

Item No: C0918(1) Item 13

Subject: **PLANNING PROPOSAL, CYPRUS CLUB, 58-76 STANMORE ROAD, 2-20 TUPPER STREET AND 3-9 ALMA AVENUE, STANMORE.**

Prepared By: Con Colot - Senior Strategic Planner & Projects

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

This report addresses a Planning Proposal to amend Marrickville Local Environmental Plan 2011 by rezoning the land and increasing the permissible building and floor space ratio in order to facilitate redevelopment to create a new club, commercial floor space and apartments.

Council resolved in July 2017 to submit the Planning Proposal to the Gateway process subject to a number of amendments. These have been made to the attached Proposal. Due to a change to legislation Council is required to note the comments made by the Inner West Local Planning Panel on the Planning Proposal described in this report, prior to seeking Gateway Determination, and advise the Department of Planning and Environment that the Panel's comments have been taken into consideration. The Planning Proposal will then be able to be referred for Gateway Determination.

The Panel accepted that the proponent has mostly complied with Council's resolution and that additional traffic studies should be provided prior to public exhibition to fully comply with Council's resolution, should the proposal receive a positive Gateway Determination.

RECOMMENDATION

THAT:

- 1. Council note the comments of the Local Planning Panel of 10 July 2018 on the Planning Proposal;**
- 2. The attached Planning Proposal be forwarded to the Minister for Planning for a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979 with a recommendation that an additional traffic and street capacity study be provided prior to public exhibition;**
- 3. The Department of Planning and Environment be requested to delegate the plan making functions for the Planning Proposal to Council;**
- 4. Following receipt of a Gateway Determination and compliance with its conditions by the proponent, the Planning Proposal and supporting documentation be placed on public exhibition for a minimum of 28 days and public authorities be consulted in accordance with the Determination;**
- 5. A report be presented to Council on completion of the public exhibition, which will address submissions received; and**
- 6. Council negotiate a Voluntary Planning Agreement (VPA) with the proponent with the intention of exhibiting the VPA at the same time as the Planning Proposal.**

1. Purpose of Report

This matter pertains to the Planning Proposal described in Part 2 below for the Cyprus Club site in **Figure 1** (58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore), as explained in the previous Council report in **Attachment 2**.



Figure 1 Location - site is within red boundary

Council previously resolved to refer the Planning Proposal for Gateway Determination subject to amendments being made as recommended in the Council report. However due to a Planning Direction issued by the Minister (February 2018) which came into force on 1 June 2018 this requires the Inner West Local Planning Panel to provide advice on Planning Proposals prior to referral for Gateway Determination. An amended Planning Proposal was received in May 2018 which mostly responded to the previous Council resolution including having a reduction in the proposed Maximum Building Heights for parts of the site. It also appended a revised Design Concept to reflect the proposed development standards and provide calculations supporting the Maximum Floor Space Ratio. The May 2018 Planning Proposal together with a covering report (**Attachment 1**) was referred to the Panel meeting of 10 July 2018. The Panel provided the following comments.

The Panel notes the resolution of Council 25 July 2017 and notes that the applicant for the planning proposal has now responded to paragraphs 1 and 2 of that resolution noting that the documentation now furnished by the applicant is incomplete.

Reason for decision: The council's resolution of 25 July 2017 is self-executing.

The planning proposal documentation has subsequently been updated as is noted later in this report. The Department of Planning and Environment later advised on 9 August 2018 that in addition a report must be presented to Council in order for Council to note and consider the comments of the Local Planning Panel. This report therefore seeks that Council note the comments of the Local Planning Panel, and that Council continue to seek Gateway Determination in accordance with the Council resolution of 25 July 2017 in Part 2 below.

2. Description of Planning Proposal

Overview

The Planning Proposal (August 2018) in **Attachment 3** seeks to amend the provisions of Marrickville Local Environmental Plan 2011 for the land currently occupied by the Cyprus Club premises shown in **Figure 1**. The amendments will enable development for 5 storey buildings (including club and apartments) at the front of the site (Stanmore Road), 5 - 6 storey apartments (middle part) and 3 storey apartments (rear south part). This is illustrated in the Design Concept in **Attachment 5**. This will have capacity for approx.150 apartments and approx.1550 sq m of club and commercial floorspace. Current controls are identified in the maps in Part 4 of the Planning Proposal (**Attachment 3**), as follows:

- Zone RE2 - Private Recreation (part occupied by the Cyprus Club), R2- Low Density Residential (occupied by houses), SP2 Infrastructure (part occupied by Substation).

- Maximum Height of Buildings – 14m (part occupied by the Cyprus Club), Maximum Height of Buildings – 9.5m (part occupied by houses).
- Maximum Floor Space Ratio 0.6:1 for entire site.
- Part of Alma Street (west side) has a Land Reservation affectation to permit widening of this narrow lane should Council chose to do so.

