

Gateway Determination

Planning proposal (Department Ref: PP_2015_MARRI_004_00): to amend various zoning and development controls under the Marrickville Local Environmental Plan 2011 for land within the Victoria Road Precinct.

I, the Deputy Secretary of the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Marrickville Local Environmental Plan 2011* to amend land use zoning and development controls applying to land within the Victoria Road Precinct (as defined in the planning proposal) should proceed, subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) include a plain English explanation of the intended effect of the proposed provisions;
 - (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;
 - (c) amend the maximum building height to:
 - i. ensure a safe separation to the Obstacle Limitation Surface, as determined by Sydney Airport Corporation Limited;
 - 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 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;
 - iii. ensure that proposed height and design controls for the proposed residential areas are appropriate in the context of the existing residential areas;
 - iv. consider design advice provided in the independent Urban Design Study, prepared by Roderick Simpson;
 - (d) 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;
 - (e) provide further justification for inconsistencies with Section 117 Direction 1.1 Business and Industrial Zones, in particular:

- i. the loss of industrial land in the Precinct (Clause 4(b));
 - ii. the loss of total potential floor space area for industrial uses in industrial zones (Clause 4(d));
 - iii. address the suitability and appropriateness of R4 High Density Residential adjacent to the IN1 General Industrial at Faversham Street;
 - (f) provide further justification for inconsistencies with Section 117 Direction 3.5 Development near Licensed Aerodromes;
 - (g) provide further justification for inconsistencies with Section 117 Direction 4.3 Flood Prone Land, in particular:
 - i. how future developments will be designed to mitigate the impact of flooding on buildings and neighbouring properties as well as emergency egress management;
 - (h) provide further justification for inconsistencies with the Sydenham to Bankstown Corridor Strategy; and
 - (i) a Draft Development Control Plan is developed, in consultation with SACL and Marrickville Council, giving consideration to matters that may affect pilot safety or the operation of the airport in building design (that is, no reflective surfaces or protruding items).
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).
 3. Prior to public exhibition, the planning proposal must be updated and provided to the Department for review and approval.
 4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is considered to be routine as described in *A Guide to Preparing Local Environmental Plans* (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of **28 days**; and,
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
 5. Consultation is required with the following public authorities under section 56(2)(d) of the Act in relation to the proposal:
 - Transport for NSW;
 - Roads and Maritime Services;
 - Marrickville Council;
 - Sydney Airport Corporation;

- Department of Infrastructure and Regional Development (Commonwealth);
- Department of Education and Training;
- EnergyAustralia;
- Telstra; and
- Sydney Water.

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

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act.
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 14th day of March 2016.



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission