

**Item No:** C0317 Item 6

**Subject:** **PLANNING PROPOSAL REQUEST - 183 & 203 NEW CANTERBURY ROAD, LEWISHAM**

**File Ref:** PDA201600077/334.17

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### **SUMMARY**

Council has received a planning proposal request for 183 and 203 New Canterbury Road, Lewisham.

The application proposes to rezone 183 New Canterbury Road from IN2 Light Industrial to R4 High Density Residential to allow a 3, part 4 storey, residential flat building on 183 New Canterbury Road with basement carpark accessed via New Canterbury Road on the land. 203 New Canterbury Road is proposed to be rezoned from IN2 Light Industrial to R2 Low Density Residential to reflect the use of the site as a dwelling house.

The proposal is consistent with the land use direction that the former Marrickville Council set for the site and adjacent industrial properties and is supportable from a strategic land use perspective. Council's Architectural Excellence Panel has reviewed the proposal.

This report recommends that Council support the planning proposal request and forward it to the Department of Planning and Environment for Gateway assessment. The report also recommends that site specific planning controls be developed for the site to be incorporated into Part 9.36 of Marrickville Development Control Plan 2011.

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### **RECOMMENDATION**

#### **THAT Council:**

- 1. Support the planning proposed request for 183 & 203 New Canterbury Road, Lewisham to rezone and set development controls for the land;**
  - 2. Forward the planning proposal to the Minister for Planning for a Gateway determination in accordance with Section 56 of the *Environmental Planning & Assessment Act 1979*;**
  - 3. Request that it be delegated plan making functions in relation to the planning proposal; and**
  - 4. Resolves to develop site specific planning controls to apply to the future development at 183 New Canterbury Road for inclusion in MDCP 2011 Part 9.36 (Commercial Precinct 36) and that these be publicly exhibited concurrently with the planning proposal.**
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### **BACKGROUND**

The former Marrickville Council considered several reports on the appropriate future land use direction for IN2 Light Industrial zoned properties within this section of New Canterbury Road, Lewisham. At its meeting of 5 June 2012 Council considered the following submission regarding properties located on New Canterbury Road and Wardell Road (including the subject sites) with an IN2 Light Industrial zoning:

- Submission (1f) - 133-203 New Canterbury Road, 180-218 New Canterbury Road & 1 Wardell Road, Petersham

A group of submitters seek a rezoning of a number of adjoining properties from IN2 Light Industrial to a more flexible mixed-use zone that allows residential, retail and creative-industry uses. Submitters also seek an increase in the FSR from 1:1 to 2.5:1 to allow redevelopment to four storeys with pronounced corner elements. Submitters argue that with the current IN2 zoning, these properties will continue to operate below their commercial potential and do not reflect the kind of uses demanded in the area.

The following officers comments were made in response to the submission: *These arguments are supported and reflected in other land use changes that are being proposed within the LGA. It is considered that such a rezoning would help to reactivate this precinct, located at the western end of the Petersham shopping strip. The rezoning and increased FSR is supported in general terms, but should be guided by a master planning process for the precinct. It is recommended below that this be undertaken as part of the next MUS review.*

Council resolved to adopt the report's recommendation as follows:

Recommendation (1f): that the rezoning of 133-203 New Canterbury Road, 180-218 New Canterbury Road & 1 Wardell Road, Petersham from IN2 Light Industrial to a suitable mixed-use zone, and increase in the FSR for these sites from 1:1 to 2.5:1 be considered by Council as part of the next review of the MUS, and be informed by a masterplan for these sites and the surrounding precinct.

