

Revised Planning Proposal for the Victoria Road Precinct, Marrickville

Proposal Title : Revised Planning Proposal for the Victoria Road Precinct, Marrickville

Proposal Summary : The planning proposal seeks to amend various development controls under the Marrickville Local Environmental Plan 2011 (Marrickville LEP 2011) for land within the Victoria Road Precinct including:

- Rezoning a portion of the precinct from parts:
 - IN1 General Industrial, IN2 Light Industrial, B7 Business Park, B4 Mixed Use and RE2 Private Recreation; to
 - B4 Mixed Use, R3 Medium Density Residential, R4 High Density Residential and B5 Business Development (large parcels on IN1 General Industrial and IN2 Light Industrial will remain unchanged)
 - Applying maximum building height controls of between 15m to 48m (depending on location). Currently, maximum height controls are not specified for the majority of the site. A 14m height control applies to the corner of Addison and Enmore Roads.
 - Applying maximum floor space ratio controls of between 1:1 and 3.5:1 (depending on location). Currently, a maximum floor space ratio of 0.95:1 applies to the majority of the site.

The planning proposal also provides acoustic design specifications to mitigate aircraft noise and proposes 3 per cent of residential floor space for use as affordable housing. For further information on the proposed application of the development controls, please refer to Appendix B.

The planning proposal applies to land identified as Precinct 47 in Marrickville Council's Development Control Plan 2011.

The precinct is an irregular shape and generally bounded by:

- Addison Road;
- Fitzroy Street;
- Sydenham Road; and,
- Shepherd and Farr Streets.

Please note: Due to the file size of the documents attached to the proposal, the documents have been split. A list of the documents and their file sizes has been uploaded called 'Explanatory Note - List of Documents'.

PP Number : PP_2015_MARRI_004_00 **Dop File No :** 15/16719

Proposal Details

Date Planning Proposal Received :	19-Nov-2015	LGA covered :	Marrickville
Region :	Metro(CBD)	RPA :	Director General, Department of
State Electorate :	MARRICKVILLE	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

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Street :

Suburb : **Marrickville**

City : **Sydney**

Postcode : **2204**

Land Parcel : **The planning proposal applies to a number of properties within the 18 hectare Victoria Road Precinct (as defined). The Precinct is generally bounded by Addison Road, Fitzroy Street, Shepherd Street, Farr Street and Sydenham Road.**

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Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub
Regional Strategy : **Metro South subregion**

Consistent with Strategy : **N/A**

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : **0**

No. of Dwellings
(where relevant) : **1,300**

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government **Yes**

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been **Yes**
meetings or
communications with
registered lobbyists? :

If Yes, comment : **On 8 February 2016, the Department met with representatives from the Victoria Road Precinct Project team and Sydney Airport Corporation Limited. A registered lobbyist, Ms Kerry Chikarovski, was in attendance and identified herself as a registered lobbyist. The meeting was held to discuss issues raised by Sydney Airport Corporation regarding the proposal (predominantly proposed building heights). It was resolved that the project team would provide Australian Height Datum and building height advice to Sydney Airport Corporation for consideration. Sydney Airport Corporation agreed to review the heights with Airservices Australia and provide a recommended building height appropriate for the area**

which would not interfere with airport or aircraft operations.

Supporting notes

Internal Supporting
Notes :

This is a revised planning proposal for the Victoria Road precinct, Marrickville. An earlier planning proposal, submitted in 2014, was withdrawn in April 2015.

The planning proposal applies to a portion of land, hereafter known as the Victoria Road Precinct ('the Precinct'), which is located within the larger precinct known as Precinct 47. Precinct 47 is identified and defined in the Marrickville Development Control Plan 2011. The Precinct is approximately 18 hectares of industrial land within Precinct 47 (approximately 36 hectares). For a detailed map of the Precincts, please refer to Figure 7 (page 22) in the planning proposal or Appendix B.

The Precinct is predominately zoned for general industrial uses and contains a mixture of lot sizes catering to different industrial business types. The Precinct is bounded by two major classified roads, Addison and Sydenham Road. Victoria Road acts as a spine, connecting the two major roads and is traversed by smaller, local roads. Roads within the Precinct are narrow and are used by heavy and light vehicles. On-street parking is provided and local roads are easily congested.

In context, the Precinct is surrounded on three sides (to the north, west and south) by low density residential uses (one to two storeys), with large lot industrial uses to the east towards the airport. There is a large heritage conservation area adjacent to the north-east corner of the Precinct (no amended development controls have been proposed for this area). The proposal requests a maximum height of up to 48m (approximately 16 storeys) in the western part of the Precinct. The height is inappropriate in its context, given the surrounding one to two storey existing uses.

The proponent, Danias Holdings, have three large land holdings within the Precinct (totaling 42 lots) and are seeking amended zoning and development controls which will enable future redevelopment of the Precinct over 15 to 20 years. The proposed controls apply to land other than Danias' and the proposal states land holders in the Precinct have been consulted and the majority are supportive of the proposed amendments (please see Figure 9 on page 21 of the planning proposal for a list of supportive land holders). Objecting landholders in the Precinct have not been identified in the proposal. The Department has received objections from community members regarding the proposal.

The Precinct has a number of constraints and planning considerations.

1. Airport Impacts - Noise

The Precinct is approximately 2 kilometres from Sydney Airport's North-South Runway and the entire Precinct is affected by aircraft noise. The Precinct lies entirely within the ANEF 25 contour, with part of the Precinct under the higher ANEF 30 contour. Advice from Sydney Airport Corporation Limited (SACL) indicates that the area requested for residential development is directly under the runway's centreline (that is, the flight path). Section 117 Direction 3.5 Development Near Licensed Aerodromes prohibits residential development in ANEF 25 contour or higher. However, the Direction states residential uses may be permissible if it can be demonstrated that development can comply with Australian Standard 2021-2000 Aircraft Noise Intrusion - Building Siting and Construction.

The planning proposal is accompanied by two reports on aircraft noise - Design Initiatives for Aircraft Noise, prepared by EMM, and the Victoria Road Precinct Aircraft Noise Strategy, prepared by JBA Urban Planning Consultants (Tab D and E). Both documents demonstrate internal acoustic levels can be achieved through design solutions. The design solutions can reduce internal noise levels to less than 50 decibels in bedrooms and less than 55 decibels in living spaces but the balcony space is a fully enclosed wintergarden and apartments would have few opening windows. While aircraft noise reductions can be achieved, some residential amenity may be lost.

The planning proposal has been accompanied by a strategy which gives consideration to the objectives of section 117 Direction 3.5 Development near licensed aerodromes and demonstrates that internal noise controls can be achieved.

2. Airport Impacts - Airspace

Commonwealth and State legislation restrict development controls for land in and around airports. In particular, Commonwealth legislation prohibits objects from penetrating certain levels of prescribed air space. Objects may, on approval from the Commonwealth, penetrate (temporarily or permanently) the Obstacle Limitation Surface (OLS). The Marrickville LEP 2011 also adopts State controls for development near airports through Clause 6.6 Airspace Operations. Given the Precinct's location under the flight path, significant consideration has been given to the proposed building heights as proposed development controls must not permit development that could penetrate prescribed airspace or affect the operations of Sydney Airport.

A maximum building height of 48m has been proposed for residential areas at Victoria Road and Sydenham Road and of 46m behind Wicks Park. This is 2m and 4m (respectively) under the OLS (with land contours). This is not a large buffer and advice is being provided by SACL regarding appropriate maximum heights consistent with safe airport operations. Future development applications may also be referred to the Commonwealth Government for approval. Another issue that needs to be considered during the drafting of a site-specific Development Control Plan (as indicated in the planning proposal) is that of reflectivity and glare. Consideration must be given to the use building materials that will not affect pilot vision.

