

Planning proposal to amend Marrickville LEP 2011 to rezone 85 Margaret Street, Petersham and apply planning controls.

Proposal Title : **Planning proposal to amend Marrickville LEP 2011 to rezone 85 Margaret Street, Petersham and apply planning controls.**

Proposal Summary : **The intention of the planning proposal is to amend Marrickville LEP 2011 to rezone the subject site from SP2 Educational Establishments to R2 Low Density Residential, and apply planning controls, to enable Petersham TAFE to deal with the subject site as a standalone entity.**

PP Number : **PP_2017_IWEST_002_00** Dop File No : **17/01087**

Proposal Details

Date Planning Proposal Received : **09-Jan-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 : **85 Margaret Street**

Suburb : **Petersham** City : **Sydney** Postcode : **2049**

Land Parcel : **Part of Lot 1 DP749931**

DoP Planning Officer Contact Details

Contact Name : **Helen Wilkins**

Contact Number : **0292746559**

Contact Email : **helen.wilkins@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Peter Wotton**

Contact Number : **0293352260**

Contact Email : **peter.wotton@innerwest.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Martin Cooper**

Contact Number : **0292746582**

Contact Email : **martin.cooper@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

Planning proposal to amend Marrickville LEP 2011 to rezone 85 Margaret Street, Petersham and apply planning controls.

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **The Department's Code of Conduct has been complied with.**

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

If Yes, comment : **Sydney Region East Branch has not knowingly met with or communicated with any lobbyist in relation to this planning proposal.**

Supporting notes

Internal Supporting Notes :	The planning proposal is supported with conditions because: • it is consistent with State and subregional metropolitan strategy objectives; • it is seeking to rezone a small parcel of land within Petersham TAFE college that is occupied by a separate single storey dwelling, not used by the college, surplus to college's existing and future needs, and is separated from the main campus by a road; • it will allow the college to sell, exchange or otherwise dispose of or deal with the land as a standalone entity; and • the Office of Strategic Lands was consulted and raised no concerns. The proposal includes an intention to subdivide the larger parcel of land comprising Petersham TAFE college and the subject site at 85 Margaret Street, by way of a development application. The planning proposal includes a subdivision plan. The proposed new lot created by the subdivision will have an area of approximately 298sqm and a width of approximately 7.5 metres. This is consistent with the subdivision pattern of other residential properties in the surrounding area. However, it is recommended that the Gateway determination include a condition that: • the proposed Lot subdivision Development Application map be publicly exhibited with the planning proposal.
External Supporting Notes :	The land forms part of the site (Lot 1 DP749931) known as 25 Crystal Street, Petersham, owned by the Minister for Education containing Petersham TAFE. The land referred to as 85 Margaret Street, Petersham, contains a single storey dwelling house. The dwelling house is not used in association with the TAFE. Determination No. 201400132 dated 6 June 2014 approved an application to carry out internal renovations and external repairs and use the building known as 85 Margaret Street as a dwelling.

Adequacy Assessment

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

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

Comment :	The objective of the planning proposal is to enable the zoning of the site to reflect its present use as a detached dwelling house consistent with surrounding residential land, to enable the TAFE college to sell, exchange or otherwise dispose of or deal with the land as
-----------	--

Planning proposal to amend Marrickville LEP 2011 to rezone 85 Margaret Street, Petersham and apply planning controls.

a standalone entity.

This is considered adequate.

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

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

Comment : The planning proposal seeks to amend Marrickville LEP 2011 for the subject site (approximately 298sqm of Lot 1 DP749931) to:

- rezone the land from SP2 Educational Establishments to R2 Low Density Residential;
- introduce a maximum building height of 9.5 metres; and
- introduce a maximum floor space ratio of 0.6:1.

This is considered adequate.

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

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Affordable Rental Housing) 2009

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

State Environmental Planning Policies

SEPP (Infrastructure) 2007

The proposal is considered to be consistent with the SEPP. The SEPP has specific planning provisions and development controls for types of infrastructure that includes educational establishments. Practice Note PN 10-001, Zoning for Infrastructure in LEPs, includes principles for zoning infrastructure:

- Principle 3 – Certain special purpose zones should remain as special purpose zones.

This Principle states that it is anticipated that only a minority of TAFEs could be considered strategic sites, but specifies certain criteria against which the site should be assessed to determine if the facility is of strategic importance. The proposal includes an assessment against the criteria and concludes that the site is less than the specified area (20 ha), does not provide a range of facilities that can also be used by the surrounding community, and is not of regional significance. As such the TAFE site is not considered a "strategic site".

Planning proposal to amend Marrickville LEP 2011 to rezone 85 Margaret Street, Petersham and apply planning controls.