The following amendments to the Marrickville LEP 2013 are proposed, as shown in the maps in Part 5 of the Planning Proposal (**Attachment 3**).

- Apply Zone B4 - Mixed Use, Zone R1 - General Residential and Zone R3- Medium Density Residential to the site.
- Amend the Key Sites Map, by labelling the part proposed to be Zone B4, and adding a LEP clause referencing this map label in the Marrickville LEP 2011 which will state it allows residential flat buildings as part of a Mixed Use development.
- Amend the Maximum Height of Buildings Maps to permit buildings ranging from three (3) to six (6) storeys.
- Amend the Maximum Floor Space Ratio (FSR) Map to have FSR ranging from 1.0:1 (on R3 Zone), to 1.8:1 (on the R1 and B4 zone).

An offer to enter into negotiations for a Voluntary Planning Agreement for various matters is contained in **Attachment 8**. This includes negotiation of the provision of affordable housing which will be required to address Council's Affordable Housing Policy.

Report to Council July 2017 and Resolution

Council considered a report on 25 July 2017 (**Attachment 2**) and resolved to progress the Planning Proposal and seek Gateway Determination for Council to become the Planning Proposal Authority as follows:

THAT Council:

1. *Support the planning proposal request for 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore to rezone the land to facilitate the redevelopment of the site to include a new club premises, commercial floor space, a public plaza and residential accommodation with associated basement car parking subject to the following amendments:*
 - (a) *The Land Zoning for Site C being amended to R3 Medium Density Residential;*
 - (b) *Inclusion of MLEP 2011 Schedule 1 additional permitted use of a 'residential flat building' as part of a mixed use development;*
 - (c) *Maximum height of building controls and number of storeys to be applied across the site as detailed in this report;*
 - (d) *Floor space ratio controls to be developed for each site should the proposal obtain Gateway approval.*
2. *Request the applicant to update the planning proposal report and associated documentation to ensure consistency between all documents;*
3. *Forward the planning proposal to the Minister for Planning for a Gateway determination in accordance with Section 56 of the Environmental Planning & Assessment Act 1979;*
4. *Request that Council be delegated plan making functions in relation to the planning proposal;*
5. *Resolve to develop site specific planning controls to apply to the future development at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore for inclusion in MDCP 2011 Part 9.9 (Newington Precinct 9) consistent with the advice contained within this report and that the site specific controls be publicly exhibited concurrently with the planning proposal; and*

6. *Consider the Voluntary Planning Agreement (VPA) offer in accordance with Council's interim VPA Policy.*

Subsequent to the Council resolution, progress was deferred to enable the applicants to attend to Resolutions 1 and 2, and update their Planning Proposal document. In accordance with Council resolution 2 an amended Planning Proposal was received on 18 May 2018. It was further updated and made complete in July 2018 so as to accurately reflect the buildings heights recommended in the Council report of 25 July 2017, to update responses to the Planning Proposal Guidelines to reference current Policy documents and State Environmental Planning Policies and provide the proposed A3 tile LEP amendment Maps. The current Planning Proposal document is contained in **Attachment 3** and proposed LEP amendment maps in **Attachment 4**. It appends the following ancillary documents:

- Urban Design Study and Indicative Design Scheme March 2018.
- Site Traffic and Parking Impact Assessment May 2016.
- Arborist Report Dec 2016.
- Preliminary Letter of offer enter into Voluntary Planning Agreement, May 2016.
- Sydney Airport Letters.

Council should note that the report to the Local Planning Panel (**Attachment 1**) recommended there should be additional studies carried out post Gateway Determination for the following:

- A study dealing with the existing narrow Alma Avenue and narrow Tupper Street capacity, the need to service the development and so identify the necessary accommodating street widths.
- A local traffic study dealing with traffic impacts on the existing nearby narrow local street network and making recommendations on how to address this.

This is addressed in the recommendation to Council.

FINANCIAL IMPLICATIONS

Nil.

PUBLIC CONSULTATION

Public exhibition of the proposal will follow the issuing of a Gateway Determination.

CONCLUSION

The Local Planning Panel raised no objection to the Planning Proposal. It is proposed that Council should continue to seek Gateway Determination to become the Planning Proposal Authority in accordance with the Council resolution of 25 July 2017.

