

Tab Assessment of Updated Planning Proposal Against Gateway Determination Conditions

Condition	Proponent's Position	Department consideration	Assessment
<p>1. Prior to public exhibition, the planning proposal is to be updated to:</p> <p>a. include a plain English explanation of the intended effect of the proposed provisions</p>	<p>A plain English explanation of the intended effects of the proposal has been provided (Tab Statement).</p>	<p>The plain English statement is comprehensive and is essentially a summarised version of the proposal (set out as such). The statement could be better if it focused on the controls and the vision for the Precinct. There are some spelling / grammatical errors in the statement and it should be updated prior to exhibition.</p>	<p>This condition has been met.</p>
<p>b. review the proposed R4 High Density Residential zoning around Wicks Park to provide a more appropriate interface and transition with the IN1 General Industrial zone at Faversham Street, either by retaining the IN1 General Industrial zone or by the application of a business zone, to provide for a suitable transition to the industrial land to the south</p>	<p>Amendments have been made to LEP controls on land around Wicks Park. In particular, the previously proposed R4 zone has been amended to a mix of B4 and B5 zones (Tab Maps). These changes have been made to facilitate an appropriate interface and transition to industrial lands between Faversham and Fitzroy Street. The updated masterplan and the Draft DCP have further details.</p>	<p>The planning proposal has removed the R4 High Density Residential zoning around Wicks Park and applied part B4 Mixed Use and part B5 Business Development zoning to the land. The proposal seeks B5 Business Development to the north of Faversham Street which transitions well to the IN1 General Industrial land south of Faversham Street. Permissible uses are complimentary between both zones.</p>	<p>This condition has been met.</p>
<p>c. amend the maximum building height to:</p> <p>i. ensure a safe separation to the Obstacle Limitation Surface, as determined by Sydney Airport Corporation Limited</p>	<p>The proposed LEP height map has been updated to respond to the OLS as determined by SACL (Tab Maps). The updated maps can be found in Section 5.4 of the planning proposal.</p>	<p>The Precinct's main residential area lies under the 'centre line' for the Airport's main north-south runway as well as the Obstacle Limitation Surface (OLS), PANS-OPS and other prescribed airspace for Sydney Airport. The proponent has liaised with Sydney Airport Corporation in respect of appropriate building heights under prescribed airspace, predominantly the OLS. The proposal has changed the height controls from metres (as originally proposed) for the most height sensitive land under the centre line and OLS, to Reduced Level (RL) height controls. The RL height controls take into account land gradient and have been supported by SACL.</p>	<p>This condition has been met.</p>
<p>ii. provide better height integration along Sydenham Road (between Victoria Road and Farr Streets) in the context of a suitable transition with the surrounding area and having</p>	<p>In response to this condition, the proposed LEP height along Sydenham Road has been reduced to 11m to facilitate better height transition and integration (Tab Maps)</p> <p>The proposal has updated height controls and design principles to facilitate the transition in draft LEP maps, the draft DCP and the indicative masterplan.</p>	<p>The proposal has altered the maximum building heights along Sydenham Road to provide better integration with existing environment. Along Sydenham Road, heights are restricted to 11 metres, providing a setback for maximum building height of RL 50 (equivalent to approximately 46 metres) to the</p>	<p>This condition has been met.</p>

