

Planning proposal to amend Marrickville Local Environmental Plan 2011 for land at 141-161 New Canterbury Road, Lewisham.

Proposal Title :	Planning proposal to amend Marrickville Local Environmental Plan 2011 for land at 141-161 New Canterbury Road, Lewisham.		
Proposal Summary :	To amend the following development controls applying to land at 141-161 New Canterbury Road, Lewisham (the site), under the Marrickville Local Environmental Plan 2011 to: • rezone the site from IN2 Light Industrial to B5 Business Development; • under Schedule 1 Additional Permitted Uses, permit residential flat buildings and any other use permissible on the land provided that: - no more than 55 per cent of the total ground floor area comprises of dwellings, loading spaces and/or vehicular parking and associated access; and, - no dwelling located on the ground floor has a frontage to New Canterbury Road. • apply a maximum permissible building height of 14 metres; and, • increase the maximum floor space ratio from 0.95:1 to 2.2:1.		
PP Number :	PP_2015_MARRI_001_00	Dop File No :	15/07069

Proposal Details

Date Planning Proposal Received :	17-Jun-2015	LGA covered :	Marrickville
Region :	Metro(CBD)	RPA :	Marrickville Council
State Electorate :	MARRICKVILLE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	141-161		
Suburb :	New Canterbury Road	City :	Marrickville
		Postcode :	2049
Land Parcel :	Lot 1, DP 718901		

DoP Planning Officer Contact Details

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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 (where relevant) :	63
Gross Floor Area :	0	No of Jobs Created :	39

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : In December 2014, Marrickville Council considered a planning proposal for 141-161 New Canterbury Road, Lewisham (the site). Council resolved to support the planning proposal, but delay the submission of the proposal until site access issues were resolved.

In April 2015, the Department received the planning proposal from Marrickville Council. The Department requested additional information which was received and accepted by the Department on 17 June 2015. The planning proposal needs to be read in conjunction with the supplementary information (Tab A) and the Council resolution and report (Tab B).

THE SITE

The site is broadly rectangular and has an access lane to Hunter Street, via Frazer Lane, which extends from the site. The total site area is approximately 2,334m². The site is within the Petersham Commercial Centre (Precinct 36) of the Marrickville Development Control Plan. The site is in a prominent location at the T-intersection of New Canterbury Road and Wardell Road and to the west of Petersham Town Centre.

At present, there are two warehouse and retail outlets on the site - Georgiou's Confectionery and Saray Rug Warehouse. There is a customer car park, loading zone and access lane on site.

In December 2014, Council resolved to amend the planning proposal as submitted by the proponent, Planning Lab, by reducing the proposed maximum building height from 17 metres to 14 metres, and including additional controls in the Schedule 1 amendment. Council also resolved to delay submitting the proposal to the Department until site access issues were resolved. A satisfactory and temporary access arrangement has been agreed to by Council, with ingress via Hunter Street and egress via New Canterbury Road.

The site is located to the west of Petersham Town Centre, a local retail / services area. Petersham Public School is within 50 metres of the site (Hunter St). Regular bus services run along New Canterbury Road, which service the city and the inner west. There are two

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nearby train stations – Lewisham (700m) and Petersham (900m) and the Lewisham Light Rail stop is accessible.

The planning proposal also indicates a proposed amendment to the Marrickville Development Control Plan to introduce site specific provisions for Precinct 36 (Petersham Town Centre). The amendment to the Development Control Plan has not been provided and therefore, has not been considered.

External Supporting Notes :

The planning proposal seeks to amend development controls under the Marrickville Local Environmental Plan applying to the site. Council supports the planning proposal.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The objectives of the planning proposal are as follows:

- to provide an alternative land use for a key site in close proximity to the Petersham town centre;
- to positively contribute to the vitality of the Petersham town centre by providing a mix of future land uses;
- to conserve a building of demonstrable streetscape value also having high visibility, industrial character and local recognition;
- to enable the redevelopment of the subject site for medium density residential use and ancillary commercial purposes; and,
- to introduce new provisions for the building height and floor space ratio to allow for higher density living and commercial spaces that will accommodate the future growth of Marrickville LGA and Petersham town centre.

The statement of objectives is clear and sufficient.