The Department has received representations from SACL about the proposal. SACL has raised a number of issues, including concerns that the proposed height may protrude prescribed airspace, impact on airspace operations and loss of industrial lands. SACL have agreed to provide advice on appropriate maximum building heights, once information on heights in Australian Height Datum is provided by the proponents.

The recommendations for Gateway respond to this by requesting advice from SACL as to the most appropriate height limit for this area as well as justification for the proposed height under section 117 Direction 3.5 Development near licensed aerodromes. If the height can be reduced to a level which satisfies SACL and will not disrupt the operations of the airport, the proposal will be consistent with the section 117 direction.

3. Employment Lands

The Precinct is located within the Marrickville-Sydenham Employment Lands, a large area of strategically located and significant industrial land. The Precinct is in close proximity to Sydney Airport and Port Botany, with good access to local and international markets via the Princes Highway, M5 East Motorway and yet-to-be constructed, WestConnex motorway. The Marrickville-Sydenham Employment Lands have an important economic and employment role in Sydney. The Department notes that while traditional industrial employment within the Precinct has been in decline, it has not been abandoned, some industrial uses are continuing and new uses are emerging (for example, food producers and creative industries) and relocating to the Precinct. Given the location and the significant size of the Precinct in the Marrickville-Sydenham Employment Lands, there is a risk that the introduction of residential uses will lead to other proposed intrusions into the industrial lands, further eroding and potentially sterilising the industrial land.

The recommendations for Gateway respond to this by requesting a revision of the R4 High Density Residential zoning around Wicks Park. Further, it is recommended that further justification be given for the loss of employment land, given that A Plan For Growing Sydney directs the retention of employment land around the Transport Gateways and section 117 Direction 1.1 Business and Industrial Zones prohibits the loss of industrial or business floor space.

4. Context

In context, the Precinct is surrounded by predominately low density housing and large lot industrial uses. Generally, existing development is between one to two storeys and the maximum building height around the Precinct is 9.5m.

The Masterplan indicates that heights along the periphery of the Precinct attempt to respond to existing development. However, along Sydenham Road, a height of 18m is proposed, double what is currently allowed on the other side of Sydenham Road, and adjacent development is predominately single storey detached dwellings. Six storey developments opposite a single storey houses does not provide an adequate transition. Further, a tower of up to 48m is proposed behind this area on Sydenham Road. Essentially, the proposed heights are inappropriate in their context.

There appears to be a mismatch between the heights requested in the planning proposal and the heights and built form demonstrated in the masterplan. This can be rectified by reviewing the requested heights in accordance with the masterplan. The recommendations for Gateway address the issue of context and built form by requesting a revision of the proposed heights to provide a better transition to existing uses.

There are two locally listed heritage items within the Precinct - 14 Rich Street and the Sims Metal Factory. In site visits to the Precinct, it was observed that there were a number of items that may have heritage listing potential (both residential and industrial heritage). It is recommended that a full heritage study is conducted for Precinct 47 to identify items of potential heritage interest. These items already contribute to the area and may be worth preserving. It is noted that Council have requirements for heritage issues to be considered with every development application, given the large number of heritage items within the LGA.

Further, there is a large heritage conservation area (the Llewellyn HCA) adjacent to the north-east corner of the Precinct. While no change to development controls has been proposed for this part of the Precinct, the character of the heritage conservation area will not change and forms part of the local context.

5. Strategic Corridor

The southern part of the Precinct is within the Sydenham to Bankstown Corridor area, which suggests retaining these industrial land. The Strategy overlays the proposed 'Sydenham Enterprise Area' around Sydenham Road and Faversham Street. The Enterprise Area seeks to broaden the range of business activities and make the area attractive for new creative industries and start-up businesses.

The recommendations for Gateway respond to this by requesting a revision of the R4 High Density Residential zoning around Wicks Park, with a preference for the retention of the IN1 General Industrial zone or for the application of an appropriate business zone. Revising the zoning for this area will align with the direction of the corridor strategy.

6. Flooding

The Precinct is subject to flooding and Sydenham and Victoria Roads are both flood ways. There are a number of flooding constraints, particularly emergency egress, around the Sydenham Road / Victoria Road / Wicks Park areas. Given the flooding risk, industrial uses are appropriate. The Section 117 direction prohibits development in a flood way. The planning proposal indicates that buildings can be designed to mitigate the effects of flooding on buildings and neighbours.

The Council officer's report to Council states they support the proposal's "holistic approach to management and flooding".

Flooding has been addressed in part by the proposed design of the Precinct in the Masterplan. Building design solutions to mitigate flood impacts will be assessed at development application stage.

7. Contamination

Given Marrickville's industrial history and the on-going industrial uses in the Precinct, contamination is an issue. Geotechnical investigations, acid sulfate soil and environmental site assessments have been provided with the planning proposal. The acid sulfate soil reports indicate no acid sulfate soil was found in three location, but there is potential acid

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sulfate soil. The reports are adequate for this stage of assessment. There are no additional requirements for development at this stage, but consideration should be given to preparation of remediation plans, should contamination be discovered during construction.

Further studies into potential or known site contamination will be assessed and addressed at development application stage.

External Supporting
Notes :

The proposal is supported by:

- Victoria Road Precinct Master Plan, prepared by Turner Studios
- Proposed LEP Mapping, prepared by JBA Urban Planning Consultants
- Victoria Road Employment Strategy, prepared by JBA Urban Planning Consultants
- Design Initiatives for Aircraft Noise, prepared by EMM
- Victoria Road Precinct Aircraft Noise Strategy, prepared by JBA Urban Planning Consultants with EMM and Turner Studios
- Audit of Approved Residential Development in Aircraft Noise- Affected Areas
- Heritage Analysis, prepared by Graham Brooks and Associates
- Traffic and Transport Assessment, prepared by Hyder Consulting
- Flood Liability Report, prepared by WMA Water
- Geotechnical reports, detailed site contamination assessments and acid sulphate soils assessments, prepared by Argus
- Land Use Survey, prepared by Danias Holdings
- Creative Industries List, prepared by Danias Holdings.

Other relevant reports which have been submitted with the planning proposal include:

- Marrickville Employment Lands Study (2014), prepared by SGS Economics and Planning
- SGS Economics and Planning Peer Review of JBA's Employment Strategy for the Victoria Road Precinct (2015)
- JBA's response to the SGS peer review (2015)
- Independent Urban Design Review the planning proposal by Roderick Simpson (2015)
- Two Council officer reports to the 3 November 2015 Council meeting
- Maps showing Land Use Zone, Height of Building and Floor Space Ratio controls recommended in the Council officers' report.

Please note: Due to the file size of the documents attached to the proposal, the documents have been split. A list of the documents and their file sizes has been uploaded called 'Explanatory Note - List of Documents'.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment :

The objectives, as stated in this planning proposal, are to:

- Provide a 15 to 20 year strategic plan for Victoria Road Precinct;
- Maintain or grow employment within the Precinct;
- Provide a broader mix of businesses that better meet the local employment profile and changing demographics of the Marrickville LGA whilst ensuring that new development does not directly compete with existing retail;
- Incorporate medium to high density residential development along the Victoria Road strategic bus corridor, where appropriate;
- Ensure that 3 per cent of new housing stock is provided for the purpose of affordable housing;
- Ensure that all new development achieves compliance with standards for internal acoustic amenity;
- Create a vibrant hub for Marrickville burgeoning creative industries that complements the existing arts and cultural premises in the precinct;
- Facilitate improvements to permeability, streetscapes and amenity within the Precinct;
- Retain over half (52%) of Precinct land under its existing zoning to facilitate continuation of industrial, warehousing and other business uses;
- Ensure appropriate interfaces between the Precinct, surrounding residential and

industrial areas; and

- Create unique retail experiences that do not compete with established retail along Marrickville Road and at Marrickville Metro by providing an opportunity to build on the Precinct's existing home renovation showrooms and cafes.

Chapter 4 (pages 32-33) of the planning proposal provides additional objectives for the precinct by topic (Employment and Economy, Housing, Urban Design and Sustainable Development).