	regard to the height controls demonstrated in the masterplan and the independent Urban Design Study, prepared by Roderick Simpson, including providing a maximum 12m height limit for land fronting Sydenham Road and suitable setbacks to the north		rear. The height controls along Sydenham Road are expressed in the draft MLEP map and the draft DCP to address transition requirements. With the exception of the corner of Sydenham Road and Victoria Road (where the maximum permissible height is greater to signal the arrival into the Precinct), building heights proposed provide a suitable transition to the surrounding area.	
iii.	ensure that proposed height and design controls for the proposed residential areas are appropriate in the context of the existing residential areas	The LEP height limits have been designed to support a transition of heights down to existing surrounding residential areas (Tab Maps) The proposal has updated height controls and design principles to facilitate the transition in draft LEP maps, the draft DCP and the masterplan.	The planning proposal, draft LEP maps, masterplan and draft DCP have revised development controls in accordance with the Determination. The revised controls provide for better transition between existing and new areas and includes height, bulk and scale controls. The masterplan demonstrates the stepped height approach that will facilitate this transition. Further, the draft DCP contains controls regarding appropriate building materials and treatments.	This condition has been met.
iv.	consider design advice provided in the independent Urban Design Study, prepared by Roderick Simpson	Design advice provided by Roderick Simpson has been considered and a report on this advice can be found at Appendix O and in the masterplan. The independent Urban Design Study (UDS) covers four key issues: 1. Scale and overall heights; 2. Proposed street wall along Victoria Rd; 3. Layout and arrangement of buildings; 4. Any other general strategic planning advice. Appendix O has been reviewed in detail and in conjunction with the independent UDS: • Street grid and character: the UDS indicated a variety of street conditions related to role and function should be developed. The draft DCP and masterplan facilitate varying street hierarchy, permeability, open space and pathways. • Subdivision pattern: the UDS encourages a finer grain subdivision pattern, but acknowledges some amalgamation may be required for development. The proposal will amalgamate sites where necessary (Timber Yards and Wicks Park) but retain finer grain at Rich St, Chapel St and Faversham St. It argues variety will be assisted by building design and treatments. • Car parking: the UDS identifies car parking as an issue and suggests above ground parking, at a sub-precinct	At a meeting between the proponent, Council and the Department, the project team addressed this condition. Advice from the independent UDS has been incorporated into the design principles contained in the masterplan. The masterplan has considered a finer grain for development, particularly in the areas where more intense development is proposed. The advice from the independent UDS has been incorporated into the planning proposal, draft DCP and masterplan. Where the advice has not been accepted, clear justification has been provided.	This condition has been met.

	<p>level, that would be appropriate in the area. The proposal raises a number of issues with above ground parking including feasibility, inefficiencies in land use, visual detracton. The proposal argues parking will be provided in accordance with Council's requirements and on a site-by-site basis.</p> <ul style="list-style-type: none"> • Character buildings: the UDS has identified local character buildings that should be retained. The proposal states a heritage impact assessment has been carried out which identifies potential heritage items and these items are included and recognised in the draft DCP and future development will have to respond to these items. • Open space: the UDS raises concerns about the quality of open space (particularly Wicks Park), accessibility and useability. The proposal intends to enhance Wicks Park and it argues that accessibility is good (as the park addresses two major roads) and development around the park will contribute to local amenity and active the space. The proposal will also provide new pocket parks, shared streets and improved public domain. • Building heights and interface conditions: the UDS states the height of buildings need to be considered with spatial definition of streets and public spaces. The proposal has stepped heights to be in response to the local area, and lower than heights recommended in the UDS. 		
<p>d. <i>provide further justification for inconsistencies identified with A Plan for Growing Sydney, particularly regarding the protection of industrial land around the Sydney Airport Transport Gateway, to ensure the area is able to provide employment opportunities</i></p>	<p>Further justification regarding the protection of industrial land around the Sydney Airport Transport Gateway has been provided.</p> <p>Section 6.1.3 of the proposal argues it is consistent with this requirement and A Plan For Growing Sydney as the:</p> <ul style="list-style-type: none"> (a) proposal relates to land that is located outside of the Sydney Airport Precinct and Port Botany Precinct; (b) precinct is also located outside the area identified in the Sydney Airport Masterplan as being strategically significant to the airports operations; (c) large majority of land within the precinct will retain its existing industrial zoning or be rezoned exclusively for employment purposes; (d) large majority of business that operate within the precinct do not service the Sydney Airport or Port Botany, nor do they rely on either of these strategic transport gateways to support their operations; (e) proposed LEP Amendments will allow for a broader range of businesses to locate in the area, which may improve links with the strategic transport gateways. 	<p>The justification has been noted and accepted. There is still wider concern about the loss of employment / industrial lands in this area.</p>	<p>This condition has been met.</p>