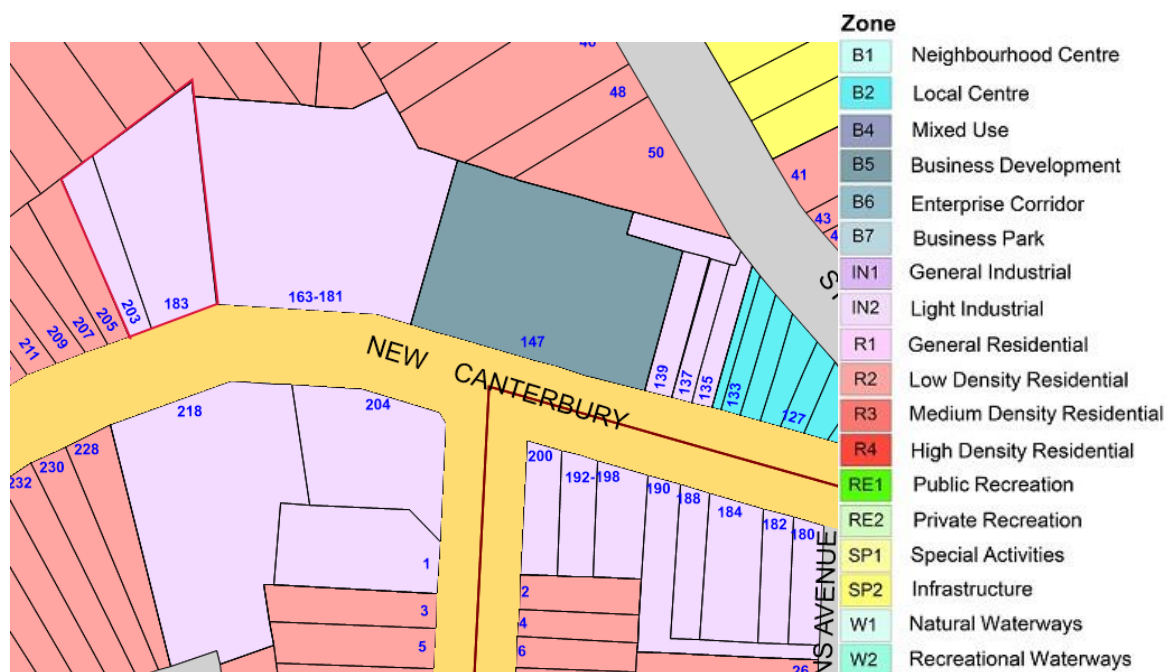


Figure 1: IN2 Light Industrial and B5 Business Development zoned properties on New Canterbury Road & Wardell Road (subject sites shown in red outline)

Since this time, the former Marrickville Council resolved to support the rezoning of 147 New Canterbury Road (land which is within this precinct) from IN2 Light Industrial to B5 Business Development to permit redevelopment of the site for the purposes of a mixed use residential and commercial development. This amendment (known as Amendment No. 5) was gazetted

on 15 January 2016. The planning controls applying to this site permit a FSR of 1.5:1 and a building height of 14 metres (to support a four storey built form).

Council received a planning proposal request for Nos. 183, 203 and 218 (on the southern side of New Canterbury Road) in July 2016. Council officers undertook a preliminary assessment of the proposal (which included a referral the Architectural Excellence Panel) that identified significant issues with the application, particularly relating to the site at 218 New Canterbury Road. The applicant was advised that, in its current form, Council would not support the planning proposal. The advice re-iterated that planning for this area should be undertaken in a holistic manner, rather than via piecemeal planning proposals. Notwithstanding, the advice noted Council's previous support for the planning proposal at 147 New Canterbury Road and recommended that should the applicant wish to proceed, an application for the northern side of New Canterbury Road only could be considered.

To date, a Marrickville Urban Strategy review process (as referred to in the previous Marrickville Council's resolution) has not been undertaken. Despite this, proponent led planning proposals require consideration by Council based on the merits of the application. Accordingly, whilst a masterplan for the entire precinct (as previously resolved) is preferable from an orderly planning perspective rather than assessment of ad-hoc proponent led planning proposals Council is required by the EP&A Act 1979 to assess these proposals.

The principle that has been applied to the merit assessment of site specific planning proposals such as this within this precinct is that they may be supported provided they do not compromise the orderly planning of other sites identified for future master planning. Based on this principle, 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. This is the same scenario that applied for the rezoning of 147 New Canterbury Road.

## **DISCUSSION**

183 and 203 New Canterbury Road, Lewisham, are currently zoned IN2 Light Industrial under MLEP 2011 and have a combined site area of approximately 1432m<sup>2</sup>. 183 New Canterbury Road is an irregularly shaped allotment with a frontage of approximately 17 metres and is currently used as a ceramic tile outlet and contains an office building with an internal car parking arrangement. It is adjoined to the west by 203 New Canterbury Road which has a frontage of approximately 5.5 metres and consists of a dwelling house. Despite its IN2 Light Industrial zoning, it is clear this is a purpose built dwelling house and is currently being used for this purpose. There is no evidence that the site has ever been used for industrial purposes.



Figure 2: 183 New Canterbury Road viewed from New Canterbury Road



Figure 3: 203 New Canterbury Road as viewed from New Canterbury Road

The sites are parts of the Petersham Commercial Precinct in Part 9 of the MDCP 2011 (Precinct No. 36) and are located west of the Petersham B2 Local Centre zoned retail area. The surrounding land uses include a mix of light industrial land uses, commercial land uses including a service station, an Officeworks outlet, traditional shop top housing developments and a pub (Huntsbury Hotel). As stated previously, 147 New Canterbury Road has recently been rezoned to permit a mixed use development. Low density residential dwellings are located immediately north of the site on The Boulevarde, as well as to the west adjoining the IN2 Light Industrial zone on New Canterbury Road.

Building stock in the area is generally rundown with some sites containing non-active frontages to New Canterbury Road. The area is well located within walking distance of the Petersham commercial precinct, Petersham railway station and Lewisham railway and light rail stations, as well as bus routes along New Canterbury Road.

