MARRICKVILLE council

MINUTE ACTION SHEET

FOR ACTION

Meeting: **INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES COMMITTEE**

Meeting Date: **2/12/2014**

TO: Strategic Planner (Maxine Bayley)

Subject: **Planning Proposal: 147 New Canterbury Road, Lewisham**

Target Date: 16/12/2014

Notes:

Public Speaker: Giovanni Cirillo and Glenn McCormack

Motion: **(Woods/Ellsmore)**

THAT Council:

1. give in principle support to the planning proposed request for 147 New Canterbury Road, Lewisham to rezone the land to B5 – Business Development, subject to:
   a. the inclusion of an additional permitted use for the site in Schedule 1 of MLEP 2011 permitting a mixed use development with land uses other than residential required at the ground floor level fronting New Canterbury Road, as follows:

      A mixed use development comprising a residential flat building and any other use permissible on the land is permissible with consent provided that:

      I. no more than 55% of the total ground floor area comprises 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."

   b. a maximum building height of 14 metres and a commensurate floor space ratio;
   c. inclusion of site specific controls within Precinct 36 (Petersham Commercial Precinct) in Part 9 of MDCP 2011 for the site including the retention of the 'Georgious' building façade including the front bay;
   d. satisfactory access arrangements being provided by the proponent comprising a rear lane allowing for two-way vehicular access onto Hunter Street, with provision for future extension to accommodate redevelopment of the adjacent sites (133-203 New Canterbury Road); and
2. delay submission of a planning proposal to the Department of Planning and Environment until access options for the site are addressed to the satisfaction of Council.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Haylen, Iskandar, Macri and Woods

Against Motion: Councillors Leary and Phillips

Amendment: (Gardiner/Macri)

To remove point 2

Motion Lost
For Motion: Councillors Barbar, Gardiner, Hanna, Macri and Woods
Against Motion: Councillors Brooks, Ellsmore, Haylen, Iskandar, Leary, Phillips

Amendment (Macri/Hanna)

That the building be 17m maximum allowing an additional 5th storey setback as not to be visible from New Canterbury Road.

Motion Lost
For Motion: Councillors Hanna and Macri
Against Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Haylen, Iskandar, Leary, Phillips and Woods

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Item No: IP1214 Item 2

Subject: PLANNING PROPOSAL: 147 NEW CANTERBURY ROAD, LEWISHAM

File Ref: 14/5480/99285.14

Prepared By: Maxine Bayley - Strategic Planner

Authorised By: Tim Moore - Director, Planning and Environmental Services

SUMMARY

Council has received a planning proposal for the Georgious Confectionary and Saray Rugs site at 147 New Canterbury Road, Lewisham. The planning proposal seeks to amend the MLEP 2011 for the site from IN2 Light Industrial to a business zone permitting mixed use residential and commercial development.

The application proposes a maximum 5 storey built form with ground floor commercial/residential space and 4 levels of residential accommodation. Car parking would be provided at basement level with street access to Hunter Street via an existing right of way. The proposal also includes controls for the retention of the existing 1-2 storey brick façade with the new building to sit behind and above.

The proposal is consistent with the land use direction that Council has previously set for the site and adjacent industrial properties and is supportable from a strategic land use perspective. However issues have been identified concerning the built form and access arrangements for the proposal.

Council's Architectural Excellence Panel and Heritage and Urban Design Advisor have each raised concerns with the proposed building height. In regard to the existing right of way Council's Development Engineer has advised that the proposed access arrangements for the site have not been satisfactorily resolved and the planning proposal should not progress until this matter is resolved.

This report recommends that Council give in principle support to the planning proposal subject to a maximum building height of 14 metres (4 storeys) and that planning provisions be included in Schedule 1 of MLEP 2011 ensuring that non-residential land uses (excluding retail) be provided at the street frontage. However, as access relies on adjacent land, it is recommended that the planning proposal not be referred for Gateway determination until site access arrangements have been resolved. A number of options to address access are discussed in this report. Depending upon the proponent's ability to address this issue it may be necessary for the rezoning of the site to be progressed as part of the wider precinct through an integrated masterplannng process as Council has previously resolved. This work is not currently scheduled within the Planning Services work program due to delays by the State Government in preparing sub regional planning strategies. These strategies would inform the review of the Marrickville Urban Strategy which would address areas including the New Canterbury Road Lewisham light industrial precinct.