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

Is an explanation of provisions provided? Yes

Comment :

The planning proposal intends to achieve its objectives by amending the Marrickville LEP 2011 as follows:

- show the site as zoned B5 Business Development on the Land Zoning Map (Map No. 1 and Map No. 3);
- under Schedule 1 Additional Permitted Uses, permit residential flat buildings and any other use permissible on the land provided that:
 - no more than 55 per cent of the total ground floor area comprises of dwellings, loading spaces and/or vehicular parking and associated access; and,
 - no dwelling located on the ground floor has a frontage to New Canterbury Road.
- show the site as having a maximum permissible building height of 14m on the Height of Building Map (Map No. 1 and Map No. 3); and
- show the site as having a maximum permissible floor space ratio of 2.2:1 on the Floor Space Ratio Map (Map No. 1 and Map No. 3).

The explanation of provisions is clear and sufficient.

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
- 2.3 Heritage Conservation
- 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

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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 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Infrastructure) 2007

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

Updated State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings Amendments to SEPP 65 and a new Apartment Design Guide will commence on 17 July 2015. The updated SEPP and the Guide have been considered. As compliance with SEPP 65 is a development assessment matter, the Department considers the planning proposal consistent with this SEPP. Notwithstanding, prior to public exhibition, it is recommended the planning proposal is updated to demonstrate how future development will meet the updated SEPP 65 and the new Apartment Design Guide.

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

If No, explain :

Direction 1.1 Business and Industrial Zones

The direction requires that a planning proposal must retain locations of existing business and industrial zones and must not reduce the total potential floor space for employment uses. It is relevant as the proposal seeks to rezone industrial land and permit residential uses.

The Department considers the proposal to be consistent with this direction, as the proposal retains a 'business' zone for the site. However, the inconsistency with the requirement to retain potential employment floor space areas is noted. It is recommended that Schedule 1 Additional Permitted Use be further amended to prohibit residential uses on the ground floor, thereby not reducing potential employment uses.

Direction 3.5 Development near Licensed Aerodromes

The objective of this direction is to secure the safe operation of aerodromes by ensuring development does not impede on aircraft and airport operations. The site lies within the ANEF 20-25 corridor. The direction triggers additional development controls, including compliance with AS2021-2000, for residential development in this corridor. Marrickville LEP also contains a local clause, Clause 6.5 Development in areas subject to aircraft noise, which requires Council to consider development applications for residential development against AS2021-2000 in ANEF contours 20 or greater.

The Department considers the planning proposal to be consistent with this direction. Notwithstanding, it is recommended that, prior to public exhibition, the planning proposal is updated to demonstrate how AS2021-2000 will be addressed.

Direction 6.3 Site Specific Provisions

This direction discourages unnecessarily restrictive site specific provisions. The planning proposal is considered to be inconsistent with this direction because it introduces site specific controls that permit residential flat buildings, but restrict ground floor residential use. The Department considers the inconsistency to be of minor significance because the controls will provide better urban outcomes.

The planning proposal is consistent with all other relevant SEPPs and section 117 directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The planning proposal contains maps and images of the site to demonstrate its position in relation to the area. Prior to public exhibition, the planning proposal should be updated to include mapping which demonstrates the proposed controls. Mapping which clearly shows current and proposed controls are required to be exhibited.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal indicates a community consultation period will be in accordance with requirements of the Gateway and the Environmental Planning and Assessment Act. A minimum of 28 days consultation period is appropriate.**

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 : **The proposal is generally adequate, but needs to be read in conjunction with the supplementary information and the Council resolution. Prior to public exhibition, the planning proposal should, for clarity, be updated to combine the information into a single document.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The LEP was made on 12 December 2011.**

Assessment Criteria

Need for planning proposal : **The proponent is requesting amendments to the Marrickville Local Environmental Plan 2011, particularly the rezoning of the site, amendments to current building height and floor space ratio controls and a Schedule 1 amendment to permit residential flat buildings on the site. The planning proposal is not part of a wider study or survey. A planning proposal is needed to change the comprehensive LEP. The requested amendments cannot be advanced without a planning proposal.**

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Consistency with
strategic planning
framework :

A Plan For Growing Sydney:

The proposed amendments to the LEP will deliver housing and housing choice in an area that is well serviced by transport, services and jobs.