Immediately north of the site are low density residential properties which are within the Lewisham Estate Heritage Conservation Area (HCA) which adjoins the sites. Hunter Street also contains Petersham Public School which extends from Hunter Street through to West Street. West Street provides signalised access onto New Canterbury Road in both directions.

### **Planning Proposal**

The planning proposal request seeks an amended zoning for 183 New Canterbury Road to R4 High Density Residential, with a floor space ratio of 1.35:1 and a maximum building height of 14 metres. Indicative concept plans were submitted with the application, including a massing concept for 183 New Canterbury Road only (203 New Canterbury Road does not form part of the proposed development site). The indicative concept plans provide for a 3 part 4 storey residential flat building with a total gross floor area of 1501m<sup>2</sup> to accommodate approximately 20 units.

203 New Canterbury Road is proposed to be rezoned to R2 Low Density Residential, with a building height control of 9.5 metres and a floor space ratio of 0.6:1, consistent with adjoining low density residential properties. Car parking is provided as basement parking, with access directly off New Canterbury Road. Council's Development Engineer has reviewed the submitted traffic and parking assessment and raised no issues with the planning proposal.

The massing concept indicates a building form of a predominantly 3 storey building with a 4<sup>th</sup> storey projection at the eastern site boundary adjoining 163-181 New Canterbury Road (Officeworks site). A 4 metre front setback is provided to New Canterbury Road. A side setback of 3 metres is provided to 203 New Canterbury Road and a 6 metre setback to the rear of the site. Where the proposed building is not built to the boundary on the eastern side, a setback of 6 metres is provided.

The architectural floor plans submitted indicate units addressing New Canterbury Road, 203 New Canterbury Road and rear of the site towards the rear of properties located on The Boulevarde. Balconies are shown on the building façade facing south, building rear facing north and towards 203 New Canterbury Road to the west. Copies of the planning proposal report and architectural plans are included as **ATTACHMENT 1**.

### **Current zoning**

The sites are currently zoned IN2 Light Industrial under MLEP 2011 (see Figure 1). 183 New Canterbury Road operates as a tile showroom and 203 New Canterbury Road contains a single storey dwelling house. 183 New Canterbury Road is one of six remaining lots zoned for light industrial uses on the northern side of New Canterbury Road (including the dwelling house at No. 203 New Canterbury Road). Eleven lots are zoned for light industrial uses on the southern side of New Canterbury Road. The size of the lots varies significantly, with some occupied by traditional shop top housing premises, whilst other larger sites comprise purpose built factories and warehouses. On the southern side Nos. 218, 204 New Canterbury Road & 1 Wardell Road are also substantially sized landholdings.

### **Proposed zoning**

The planning proposal seeks a R4 High Density Residential zone for 183 New Canterbury Road and a R2 Light Density Residential zone for 203 New Canterbury Road. The objectives of the R4 High Density Residential zone in MLEP 2011 are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*



- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.*
- *To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.*

203 New Canterbury Road is a purpose built residential dwelling house and should be zoned to reflect its historical and current use. It is unclear how it became zoned for industrial purposes, however it is not an appropriate zone for the site should the zoning of 183 New Canterbury Road change, and its rezoning to R2 Low Density Residential is supported. It is noted that the applicant made attempts to acquire 203 New Canterbury Road to consolidate it with 183 New Canterbury Road, as recommended by the AEP, however were unsuccessful.

Accordingly, 183 New Canterbury Road is located adjacent to a low density residential zone. The proposed zoning of R4 High Density Residential is the appropriate zone for the site subject to appropriate development standards to achieve a residential development compatible with the adjoining low density residential site. A B5 Business Development zone was applied to 147 New Canterbury Road to permit residential development whilst maintaining an active street frontage via select commercial uses (excluding retail). The extension of retail uses from the main Petersham commercial precinct is not appropriate. If 183 New Canterbury Road formed part of a larger amalgamated site this approach may be desirable. However, as the site is proposed to be developed independent of other sites, it is unlikely that a ground floor commercial use would be viable. The proposed R4 High Density Residential zone is considered suitable for the site, when considered in combination with the proposed FSR and built height controls for the site.

### **Building Height**

Currently (due to the IN2 Light Industrial zoning) there is no maximum height of building control for the sites. Building height is broadly controlled by the floor space ratio and reflects the industrial zoning of the site. The building height applied to 147 New Canterbury Road was 14 metres to reflect a 4 storey built form. Building heights for properties to the west of this site should be reduced to reflect the transition into a low density residential area.

Advice on proposed building height was provided by the AEP as part of their consideration of the original planning proposal request. Although this planning proposal is a modified version of the original application (as the site at 218 New Canterbury Road has been removed from the application), the original advice is still applicable to 183 New Canterbury Road. Comment from AEP members has also been sought for this amended application.