RECOMMENDATION

THAT Council:

1. **give in principle support to the planning proposed request for 147 New Canterbury Road, Lewisham to rezone the land to B5 – Business Development, subject to:**

a. the inclusion of an additional permitted use for the site in Schedule 1 of MLEP 2011 permitting a mixed use development with land uses other than residential required at the ground floor level fronting New Canterbury Road, as follows:

A mixed use development comprising a residential flat building and any other use permissible on the land is permissible with consent provided that:

I. no more than 55% of the total ground floor area comprises 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."

b. a maximum building height of 14 metres and a commensurate floor space ratio;

c. inclusion of site specific controls within Precinct 36 (Petersham Commercial Precinct) in Part 9 of MDCP 2011 for the site including the retention of the 'Georgious' building façade including the front bay;

d. satisfactory access arrangements being provided by the proponent comprising a rear lane allowing for two-way vehicular access onto Hunter Street, with provision for future extension to accommodate redevelopment of the adjacent sites (133-203 New Canterbury Road); and

2. delay submission of a planning proposal to the Department of Planning and Environment until access options for the site are addressed to the satisfaction of Council.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023	
3.9	Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability

BACKGROUND

At its meeting of 5 June 2012, Council considered a report on proposed amendments to the MLEP 2011. As part of this report, Council considered the following submission regarding properties located on New Canterbury Road and Wardell Road (including the subject site) 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.

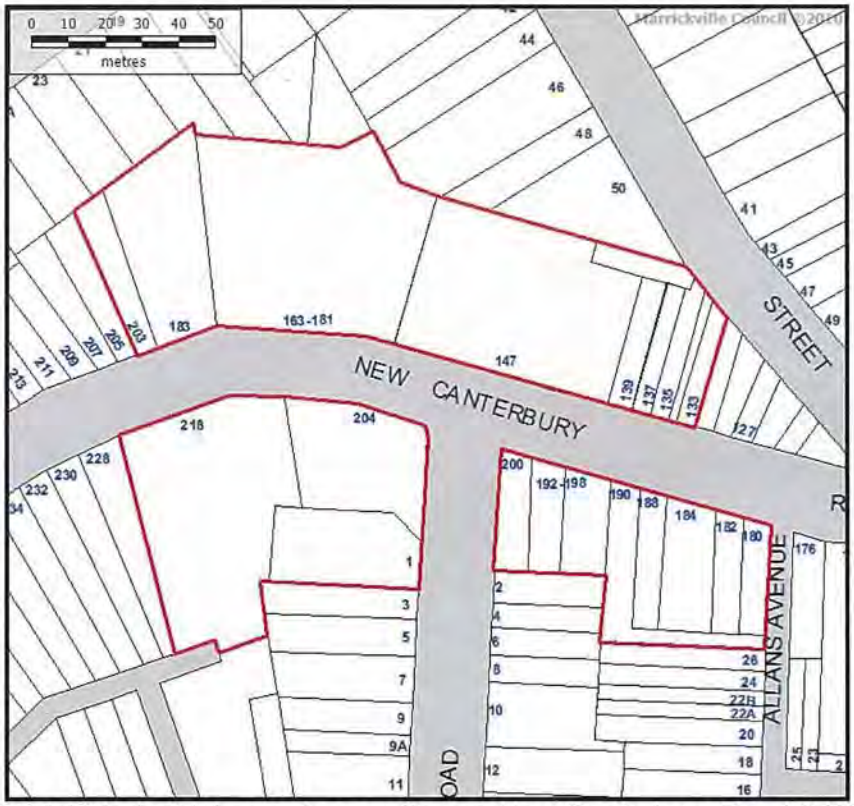

Figure 1: IN2 Light Industrial zoned properties on New Canterbury Road & Wardell Road shown in red outline

To date, the Department of Planning and Environment (DP&E) have not finalised either the draft Metropolitan Strategy for Sydney to 2031 or the draft South Subregional Strategy. Accordingly, the anticipated review of the Marrickville Urban Strategy has not proceeded due to the absence of strategic direction.

Since this matter was last considered by Council, the DP&E has introduced provisions allowing for the submission of third party initiated rezonings. In accordance with these provisions a planning proposal request was lodged with Council on 26 August 2014. Council has 90 days in which to determine whether to support a planning proposal. The time period lapsed on 23 November 2014. Consequently, Council is required to consider the merits of the planning proposal request in order to comply with this timeframe, notwithstanding that a review of the entire precinct, as previously resolved, would be better from an orderly planning perspective.

The principle that has been applied to the merit assessment of site specific planning proposals is that they may be supported provided that it does not compromise the orderly planning of areas identified for future master planning. This principle has been communicated to the proponent prior to, and in discussions since, the submission of the planning proposal request.

DISCUSSION

The site is currently zoned IN2 Light Industrial under MLEP 2011 and has a site area of 2334m². It is located on a visually prominent site opposite the intersection of Wardell Road and New Canterbury Road, Lewisham. The site currently contains two warehouse and retail outlets known as 'Georgious Confectionary' and 'Saray Rug Warehouse'.

