



INNER WEST COUNCIL

25 September 2018

Amanda Harvey
Director, Sydney Region East
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Mrs Harvey,

RERERRAL OF PLANNING PROPOSAL SEEKING GATEWAY DETERMINATION FOR 58-76 STANMORE ROAD, 2-20 TUPPER STREET AND 3-9 ALMA AVENUE, STANMORE.

PROPOSED AMENDMENT TO THE MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011.

This letter seeks Gateway Determination for delegation to be given to Council to become the Planning Proposal Authority for the Planning Proposal In **Attachment 1**. This pertains to an amendment to the Marrickville Local Environmental Plan 2011 (MLEP) for the site at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore. This letter also identifies the additional studies that should be carried out post Gateway Determination and relevant State Agency referral authorities.

The Planning Proposal is contained in **Attachment 1** appends the following documents:

- Proposed A3 tile LEP maps to be amended: Land Zoning Map, Maximum Height of Buildings Map, Maximum Floor Space Ratio Map, Land Reservation Map and Key Sites Map.
- Additional studies and Information: Urban Design Study and Concept Scheme, Site and Traffic and Parking Impact Assessment, Arborist Report, Voluntary Planning Agreement – preliminary letter, letter from Sydney Airport Corporation and Site Survey.

Background

Council considered a report on 25 July 2017 contained in **Attachment 2**. Council resolved to progress the Planning Proposal and seek Gateway Determination to become the Planning Proposal Authority as indicated below. The Planning Proposal in **Attachment 1** (27 July 2018) responds to parts 1 and 2 of the Council resolution below.

Council Resolution 25 July 2017:

1. *Support the planning proposal request for 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore to rezone the land to facilitate the redevelopment of the site to include a new club premises, commercial floor space, a public plaza and residential accommodation with associated basement car parking subject to the following amendments:*
 - (a) *The Land Zoning for Site C being amended to R3 Medium Density Residential;*
 - (b) *Inclusion of MLEP 2011 Schedule 1 additional permitted use of a 'residential flat building' as part of a mixed use development;*
 - (c) *Maximum height of building controls and number of storeys to be applied across the site as detailed in this report;*

P.O. Box 14 Petersham 2049 | P (02) 9392 5000 | E council@innerwest.nsw.gov.au

Customer Service Centres | Petersham 2-14 Fisher Street | Leichhardt 7-15 Wetherill Street | Ashfield 260 Liverpool Road

- (d) Floor space ratio controls to be developed for each site should the proposal obtain Gateway approval.
2. Request the applicant to update the planning proposal report and associated documentation to ensure consistency between all documents;
 3. 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;
 4. Request that Council be delegated plan making functions in relation to the planning proposal;
 5. Resolve to develop site specific planning controls to apply to the future development at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore for inclusion in MDCP 2011 Part 9.9 (Newington Precinct 9) consistent with the advice contained within this report and that the site specific controls be publicly exhibited concurrently with the planning proposal; and
 6. Consider the Voluntary Planning Agreement (VPA) offer in accordance with Council's interim VPA Policy.

Local Planning Panel comments – 10 July 2018

The Planning Proposal together with covering report (**Attachment 3**) was referred to the Local Planning Panel on 10 July 2018 pursuant to Section 9.1 of the Environmental Planning and Assessment Act 1979 and the Planning Direction. The Panel made the following comments:

"The Panel notes the resolution of Council 25 July 2017 and notes that the applicant for the planning proposal has now responded to paragraphs 1 and 2 of that resolution noting that the documentation now furnished by the applicant is incomplete".

The decision of the panel was unanimous

Reason for decision: The Council's resolution of 25 July 2017 is self-executing".

Council consideration of Planning Panel comments and Resolution 11 September 2018

Council considered a report on the Local Panel Comments of 10 July 2018, and resolved as follows:

1. Council note the comments of the Local Planning Panel of 10 July 2018 on the Planning Proposal;
2. The attached Planning Proposal be forwarded to the Minister for Planning for a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979 with a recommendation that an additional traffic and street capacity study be provided prior to public exhibition;
3. The Department of Planning and Environment be requested to delegate the plan making functions for the Planning Proposal to Council;
4. Following receipt of a Gateway Determination and compliance with its conditions by the proponent, the Planning Proposal and supporting documentation be placed on public exhibition for a minimum of 28 days and public authorities be consulted in accordance with the Determination;
5. A report be presented to Council on completion of the public exhibition, which will address submissions received;

