

Marrickville Local Environmental Plan 2011 Amendment - 2-18 Station Street and 1 Leofrene Avenue, Marrickville

Proposal Title :	Marrickville Local Environmental Plan 2011 Amendment - 2-18 Station Street and 1 Leofrene Avenue, Marrickville		
Proposal Summary :	The planning proposal seeks to amend Marrickville Local Environmental Plan (MLEP) 2011 by rezoning land at 1 Leofrene Avenue, Marrickville and increasing the building heights and FSR controls of land at 2-18 Station Street, 1 Leofrene Avenue and the Station Street road reserve, Marrickville to enable a 16 storey mixed use development. In addition, the proposal also seeks to amend MLEP 2011 to require a design competition process as part of any development application for buildings of a significant scale.		
PP Number :	PP_2013_MARRI_002_00	Dop File No :	13/18150

Proposal Details

Date Planning Proposal Received :	14-Oct-2013	LGA covered :	Marrickville
Region :	Sydney Region East	RPA :	Marrickville Council
State Electorate :	MARRICKVILLE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	2-18 Station Street		
Suburb :	Marrickville	City :	NSW
Land Parcel :	Lot 10 DP 710424, Lot 11 DP 746611, Lots A and B DP 399118		
Street :	1 Leofrene Avenue		
Suburb :	Marrickville	City :	NSW
Land Parcel :	Lot 10 DP 10198		
Street :	Station Street Road Reserve		
Suburb :	Marrickville	City :	NSW
Land Parcel :	DP 399118, DP 746611, DP 710424		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Kendall Banfield**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	Sydney South West	Release Area Name :	
Regional / Sub Regional Strategy :	Metro South subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	120
Gross Floor Area :	510.00	No of Jobs Created :	0

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 : **The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Supporting notes

Internal Supporting Notes : **A Voluntary Planning Agreement (VPA) has been submitted which proposes public domain works that include a new elevated public space over Station Street. In accordance with council's VPA Policy, the assessment of the VPA is being reviewed by Council's General Counsel.**

Council is undertaking a peer review of the proposed building envelope and public open space due to unresolved concerns regarding the potential impacts of the proposal. The Council's concern includes:
 - excessive bulk;

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- impact on the character of the streetscape and townscape;
- encroachment of the proposed building on the public space; and
- non-compliance with solar access provisions.

The following documents are submitted to support the planning proposal:

- Survey Plans by ATS Land and Engineering Surveyors Pty Ltd Sheets 1 to 6 dated 7 February 2012;
- Site Analysis, photomontages and Architectural Plans prepared by Cracknell and Lonergan Architects;
- Quantity Surveyors report prepared by BDA Consultants Pty Ltd dated 29 May 2013;
- Land Valuation report prepared by Alexander Catania;
- Traffic and Parking Report prepared by Traffix;
- Noise and Vibration Intrusion Assessment prepared by Acoustic Dynamics dated 3 May 2013;
- Accessibility report prepared by Design Confidence dated 19 June 2013;
- Drainage and infrastructure design prepared by John Romanous and Associates dated 18 June 2013;
- Urban design assessment prepared by Jones Sonter Architects dated 17 June 2013;
- Solar Access analysis prepared by Steven King, consultant architect dated 6 June 2013;
- Geotechnical Report prepared by Environmental Investigations dated 21 June 2012;
- Stage 1 Site Assessment Report prepared by Environmental Investigations dated 20 July 2012 Report No. E1629.1AA;
- Heritage Report prepared by Cracknell and Lonergan Architects;
- Preliminary Aeronautical Impact Assessment: Doc v0.9.1, 4 June 2013 by Strategic Air Space; and
- Landscape plan prepared by Denis Chan dated 19 June 2013.

Council has advised that any amendments to MLEP 2011 will require associated amendments to Marrickville DCP 2011 which would be prepared and exhibited concurrently with this planning proposal.

Marrickville Station is planned to be upgraded with improved accessibility to the station. The proposed station upgrade was publicly exhibited by TfNSW between 29 April and 20 May 2013. Council seeks to consult with TfNSW concerning the co-ordination of the planning processes associated with the proposed public space as part of the planning proposal and the proposed upgrade of Marrickville Railway Station.