It is the intent of the planning proposal to transform the Victoria Road Precinct into a 'vibrant mixed use precinct that supports on-going local employment within the Inner West' over the next 15 to 20 years.

The objectives of the planning proposal are clear.

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

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

Comment : The planning proposal provides an explanation of the requested provisions. The proposal seeks to:

- Rezone land within the Victoria Road Precinct (approx. 48 per cent of Precinct 47) from:
 - o IN1 General Industrial, IN2 Light Industrial, B7 Business Park, B4 Mixed Use and RE2 Private Recreation

to

- o B4 Mixed Use, R3 Medium Density Residential, R4 High Density Residential and B5 Business Development (large parcels on IN1 General Industrial and IN2 Light Industrial will remain unchanged)

- Increase FSR from 0.95:1 to:
 - o 1.2:1 for land fronting Farr Street;
 - o 3:1 for land fronting Victoria Road and Sydenham Road;
 - o 2:1 for land fronting Chalder Street (towards Marrickville Primary School);
 - o 3.5:1 for land immediately east of Wicks Park (flood prone land); and
 - o 2.6:1 for land fronting Faversham Street (adjacent remaining industrial land).
- Increase the maximum building height to:
 - o 12m for land to the north of Farr Street;
 - o 18m for land to the south of Farr Street and along Sydenham Road and adjacent to Marrickville Primary School;
 - o 23m for land fronting Victoria Road, with a core height of 48m in the centre of the block bounded by Farr Street and Sydenham Road;
 - o 18m for land fronting Chalder Street and Shepherd Street (to the north-east of Marrickville Primary School);
 - o Part 46m and 23m for land immediately east of Wicks Park (flood prone land); and
 - o Part 18m and 38m for land fronting Faversham Street (adjacent remaining industrial land).
- Ensure that the predominate land use will be for employment, with residential uses permitted on less than 20 per cent of the land;
- Allow for creative industry uses;
- Implement acoustic design specifications to mitigate aircraft noise; and
- Require that 3 per cent of all residential floor space is used for affordable housing.

The application of zoning, FSR and height controls is clearly demonstrated in the maps provided and the planning proposal needs to be read with the maps. Please refer to pages 44-50 of the planning proposal or Appendix B for a copy of the maps.

While the controls proposed are clearly demonstrated in the planning proposal, the Department's assessment recommends a review of height controls at Sydenham Road

(between Farr Street and Victoria Road) to provide a better transition and interface with surrounding low density residential areas and in line with the masterplan.

The Department questions the appropriateness of the R4 High Density Residential zoning around Wicks Park adjacent to the IN1 General Industrial land (to the immediate south at Faversham Street). This presents potential for conflicting land use and potential erosion of this industrial land. The Department recommends this zoning be revised to provide a more appropriate interface with the industrial zone and to ensure the continued operation of this land.

The explanation of the requested provisions is clear.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required?

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

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

The following policies and issues need to be considered in respect of this planning proposal:

- **A Plan For Growing Sydney;**
- **State Environmental Planning Policies;**
- **Section 117 Directions;**
- **Council Officer recommendations and Council Report;**
- **Strategic planning policy:**
 - i. **District plans;**
 - ii. **Sydenham to Bankstown Corridor Strategy**
- **Marrickville Community Strategic Plan – Our Place, Our Vision; and**
- **Urban design review.**

The following issues and their corresponding Section 117 directions have been considered in greater detail in Tab Other Matters For Considerations and Tab Strategic Lands Checklist:

- **Airport operations and aircraft noise, including residential development and the Aircraft Noise Strategy (relates to Section 117 Direction 3.5);**
- **Employment lands (relates to Section 117 Direction 1.1 and Tab Strategic Lands Checklist);**
- **Traffic, transport and parking (relates to Section 117 Direction 3.4);**
- **Flooding (relates to Section 117 Direction 4.3);**
- **Heritage (relates to Section 117 Direction 2.3);**

Both Tabs form part of this assessment and should be read in conjunction with the assessment.

Any recommendations regarding inconsistencies will be addressed in the next Section.

A PLAN FOR GROWING SYDNEY

In December 2014, the State Government released A Plan For Growing Sydney, the strategic plan for Sydney over the next 15 years.

The proposal provides an analysis of its consistency with A Plan For Growing Sydney by theme:

- **Employment;**

- Urban renewal;
- Housing supply and choice;
- Economy and employment; and
- Industrial lands.

The planning proposal argues it is consistent with A Plan For Growing Sydney as it is a land use response which coincides with major infrastructure projects (WestConnex and Badgery's Creek Airport), responds to localised social and economic changes, will create new employment opportunities and renew an underutilised area.

The proposal demonstrates consistency with Planning Principle 1: Increasing Housing Choice Around All Centres Through Urban Renewal in Established Areas, as it will increase housing variety and stock in a location that is accessible to public transport, jobs and services. Under the proposed controls, approximately 1,300 units could be provided which capitalises on existing infrastructure and services and within the Sydenham to Bankstown Corridor. Some residential development in the south-west corner of the Precinct could be supported, given its proximity to low density residential uses.

The Department considers the planning proposal inconsistent with Planning Principle 2: Stronger Economic Development in Strategic Centres and Transport Gateways, as the change from industrial to residential uses will potentially impact on the current and future operation of the industrial land. Further, the Precinct is in close proximity to the Sydney Airport Transport Gateway and the Principle recognises the importance of the Gateways (including nearby industrial land) for employment and supporting business uses. Land around the airport is already constrained and redevelopment will place further constraints on future growth. The Department acknowledges industrial activity in the Precinct and in Sydney is changing. The proponent's employment strategy for the Precinct is also acknowledged, particularly its objective to maintain or increase employment. However, there is a continued important role for industrial land in this area, given its size and connectivity to good transport links and proximity to the Transport Gateways.

The proposal demonstrates consistency with Principle 3: Connecting Centres with a Networked Transport System, as the area is generally well-connected and well-served by public transport and freight networks. It is noted the local road network is easily congested with heavy and light vehicle movements which impacts on the efficient movement of vehicles.

The following other Directions have been considered and assessed by the Department:

i. Direction 1.5: Enhance capacity at Sydney's gateways and freight networks
The priority of this Direction is to develop and implement strategies to support the operation of Sydney Airport and Port Botany. Action 1.5.1 indicates the Government intends to prepare a strategy, in conjunction with councils and the community, for the transport gateways. Action 1.5.2 refers to developing strategies to protect and support the freight network by buffering key areas on the network from incompatible land uses.

The Precinct is 2 kilometres from Sydney Airport's north-south runway and approximately 500m (at its closest point) from the dedicated freight line. While the Precinct is outside the defined Sydney Airport Transport Gateway, the actions also direct the protection of land near the Transport Gateway. The Department notes the research provided in the planning proposal which indicates that currently no airport-supporting activities take place in the Precinct. The Department takes this point; however, this does not preclude the future use of the Precinct for airport-supporting activities.

While the planning proposal is not directly inconsistent with the above actions, rezoning industrial land in close proximity to the Airport may impede future opportunities for growth of airport-supporting activities or industrial uses that require quick access to the Transport Gateways. To reduce future impediment to the growth of

airport related uses near the Transport Gateways, a revision of the R4 High Density zone around Wicks Park is recommended. Retaining the IN1 General Industrial zone or applying a business zone will retain the land for industrial or business uses, reduce the potential land use conflict and preserve the land for future uses.

ii. Direction 1.9: Support Priority Economic Sectors

This Direction supports the growth of priority industry sectors through land use planning. Action 1.9.2 states the Government will update the Industrial Lands Strategic Assessment Checklist to assist in the identification and assessment of industrial land that is proposed to be rezoned. As the Checklist is currently being updated, the planning proposal provides an assessment against the existing Checklist. This assessment can be found in the Tab Strategic Lands Checklist.

iii. Direction 2.1: Accelerate Housing Supply

This Direction aims to increase housing supply by 664,000 new houses by 2031. Action 2.1.1 indicates the Government will work with councils and the Greater Sydney Commission to identify locations which could support more growth, particularly in areas that are well-connected and well-served.