	<p>(f) proposed LEP amendments will not undermine or compromise the operation of the strategic transport gateways; and</p> <p>(g) proposed LEP amendments will facilitate the urban renewal of the area and deliver a significant amount of housing that will help achieve a number of key subregional priorities within A Plan for Growing Sydney.</p>		
<p>e. provide further justification for inconsistencies with Section 117 Direction 1.1 Business and Industrial Zones, in particular:</p> <p>i. the loss of industrial land in the Precinct (Clause 4(b));</p> <p>ii. the loss of total potential floor space area for industrial uses in industrial zones (Clause 4(d));</p> <p>iii. address the suitability and appropriateness of R4 High Density Residential adjacent to the IN1 General Industrial at Faversham Street</p>	<p>Amendments have been made to the proposed zoning around this area resulting in land being changed from a R4 High Density to B5 Business Development.</p> <p>Section 7.2.2 of the proposal contains an updated assessment against the section 117 direction:</p> <ul style="list-style-type: none"> the proposal gives effect to the objectives of the Direction, as it will encourage employment growth in an existing employment precinct; despite rezoning land from industrial to part business/residential, there will be no net loss in employment generating land uses; the proposal provides for significant uplift in potential employment floor space; light industrial uses will continue to be permissible within new zones. New general industrial uses will not be permissible. <p>The proposal also provides a breakdown of existing floor space per use and uplift expected as a result of the proposal (see Tab Employment Analysis for an extract). A 1.81ha increase of employment floor space could be expected and change of use is expected to generate 4,000 additional jobs.</p>	<p>The analysis undertaken is robust and clearly articulates potential benefit of land rezoning.</p> <p>The analysis could have been better justified to account for the loss of industrial land to R3 Medium Density Residential and R4 High Density Residential and quantify that information. However, the additional information does give sufficient background to the employment outcomes of the proposal.</p> <p>The proponent in addressing the gateway condition has amended and reduced the proposed area to be rezoned to R4 High Density Residential to address an appropriate and suitable setback from Faversham Road and to protect the amenity of Wicks Park. This was a critical issue in relation to this condition to ensure an appropriate transition between existing industrial and proposed residential land uses.</p>	<p>This condition has been met.</p> <p>While noting that more extensive information could have been provided, it is considered sufficient for the purposes of exhibition.</p>
<p>f. provide further justification for inconsistencies with Section 117 Direction 3.5 Development near Licensed Aerodromes</p>	<p>Further justification in response to Section 117 Direction 3.5 has been provided in Section 7.2.2 of the proposal and draft DCP.</p> <p>The direction has been justified as follows:</p> <ul style="list-style-type: none"> Department of Infrastructure and Regional Development have been consulted in the preparation of the planning proposal and the Aircraft Noise Strategy; following consultation with Sydney Airport Corporation Limited (SACL), maximum building heights have been reduced and measured in RL instead of metres; 	<p>This requirement has been met.</p> <p>The Aircraft Noise Strategy, in conjunction with the draft DCP, contain controls to mitigate impacts of future development on the airport and residents.</p> <p>The draft DCP contains specific controls relating to the operations of Sydney Airport, restricting materials, obstructions and finishes.</p>	<p>This condition has been met.</p>

	<ul style="list-style-type: none"> • the proposal includes strategies and controls to reduce impact of aircraft noise on future residents; • residential development will be restricted to land under ANEF 25 contour. <p>The proposal is also supported by a strategy (Aircraft Noise Strategy) that contains additional development controls to restrict internal noise impacts.</p>		
<p><i>g. provide further justification for inconsistencies with Section 117 Direction 4.3 Flood Prone Land, in particular:</i></p> <p><i>i. how future developments will be designed to mitigate the impact of flooding on buildings and neighbouring properties as well as emergency egress management</i></p>	<p>Further justification in response to Section 117 Direction 4.3 has been provided in Section 7.2.2 of the proposal as well as in the updated Flood Report and the Draft DCP.</p> <p>The direction has been justified as follows:</p> <ul style="list-style-type: none"> • the LEP already includes provisions that give effect to the Flood Development Manual and additional flood provisions are not required in the proposal; • the proposal is not inconsistent with the Floodplain Development Manual; • Existing floodways are either not affected by this proposal (i.e. drainage channel near Smith Street) or within public road reserves not affected by the proposal; • the precinct is already developed and it is not expected that new development would impact on flooding of other properties; • increases in development potential are predominately limited to areas that are not flood affected or have only minor flood affectation; • the proposal will increase the amount of private soft landscaped areas and on-site stormwater detention within the precinct, thereby reducing the cost to government for flood mitigation, whilst also contributing additional development contributions that can be used for this purpose; • the proposal would permit some additional intensification on land that is flood affected or in the vicinity of flooding. However, these areas are small in size (generally toward the west of the precinct near Faversham Street), and suitable access and design solutions are readily available as part of future development in accordance with the master plan. Flood planning levels have been specified by WMA Water to ensure that all future development appropriately mitigates the potential impacts of flooding within the precinct. Moreover, the proposal supports positive flood mitigation measures by supporting a reduction in hardstand area throughout the precinct and new on-site measures to reduce runoff. 	<p>Further justification on this Direction has been provided. The flood report has been updated and the draft DCP includes controls on design and stormwater management.</p>	<p>This condition has been met.</p>