The planning proposal includes Council owned land to be used as public open space. Council is proposing to progress the planning proposal under delegation. The matter is considered to be of local significance and Council's request for delegation is supported.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The planning proposal seeks to amend Marrickville Local Environmental Plan (MLEP) 2011 by rezoning land at 1 Leofrene Avenue, Marrickville and increasing the building heights and FSR controls of land at 2-18 Station Street, 1 Leofrene Avenue and the Station Street road reserve, Marrickville to enable a 16 storey mixed use development.

In addition, the proposal also seeks to amend MLEP 2011 to require a design competition process as part of any development application for buildings of a significant scale.

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

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

Comment : The planning proposal seeks to make the following amendments to MLEP 2011 :

1. Amend Land Zoning Map to rezone the land at 1 Leofrene Avenue, Marrickville from R2 Low Density Residential to B2 Local Centre (Tag Map);
2. Amend Floor Space Ratio Map to increase the FSR of land at 2-18 Station Street, Marrickville from 3:1 to 5:1 and allow 5:1 FSR for the land at Station Street road reserve, Marrickville(Tag Map);
3. Amend Floor Space Ratio Map to increase the FSR of the land at 1 Leofrene Avenue, Marrickville from 0.6:1 to 5:1 (Tag Map);
4. Amend Height of Building Map to increase the height limit of the land at 2-18 Station Street, Marrickville from 26m to 59m and allow 59m height for land at Station Street road reserve(Tag Map);
5. Amend Height of Building Map to increase the height limit of the land at 1 Leofrene Avenue, Marrickville from 9.5m to 59m (Tag Map); and
6. Amend MLEP 2011 to include provisions to require a design competition process as part of any development application for buildings of significant scale on the site.

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
- 4.1 Acid Sulfate Soils
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

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 (Major Projects) 2005
- SEPP (Affordable Rental Housing) 2009

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

The planning proposal is consistent with all relevant SEPPs and s117 Directions as follows:

The planning proposal is consistent with Direction 1.1 Business and Industrial Zones as it provides employment opportunities through the creation of over 500 sqm of retail and commercial floorspace.

The planning proposal is consistent with Direction 2.3 Heritage Conservation as no part

of the subject site is identified as being a heritage item or located within a heritage conservation area. Marrickville Railway Station Group, listed under MLEP 2011 - Schedule 5 Environmental Heritage and situated nearby is considered to have no negative impact as a result of this proposal.

The planning proposal is consistent with Direction 3.1 Residential Zones as it provides 120 additional residential units and makes efficient use of existing infrastructure and services.

The planning proposal is considered to be consistent with the objectives of Direction 3.4 Integrating Land Use and Transport as the subject site is adjacent to Marrickville Railway Station and near other local services.

The planning proposal is considered consistent with Direction 3.5 Development Near Licensed Aerodromes as MLEP 2011 contains provisions to comply with AS 2012 - interior noise levels. However, Preliminary Aeronautical Impact Assessment suggests the proposed development penetrates the Obstacle Limitation surface (OLS) by up to 15.8m. Consultation is required with the (Commonwealth) Department of Infrastructure and Civil Aviation Safety Authority in relation to this.

The planning proposal is partially inconsistent with Direction 4.1 Acid sulfate Soils as Council has considered an Environmental Site Assessment report and clause 6.1 of MLEP 2011 provides appropriate provisions that need consideration prior to any development on the site. However, the study did not consider the Station Street road reserve and 1 Leofrene Avenue, Marrickville that form part of the subject site. An additional study is required on these sites prior to any development application being determined by Council. The agreement of the Director General is recommended as the inconsistency is of minor significance.

The planning proposal is consistent with Direction 6.1 Approval and Referral Requirements as the proposal does not include any requirements for concurrences, consultation or referrals.

The planning proposal is consistent with Direction 6.2 Reserving Land for Public Purposes as it does not propose to remove an existing reservation for a public purpose.

The planning proposal is consistent with 6.3 Site Specific Provisions as the proposal seeks to amend height of building and FSR controls for the subject site rather than applying other site specific controls.

The planning proposal is consistent with 7.1 Implementation of the Metropolitan Plan for Sydney 2036 as it assists in achieving:

- 80% of all new homes within the walking catchments of existing and planned centres of all sizes with good public transport;
- 70% of new homes in existing suburbs; and
- development around existing and planned transport capacity.

SEPP (Infrastructure) 2007:

The Geotechnical report and Noise and Vibration Assessment report supports the provisions outlined in the SEPP concerning the development adjacent to rail corridors and impact of rail noise or vibration on non-rail development. The proposal is consistent in relation to this SEPP.