Despite the Precinct not being within or near a strategic centre, the Precinct is well-served by public transport and is accessible to jobs and services. The proposed controls could provide 1,300 units in the Precinct.

The Precinct has not been identified by the State Government or Marrickville Council as an area for residential growth. However, residential development in the south-west corner of the Precinct may be acceptable given the large amount of low-density residential development in close proximity.

iv. Direction 2.2: Accelerate Urban Renewal Across Sydney – Providing Homes Closer to Jobs

The Direction establishes the Priority Precinct programme across Sydney, particularly through Action 2.2.2. This Action states the Government will continue to focus urban renewal activities to provide additional housing in the Sydenham to Bankstown Corridor. The draft Corridor Strategy applies to a portion of land in the southern part of the Precinct and retains the land as industrial with an overlay around Faversham Street and Wicks Park for the 'Sydenham Enterprise Area'. Residential development has not been considered in the Precinct as part of the Corridor Strategy.

It is noted that the Precinct could be revitalised with some residential development; however, an industrial or business zone should be applied to the area identified as the Sydenham Enterprise Area as it would align well with the draft Corridor Strategy.

The following District goals apply to the Precinct:

- Enable delivery of key transport projects to facilitate better connections to Global Sydney, including Sydney Rapid Transit, CBD and South East Light Rail, and WestConnex
- Prepare and deliver a Structure Plan for the Sydney Airport and Port Botany precincts to support their growth;
- Sydney Airport Precinct:
 - o Identify and protect strategically important industrial-zoned land in and near Sydney Airport Precinct; and
 - o Protect Sydney Airport's function as an international gateway for passengers and freight and support airport-related land uses and infrastructure in the area around the Airport.

The planning proposal is not consistent with the directions for the Sydney Airport Precinct. While the Precinct is not currently being used for airport or airport-related uses, A Plan For Growing Sydney is clear on the need to retain and protect land in and around the Transport Gateways for future supporting uses. However, if an industrial zone or a business zone remains for the southern side of Victoria Road, the land could

support future airport operations.

STATE ENVIRONMENTAL PLANNING POLICIES

i. State Environmental Planning Policy 55 – Remediation of Land

This SEPP provides a State-wide approach to the remediation of contaminated lands (where appropriate). The SEPP provides direction and controls for rezoning proposals and development applications. Consent authorities must consider whether land is contaminated and if suitable for redevelopment.

Environmental site assessments for three major sites have been submitted with the planning proposal and the assessment reports are acceptable for this stage of assessment. The planning proposal states the Precinct is not subject to widespread contamination and is generally suitable for commercial and residential uses, subject to further investigation and remediation.

Given Marrickville's industrial history, the Department recommends further contamination studies be conducted at development application stage and remediation plans be prepared where required. The advice and recommendations in the contamination reports have been noted.

ii. State Environmental Planning Policy 32 – Urban Consolidation

The aim of this SEPP is to promote the orderly and economic development of land which is no longer required for use in its current zoning or used for multi-unit housing. The Policy requires each Council and the Minister to consider whether urban land is no longer needed or used for the purpose which it is currently zoned or whether it is suitable for multi-unit housing.

The proposal states that transitioning land from IN1 General Industrial to more mixed business zonings will "result in a reduction of offensive or hazardous business operations within the Precinct that currently prohibit residential development from occurring".

The Department notes that the land is important, strategic industrial land. While industrial demands are changing and a large number of industrial businesses have relocated elsewhere, there is still a need for industrial lands in Victoria Road to support local businesses access local and international markets and to support the airport Transport Gateway. The area is still highly active and is being used for multiple business and industrial uses. The Department does not support the proposal's argument that it is industrial lands which are the impediment to residential growth in this Precinct. Victoria Road has had industrial land for many decades (which has operated with some light residential and business uses) and residential development on the scale proposed must be suitably located and designed to minimise any impact on current and future industrial uses.

The strategic location of Precinct's industrial lands must be taken into account when considering future redevelopment. It is a requirement that this SEPP is considered when making LEPs. The needs of existing industrial operations (including transport and vehicular movements, noise, fumes and hours of operations) must be taken into consideration to ensure residential development will not impact on these activities.

The Department considers that, despite the reduction in industrial activity in the Precinct, the land is not necessarily no longer needed for its intended use. It is observed that the Precinct still has a high level of activity occurring within it. It is agreed that changes to Precinct zonings will allow for a more diverse range of uses and will revitalise the area.

The following SEPPs have not been considered at this stage but will need to be addressed at development application stage:

- State Environmental Planning Policy 65 – Design Quality of Residential Apartment Buildings; and
- State Environmental Planning Policy (BASIX).

The affordable housing proposed in the planning proposal does not trigger the Affordable Housing SEPP.

SECTION 117 DIRECTIONS

The following section 117 Directions have been considered with this planning proposal.

i. Direction 1.1 Business and Industrial Lands

The objectives of this Direction are to encourage employment growth in suitable locations, to employment land in business and industrial zones and support the viability of strategic centres.

Clause 4 of the Direction requires that planning proposals must:

- (a) give effect to the objectives of this Direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

The planning proposal argues it gives effect to the objectives of the Direction as it will:

- Encourage employment growth within an existing employment precinct;
- Transition existing industrial land to mixed business in response to the decline in industrial employment; and
- Ensure that there are viable and permissible employment uses in place for the Precinct.

• Loss of industrial land

The proposal argues the rezoning of some IN1 General Industrial land to business zones (predominantly B5 Business Development) will result in no net loss in land available for employment-generating uses. The proposal also intends to rezone a large parcel of land from part IN1 General Industrial to R3 Medium Density Residential and R4 High Density Residential, predominantly in the south-west corner of the Precinct. This will result in the net loss of industrial and business land in this area and this would be inconsistent with the Direction.

The planning proposal suggests a direct interface between the R4 High Density Residential and IN1 General Industrial at Faversham Street. The Department has significant concerns about the co-location of incompatible land uses at this location, particularly about the impact on business operations and resident amenity as well as the sterilisation of industrial land to the south of Faversham Street.

The planning proposal also states it will generate significant uplift in total potential floor space for employment uses. The FSR for the B5 Business Development zone will double under the proposal (0.95:1 to 2:1) and the maximum height will increase to 23m (no maximum height currently applies). It is agreed this will generate a significant uplift in the gross floor area for business uses, thus, demonstrating consistency with the Direction.

The land to be rezoned residential will significantly reduce the gross floor area available for industrial and business uses. Under the proposal, approximately 4.9 hectares of industrial land will be rezoned for residential uses. Another 1.4 hectares (approximate) will be rezoned B4 Mixed Use, which permits some forms of residential use. Currently, the FSR for this area is 0.95:1 and there is no maximum height limit. The proposal intends to increase the FSR to between 1.2:1 and 3.5:1 and the height to between 12m and 48m. Even without having the exact specifications of the uses (eg. how much of the B4 area will be dedicated to residential uses), the proposed controls represent a substantial increase in residential gross floor area at the expense of floor

space for industrial or business uses.

The Direction states planning proposals may be inconsistent with this Direction if the inconsistencies are justified by an approved strategy. The Department notes that an employment strategy has been prepared and submitted with the planning proposal.

It is acknowledged the planning proposal will substantially increase the gross floor area for business uses and retain a large portion of the Precinct 47 for industrial uses and the planning proposal is consistent in this regard. The areas zoned for residential will reduce gross floor areas available for business and industrial uses and therefore, is inconsistent with this Direction.