The advice from the AEP, communicated to the applicant as part of Council's preliminary advice was that, if 203 and 183 New Canterbury Road were not amalgamated, any redevelopment of 183 New Canterbury Road should be limited to 3 storeys (or 11 metres). Despite this advice, the planning proposal request is seeking a 14 metre height control, which allows a 4 storey built form. On the architectural plans attached to the application, this additional building height is to accommodate a second level to unit 15 and is located at the eastern boundary, adjacent to the blank side wall of the Officeworks development at 163-181 New Canterbury Road.

The AEP has further reviewed the proposal and made the following recommendation:

*The small built element at Level 3 (roof level) could be supportable. If Council wishes to compensate the applicant for FSR loss due to the recommendation for a 6.0m setback to the west boundary, there is capacity to gain some FSR at the rear of Level 3 (roof level). A slight increase in bulk at the rear may be considered provided that a minimum of 9.0m setback to the west boundary is achieved.*

The proposal for a 14 metre height control to be applied across the entire site is not consistent with the direction given by the AEP. However, it is acknowledged that the proposed 4 storey pop-up element will not be highly visible from the public domain and only applies to a small portion of the south eastern corner of the site. Additionally, the limited FSR to be applied to the site will largely determine the bulk and scale of the proposed built form.

It is recommended that the 14 metre Height of Building control proposed for the site be supported subject to the development of site specific planning controls limiting the location of the 4<sup>th</sup> storey element to the south eastern corner of the site only. Further, the planning controls will stipulate that any development application incorporating a 4<sup>th</sup> storey elements must demonstrate that the additional height is not obtrusive or highly visible from New Canterbury Road. It will also need to be demonstrated that the 4<sup>th</sup> storey elements does not unduly impact the amenity of 203 New Canterbury Road or any other surrounding properties.

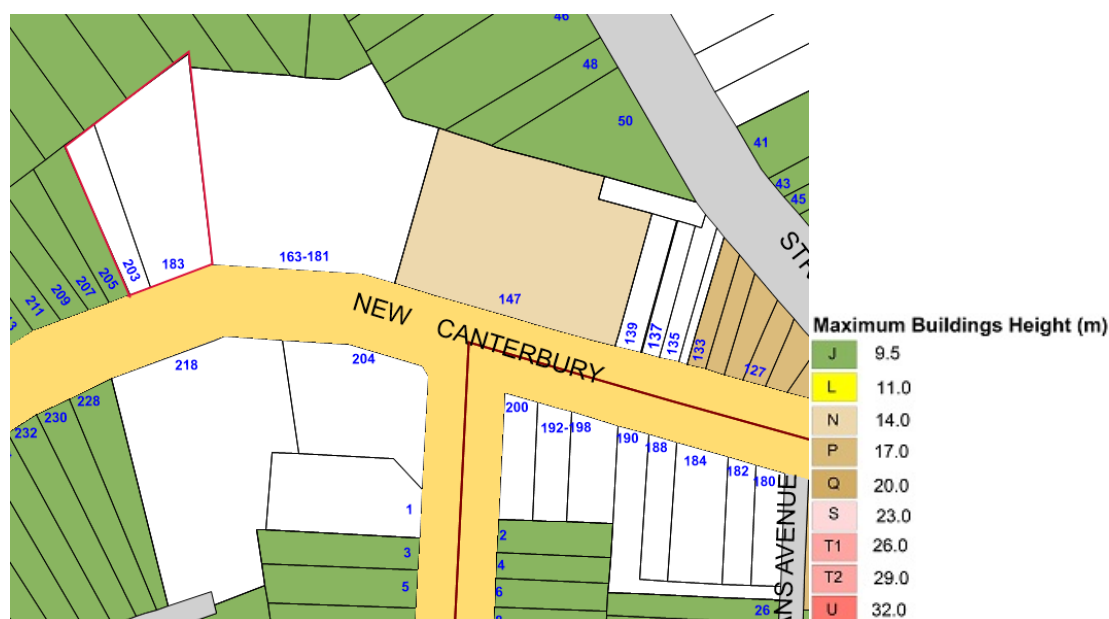


Figure 4: MLEP 2011 Height of Building control for subject and adjoining sites

## FSR

The proposed 1.35:1 FSR for the site is supported and considered a satisfactory response to the site's relationship to adjoining low density residential dwellings. It is noted that adhering to the setback controls (see below) to be included within the site specific DCP may have implications for the proposal's FSR.

As noted within the AEP's advice, it may be possible for this displaced FSR to be allocated to the roof element provided the impacts are not unreasonable. These are matters which can be further

considered at DA stage. Regardless of the final built form outcome, the proposed FSR is considered suitable for the site.

