133-203 and 180-228 New Canterbury Road, Lewisham. The study is to be undertaken by Council to determine the suitability of retaining the IN2 zone and to determine whether the land is suitable for alternate urban services or employment uses;
- (b) a plain English explanation of the provisions of the Planning Proposal; and
- (c) a discussion on how the proposed rezoning is consistent with the draft Central District Plan and A Plan for Growing Sydney, specifically in relation to consistency with the economic actions and priorities.

2. The Planning Proposal is to be amended to include the findings of the study and the amended proposal is to be forwarded to the Department for review and endorsement prior to the commencement of community consultation

3. The planning proposal must be made publicly available for a minimum of 28 days.

4. Consultation is required with Roads and Maritime Service

5. A public hearing is not required under 56(2)(e).

6. The timeframe for completing the LEP is to be 12 months.

Supporting Reasons :

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

It is considered that the proposed amendments to 183 New Canterbury Road can achieve a development outcome which can occur independently of other sites within the precinct and will not compromise future options for these sites.

Signature:



Printed Name:

MARTIN COOPER

Date:

26 06. 2017