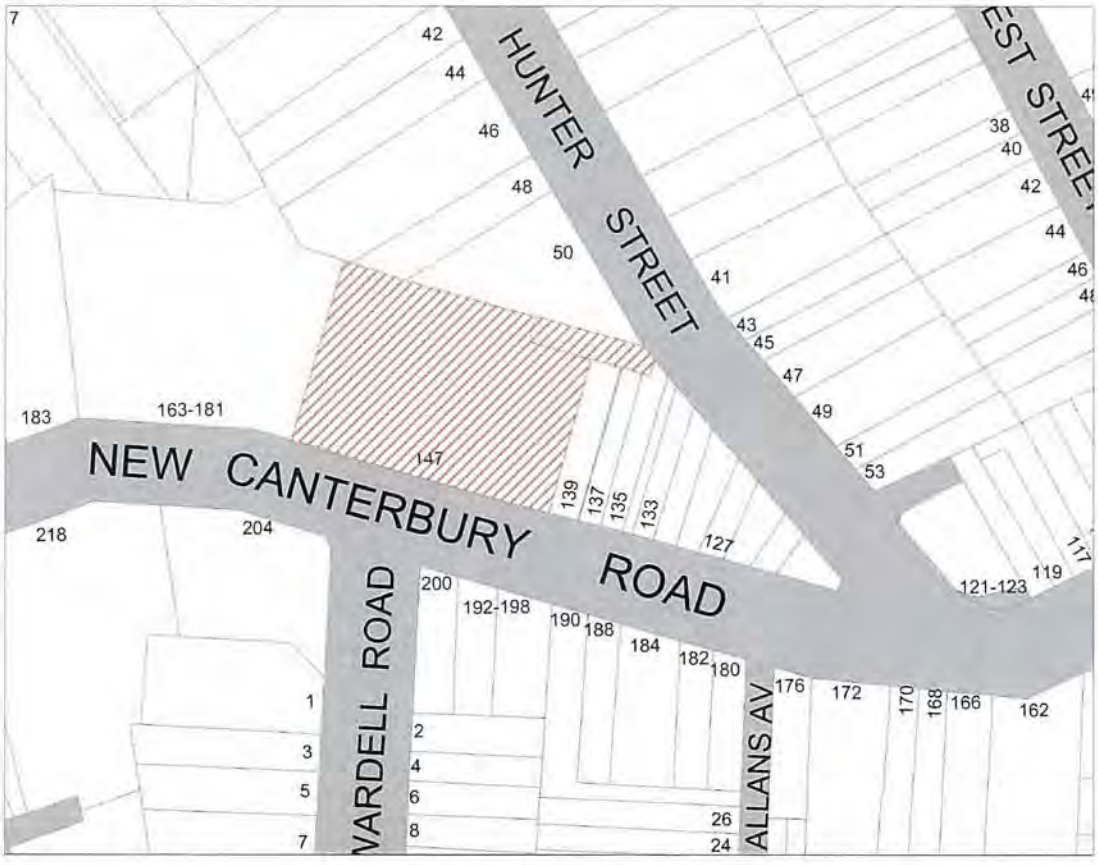

Figure 2: The subject site

Figure 3: The subject site viewed from New Canterbury Road

The site is located within the Petersham Commercial Precinct in Part 9 of the MDCP 2011 (Precinct No. 36) and is 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). Low density residential dwellings are located immediately north of the site on Hunter Street, as well as south adjoining the IN2 Light Industrial zone on both sides of New Canterbury Road.

The current built form consists of two brick warehouse/industrial buildings with prominent face brick facades fronting New Canterbury Road. The buildings are between one and two storeys in height and retain strong industrial/warehouse characteristics including a saw-tooth roof form. The proposal includes the retention of the 'Georgious Confectionary' façade and the 'Saray Rug Warehouse' façade. This matter is further discussed in the heritage section of this report.

Figure 4: Adjoining site at 127-139 New Canterbury Road

Proposed Development

Indicative concept plans were submitted with the application, including a massing concept for the site and adjoining sites at 133-139 New Canterbury Road, design sections and specific floor plans for the ground level and level 5. The ground level concept floor plan includes a commercial area of 783.8m² with residential and loading space located to the rear of the site behind the commercial component fronting New Canterbury Road.

Car parking is provided as two levels of basement parking, with access off an existing right of way to Hunter Street. At the intersection with New Canterbury Road, Hunter Street provides signalised access onto New Canterbury Road in both an easterly and westerly direction. To the north, Hunter Street provides non-signalised access to Railway Terrace in both directions.

The massing concept indicates a building form of 5 storeys set back 6 metres from the retained existing building facades. The building steps down from a height of 5 storeys to 1 storey at the rear. The plans indicate a maximum 17 metre building height for both the subject site and adjoining sites at 133-139 New Canterbury Road. Both the subject site and adjoining sites are shown as greater in height than the existing parapet level of the Huntsbury Hotel, which is a heritage item and marks the gateway to the Petersham retail strip. The floor plans provided indicate units addressing both the New Canterbury Road frontage and rear of the site towards the rear of properties located on Hunter Street. Balconies are shown on both sides of the building facing towards New Canterbury Road to the south and Hunter Street to the north.