The Department recognises that some residential development in the south-west corner may be appropriate. However, the R4 and IN2 interface at Faversham Street needs further consideration. The Department recommends retaining the IN1 General Industrial land or applying a business zone instead of the R4 High Density Residential proposed for the land around Wicks Park. This will reduce the quantum of land being lost to residential uses and support the proponent's objective to maintain or increase employment in the Precinct.

• Employment Strategies

The planning proposal argues traditional industrial uses are in decline in the Precinct and there is a shift towards new and emerging industries (food production, creative uses). The proposal and the employment strategy contend Marrickville's demographics are changing, and residents are increasingly employed in white collar industries (rather than traditional manufacturing). It is argued there are opportunities to regenerate the area by allowing a broader range of business use (including office space) and develop a live-work area. It is argued that a key objective of the planning proposal is to have no net loss of employment and that flexible controls will assist in delivering on this objective.

Three recent employment lands studies have reviewed potential rezoning of the Marrickville-Sydenham Employment Lands:

- the Marrickville-Sydenham Employment Lands (MELS) study, commissioned by Council and funded by the Planning Reform Fund (Appendix Marrickville-Sydenham Employment Lands (MELS) study);
- JBA Urban Planning Consultants Victoria Road Precinct Employment Strategy (Appendix C); and
- SGS Economics and Planning's Peer Review of the JBA strategy (Appendix Peer Review).

The MELS, not yet endorsed by Council, reviewed the 2014 Victoria Road planning proposal and made a number of recommendations on the Precinct, including:

- it is suitable for a greater range of uses (commercial), particularly at the edges of the Precinct, given the public transport connections;
- the B5 Business Development zone is appropriate along Victoria Road, between Sydenham Road and Chalder Street;
- the proposed use changes are not supported by the Marrickville Urban Strategy (Council strategy) or the draft subregional strategies;
- the rezoning of industrial lands would be a significant loss for the subregion; and
- developable land is within the ANEF 25 contour which is generally not acceptable for new residential development.

The MELS notes that land identified for rezoning is "the most significant industrial precinct in the LGA and among the most important in the subregion. The introduction of residential retail development into the precinct has the potential to significantly affect the role and function of the precinct". JBA's Employment Strategy reviewed the three options rezoning scenarios from the MELS and have concluded that the scenarios "neither resolve the existing constraints affecting employment uses nor capitalise on the opportunities that have been identified in the precinct".

JBA's Employment Strategy focuses on retaining the industrial core to the south-east of the Precinct and rezoning the land along Victoria Road for business uses. These uses may include creative uses, home improvement showrooms, wholesale food retailers and professional offices and services.

In summary, the Department is concerned the proposed R4 High Density Residential adjacent to the IN1 General Industrial land at Faversham Street will sterilise industrial uses, reduce the industrial value of the land and contribute to the slow reduction of employment lands. Should that land be redeveloped for residential uses, new residents will have amenity impacts and adversely affected by noise, traffic, and odour, placing pressure on the operations of that business. However, this can be remedied by either retaining the IN1 General Industrial zone or applying an appropriate business zone.

For an assessment of the proposal against the Strategic Lands Industrial Checklist, please refer to the Tab Strategic Lands Checklist.

ii. Direction 2.3 Heritage Conservation

This Direction was not considered in the planning proposal, but it is appropriate given the two locally listed heritage items within the Precinct. A heritage impact assessment was provided with the planning proposal (see Appendix G).

The objective of the Direction is to protect items of heritage significance. There are two locally listed heritage items in the Precinct - Sims Metal Factory on Shepherd Street (identified as Item I118) and 14 Rich Street (identified as Item I117). A large heritage conservation area, the Llewellyn Estate Heritage Conservation Area, lies on the south-east boundary of the Precinct. The conservation area adjoins four other heritage conservation areas. There are no State listed heritage items in the Precinct.

The heritage assessment indicates the Sims Metal Factory has been altered significantly since original construction and no longer holds heritage significance. Despite this, the planning proposal intends to retain both heritage items but adaptively re-use the buildings, particularly the Sims Metal Factory for a large community space (markets, entertainment venue). The Department considers the proposal consistent with this Direction.

Within the Precinct, there are a number of items that may have heritage potential and these items add to the character of the area. It is recommended that a full heritage study is prepared for the whole Precinct to identify items that may need to be preserved.

For additional information regarding this Direction, please refer to the 'Heritage' section in Tab Other Matters For Consideration.

iii. Direction 3.1 Residential Zones

The objectives of this Direction are to encourage a variety of housing types, make efficient use of existing infrastructure, and minimise the impact of residential development on the environment and resource lands. The Direction applies where a planning proposal affects land in an existing or proposed residential zone or in any other zone (non-residential) in which significant residential development is permitted or proposed to be permitted.

The planning proposal seeks to rezone approximately 4.98 hectares of industrial land to residential land (not including approximately 1.5 hectares to be rezoned B4 which permits shop top housing).

The proposal states it is consistent with this Direction as it will permit medium and high density housing, thereby broadening the local housing market (which is mainly low density detached dwellings). The planning proposal also states it will make efficient use of existing infrastructure and transport corridors, regenerate a brownfield precinct into a mixed business and housing precinct and the indicative master plan demonstrates the renewal of the Precinct can be of good design.

The Direction requires that residential development is not to be permitted until the land can be serviced. Given its location, the Precinct is already serviced. The Department recommends consultation with essential services providers regarding the capacity of existing services and whether any augmentation is required. The Department considers the planning proposal consistent with this Direction.

iv. Direction 3.4 Integrating Land Use and Transport

The objectives of this Direction are to ensure the built form improves access to housing, jobs and services by walking, cycling or public transport use as well as providing for the efficient movement of freight.

The planning proposal argues it will:

- regenerate the Precinct along a strategic bus corridor which is close to a rail corridor;
- increase residential and employment density close to public transport without jeopardising existing local centres; and
- will transition unsustainable industrial land to business land which will not compete with local centres.

The Department considers the planning proposal to be consistent with this Direction, as it will further integrate a variety of land uses with a range of public transport options.

The traffic, transport and parking impacts are considered manageable subject to the proposed TMAP and intersection upgrades along with suggested height and density changes in this report. For additional information regarding this Direction, please refer to the 'Traffic, Transport and Parking' section in Tab Other Matters For Consideration.

v. Direction 3.5 Development near Licensed Aerodromes

The objectives of this Direction are to ensure the safe and effective operation of aerodromes, ensure that aerodrome operations are not jeopardised by hazards or obstructions and that residential development near aerodromes are safe for human occupation.

The planning proposal states that the Federal Department of Infrastructure and Regional Development and SACL were consulted in the preparation of the planning proposal and aircraft noise strategy.

• Residential development in aircraft noise corridors

The Precinct is primarily within the ANEF 25 Contour and part is within ANEF 30. Residential zones have been proposed for the land between ANEF 25 and 30 contours and residential controls under ANEF 25 apply. Approximately 1,300 new units could be developed under the proposed controls. Around Wicks Park, a proposed R4 High Density Residential zone appears to run along the contour line. The Precinct is severely impacted by aircraft noise, as it is located approximately 2 kilometres from the start of the north-south runway of Sydney Airport and is directly under the runway's centreline.

The Direction states that planning proposals must not rezone land for residential development where the ANEF Contour is 25 or greater and for public buildings (including hotels and motels) where the ANEF is 30 or greater. The proposal is inconsistent with the Direction as residential development is proposed in ANEF 25 and public buildings (business uses) are proposed in the ANEF 30 Contour.

While the Direction does not permit residential development in ANEF 25 or higher, residential and commercial development may be permitted (on condition) if it can be demonstrated that the Australian Standards (AS2021-2000) for internal noise can be satisfied. As the planning proposal proposes residential uses in the ANEF 25 contour, it has been accompanied by two documents - Design Initiatives for Aircraft Noise (Appendix D) and the Victoria Road Precinct Aircraft Noise Strategy (Appendix E). The documents demonstrate that internal noise controls can be satisfied. The Noise Strategy is comprehensive and contains development controls which will be enacted and require compliance at Development Application stage through the adoption of a Key Sites Map in the LEP. The development controls clearly focus on noise attenuation.