<p><i>h. provide further justification for inconsistencies with the Sydenham to Bankstown Corridor Strategy</i></p>	<p>• the existing provisions of the Marrickville LEP and DCP, as well as the Flood Report and Draft DCP accompanying this Planning Proposal, will ensure that there are no adverse flood-related impacts as a result of the proposal.</p> <p>Further analysis of the proposal against the Sydenham to Bankstown Corridor Strategy has been carried out and additional justification provided in Section 7.2 of the proposal.</p> <p>The proposal argues that it will deliver a number of outcomes that will significantly contribute to achieving the intended vision, aims and objectives of the Strategy, as it will:</p> <ul style="list-style-type: none">• provide for a mix of low, medium and high rise residential and mixed use developments located within walking distance of Sydenham railway station;• result in upgrades to Wicks Park, improved leisure and recreational facilities, enhanced landscaping of streets, and will facilitate the delivery of new pocket parks;• diversify, broaden and enhance the range of business activities and increase capacity of employment lands around Sydenham;• support and attract new creative industries that complement the Sydenham Creative Precinct and provide housing to enable people to live near the precinct;• provide new housing that will accommodate local population growth and support the growth of Marrickville town centre as destinations for retail, local business and community functions;• improve the overall supply of new housing within the corridor, as well as ensuring a choice of housing to meet the needs of diverse communities <p>The proposal also notes that the Strategy and the proposal were prepared in parallel and in isolation of one another. The proposal received Gateway determination at the time the Strategy was being released.</p> <p>Inconsistencies between the proposal and the Strategy are largely due to the relative timing of both documents.</p>	<p>Further justification has been provided. Inconsistencies are considered minor in nature, particularly as the Strategy has subsequently been updated.</p>	<p>This condition has been met.</p>
<p><i>i. a Draft Development Control Plan is developed, in consultation with SACL and Marrickville Council, giving consideration to matters that</i></p>	<p>A draft Development Control Plan has been developed, with both SACL and the Inner West Council being consulted as part of this process. A copy of the Draft DCP has been provided.</p>	<p>The draft DCP contains relevant and site-specific controls for the Victoria Road precinct. The controls address issues and sensitivities in the Precinct.</p>	<p>This condition has partially been met.</p>

<p>may affect pilot safety or the operation of the airport in building design (that is, no reflective surfaces or protruding items)</p>		<p>However, Inner West Council (Marrickville) have stated they have not been consulted during the preparation of the draft DCP. Council officers have submitted comments on the DCP, outlining their concerns, to the Department (Tab Email – Advice from Council).</p>	
<p>2. Prior to public exhibition, a heritage study is to be conducted for Precinct 47 to identify items that have potential heritage significance and should be preserved (this includes industrial heritage)</p>	<p>A heritage study has been conducted for Precinct 47 in response to this condition and in accordance with the agreed scope.</p> <p>A heritage study was prepared by Artefact Heritage to identify unlisted items that may have potential heritage significance and may need to be preserved.</p> <p>Two items were identified as unlisted but warrant heritage listing:</p> <ul style="list-style-type: none"> • Former Ambulance building, 158 Edinburgh Road • Electricity Substation no. 284, 200 Victoria Road <p>Four items were identified as unlisted and warrant further detailed assessment:</p> <ul style="list-style-type: none"> • Kennards building, 64 Chapel Street; • 23-33 Faversham Street; • 8-12 Rich Street; • Air Raid Shelter, Wicks Park. <p>Six potential items have been discounted as they don't meet the heritage significance threshold.</p> <p>The draft DCP contains controls to preserve and, where possible, adaptively re-use heritage items as well as ensuring future development responds sensitively to these items.</p>	<p>A heritage study has been prepared in accordance with the Gateway determination and agreed scope.</p> <p>Investigation of potential items have also concluded some items should be discounted (particularly the Victoria Rd cottages). Previous heritage assessments prepared by Graeme Brooks have not been provided (requested at a meeting).</p> <p>The draft DCP also includes a heritage section which establishes controls to development of heritage items.</p>	<p>This condition has been met.</p>