Copies of the planning proposal are included as **ATTACHMENTS 1 and 2**.

Current zoning

The site is currently zoned IN2 Light Industrial and operates as two warehouse/retail outlets. No. 147 New Canterbury Road is one of seven lots zoned for light industrial uses on the northern side of New Canterbury Road (one of these sites contains a pre-existing 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. The site is one of the larger lots, as is the adjoining Officeworks development at No. 163-181 New Canterbury Road. On the southern side Nos. 218, 204 & 1 Wardell Road are also substantially sized landholdings. Some sites have rear lane or right of way access, whilst some are accessed directly off New Canterbury Road.

The land uses occurring on the sites is varied and includes local services such as smash repair centres, a service station, large format retail (Officeworks) and household warehouses with ancillary retail outlets. 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, some of which are within the Lewisham Estate Heritage Conservation Area (HCA) which partly adjoins the site with the exception of No. 50 Hunter Street which contains a post-war walk-up residential flat building. The heritage aspects of the proposal are discussed in more detail further in the report.

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. At its northern end, Hunter Street intersects with Railway Terrace to provide non-signalised access in both an easterly and western direction.

Zone

B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
B7	Business Park
IN1	General Industrial
IN2	Light Industrial
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
W1	Natural Waterways
W2	Recreational Waterways

Figure 5: MLEP 2011 Land zoning of subject site and environs

Proposed zoning

The planning proposal seeks a B5 Business Development zone for the site. The objectives of the B5 Business Development zone in MLEP 2011 are as follows:

- *To enable a mix of business and warehouses uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.*
- *To support urban renewal and a pattern of land use and density that reflects the existing and future capacity of the transport network.*

The B5 Business Development zone is suitable for this site as it permits commercial but not retail uses. This will avoid the extension of the existing Petersham retail precinct beyond the current B2 Local Centre zoned area. Such an extension is not desirable as any new development within the centre should support and not compete with existing retail businesses. The B5 Business Development zone would achieve this by providing land uses that support the existing centre (including creative uses) in the form of active commercial ground floor frontages to New Canterbury Road which will assist in maintaining and enhancing the amenity of the area.

The type of land uses permissible with consent in the B5 Business Development zone include bulky good premises, child care centres, food and drink premises, garden centres, hardware and building supplies, hotel and motel accommodation, light industries, vehicle sales and hire premises; warehouse or distribution centres; commercial premises and office premises (including creative industries). Retail premises are prohibited within this zone, as is residential accommodation. To permit the development on the land of a mixed use development comprising a residential flat building and any other use permissible on the land, it is necessary to include this land use as an additional permitted use within Schedule 1 of the MLEP 2011 to apply to No. 147 New Canterbury Road, Lewisham.

Building Height

Currently, there is no maximum height of building control for the subject site. This is broadly controlled by the floor space ratio and reflects the industrial zoning of the site. Commercial properties zoned B2 Local Centre along New Canterbury Road generally have a maximum building height control of 17 metres. The planning proposal request is seeking the same height of building control to be applied to the site. The low density residential properties located to the rear of the site on Hunter Street have a maximum building height of 9.5 metres.

Council's Architectural Excellence Panel and Heritage and Urban Design Advisor have provided recommendations concerning appropriate building height for the site (discussed later in this report).

Figure 6: MLEP 2011 Height of Building control for subject and adjoining sites

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). Two other heritage items are located on Hunter Street in proximity to the site, including a residential dwelling at 40 Hunter Street and the Petersham Baptist Church and Church Hall at 13 Hunter Street, Lewisham.

Council's Heritage and Urban Design Advisor has reviewed the concept plans for the planning proposal request and provided the following comments:

'Contribution
The facades of the buildings proposed to be kept on the Georgious' site are nondescript and do not need to be retained from a heritage period building perspective. However if the consensus is that those facades should be retained this will assist in ensuring the future buildings will have some patina, unpretentious strength, and their scale is suitable.

As is usual practice in these instances, the front bay and/or approximately 6 metres of the building depth should be retained.

Heights
As far as the height of the development goes the properties between the Georgious' site and the Huntsbury Hotel all share a level parapet height and are likely to be retained because they have reasonable period features, therefore the proponent's idea of how high a future property next door might be is not likely to be correct. The ground level gradient is approx 1:65 so between the subject site and the Huntsbury Hotel the ground level will only rise a metre, this does not equate to an extra floor in building height.

I suggest that the proposed building, and any adjoining future buildings to the east should be of equal height, and the height should be no higher than the Huntsbury Hotel, because of its value as a heritage item in a "gateway" position into the Petersham shopping strip.