The design initiative report notes the Precinct “can expect more than 100 daily events above 70 decibels on average” (page 11), which equates (approximately) to the noise level at a kerb side level. 70 decibels is the level at which aircraft noise affects everyday household activities (conversations and television viewing).

The Victoria Road Precinct Aircraft Noise Strategy is a comprehensive and considered document which details design and building controls to mitigate aircraft noise. The Strategy demonstrates how noise levels can be reduced to below 50 decibels in the bedrooms and living rooms.

Section 117 Direction 3.5 does not permit residential development in ANEF 25 or higher contour, unless it can be demonstrated that the Australian Standards can be met. The Strategy demonstrates the Standards can be met and provides clear development controls. The Department acknowledges the Aircraft Noise Strategy will provide information packs to occupants of new developments on the buildings noise attenuation features as well as providing advice on mitigating noise. The Department supports this initiative and further discussion on how to link the information pack with the section 149 certificate is needed.

- **Redevelopment and airspace operations**

The Direction also requires on planning proposals for land near licensed aerodromes to consult with relevant Commonwealth agencies, consider whether the Obstacle Limitation Surface (OLS) applies and where it applies, prepare appropriate development standards (including height) and propose land uses that are compatible with airport operations.

Mapping provided by the proponent indicates the maximum building height of 48m is below the OLS, with a 2m buffer between the proposed height and the start of the OLS. The buffer is extremely small and raises questions on suitability and the likelihood that the OLS will be penetrated during construction (Commonwealth approval is required where objects penetrate the OLS). Given the small buffer, there is a question as to whether the buffer is sufficient in the event of extreme weather, an emergency situation or for larger, heavier aircraft. The Department notes that Council Officers did not take particular issue with this height in their report.

Following a meeting between the Department, the proponent and SACL on 8 February 2016, SACL has agreed to provide further advice on appropriate building height. The maximum building height is a significant issue and it is recommended that the maximum height be revised in accordance with SACL recommendations.

In addition, SACL and Marrickville Council must be actively consulted during the preparation of the Development Control Plan. Consideration must be given to external materials and finishes, internal fittings and lighting, exhausts and items that may emit signals or any other matter or object that may interfere with pilot vision or operation or aircraft at take-off and landing.

The Department considers the planning proposal inconsistent with this Direction. However, the inconsistencies have been satisfied for internal noise controls and can be justified. Inconsistencies regarding the proposed maximum building height will be amended and finalised, subject to advice provided by SACL.

- vi. **Direction 4.1 Acid Sulfate Soils**

The objective of this Direction is to avoid environmental impacts of development on acid sulfate soils. The planning proposal has not reviewed this Direction, but it is a consideration given the prevalence of Class 2, Class 4 and Class 5 acid sulfate soil within the Precinct.

The planning proposal has been submitted with acid sulfate soil assessments for three key sites within the Precinct – the Danias Timber Yard, the Malco Site and Wicks Park.

The analysis on the Timber Yards and the Malco site indicate that acid sulfate soils were not found, but there is a potential acid sulfate soil on site. The report recommends further investigation and environmental scientists on site during any excavation works to test and treat the soil appropriately. No acid sulfate soil was found at Wicks Park.

The Department considers the planning proposal consistent with this Direction as assessments have considered the Acid Sulfate Soil Guidelines. It is noted that further consideration to acid sulfate soils, including any further studies on a site-by-site basis, will be conducted at development application stage and an Acid Sulfate Soil Remediation Plan be prepared in the event of acid sulfate soil.

vii. Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure development of flood prone land is consistent with the Floodplain Development Manual 2005 and ensure that provisions of LEPs are commensurate with potential flood impacts. This Direction was not addressed in the planning proposal.

The vast majority of land to the south of Victoria Road is in a flood planning area and the Direction applies additional development controls to flood planning areas. It is a requirement that planning proposals give effect to, and are consistent with, the Floodplain Development Manual 2005. Planning proposals must not contain provisions that:

- permit development in floodways;
- will result in significant flood impacts on other properties;
- will significantly increase in the development of that land;
- likely result in substantial increases in government spending on flood mitigation measures; or
- permits work to be carried out without consent.

The planning proposal and the flood liability report do not specifically address the Floodplain Development Manual 2005 (although it may have been considered). Sydenham Road and Victoria Road act as flood ways and the proposal seeks to exponentially increase residential development along both roads. The Precinct is prone to flooding across parts of the site.

The Department considers the planning proposal inconsistent with this Direction. It is recommended the planning proposal is updated to justify inconsistencies with this Direction prior to public exhibition. The Department understands that design solutions can be employed to reduce the impact on flooding on buildings and neighbouring properties. These solutions should be referred to in the justification. For additional information regarding this Direction, please refer to the 'Flooding' section in Tab Other Matters For Consideration.

viii. Direction 6.3 Site Specific Provisions

The objective of this Direction is to limit restrictive site specific provisions to enable to particular development. This Direction was referred to in the proposal but an assessment has not been included.

Under the Direction, planning proposals must either:

- allow that land use to be carried out in the zone the land is situated on;
- rezone the site to an existing zone in the LEP; or
- allow the land use on relevant land without imposing any development standards or requirements in addition to those already contained in the principle LEP.

The planning proposal recommends a key sites map to enable specific development controls (namely the Aircraft Noise Strategy and the affordable housing provisions) to apply to the Precinct. While the planning proposal is inconsistent with this Direction, the Department considers this to be a minor inconsistency and justified to ensure residential amenity, through the application of site-specific internal noise abatement controls, and affordability.

ix. Direction 7.1 Implementation of A Plan For Growing Sydney
This Direction gives legal effect to A Plan For Growing Sydney.

The planning proposal states it demonstrates consistency with A Plan For Growing Sydney as it will provide housing close to jobs and takes advantage of existing infrastructure. The Department considers the planning proposal to be broadly consistent with A Plan For Growing Sydney (as per above assessment).

COUNCIL OFFICER RECOMMENDATION AND COUNCIL REPORT

At the 3 November 2015 Council meeting, Council Officers tabled a series of modifications to the planning proposal for consideration. Council resolved to submit the planning proposal to the Department in its original form (as submitted by the proponent) and without any changes as proposed by Council officers.

Council officers supported:

- mixed use zones and controls on the western side of Victoria Road and the residential land fronting Farr Street;
- the B5 Business Development zones on the northern side of Victoria Road;
- changing the proposed R4 High Density Residential around Victoria Road and Sydenham Road to part B4 Mixed Use and part B7 Business Park.

Council officers essentially recommended no rezoning or changes to development controls south of Victoria Road. It is argued that this is to retain the integrity of the core industrial precinct, maintain the large industrial lots and stock.

The officer recommendations have merit. In particular, the retention of industrial land to the south and around Wicks Park as well as the B4 Mixed Use / B7 Business Park interface provides a better transition between the residential and industrial areas than the proposed R4 High Density / IN1 General Industrial interface at Faversham Street. The Department recommends that the proposed R4 High Density Residential land around Wicks Park be given further consideration to retaining the industrial land, or at least applying a Business zone. This is to provide a better transition and reduce conflict between the residential / industrial areas as well as protecting industrial land around Wicks Park.

STRATEGIC PLANNING POLICY

i. District Plans

The district plans, formerly known as subregional plans, support the localised implementation of A Plan For Growing Sydney. District plans will be released by the Greater Sydney Commission.

Until the district plans are available, the Department has assessed the planning proposal against objectives of the Draft Southern Subregional Strategy (2007).

The planning proposal is considered consistent with:

- A3.2 Increase integration of employment and housing markets;
- C1.3 Plan for increased housing capacity targets in existing areas; and
- F2.1 Improve the quality of local open space.