The planning proposal is consistent with Principle 1: Increasing housing choice around all centres through urban renewal in established areas and Goal 2: A city of housing choice, with homes that meet our needs and lifestyles. The proposal is not inconsistent with employment objectives of A Plan For Growing Sydney as the site is not located in the transport gateways and not within a strategic centre.

The planning proposal is considered consistent with the Industrial Lands Checklist because:

- industrial land in the area is fragmented and the site is bounded by commercial and residential areas – not industrial;
- the site equates to approximately 0.13 per cent of industrial land identified in the draft South Subregional Strategy and is not a significant loss;
- commercial uses will be retained on the ground floor, thus retaining employment uses; and
- the site is not critical to meeting an alternate purpose identified by the State Government or Marrickville Council.

The Department considers the proposal to be consistent with relevant principles, directions and actions of A Plan For Growing Sydney.

Department of Planning and Environment's 2014 NSW Population and Dwelling Projections – Marrickville LGA:

It is predicted the population of Marrickville will rise from approximately 85,500 people in 2016 to 102,300 in 2031. An additional 7,750 dwellings are needed to accommodate the forecast population.

The planning proposal will assist in increasing the local housing supply by a modest amount – 63 units.

Marrickville Urban Strategy:

The Marrickville Urban Strategy is a strategic planning framework for Marrickville that has long-term directions for housing, transport, employment and urban renewal. The strategy recommends Council should plan for an additional 3,830 dwellings in the next 25 years.

The planning proposal is consistent with the following directions of the Strategy:

- focus residential development around town, village and neighbourhood centres in walking distance to public transport, shops and services;
- rezone selected industrial sites to cater for residential housing demand; and
- focus new residential development in existing centres with good public transport and services to improve housing choice.

Marrickville Employment Lands Study:

The Marrickville Employment Lands Study (MELS) reviews the future use and capacity of employment lands in the LGA. The MELS noted that a planning proposal had been submitted for the site. However, the MELS is focused on large parcels of industrial or former industrial land in Marrickville. The loss of this industrial land is not significant in the wider context and current uses are not high employment generators.

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.

Site contamination:

The planning proposal states the site has not yet been tested for contamination, but a site contamination investigation would be carried out prior to any development and the site would be appropriately remediated, if contamination was found.

While the proponent indicated there is no known history of contaminating uses on the site in a meeting with the Department on 28 May 2015, Marrickville's history as an industrial area would make it prudent for a preliminary site contamination investigation to be conducted. The site is not affected by acid sulphate soil.

The Department considers that, to be consistent with SEPP 55 – Remediation of Land, a condition that a preliminary site contamination investigation is conducted prior to public exhibition is required. The findings of the investigation, including any recommendations and plans for remediation, must be placed on public exhibition. The planning proposal is to be updated accordingly, including an updated assessment against this SEPP prior to public exhibition.

Building height and Floor Space Ratio (FSR):

There are currently no building height controls in the Marrickville LEP 2011; but Council's development control plan (DCP) limits potential building heights for the site to 14 metres. Following Council concerns relating to the impact on nearby locally listed heritage items, the proposed maximum building height has been reduced from 17 metres to 14 metres. The proposal also seeks to increase the FSR from 0.95:1 to 2.2:1.

The site is adjacent to a mix of warehouse-type buildings and residential dwellings in a highly urbanised location adjacent to a main road. It is considered the proposal has the potential to facilitate the development of an acceptable urban form appropriate to its location and circumstances. Notwithstanding, the future development of the site will be subject to detailed consideration at the development application stage. See also comments under 'Local Heritage' below.

Access to site:

The site fronts New Canterbury Road (a classified State road) and is at the top of the T-intersection of New Canterbury Road and Wardell Road. Site access is a major consideration for the site due to site depth and traffic volumes (particularly in peak hours).

Currently, the site can be entered into from New Canterbury Road (left in), where there is a customer parking lot and loading area for Georgiou's. Access to adjoining businesses (including Saray Rug Warehouse) is from the rear along Frazer Lane.

Council has a preference for two-way vehicle access from Hunter Street and for a solution that will not impact on future development potential of neighbouring sites. The existing Hunter Street / Frazer Lane access is smaller than required by RMS and currently only allows one-way traffic. The proponent has unsuccessfully attempted to contact adjoining land owners to discuss purchasing additional land in order to provide two-way access.