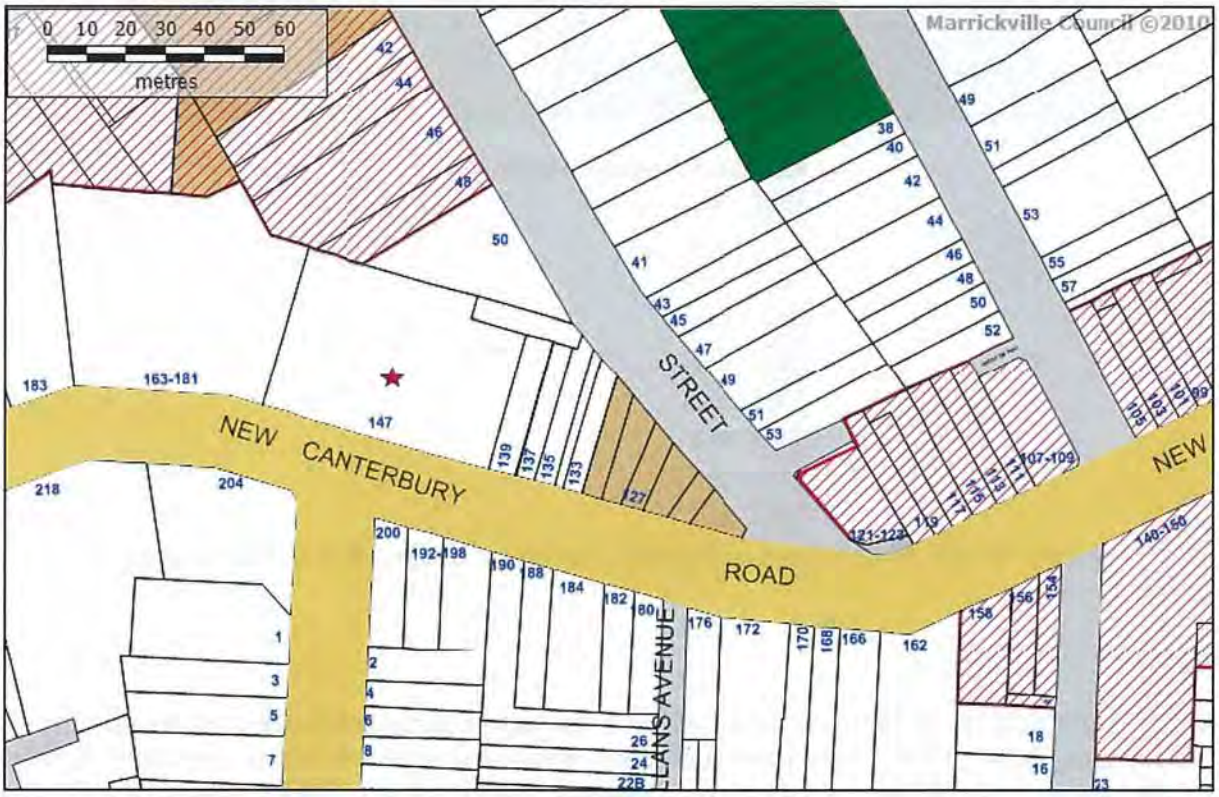

Figure 7: MLEP 2011 Heritage Map for subject site and adjoining sites

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, the site and light industrial zoned land does not function, and is not intended to function as part of the Petersham retail strip. Instead it acts as a buffer to residential areas and provides support to the retail strip. Therefore, while the proposal satisfies the existing criteria, these may need to be refined to reflect the future role of this precinct should it be rezoned.

Architectural Excellence Panel

The indicative plans were referred to the Architectural Excellence Panel who provided the following recommendations:

- *Generally support the scale of building mass to be consistent with the desired massing of adjoining Petersham centre (under MDCP 9.36), however one AEP member recommended some reduction to the FSR and HOB to ensure a 4 storey building occurs.*

- *Require rear laneway, which is to be dedicated to Council and designed to create an activated and attractive 'mews' type of street space, with 8m minimum, preferably 9m to allow for separation from adjoining residential and allow for tree planting and landscaping, with 5.5m two way vehicle movement.*

- *Site planning not be designed to provide waste collection from the rear lane, instead waste room to be located in the south-eastern corner of the site directly adjacent to the front boundary and allow waste collection from New Canterbury Road outside of clearways times.*

- *Support retention of front of 'Georgious Confectionary' building, wall return of 2 saw-tooth wall ends and forecourt, with the residential building not encroaching above this space.*

- *Support provision of substantial area of non retail commercial floor area with controls incorporated in the MLEP 2011 to ensure this occurs.*

The comments of the Architectural Excellence Panel are generally supported, with the following departures:

- A rear lane of 7.5 metres on the basis that this is sufficient to allow for two way vehicle access and footpath and is being recommended based on an evaluation by Council's Development Engineer.