The subject site adjoins Marrickville Station and a small portion of the site is owned by Rail Corporation NSW. Additional consultation with Rail Corporation is required prior to exhibition due to the nature of land ownership and the associated proposed Marrickville Station upgrade being undertaken by TfNSW.

SEPP 55 - Remediation of Land 1998

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Stage 1 Environmental Site Assessment for 2-18 Station Street, Marrickville suggests the likelihood of contamination as low to medium. However, the study did not consider Station Street road reserve and 1 Leofrene Avenue, Marrickville that form part of the subject site. Further study on contamination is required to ensure compliance with Contaminated Land Management Act prior to any development work proceeding on the subject land.

The planning proposal is considered consistent to all other relevant SEPPs.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping to support the planning proposal is provided as follows:

- Current Floor Space Ratio Map
- Proposed Floor Space Ratio Map
- Current Height of Buildings Map
- Proposed Height of Buildings Map
- Current Land Zoning Map
- Proposed Land Zoning Map

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has proposed a 28 day exhibition period due to the proposed scale of development and level of non compliance with the current height of building and floor space ratio controls and is supported.

Council has proposed to undertake public exhibition in accordance with the requirements of the EPA & Act 1979 and EPA Regulations 2000 which is supported.

Council also proposes to publicly exhibit the peer review response of the proposed public space design and building envelope along with the planning proposal which is supported.

Council is required to consult TfNSW in relation to the rezoning of the rail corporation land and to coordinate the public domain works with the proposed upgrade of Marrickville Railway Station.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Principal LEP being Marrickville Local Environmental Plan (MLEP) 2011 was notified on 12 December 2011.

Assessment Criteria

Need for planning proposal :

The planning proposal is initiated by Council upon the request of the proponent to enable a mixed use development comprising retail floor spaces, residential units, public plaza and public parking.

The proposal seeks to increase the height of building from 26m to 59m and FSR from 3:1 to 5:1 for the site at 2-18 Station Street, Marrickville. It also seeks to rezone the land at 1 Leofrene Avenue from R2 Low Density Residential to B2 Local Centre with the building height limit of 59m and 5:1 FSR control. This would enable a mixed use development comprising of 120 residential units and approximately 510 sqm of retail floor space. The proposal also includes public domain works that include elevated public space over Station Street as part of the Voluntary Planning Agreement with Council.

Council is currently commissioning a peer review of the proposed building envelope and the proposed public open space. Council has resolved to further consider the planning proposal, the VPA and findings of the peer review prior to public exhibition of the planning proposal.

The Marrickville LEP 2011 encourages increased residential development in accessible locations. The site being located adjacent to Marrickville Railway Station supports the aims of MLEP 2011 to increase residential and employment densities near public transport. In addition, the subject site is identified as a potential development site by Marrickville Village Centre Study that informed the development of planning controls which currently apply to the site. The Marrickville Development Control Plan (MDCP) 2011 identifies the site under Marrickville Town Centre (Commercial Precinct 40) as Masterplan Area (chapter 9.40) and encourages a greater scale and higher density development associated with enhanced public domain.

Although the current planning controls encourage higher density and greater scale, the current development potential is limited to 26m building height and 3:1 FSR controls. This is insufficient to achieve the required residential density to offset the cost of public domain works and will not achieve a viable development that can deliver a significant public benefit.

The proposed public domain works include elevated public square and integrated transport interchange and is estimated to cost \$ 4.5 million. The rationale behind the proposed building height and FSR control is to reduce the public domain cost to Council through VPA.

The outcome of the planning proposal may impact the character of streetscape and may result in non compliance with solar access provisions. However, the proposal would deliver a transit oriented mixed use development and a renewal of underutilised public area. Since the benefits of the proposal outweighs the possible negative impact, the proposed control is supported.

The planning proposal seeks significant changes to the planning controls and hence Council may exhibit the development proposal details along with the planning proposal at the time of public exhibition.

The planning proposal also seeks to amend the MLEP 2011 to include provisions to require a design competition process as part of any development application for buildings of a significant scale. Council has experienced problems in achieving the level of design quality envisaged within MLEP and MDCP 2011 particularly for gateway sites and those sites with strategic importance. This is because Council does not have control over the quality of design. The inclusion of a 'Design Excellence' clause in MLEP 2011 as proposed in the proposal is supported. Council should prepare a draft clause and submit this to the Department for endorsement prior to public exhibition. The clause could include:

- Objective of the clause
- Development to which this applies

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- Set of criteria that exhibits the desired design excellence
- Any Competitive design process details (if required)

Consistency with strategic planning framework :

The proposal is consistent with the the Direction B of the 'Metropolitan Plan For Sydney 2036' that sets key policy settings for growing and renewing centres. Objective B3 of the direction reinstate to plan for new centres and instigate a program for high quality urban renewal in existing centres serviced by public transport.