## **Built Form**

### Setbacks

The AEP has previously provided advice regarding appropriate setbacks on 183 New Canterbury Road. This advice has generally been adopted for the current planning proposal with the exception of the western boundary adjoining 203 New Canterbury Road. The AEP raised concern that the proposed 3.0 metre setback might block solar access for certain units (11, 12, 89 & 19), and recommended a 6.0 metre setback from the western boundary. The planning proposal application maintains a 3.0 metre setback from the balconies on the western side of the proposed development for a number of units. The proponent has submitted additional information to demonstrate how units will be able to receive solar access despite privacy screening.

The AEP has considered the revised plans and maintained its objection to this proposed setback as it considers it will limit sun access and compromise living areas' outlook. The AEP also notes that the proposed 3.0m side setback does not conform to minimum recommendations in the Apartment Design Guide, which states that *'at the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3.0m'*. The AEP reiterates its original advice that a 6.0 metre setback should be provided to the western boundary. The proposed 4.0 metre setback to units with a primary outlook of New Canterbury Road and the 6.0 metre north-facing rear boundary setback are supported.

It is recommended that the planning controls include a requirement for a 6.0 metre setback to the western boundary, however this may be varied provided it can be demonstrated good amenity is achieved for the units and maintained for the property at 203 New Canterbury Road. All other planning controls for setbacks will be as per the AEP's advice which is consistent with the current planning proposal. As discussed previously, it is considered that any lost FSR as a result of the proposed 6.0 metre setback to the western boundary can potentially be relocated to the roof element of the development.

## **Heritage**

The site is not a heritage item or located within a heritage conservation area. However, it is in close proximity to a heritage item (the Huntsbury Hotel) and adjacent to the Lewisham Estate Heritage Conservation Area. A separate Heritage Conservation Area (Petersham Shops Commercial Precinct) extends along the main commercial area of New Canterbury Road to the intersection of Hunter Street. However, this HCA excludes the heritage item at 127 New Canterbury Road (the Huntsbury Hotel). Any development application lodged for either site will need to address impacts upon the HCA and nearby heritage items.



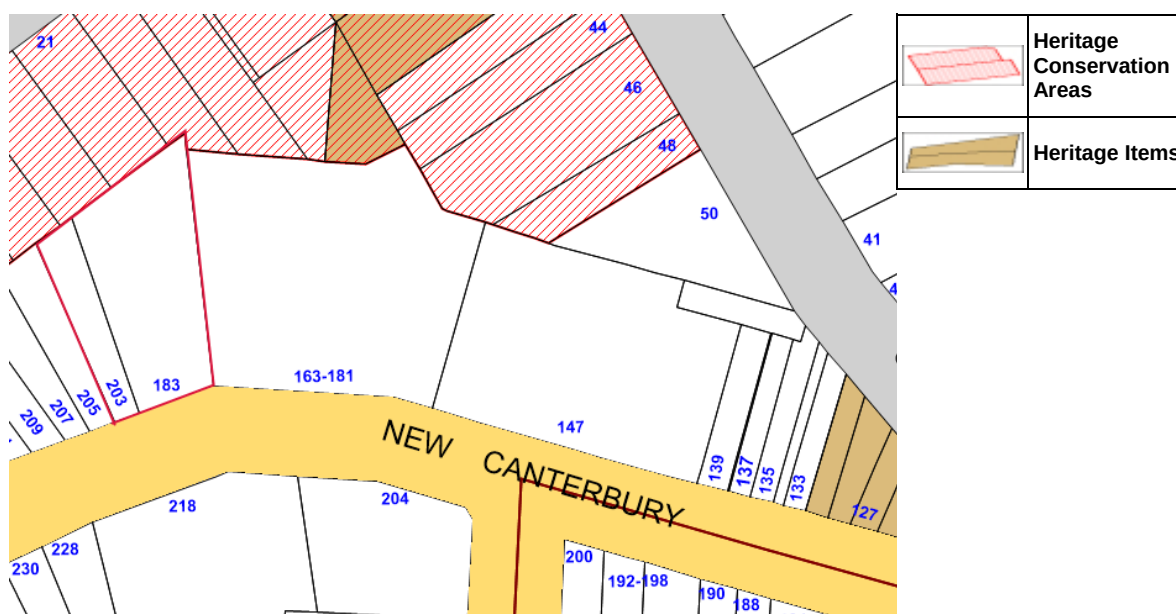


Figure 5: MLEP 2011 Heritage Map for subject site and adjoining sites

### **MDCP 2011 Planning Precinct**

The site and surrounds are within Planning Precinct No. 36 (Petersham Commercial Precinct) in Part 9 of the MDCP 2011. Relevant desired future objectives from the DCP for this planning proposal include:

- *To allow and encourage a greater scale of development within the commercial centre, including the provision of new dwellings near local shops, services and public transport, to meet the market demand, create the opportunity for high access housing choice and support sustainable living.*
- *To ensure new development at rear upper levels is a maximum of four storeys and is designed to be subservient to retained portions of contributory buildings or infill development to the street building front.*
- *To support pedestrian access, activity and amenity including maintaining and enhancing the public domain quality.*
- *To ensure the design of higher density development protects the residential amenity of adjoining and surrounding properties.*
- *To facilitate efficient parking, loading and access for vehicles that minimises impact to streetscape appearance, commercial viability and vitality and pedestrian safety and amenity.*

As noted previously, these sites are not intended to function as part of the Petersham retail strip. Instead they act as a buffer to residential areas and provide support to the retail strip. It is considered that the planning proposal broadly meets the objectives of this precinct as it is providing additional housing close to shops and centres, will not permit development greater than 4 storeys in height and attempts to protect adjoining low density residential zones through limited building height and floor space ratio.

### **Architectural Excellence Panel**

The AEP has considered both the original application for the site and revised plans as part of the amended application. The AEP has concluded that is supportable subject to matters previously discussed in this report.

### **Traffic and Access**

A traffic and parking assessment was provided with the planning proposal. Council's Development Engineer has considered the report and raised no issues with the planning proposal. Further consideration will be undertaken as part of any development application for the site.

### **Site Contamination**

A Detailed Site Investigation (DSI) was undertaken for the subject sites. Council's Environmental Officer reviewed the above DSI and noted that the DSI report contained an incorrect conclusion about the site suitability for the proposed rezoning, and this incorrect conclusion was included in the planning proposal document. The DSI 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. 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 existing use rights as residential, which is generally considered a low risk of contamination. Notwithstanding, contamination is a common occurrence in residential areas in the Inner West, so prior to any future developments, further investigations should be undertaken to assess contamination at this property.

It is considered that the applicant has adequately addressed Clause 6 of SEPP55. Some additional work will be required as part of a development application on the site including:

- Further investigations to include 203 New Canterbury Road, and address data gap limitations of the DSI
- Preparation of a RAP to adequately address contamination issues across the site
- Groundwater management plan will be required if future developments are expected to intercept groundwater.

### **Affordable Housing**

At its meeting of 6 December, Council considered a report on a draft Affordable Housing Strategy for public exhibition. The report, which was adopted by Council, recommended that an affordable housing target of 15% for developments with a gross floor area of 1,700m<sup>2</sup> or greater be set. The architectural plans accompanying the planning proposal show a gross floor area of 1,501m<sup>2</sup>. Therefore, the proposal does not meet the threshold to trigger the policy requirements. However, should a development application lodged for the site show a gross floor area of 1,700m<sup>2</sup> or greater, the policy should be enacted and a 15% affordable housing dedication be required.

### **Consistency of Proposed LEP Amendment with Strategic Planning Policies**

To rezone industrially zoned land, Council needs to ensure that adequate strategic justification is provided for the proposed changes. The following discussion provides an assessment of the proposal against State Government and Council strategic planning directions for the Marrickville LGA and Petersham commercial centre.

### **A Plan for Growing Sydney**

*A Plan for Growing Sydney*, released in December 2014, is the NSW Government's plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space.

*A Plan for Growing Sydney* contains a number of broad objectives relating to the supply of housing across the Sydney area. It notes that Sydney's population growth will require an additional 664,000 dwellings to 2031. The document contains overarching principles on how to accommodate population growth and housing supply relevant to this planning proposal including:

- *Principle 1: Increasing housing choice around all centres through urban renewal in established area; and*
- *Direction 2.1: Accelerate housing supply across Sydney*

It is considered that the planning proposal is consistent with these directions and principles as it will provide additional residential accommodation in close proximity to existing services and public transport.

### **Towards Our Greater Sydney 2056**

The Greater Sydney Commission has been tasked with reviewing *A Plan for Growing Sydney* as well as developing draft District Plans. As part of the review of *A Plan for Growing Sydney*, a new document entitled *Towards Our Greater Sydney 2056*, which is seen as the first part of the process of reviewing *A Plan for Growing Sydney*, has been developed and publicly exhibited. The need for this document has arisen out a shift in the focus of strategic planning since the release of *A Plan for Growing Sydney*. The document seeks to redefine the community's understanding of Greater Sydney as a metropolis of three cities, being Eastern City, Central City and Western City.

This document provides broad objectives in relation to the future operation of Greater Sydney, including A Productive Sydney, A Liveable Sydney and a Sustainable Sydney. It is considered that this planning proposal is generally consistent with the broad aims of this document as it seeks to provide additional residential accommodation within an existing centre well located to services and public transport.