- Based on the comments of Council's Heritage and Urban Design Advisor as well as consideration of the future role of this precinct it is recommended that the maximum building height for all properties within the industrial zoned land west of the Huntsbury Hotel be limited to 14 metres (4 storeys).

- In respect to the retention of the facades and certain existing built elements, it is noted that two separate facades currently address New Canterbury Road, being the 'Georgiou's Confectionary façade' and 'Saray Rugs' façade. The Georgious façade is an inter-war face brick with modest embellishment reflecting its warehouse function. The Saray Rugs façade is a later construction and, although similar to the Georgious façade, is of a lesser architectural quality due to its lack of detail and horizontal proportioning of most openings. It also located in a less visually prominent location further north of the Wardell Road intersection. Therefore, the retention of the Saray Rugs component is less essential than the Georgious façade and this report recommends that only the latter be retained. It would not be possible to retain the two saw-tooth wall ends and forecourt area without significantly impacting on the proposed built form.

- Waste collection be carried out from New Canterbury Road if agreed to by Roads and Maritime Services (RMS). This may be preferable from an amenity perspective than collection from Hunter Lane and will need to be evaluated with regard to waste collection for adjacent properties. This is a matter that would need to be considered as part of future DCP provisions and as part of the overall planning for the precinct.

Traffic and Access

A traffic and parking assessment was provided with the planning proposal. As a result of issues concerning the adequacy of the proposed access arrangements to the site a meeting with the proponent was undertaken on 22 October 2014 and further information provided by the proponent shortly thereafter.

The main issue with the proposed access is the need for two way vehicular access to the site from Hunter Street. In this regard, the width of the right of way as it abuts Hunter Street is only 3.28 metres wide, which is 320mm below the minimum roadway with (3.6 metres) required for a single lane access roadway (AS 2890.1: 2004 Figure 2.8). The requirement to provide two way access is based on peak hour traffic generation rates of greater than 30 peak hour vehicle trips (the proposal will lead to 34 peak hour vehicle trips). The volume of vehicles using the access will be further increased by the potential future redevelopment of No's 133 - 203 New Canterbury Road.

Accordingly, the proposed access arrangements do not meet the requirements of Council or the Australian Standards and in order for development on the site or adjoining landholdings utilising this access point to proceed it will need to be widened to a minimum of 6 metres at the Hunter Street crossover.

There are two ways that such a widening could be achieved. The first is by the proponent acquiring the necessary land, agreeing to construct the access and dedicating it to Council as part of the rezoning process. At the meeting in October with the proponent Council officers recommended this as the most appropriate solution. However, subsequent additional information provided by the proponent stated this option could not be easily achieved.

The proposed development currently proposed on the site includes a basement area which would extend under the recommended access way from Hunter Street.

Council's practice has been to not accept the dedication of land for laneway purposes where there is development under proposed laneways. In such circumstances a right of way has been required to be registered before the issue of an occupation certificate.

The second way would be for Council to apply a reservation to the land required to provide access and seek its future dedication. This would involve a reservation over part of No. 135 New Canterbury Road, the demolition of the existing structure at the rear of the property and the possible relocation of an existing power pole. Obviously, this approach requires consideration of all of the properties from No. No's 133 - 203 New Canterbury Road via a master planning approach and consultation with all property owners. Accordingly, if the property is dependent for access on the redevelopment of No. 135 New Canterbury Road then it would be preemptive to pursue the rezoning of the subject site alone.

Consequently, the proponent needs to secure an independent access solution to the site if Council is to be able to support site specific rezoning prior to adjacent properties. As noted above, in the additional information provided by the proponent concerning access a widening solution via the use of adjoining land was not proposed with the proponent having advised that this was difficult to achieve.

In this regard, there may be other solutions that the proponent can investigate including interim arrangements or direct access onto New Canterbury Road. This option would require the support of the RMS. However, given Council's longstanding position on direct access to main roads and the availability of a readily achievable rear lane to service future development this option is not likely to receive support as it does not deal with access to adjoining sites and may encourage future redevelopment of other sites, in the absence of master planning, to also seek access of New Canterbury Road.

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 to its planning controls. The following discussion provides an assessment of the proposal against the State Government's and Council's strategic planning directions for the Marrickville LGA and Petersham centre.

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 dSSS 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 as the land was identified for retention in the draft South Subregional Strategy. However, the MUS supports 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.

Draft South Subregional Strategy

As discussed previously, the site and surrounding light industrially zoned sites were designated as Category 1, or land to be retained for industrial purposes, within the dSSS. The dSSS was drafted in 2005 and never adopted as a final document. Since that time, Council has been in receipt of a number of proposals seeking the rezoning of industrial land for other and/or additional uses. The Department of Planning & Environment have generally been supportive of those proposals, even when they have been inconsistent with its own policies. Accordingly, Council should give little weight to this draft policy.