The proposal is consistent with Direction 4 of the 'Metropolitan Plan For Sydney 2036' that sets key policy settings for housing Sydney's population. Objective D4 of the direction focuses on improving the quality of new housing development and urban renewal.

The draft Sydney Metropolitan Strategy 2031 also focuses on enabling housing intensification around established and new centres and well served by public transport and other services.

The draft South Subregional Strategy sets a target for 4,150 new dwellings and 500 new jobs for Marrickville LGA. The planning proposal is consistent with the objectives of the draft Strategy by facilitating housing and retail development in transport oriented centres.

The site was identified as part of Marrickville Village Centres Study (2009), commissioned by Council that informed the development of planning controls currently applying to the site. The Marrickville Development control Plan (MDCP)2011 identifies the site under the Commercial Precinct (chapter 9.40) as Masterplan Area and encourages a greater scale and higher density development on the site with enhanced public domain.

Other Strategic documents including Marrickville Urban Strategy, Marrickville Employment Land Study and Marrickville Integrated Transport Strategy informed the current planning controls that support increased residential and commercial development in appropriate locations. Although the redevelopment of the subject site is consistent with council's local strategies, the scale pf the proposed development needs further evaluation to confirm its consistency with Council's strategy. The peer review of the supporting documents along with the planning proposal will assist in evaluating the consistency of the proposal against local strategies.

Environmental social economic impacts :

There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected by this planning proposal. The subject site is identified as Class 5 Acid sulfate Soils within MLEP 2011. Submission of additional information regarding acid sulfate soils is required as part of any development application lodged for this site.

The supporting Geotechnical Investigation, Environmental Site Assessment and Noise and Vibration Assessment reports submitted as part of the planning proposal show no adverse impact to the environment. However, Council may request further information if required as part of the development application.

The proposed development can boost the economic viability of the Marrickville shopping strip and additional local population following any mixed use development on the subject site will support local services.

The proposal delivers a public plaza as part of VPA with Council which will have a positive social impact.

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Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Transport for NSW
Transport for NSW - RailCorp**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons : **Prior to public exhibition council to submit a draft 'Design Excellence' clause to the Department for endorsement.**

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies required as part of the planning proposal, but at development application stage.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **Upgrade works to Marrickville Station are being undertaken by TfNSW including a new station access such as new stairs, elevator and station concourse. The proposed upgrade was publicly exhibited by TfNSW between 29 April and 20 May 2013. The construction work is anticipated to commence from June 2014.**

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning proposal _Station Street.pdf	Proposal	Yes
Tag Map.pdf	Map	Yes
Extract from the proponent's proposal.pdf	Proposal	Yes
Council Meeting_Report.pdf	Proposal	No

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**
- 4.1 Acid Sulfate Soils**

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- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

1. The planning proposal be exhibited for 28 days;
2. The planning proposal be completed within 12 months of the gateway determination;
3. Council is proposing to progress the planning proposal under delegation. The matter is considered to be of local significance and Council's request for delegation is supported.
4. The details of the proposed development and the response of the peer review on the proposed building envelope and public open space be included in the exhibition material;
5. Prior to exhibition, Council to update the planning proposal with details in relation to the design excellence clause by clearly identifying:
 - a) Objective of the clause
 - b) development to which it applies
 - c) set of criteria that exhibits the desired design excellence
 - d) any competitive design process (if required)and submit this to the Department for endorsement.
6. Partial inconsistency with s117 Direction 4.1 Acid Sulfate Soils is considered to be of minor significance and the Director General's approval to proceed under this Direction be granted. No further consideration of any other s117 Directions is required.
7. Consultation is required with the following agencies:
 - a) Transport for NSW
 - b) Civil Aviation Safety Authority
 - c) Department of Infrastructure and Regional development
5. No further studies are required to be undertaken until any future development application stage.

Supporting Reasons : **The planning proposal seeks to facilitate revitalisation of the Marrickville Station precinct and is consistent with the Government's objectives and direction and is supported.**

Signature:



Printed Name:

Megan Hollingsworth

Date:

15 November 2013