- Principle 5 – Zoning surplus public land. This Principle states that, where Government land has been classified as surplus, the land should be rezoned to be compatible with surrounding land uses. The subject land has been deemed, by Petersham TAFE, to be surplus to their existing and future needs and the proposal is seeking to rezone the land to R2 Low Density Residential and apply planning controls that are consistent with surrounding land uses.

The planning proposal is consistent with all other SEPPs.

Section 117 Directions

Direction 6.2 Reserving Land for Public Purposes

The Direction requires that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or nominated officer). The proposal is not consistent with the Direction as it will result in the rezoning of land that is currently zoned SP2 Infrastructure (Educational Establishments) to R2 Low Density Residential. However, the land is occupied by a separate single storey dwelling, not used by the college, surplus to college's existing and future needs, and is separated from the main campus by a road. The inconsistency is therefore considered to be minor and justified.

Direction 2.3 Heritage Conservation.

The Direction seeks to facilitate the conservation of items, places etc. that are identified in a study of the environmental heritage of the area, and items that are of heritage significance to Aboriginal culture and people. Part of the Petersham TAFE site is identified as Heritage Item I185 in the Marrickville LEP 2011. The Heritage Map (HER_003) identifies the Item as on the southern half of the site and does not include land along the Margaret Street frontage. Pending registration of the proposed site subdivision, the Marrickville LEP 2011 will need to be updated to reflect the new Lot and DP number for the heritage item.

The planning proposal is consistent with all other section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes current and proposed Land Zoning Map; Floor Space Ratio Map; and Height of Buildings Map.

It is recommended that the Gateway determination include a condition that the proposed Lot subdivision Development Application map be publicly exhibited with the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Given the nature of the planning proposal a community consultation period of 28 days is proposed.

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 :

Planning proposal to amend Marrickville LEP 2011 to rezone 85 Margaret Street, Petersham and apply planning controls.

Proposal Assessment

Principal LEP:

Due Date :

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

Assessment Criteria

Need for planning proposal : **The planning proposal is the best means for achieving a zoning that reflects the current use of the site as a residential dwelling house.**

Consistency with strategic planning framework : **The planning proposal is consistent with A Plan for Growing Sydney and the draft Central District Plan. The Plan and the draft Plan include no specific Priorities or Actions that relate to educational establishments. However, the draft Plan states "the delivery of [educational] services is the responsibility of many agencies and organisations that need to consider existing and future demand." The subject land has been deemed, by Petersham TAFE, to be surplus to their existing and future needs and as such the planning proposal is considered to be consistent with the objectives and actions contained within the Metropolitan Planning framework.**

The planning proposal is consistent with Councils' key strategic Plan, the Marrickville Community Strategic Plan (Our Place, Our Vision) 2010, which defines the long term aspirations and strategic directions for the community.

Environmental social economic impacts : **Environmental:
There is no known critical habitat or threatened species populations or ecological communities, or their habitats affecting this site and there are no other likely environmental impacts of the planning proposal.**

**Social and Economic:
The planning proposal would result in the rezoning of the subject land to reflect its present use as a detached dwelling, consistent with surrounding residential uses. As such the proposed rezoning would not result in any social or economic impacts.**

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **Department of Education and Communities
Office of Environment and Heritage**

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 :

Planning proposal to amend Marrickville LEP 2011 to rezone 85 Margaret Street, Petersham and apply planning controls.

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
Covering letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report - excerpt - 5 April 2016.pdf	Proposal	Yes
Council Resolution - 5 April 2016.pdf	Proposal	Yes
Attachment 1.pdf	Proposal	No
Attachment 4.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney

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

- 1. The proposed Lot subdivision Development Application is to be publicly exhibited with the planning proposal.**
- 2. Community consultation is required for a minimum of 28 days.**
- 3. Consultation is required with the following public authorities:**
 - Office of Environment and Heritage.**
 - Department of Education and Communities.**
- 4. A public hearing is not required to be held into the matter.**
- 5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.**

Supporting Reasons : **The planning proposal is supported with conditions because:**
• it is consistent with State and subregional metropolitan strategy objectives;
• it is seeking to rezone a small parcel of land within Petersham TAFE college that is occupied by a separate single storey dwelling, not used by the college, surplus to college's existing and future needs, and is separated from the main campus by a road;

Planning proposal to amend Marrickville LEP 2011 to rezone 85 Margaret Street, Petersham and apply planning controls.

- it will allow the college to sell, exchange or otherwise dispose of or deal with the land as a standalone entity; and
- the Office of Strategic Lands was consulted and raised no concerns.

However, it is recommended that the Gateway determination include a condition that:

- the proposed Lot subdivision Development Application map be publicly exhibited with the planning proposal.

Signature:



Printed Name:

KAREN MCSTEWART

Date:

27/1/17