The planning proposal is considered to be inconsistent with:

- Objectives for Economy and Employment Growth. The Precinct is with the Sydenham Employment Lands (81.5 hectares around Sydenham Station, Edinburgh, Victoria, Sydenham and Marrickville Roads) and the land is classified as Category 1 Employment Land. This classification requires land to remain as employment and industrial uses, given proximity to transport networks and value of land to the economy. The Strategy considers this industrial land to be of State significance;
- A1.4 Contain the rezoning of employment lands to residential zonings across Sydney;
- A1.5 Protect and enhance employment lands of state significance;
- A1.9 Facilitate the use of old industrial areas; and

- E2.5 Minimise household exposure to unacceptable noise levels.

ii. Sydenham to Bankstown Urban Renewal Corridor Strategy

In 2015, the Department released the draft Sydenham to Bankstown Urban Renewal Corridor Strategy. The southern portion of the Precinct is located within the Sydenham Precinct of the Corridor Strategy.

The Corridor Strategy acknowledges the industrial use and value of the Precinct, and indicates it intends to retain the area as industrial land. The Corridor Strategy also indicates the land around Wicks Park and between Faversham and Fitzroy Street could become the 'Sydenham Enterprise Area'. The Corridor Strategy does not explain in detail how the Enterprise Area would operate, but states more jobs could be provided by increasing the range of permissible business activities, including creative industries and start-up businesses, and limiting new housing development.

The planning proposal is consistent with the Corridor Strategy, in so far as the B4 Mixed Use and B5 Business Development zones would allow for a greater range of uses. However, the planning proposal is inconsistent with the Corridor Strategy as it proposes high density residential development in an area identified for industrial uses. The Department recommends further consideration be given to the R4 High Density Residential zone around Wicks Park, given the inconsistency with the draft Corridor Strategy.

MARRICKVILLE COMMUNITY STRATEGIC PLAN – OUR PLACE, OUR VISION (2012/13)

The Marrickville Council Community Strategic Plan sets out community goals for the next ten years.

The Department has assessed the planning proposal against the plan and considers the proposal to be consistent with:

- 1.5.4 Pursue planning controls that support existing and new supplies of affordable housing;
- 3.3.1 Plan and provide accessible and well connected footpaths, cycleways and associated facilities
- 3.3.2 Promote accessibility of railway stations and bus stops

The Department considers the proposal to be inconsistent with:

- 1.1.4 Work to minimise the impacts of aircraft and other significant noise in homes, businesses and public spaces
- 3.12.1 Support existing industries so they remain an integral part of the local economy
- 3.12.2 Encourage the establishment of new enterprises in underutilised industrial areas
- 3.13.2 Strengthen Marrickville's economic connections with other parts of the inner west and greater Sydney
- 3.13.3 Assist local businesses to access overseas markets, strengthen existing trade relations and exploit proximity to Sydney Airport.

DESIGN – STRATEGIC URBAN DESIGN REVIEW

The planning proposal has been supported by a masterplan for the Precinct, developed by Turner Studios. It provides an overview of key design issues which are to be addressed through the masterplan, including:

- a distribution of uses that maintains or increases employment uses within the Precinct and appropriately co-locates residential uses with employment and business uses;
- ANEF contours and locating residential uses outside the ANEF 30 contour;
- permeability and block structure;
- building envelopes and density; and
- stormwater and flooding.

The design principles under the masterplan intend to:

- revitalise existing open space and create new green connections, particular between Wicks Park, Henson Park and Enmore Park and within the proposed residential areas as

well as the creation of pocket parks;

- increase permeability by extending streets and opening new connections through the Precinct;
- reconfigure current block structure to provide a finer grain to suit different typologies and business;
- step heights in areas adjacent to existing uses to provide an appropriate transition and urban interface;
- promote Victoria Road as a commercial corridor, by increasing floor space and potential uses and using Victoria Road as link to existing commercial retail areas, including Marrickville Road, Addison Road, Marrickville Metro and Enmore Road;
- Create a commercial showroom and home renovation hub around Rich and Chapel Streets; and
- Create residential amenity by clustering uses around green spaces, public transport and recreational facilities.

The masterplan has given significant consideration and proposed solutions to barriers to development in the Precinct. The masterplan is comprehensive and gives a good indication of the development potential in this Precinct. The masterplan demonstrates good transition between existing and proposed built forms. There appears to be a mismatch in the controls requested in the proposal and those in the masterplan. It is recommended the requested controls be revised to reflect those in the masterplan.

Marrickville Council engaged Roderick Simpson to perform an urban design review and provide advice on the design principles and masterplan. The urban design review was asked to:

1. Provide comment on all elements of the proposal with focus on Sections 4 & 5 (Design Principles and Master plan):
 - a. The scale and overall heights (in the immediate and broader landscape setting) of predominantly residential development proposed for the southern part of the precinct;
 - b. The street wall proposed along Victoria Road;
 - c. The layout and arrangement of buildings relative to open space, paths, landscape and existing and proposed street networks; and
 - d. Any other general strategic urban design advice
2. Note any unresolved issues, missed opportunities or overlooked constraints.

The report encourages the development of fine grained buildings in line with the current subdivision and building layouts, retention of local 'character buildings', retention of existing street pattern will determine future character, car parking should be precinct-wide to encourage street activation and site amalgamation should be avoided.

The report also recommends:

- Additional streets and laneways that connect the surrounding network should be supported;
- Retention of smaller lots with narrow street frontages as well as an increase in the number of lots in the precinct. The master plan shows large footprint buildings and which infer site amalgamations;
- Development of above ground precinct parking station to encourage street activation and reduce excavation;
- Use alternative mechanisms to retain locally interesting or quirky buildings;
- Alterations to building heights. Specifically it recommends alterations to building heights along Sydenham Road, as the proposed 48m would be overwhelming for the adjoining low density areas;
- There should be no increase in FSR without a mechanism for value capture, as current FSR is not utilised. This is a section 94 issue which needs to be negotiated with Council;
- A demonstrated need for additional housing in the area has not been demonstrated, particularly as the majority of the land is in the ANEF 25 Contour; and
- That the proposal does not and cannot meet s.117 Direction 3.5 as the land is within the ANEF 25-30 Contour and the AS2021-2000 does not apply.

Revised Planning Proposal for the Victoria Road Precinct, Marrickville

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

It is recommended that further advice is prepared to justify inconsistencies with:

- Planning Principle 2: Stronger Economic Development in Strategic Centres and Transport Gateways of A Plan for Growing Sydney;
- Subregional directions for the Transport Gateways of A Plan for Growing Sydney;
- Section 117 Direction:
 - o 1.1 Business and Industrial Zones
 - o 3.5 Development Near Licensed Aerodromes
 - o 4.3 Flood Prone Land
- Sydenham to Bankstown Corridor Strategy

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The mapping provided clearly illustrates existing planning controls as well as requested development controls. The planning proposal also provides a number of maps and images which show the site in context (including relationship to public transport).

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Chapter 3 of the planning proposal outlines the proposed stakeholder and community engagement arrangements.

The proposal notes the early engagement and consultation with:

- Marrickville Council;
- Department of Planning and Environment;
- Sydney Airport Corporation Limited;
- Department of Transport and Regional Development (C'wth);
- Department of Education and Communities;
- Marrickville Public School; and
- Local land owners.

A range of community and stakeholder engagement strategies have been suggested, including community information sessions, dedicated websites and hotlines.

Should the planning proposal receive a positive Gateway determination, the proposal recommends a 28 day public exhibition period. This is supported by the Department.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The proposal is considered adequate and sufficient detail has been provided.

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in relation
to Principal LEP :

The comprehensive Marrickville LEP 2011 was made on 12 December 2011.

Assessment Criteria

Need for planning proposal :

To amend a Local Environmental Plan, a planning proposal is required.

The proposal states the redevelopment of the Victoria Road Precinct was first identified by Marrickville Council during the making of the Comprehensive LEP.