### **Draft Central District Plan**

The draft Central District Plan (dCDP) aims to progress strategic planning for the Central Sydney district (which includes council areas of Inner West, Bayside, Burwood, Canada Bay, Randwick, Strathfield, City of Sydney, Waverly and Woollahra) by:

- *progressing the directions of A Plan for Growing Sydney*
- *identifying planning priorities for the District and the actions to achieve them.*

### **Housing**

The dCDP notes the planning principles contained within *A Plan for Growing Sydney* and identified three that remain current and underpin many of the priorities of this draft District Plan, including:

#### ***Principle 1: Increasing housing choice around all centres through urban renewal in established areas***

*Increasing housing close to centres and stations makes it easier to walk or cycle to shops or services, and to travel to work or other centres; reduces traffic congestion; and makes our neighbourhoods more community oriented.*

*Increasing the variety of housing available makes it easier for people to find a home that suits their lifestyle, household size and their budget.*

*Locating new housing in centres delivers a range of economic, environmental and social benefits to the community. Research by the Organisation for Economic Cooperation and Development (OECD) has similarly found that productivity benefits arise from a more compact city.*

As discussed previously, it is considered that the planning proposal is consistent with this principle.

The dCDP establishes a housing target for the Inner West Council to provide an additional 5,900 dwellings by 2021. It requires Council to undertake a number of actions in relation to housing supply, including the following:

- *monitor and support the delivery of Inner West's five-year housing target of 5,900 dwellings*
- *investigate local opportunities to address demand and diversity in and around local centres and infill areas with a particular focus on transport corridors and other areas with high accessibility.*

Whilst the proposed dwelling yield from the planning proposal is modest, it will assist Council in meeting its dwelling target, whilst increasing housing diversity in close proximity to a local centre and public transport.

#### **Industrial or Employment Lands**

The dCDP also notes that whilst providing additional housing is critical, it should not occur at the expense of land zoned for industrial or employment uses. The document notes that 'despite high demand for employment and urban services land in the Central District, there has been significant market speculation and pressure to rezone them to retail and residential uses'. To manage this potential conflict, the document advises a precautionary approach as follows:

#### **Productivity Priority 5: Protect and support employment and urban services land**

*Relevant planning authorities should take a precautionary approach to rezoning employment and urban services lands, or adding additional permissible uses that would hinder their role and function. The exception being where there is a clear direction in the regional plan (currently A Plan for Growing Sydney), the District Plan or an alternative strategy endorsed by the relevant planning authority. Any such alternative strategy should be based on a net community benefit assessment (i.e. analysis of the economic, environmental and social implications) of the proposed exception, taking account of a District-wide perspective in accordance with Action P5.*

*How these matters are taken into account is to be demonstrated in any relevant planning proposal.*

The planning proposal was lodged with Council prior to the release of the dCDP. Regardless, it is considered important to consider the potential implications of the rezoning of this industrial land. Prior to the release of the dCDP, Council staff adopted a set of employment land rezoning principles to guide future rezoning proposals in light of the strong interest in rezoning

industrial land in the former Marrickville Council area as considered by Council within a report on 25 October 2016. In order to following the precautionary approach recommended by the dCDP, it is appropriate to assess the planning proposal against these principles, as follows:

- *Principle 1: Council will take a cautious approach to rezoning industrially zoned lands and generally only support rezoning where supported by a State and/or local planning strategy.* The proposal is consistent with this principle as Council has previously resolved to investigate the area for other land uses. Additionally, Council and the DP&E have previously supported the rezoning of a nearby site from light industrial to permit a mixed use development.
- *Principle 2: Any rezoning submission that seeks to rezone industrial land must be wholly or predominantly for other employment uses (other than retail).* The planning proposal is not consistent with this principle as the rezoning is for residential purposes. However, the rezoning of 203 New Canterbury Road is seeking to reflect the current use of the site as a residential dwelling. The rezoning of 183 New Canterbury Road will result in the loss of employment uses from the site. The loss is considered to be minimal as the site is small. Despite the inconsistency with this principle, it is considered acceptable in the context of the area and the rezoning of 147 New Canterbury Road which has been endorsed.
- *Principle 3: Where a rezoning submission seeks to rezone industrial land to a new employment use, the new use(s) must be based on a needs/supply & demand assessment.* As stated previously, the rezoning is not seeking to accommodate a new employment use. Therefore, this principle is not applicable to this application.
- *Principle 4: A rezoning submission that seeks to create a predominantly residential zone / use should generally not be supported on the basis that this would result in permanent loss of employment lands. Such proposals will only be considered / supported where a needs assessment establishes that there is no viable employment uses and there is a State and / or local planning strategy that identifies a need for housing on the land.* As stated previously, the land zoned light industrial within this area is generally underutilised or not being used for light industrial purposes. It is not considered reasonable to require commercial floor space to be provided within the proposed development due to the relatively small size of the site. The former Marrickville Council resolved in 2012 to reconsider the zoning of this land.
- *Principle 5: Marrickville Local Environmental Plan 2011 created buffer areas (B7, IN2) in some location between the core industrial area and surrounding residential areas. The continuation of this approach in suitable locations is appropriate to minimise conflicts between industrial and residential uses and act as a buffer or transition area. A minor live/work component can be included as part of this buffer area where it can be shown to provide for emerging / knowledge based and creative industries.* This principle is not relevant to this site. The IN2 is not operating as a buffer between a core industrial area and surrounding residential areas.
- *Principle 6: Retail uses will only be supported as part of mixed use developments where they are small scale and provide for the needs of the local population.* This principle is not relevant as no retail uses are associated with the planning proposal.
- *Principle 7: Large industrial lots should be preserved for traditional IN1-type industries and any fragmentation or encroachment of incompatible land uses should be avoided.* 183 New Canterbury Road is a relatively small site zoned for light industrial uses. It is not considered to be a large lot, nor part of core IN1 General Industrial employment lands.
- *Principle 8: Land-use changes which create fragmented or isolated industrial land holdings should be avoided.* As stated elsewhere in this report, site specific rezoning applications are not desirable from a planning perspective. This planning proposal will