Draft Metropolitan Strategy for Sydney to 2031

The draft Metropolitan Strategy for Sydney (dMSS) was released for public comment in April 2013. Amongst other things, the draft Metropolitan Strategy for Sydney aims to set the framework to deliver housing to meet Sydney's growing population. The dMSS places Marrickville within the central subregion which includes a population target of an additional 241,000 people to 2031. Specifically, the dMSS aims to enable housing intensification throughout the subregion, particularly around established and new centres, key corridors and along the Airport and East Hills Line, Inner West Line, Eastern Suburbs and Illawarra Lines, North Shore Line, Bankstown Line and the Northern Line. Implementation of the dMSS is to be guided through Subregional Delivery Plans and detailed Local Plans.

The dMSS aims to achieve balanced growth for the greater Sydney region. This includes an emphasis on focusing urban renewal in areas that are located close to transport hubs and corridors. The site is located less than 800 metres from both Lewisham and Petersham railway stations and benefits from buses travelling into the city and west towards Canterbury along New Canterbury Road. It is also within a reasonable walking distance of the Lewisham light rail stop. The planning proposal request is considered to be consistent with the dMSSS aim of co-locating new residential development with existing infrastructure.

The draft strategy sets a housing target of 138,000 additional houses to the year 2031 for the entire Central subregion. This target includes major centres such as Burwood, Chatswood, Rhodes and Green Square, as well as the Sydney CBD. It does not provide any other breakdown of housing targets per section of the subregion as this will be provided within the more detailed Subregional Delivery Plan and Local Plans. The housing targets for the Central subregion are exceeded only by the North Central & North West subregion and the South West subregion.

Increases in residential densities permitted through MLEP 2011 were developed to be consistent with the 2005 Metropolitan Strategy and the draft South Subregional Strategy. The housing targets within the Metropolitan Strategy were devised in consultation with NSW councils through the METRIX system. However, since this time it has become apparent that housing targets are being upwardly revised within the dMSS.

The likely outcome of this will be higher housing targets to be distributed across all Council areas, in particular areas well serviced by public transport and existing infrastructure and services. Marrickville's previous housing targets are likely to increase as a result and appropriately located infill development is a way in which Marrickville can assist with meeting demand for housing in suitable areas.

The dMSS expresses concern regarding the incremental loss of industrially zoned land from the Sydney area. To ensure that rezoning of industrial land is justified, the dMSS establishes a checklist to be used to assess those proposals. As this planning proposal request involves the rezoning of IN2 Light Industrial land, an assessment against the checklist has been undertaken as follows:

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

The site and surrounds are zoned IN2 Light Industrial in MLEP 2011. Council resolved in June 2012 to consider reviewing the zoning of this precinct to a suitable mixed-use zone with an increased floor space ratio as part of a master planning process.

The draft South Subregional Strategy (dSSS), which was prepared in 2005 but never formalised, designates the land as Category 1 (land to be retained for industrial purposes). The dSSS notes the uses operating on the land and states that the land should be retained to cater for the local service industry. As noted, the dSSS was prepared in 2005 and never finalised. Council also recently commissioned a review of the Marrickville Employment Lands 2008 which is to be reported to the same meeting as this report. The MELS Review supports the rezoning of the subject precinct.

It is also noted that the Department of Planning & Environment recently recommended approval of a planning proposal involving the rezoning of approximately 27,000 square metres of IN1 General Industrial land at 74 Edinburgh Road, Marrickville, from the predominant Sydney/Marrickville industrial precinct, despite that land being identified as Category 1 land for retention within the dSSS.

- *Is the site:*
    - *near or within direct access to key economic infrastructure?*
    - *contributing to a significant industry cluster?*

The site and environs are fragmented from other areas of industrially zoned land. It is located adjacent to a traditional commercial area and is bounded to the north, south and west by low density residential properties. It is not considered to be contributing to a significant industry cluster. The uses operating from the IN2 Light Industrial zoned sites vary from retail outlets, showrooms and a St John's ambulance depot. Several uses relate to furnishings such as several rug warehouses, an appliance repair shop and tile warehouse and showroom. The area also contains two smash repairers and a service garage attached to a service station. The smash repairers would be defined as a type of 'general industry' which is prohibited in the IN2 Light Industrial zone due to their amenity impacts. Therefore, whilst there is a small cluster of vehicle service businesses in the area, their operation is not consistent with the role of the objectives of the current IN2 Light Industrial area.

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

The draft South Subregional Strategy identifies 187.5 hectares of industrially zoned land within the local government area. The subject site incorporates approximately 0.24 hectares of this land, or 0.13% of the total land available for industrial uses. It is not considered that the planning proposal would significantly undermine industrial land stocks within subregion.