The proponent, Council, transport planners and RMS have developed a solution that Council have agreed to as a temporary solution. Ingress will be one way via Hunter Street / Frazer Lane with egress onto New Canterbury Road. No vehicular access will be provided to the site off New Canterbury Road. This will allow for vehicular movement into the site without adversely affecting the development potential.

The number of vehicles entering and exiting the site is an important consideration, given the volumes of traffic on New Canterbury Road (between 23,000 and 38,000 vehicle movements per day), the retention of the Georgiou's confectionery site on the ground floor and the potential for residential accommodation on the ground floor.

The Department considers the temporary vehicle access solution to be satisfactory.

Local Heritage

The site is not within a heritage conservation area and does not contain any local heritage items. However, the Lewisham Estate Heritage Conservation area surrounds the site to the north and the Petersham Commercial Precinct Heritage Conservation area is to the east. There are two local heritage items in close vicinity to the site – Morton House behind the

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site on Hunter Street and the Huntsbury Hotel to the east.

Future redevelopment of the site should be sensitive to local heritage areas. It is recommended that the Office of Environment and Heritage is consulted on this proposal, given its proximity to local heritage items.

Location to school

The site is located less than 50 metres from Petersham Public School. The school and the Department of Education and Communities should be consulted as to the impact of the redevelopment on the school, including capacity to absorb additional students.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Department of Education and Communities Office of Environment and Heritage Transport for NSW Transport for NSW - Roads and Maritime Services		

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
Letter - Submission of Planning Proposal.pdf	Proposal Covering Letter	Yes
Request for delegation of plan making functions.pdf	Study	Yes
Planning Proposal - 141-161 New Canterbury Road, Lewisham.pdf	Proposal	Yes
Tab A - Supplementary Report - Planning Proposal for 141-161 New Canterbury Rd, Lewisham.pdf	Proposal	Yes
Tab B - Council Minutes and Report.pdf	Proposal	Yes
Attachment - Assessment of Planning Proposal Against all Section 117 Directions.pdf	Proposal	Yes

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Urban Design Report - 141-161 New Canterbury Rd, Lewisham.pdf	Study	Yes
Traffic Report - 141-161 New Canterbury Road, Lewisham.pdf	Study	Yes
Traffic flow plans.pdf	Drawing	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
- 2.3 Heritage Conservation
- 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 : **This planning proposal is recommended to proceed with the following conditions:**

1. Prior to undertaking public exhibition, the planning proposal is to be updated as follows:

- (a) the 'Planning Proposal Supplementary Report' and Council Resolution dated 2 December 2014 are to be incorporated into a single planning proposal document;
- (b) a maximum building height of 14 metres is applied to the site;
- (c) the proposed amendment to Schedule 1 is deleted from the planning proposal and replaced with a statement of intent that residential flat buildings are to be permissible with consent on the site, provided that (i) no more than 55 per cent of the total ground floor area comprises of dwellings, loading spaces and/or vehicular parking and associated access; and (ii) no dwelling located on the ground floor has a frontage to New Canterbury Road.

2. Prior to undertaking public exhibition, the planning proposal be updated to include mapping that details the current and proposed controls for the site.

3. Prior to undertaking public exhibition, the planning proposal be updated to:

- (a) demonstrate how future built form can comply with the updated State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide; and
- (b) incorporate the findings of a preliminary site contamination investigation.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

- (a) the planning proposal is considered to be routine as described in A Guide to Preparing LEPs (Department of Planning and Environment 2013) and must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- (a) Roads and Maritime Services;
- (b) Transport for NSW;
- (c) Department of Education and Communities; and
- (d) Office of Environment and Heritage.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The time frame for completing the LEP is to be 9 months from the week following the date of Gateway determination.

Prior to undertaking public exhibition, the planning proposal is to be updated to incorporate the outcomes of a traffic and transport study which examines the full impact of additional residential and commercial floor space, inclusive of the proposed supermarket.

Supporting Reasons :

The proposal is recommended to proceed as it:

- **provides housing and housing choice in a well-serviced location;**
- **enables the economically viable redevelopment of the site for mixed- use;**
- **provides greater flexibility for the site by accommodating commercial and residential development;**
- **the loss of industrial land is considered minor; and**
- **demonstrates consistency with relevant Strategic Planning documents.**

Signature:



Printed Name:

Dianne Sarkis

Date:

15/7/15