result in the adjoining site (163-181 New Canterbury Road) being left isolated. However, its current use as an Officeworks outlet is considered more of a retail land use than an industrial land use. It is anticipated that, over time, most of the IN2 sites within this precinct will seek to be rezoned for other uses.

- *Principle 9: Land use changes that may cause conflict with the traditional land uses should not be supported.* The proposed residential zoning for the site is not expected to cause conflict between existing land uses. As previously discussed, although 203 New Canterbury Road forms part of this planning proposal, this site is a residential dwelling house as is proposed to be zoned to reflect this situation. Subject to the planning controls to be applied to 183 New Canterbury Road limit its development potential, it is not considered the planning proposal will cause undue conflicts.

### *Marrickville Urban Strategy*

The Marrickville Urban Strategy (MUS) was adopted by Council in 2007 and established a vision and co-ordinated directions addressing a range of planning, community, and environmental issues, to guide short, medium and long term strategic planning policies for the Marrickville LGA. The MUS was developed in response to employment and housing targets established through the draft South Subregional Strategy and its overriding strategy, Sydney Metropolitan Strategy *City of Cities, A Plan for Sydney's Future* (December 2005).

The MUS does not specifically discuss the subject site or surrounds however it does support the aim of locating additional residential development in and around existing centres with good public transport and services. The MUS advocates the retention of 'strategic' employment land located at Marrickville and Sydenham, and the rezoning of certain isolated or fragmented industrial areas. Although not specifically identified as suitable for rezoning, it is considered that the site and surrounds meet the following criteria established in the MUS as suitable for future detailed master planning:

- Is located close to a centre;
- Is redundant from historical industry perspective;
- Is well serviced by public transport;
- Is within walking distance of public open space;
- Development can occur in a way that responds to aircraft, road or rail noise;
- Provides opportunities for improving public domain;
- Is not located close to strategic assets (port, airport or freight lines); and
- Rezoning would not result in conflicts between residential uses and industrial uses that impact upon residential amenity, and hinder business competitiveness.

Therefore, the planning proposal is considered to be consistent with the criteria established in the MUS relating to the rezoning of land.

### **State Policies and Directions**

The proponent has undertaken an assessment of the proposal against all relevant State Environmental Planning Policies (SEPPs) and section 117 Directions which is provided at **ATTACHMENT 1**. Council officers have reviewed the assessment and are in general agreement regarding the assessment provided.

### **Proposed Planning Controls**

The proponent has proposed site specific planning controls for inclusion within the MDCP 2011. Council officers will continue to work with the application on the development of controls

deemed suitable for the site. Should the proposal receive Gateway determination these planning controls will be public exhibited concurrently with the planning proposal.

**FINANCIAL IMPLICATIONS**

Nil.

**OTHER STAFF COMMENTS**

Comments from Council's Environmental Services Section, Architectural Excellence Panel and Development Engineer have been incorporated into this report.

**PUBLIC CONSULTATION**

Public participation in the form of community consultation would occur should Council resolve the support the planning proposal request and the DP&E issue a Gateway determination to allow for the public exhibition of the planning proposal.

**CONCLUSION**

This report assesses a planning proposal request received for 183 and 203 New Canterbury Road, Lewisham, to rezone the sites from IN2 Light Industrial to R4 High Density Residential and R2 Low Density Residential respectively. It is considered that the application has strategic merit and should be forwarded to the Department of Planning & Environment for Gateway determination. It is also recommended that site specific planning controls be developed for 183 New Canterbury Road to inform the future development of the site.

**ATTACHMENTS**

1. Planning Proposal Documentation: 183 & 203 New Canterbury Road, Lewisham