- *How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objectives?*

The planning proposal request seeks a zoning of B5 Business Development for the site to allow for a commercial use to operate at ground level. Therefore, employment will be retained on the site. The dSSS established an employment target of 500 additional jobs to 2031 for Marrickville Council. Since this time Council has seen some large developments, such as IKEA which provided 600 jobs, which have assisted Council in meeting and/or exceeding its employment target.

- *Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future and what opportunities may exist to redevelop the land to support new forms of industrial land uses such as high-tech or creative industries?*

The site is part of a small cluster of light industrially zoned land. This land is fragmented from the larger industrially zoned land located within the suburbs of Marrickville and Sydenham. It is surrounded by low density residential development, which limits its usability as an industrial area due to potential conflicts. The building stock on the site is run down and would need to be redeveloped before it could be used for new forms of industrial land uses.

- *Is the site critical to meeting the need for land for an alternative purpose identified in other NSW Government or endorsed council planning strategies?*

The land is not considered critical to meeting an identified alternative purpose in either a NSW Government or endorsed council planning strategy.

Section 117 Directions

These are directions issued by the Minister under section 117(2) of the EP&A Act identifying particular matters for consideration relating to planning proposals and environmental planning instruments. The following s.117 Directions are relevant to this planning proposal request:

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 the Metropolitan Plan for Sydney 2036

A full assessment against those s.117 Directions is provided at **ATTACHMENT 3**. The planning proposal request is considered to be inconsistent with Direction 1.1 Business and Industrial Zones as it does reduce the total potential floor space area for industrial uses in industrial zones. It is also not in accordance with a strategy that is approved by the Director-General of the Department of Planning. Neither of these inconsistencies are considered to be material for the reasons outlined in **ATTACHMENT 3**.

Recommendations

Proposed Planning Controls

- The planning proposal request is consistent with Council and the State Government's land use planning strategies subject to provisions contained in the proposed Schedule 1 amendment to ensure there is no potential for the site to be developed for a standalone residential flat building. Council's Legal Counsel has provided advice that any Schedule 1 amendment be drafted as follows:

  A mixed use development comprising a residential flat building and any other use permissible on the land is permissible with consent provided that:

  *III. no more than **55%** of the total ground floor area comprises dwellings, loading spaces and/or vehicular parking and associated access; and*
  IV. no dwelling located on the ground floor has a frontage to New Canterbury Road."

  Should the Department of Planning & Environment not accept the proposed Schedule 1 wording, alternative provisions for the site would be sought from the DP&E to ensure that the built form outcome is generally consistent with the indicative plans included in the planning proposal request.

- The proposed building height should be less than that which applies to the Petersham commercial centre to reflect that the site is not an extension of the existing Petersham retail strip but a transition in land uses and built form to surrounding residential areas.

- The Huntsbury Hotel represents the gateway to the Petersham commercial area and buildings to the west of this should be less than its building height. Consequently, it is recommended that future site specific planning controls restrict building height of 14 metres (or 4 storeys) with a commensurate floor space ratio.

- Development controls be prepared for the site for inclusion within Precinct 39 (Petersham Commercial Precinct) of Part 9 of the MDCP 2011 that require the retention of the existing 'Georgious' building façade including the front bay.

- The proposed access arrangements to the site are not satisfactory with the current width of right of way at Hunter Street being 3.28m wide, which is 320mm below the minimum roadway width (3.6m) required even for a single lane access roadway. Due to the projected vehicle generation of the proposed development (and adjoining sites that will need to use this access), two way vehicle access needs to be provided from Hunter Street. This will require a minimum 6 metre access point at Hunter Street and a 7.5 metre wide laneway to be dedicated to Council.

- It is recommended that the proponent continue to independently pursue satisfactory access arrangements. Should this not be possible, further consideration of the rezoning of the precinct, including potential reservations for rear vehicular access, should be undertaken as part of a future master planning process for the precinct.

FINANCIAL IMPLICATIONS

Nil.

PUBLIC PARTICIPATION

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

CONCLUSION

It is not recommended that Council resolve to proceed with the planning proposal until appropriate access arrangements for the site are resolved. If the proponent can achieve an independent access solution it is considered that, subject to the revised development standards and controls outlined in this report, the planning proposal could be forwarded to the Department of Planning and Environment for Gateway assessment. If this is not achievable Council should consider the site as part of a wider master planning process for the entire precinct.

ATTACHMENTS

1. Planning Proposal Documentation: 147 New Canterbury Road, Lewisham
2. Planning Proposal Concept Plans: 147 New Canterbury Road, Lewisham
3. Assessment of Planning Proposal for 147 New Canterbury Road, Lewisham, against s.117 Directions