6. Council negotiate a Voluntary Planning Agreement (VPA) with the proponent with the intention of exhibiting the VPA at the same time as the Planning Proposal;
7. The plans be amended before going in exhibition to comply with the height requirements ie no taller than 55 meters including aerials, cranes etc set out in the correspondence from Sydney Airport Corporation.
8. Council note there now may be the opportunity for Council to obtain an affordable housing contribution pursuant to s 7.32 of the EPAA Act as an alternative to accepting a VPA offer from the owner;
9. Council when forwarding the proposal to the Minister, request guidance from the Department on how Council may propose for this site an additional LEP amendment, supported by a scheme for dedications or contributions, pursuant to s 7.32 (old s 94F) of the EPAA Act, for the purpose of imposing a condition requiring the contribution of affordable housing under any future DA pursuant to s 7.32(2); and
10. Council receive a report in relation to this guidance as soon as practicable.

Additional studies

In accordance with Part 1.3 of the Guide to Preparing Planning Proposal, and as identified in the Council report to the Local Planning Panel the following additional studies are required in order to justify the suitability of the proposed LEP amendment, which are to be provided by the site owner/applicant prior to any Community Consultation.

- A study analysing the existing narrow Alma Avenue, Tupper Streets and their capacity to have one or two way vehicular movements for servicing the development, and so identifying the necessary street widths and verges to accommodate this.
- A local traffic study dealing with traffic impacts on the affected parts of existing nearby narrow local street capacity and network, and making recommendations on how to have any traffic generation from future development on the subject site address and ameliorate this.

A site contamination report that addresses the requirements of State Environmental Planning Policy No 55 is also required.

Site Specific Development Control Plan

An ancillary site specific Development Control Plan (DCP) part will be produced by Council. This will be an amendment to the Marrickville DCP 2011. This will include consideration of the findings of the studies identified above. It will be concurrently exhibited during community consultation of the LEP amendment.

Proposed community engagement

It is considered there should be a minimum 28 day community consultation period. **Table 1** below has a proposed timeline.

It is considered that the following State Agencies and Federal Agencies should be consulted:

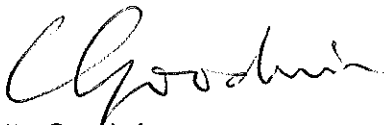
- Roads and Maritime Services, Sydney Airports, Ausgrid.

Request to authorise delegation to Council to progress plan-making process

The Planning Proposal is considered to be a matter of local significance and it is requested that the relevant Authorisation be issued to the Inner West Council to become the Planning Proposal Authority. In accordance with Part 3.33 of the EPA Act 1979, this will make Council responsible for the final content of the Planning Proposal, and that it addresses and adequately sets out the justification for the making of the proposed instrument.

Please contact Con Colot- Senior Planner on T.9392 5977 or Alex Kresovic- Strategic Planner on T. 9392 5689 should you have any questions concerning this Planning Proposal or require further information prior to Gateway determination.

Yours sincerely



Colette Goodwin
Acting Manager Planning Operations

ATTACHMENTS

Attachment 1 – Planning Proposal, and :

Proposed A3 tile LEP Maps

- Land Zoning Map
- Maximum Building Height Map
- Maximum Floor Space Ratio Map
- Land Reservation Map and explanatory note.
- Key Sites Map

Annexures -Additional studies and Information

- Urban Design Study and Concept Scheme
- Site and Traffic and Parking Impact Assessment
- Arborists Report
- Voluntary Planning agreement- letter of offer
- Letter from Sydney Airport Corporation
- Site Survey

Attachment 2 – Council report 25 July 2017

Attachment 3 – Report to Planning Panel

Attachment 4 - Report to Council 11 September 2018

Table 1- Planning Proposal Timeline

Stage	Date
Gateway Determination	October 2018
Completion of required ancillary technical information	February 2019
Community Consultation completed	April 2019
State Agency Referrals	Concurrent with public exhibition (28 days) April 2019
Consideration of public submissions and State Agency responses, and report to Council.	June 2019
Referral and advice received by Parliamentary Counsel	July 2019
Referral to Department GIS/Mapping unit for approval of LEP maps	July 2019
Council instructs that the written Plan Amendment and Map Amendments be uploaded onto the legislation website.	August 2019