In 2012, Council resolved to consider revised controls for the Precinct if a planning proposal for the entire Precinct 47 was lodged. The proposal states the Marrickville Employment Land Study (2014) suggests there is some scope to transition away from the IN1 General Industrial zoning in the Precinct towards a more general business zoning. JBA has prepared an employment strategy which is more specific to the Precinct.

Eight key reasons for the planning proposal have been provided:

1. declining demand for industrial zoned land in Marrickville LGA and manufacturing employment has been in decline;
2. greater mix of businesses in the Precinct will contribute to employment mix;
3. the location, context and attributes of the Precinct are more suitable for a mix of business and residential uses and that are no unmanageable environmental constraints that would preclude mixed use development on the site;
4. land is currently underutilised and the current uses fail to meet housing and employment targets;
5. there are no environmentally sensitive areas, hazards or constraints of significance that would prohibit changes to land use;
6. redevelopment of the site would positively reinforce State, regional and subregional planning strategies and policies;
7. the existing road network is expected to be able to cope with increased traffic capacity arising from the redevelopment; and
8. the development would deliver community benefits.

As the proposal requests amendments to the zoning, height and FSR controls to the Precinct, amendments to the LEP cannot be progressed without a planning proposal.

Consistency with strategic planning framework :

The planning proposal argues it demonstrates consistency with key strategic planning policies.

As previously discussed, the planning proposal demonstrates consistency with strategic planning policy relating to residential uses, but is inconsistent with industrial lands strategic policy.

Environmental social economic impacts :

ENVIRONMENTAL

The Department is satisfied that there is no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by the planning proposal.

SOCIAL AND ECONOMIC

The proposal argues it will provide a number of benefits to the local community, including:

- contribution to the supply of affordable housing;
- increase housing supply in a location that is accessible to public transport, jobs and services;
- improve local employment opportunities by encouraging new business development through changed land use zones;
- utilisation of existing and proposed infrastructure.

The Department agrees planning proposal will inject more affordable housing in the area (approximately 39 units) through the affordable housing provisions and would increase housing supply and choice in a location well-served by transport and services as well as taking advantage of existing and proposed infrastructure.

Revised Planning Proposal for the Victoria Road Precinct, Marrickville

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) :
Department of Education and Communities
Energy Australia
Transport for NSW
NSW Police Force
Transport for NSW
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
State Emergency Service
Sydney Water
Telstra
Other

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

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

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

Employment Lands (ELDP)
Metropolitan and Regional Strategy

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Explanatory Note - List of Documents.pdf	Study	Yes
Cover letter from Marrickville Council, submitting the planning proposal for Gateway .pdf	Proposal Covering Letter	Yes
Planning proposal for land uses and development standards, Victoria Road Precinct, Marrickville, prepared by JBA Urban Planning Consultants (2015).pdf	Proposal	Yes
Master Plan and Urban Design Report, prepared by Turner Studios (2015).pdf	Drawing	Yes
Appendix A - Council letter to Proponent, Council resolution and advice from Department (2012).pdf	Study	Yes
Appendix B - Proposed LEP Maps, prepared by JBA Urban Planning Consultants (2015).pdf	Study	Yes

Revised Planning Proposal for the Victoria Road Precinct, Marrickville

Appendix C – Victoria Road Precinct Marrickville Employment Strategy, prepared by JBA Urban Planning Consultants (2015).pdf	Study	Yes
Appendix D – Design Initiatives for Aircraft Noise, prepared by EMM.pdf	Study	Yes
Appendix E – Victoria Road Precinct Aircraft Noise Strategy, prepared by JBA Urban Planning Consultants, EMM and Turner Studios .pdf	Study	Yes
Appendix F – Audit of Aircraft Noise-Affected Residential Approvals.pdf	Study	Yes
Appendix G – Heritage Analysis, prepared by Graham Brooks and Associates (2013).pdf	Study	Yes
Appendix H – Traffic and Transport Assessment, prepared by Hyder Consulting (2015).pdf	Study	Yes
Appendix I – Flood Liability Report, prepared by WMA Water (2013).pdf	Study	Yes
Appendix J1 – Malco Site – Rich St, Marrickville – Acid Sulfate Assessment .pdf	Study	Yes
Appendix J2 – Malco Site – Rich St, Marrickville – Environmental Site Assessment.pdf	Study	Yes
Appendix J3 – Malco Site – Rich St, Marrickville – Geotechnical Investigation Report.pdf	Study	Yes
Appendix J4 – Timber Yard – Victoria Rd, Mitchell and Farr St, Marrickville – Acid Sulfate Soil Assessment.pdf	Study	Yes
Appendix J5 – Timber Yard – Victoria Rd, Mitchell and Farr St, Marrickville – Detailed Site Investigation_Part1.pdf	Study	Yes
Appendix J5 – Timber Yard – Victoria Rd, Mitchell and Farr St, Marrickville – Detailed Site Investigation_Part2.pdf	Study	Yes
Appendix J5 – Timber Yard – Victoria Rd, Mitchell and Farr St, Marrickville – Detailed Site Investigation_Part3.pdf	Study	Yes
Appendix J6 – Timber Yard – Victoria Rd, Mitchell and Farr St, Marrickville – Geotechnical Report.pdf	Study	Yes
Appendix J7 – Wicks Park – Victoria Rd & Faversham St Marrickville – Acid Sulfate Soil Assessment.pdf	Study	Yes
Appendix J8 – Wicks Park – Victoria Rd & Faversham St Marrickville – Detailed Site Analysis_Part1.pdf	Study	Yes
Appendix J8 – Wicks Park – Victoria Rd & Faversham St Marrickville – Detailed Site Analysis_Part2.pdf	Study	Yes
Appendix J8 – Wicks Park – Victoria Rd & Faversham St Marrickville – Detailed Site Analysis_Part3.pdf	Study	Yes
Appendix J8 – Wicks Park – Victoria Rd & Faversham St Marrickville – Detailed Site Analysis_Part4.pdf	Study	Yes
Appendix J8 – Wicks Park – Victoria Rd & Faversham St Marrickville – Detailed Site Analysis_Part5.pdf	Study	Yes
Appendix J9 - Wicks Park - Victoria Rd & Faversham St Marrickville - Geotechnical Investigation Report.pdf	Study	Yes
Appendix K – Land Use Survey, prepared by Danias Holdings.pdf	Study	Yes
Appendix K – Land Use Survey, prepared by Danias Holdings.pdf	Study	Yes
Appendix L – Creative Industries List, prepared by Danias Holdings.pdf	Study	Yes
Marrickville Council Resolution on the Victoria Road Precinct planning proposal - 3 November 2015.pdf	Study	Yes
Council Officer report on revised Victoria Road Precinct planning proposal.pdf	Study	Yes
Strategic Urban Design Review of Victoria Road Precinct, prepared by Roderick Simpson (2015).pdf	Study	Yes

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Marrickville Employment Lands Study (2014), prepared by SGS Economics and Planning.pdf	Study	Yes
SGS Peer Review of JBA Urban Planning Consultants' Employment Strategy for Victoria Road Precinct (2015).pdf	Study	Yes
JBA's response to the SGS peer review (2015).pdf	Study	Yes
Maps of amended development controls, as recommended by Council officers in the Council report (2015).pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

Additional Information : The Department has given substantial consideration to this planning proposal. The planning proposal raises a number of issues which needed to be clarified and / or resolved. The two key issues for the planning proposal is residential development in the Precinct, given its proximity to Sydney Airport's flight paths and the loss of strategic industrial lands.

Weighing the issues, the planning proposal is recommended to proceed with 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 ensure the continued operation of 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;

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(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

(j) 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.

4. The planning proposal is to be publicly exhibited for a minimum of 28 days.

5. Consultation is required with the following public authorities:

- 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.

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The Department has considered all issues relevant to the proposal. The Department has recommended the planning proposal to proceed on strict conditions.

Signature:



Printed Name:

MARTIN COOPER

Date:

7/03/2016