ATTACHMENTS

1. [↓](#) Report to Local Planning Panel 10 July 2018
2. [↓](#) Report to Council 25 July 2017
3. [↓](#) Planning Proposal 27 July 2018
4. [↓](#) Proposed LEP Amendment Maps
5. [↓](#) Urban Design and Indicative Design Scheme March 18
6. [↓](#) Site Traffic and Parking Report Dec 2016
7. [↓](#) Arborists Report May 2016
8. [↓](#) Letter for VPA May 2016
9. [↓](#) Sydney Airport Letters


 <h1 style="margin: 0;">INNER WEST COUNCIL</h1>	
<p>PLANNING PROPOSAL REPORT From the Planning Operations Team – Strategic Planning</p>	
Application	Preliminary stage Planning Proposal application, prior to referral to the Department of Planning and Environment for Gateway Determination.
Address	58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore.
Proposal	Make amendments to the Marrickville Local Environmental Plan 2011 for the site as described in the report.
Recommendation	<p>A. The Panel note Council's resolution of 25 July 2017 and report to Council on the Planning Proposal.</p> <p>B. The Panel provide comments on the Planning Proposal in Attachment 3 (May 2018).</p>



Figure 1 Location – site is within red boundary

The site presently contains the Cyprus Club building with side and rear carparking areas, and also includes houses owned by the Cyprus Club and a substation.

Inner West Planning Panel**ITEM 8****1. Purpose of Report.**

The Planning Proposal application was lodged with Council on 24 May 2016. It was then deferred to enable the applicant to make amendments, and then a report considered by Council on 25 July 2017 which is contained in **Attachment 1** for the Panel's consideration. Council resolved (see below) that further amendments be made by the applicant and an amended Planning Proposal was lodged with Council on 18 May 2018 (**Attachment 2**). As a result of the "Local Planning Direction- Planning Panel" (24 Feb 2018), comments are required from the Panel on the Planning Proposal prior to referral by Council to the Department of Planning and Environment for Gateway Determination.

2. Overview of Planning Proposal

The Planning Proposal (May 2018) in **Attachment 2** seeks to amend the provisions of Marrickville Local Environmental Plan 2011 for the land currently occupied by the Cyprus Club premises shown in **Figure 1**.

Current controls are identified in **Part 4** of the Planning Proposal (**Attachment 2**), as follows:

- Zone RE2- Private Recreation (part occupied by the Cyprus Club), R2- Low Density Residential (occupied by houses), SP2 Infrastructure (part occupied by Substation).
- Maximum Height of Buildings – 14m (part occupied by the Cyprus Club), Maximum Height of Buildings – 9.5m (part occupied by houses).
- Maximum Floor Space Ratio 0.6:1 for entire site.
- Part of Alma Street (west side) has a Land Reservation affectation to permit widening of this narrow lane should Council chose to do so.

The following amendments to the Marrickville LEP 2013 are proposed, as shown in **Part 5** of the Planning Proposal (**Attachment 2**).

- Apply Zone B4- Mixed Use, Zone R1 -General Residential and Zone R3- Medium Density Residential to the site.
- Amend the Key Sites Map, by labelling the part proposed to be Zoned B4, and adding a clause referencing this map label in the Marrickville LEP 2011 which will state it allows residential flat buildings as part of a Mixed Use development.
- Amend the Maximum Height of Buildings Maps to permit buildings ranging from three (3) to six (6) storeys.
- Amend the Maximum Floor Space Ratio (FSR) Map to have FSR ranging from 1.0:1 (on R3 Zone), to 1.8:1 (on the R1 and B4 zone).

Appended to the Planning Proposal (May 2018) are the following supporting documents produced by the applicant:

- Urban Design Study and Indicative Design Scheme (**Attachment 3**).
- Site Traffic and Parking Impact Assessment (**Attachment 4**).
- Arborists Report (**Attachment 5**).
- Preliminary Letter of offer to enter into a Voluntary Planning Agreement (**Attachment 6**).

3. Report to Council July 2017 and Resolution

Council considered a report on 25 July 2017 (**Attachment 1**) and resolved to progress the Planning Proposal and seek Gateway Determination for Council to become the Planning Proposal Authority as follows:

THAT Council:

Inner West Planning Panel**ITEM 8**

1. *Support the planning proposal request for 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore to rezone the land to facilitate the redevelopment of the site to include a new club premises, commercial floor space, a public plaza and residential accommodation with associated basement car parking subject to the following amendments:*
 - (a) *The Land Zoning for Site C being amended to R3 Medium Density Residential;*
 - (b) *Inclusion of MLEP 2011 Schedule 1 additional permitted use of a 'residential flat building' as part of a mixed use development;*
 - (c) *Maximum height of building controls and number of storeys to be applied across the site as detailed in this report;*
 - (d) *Floor space ratio controls to be developed for each site should the proposal obtain Gateway approval.*
2. *Request the applicant to update the planning proposal report and associated documentation to ensure consistency between all documents;*
3. *Forward the planning proposal to the Minister for Planning for a Gateway determination in accordance with Section 56 of the Environmental Planning & Assessment Act 1979;*
4. *Request that Council be delegated plan making functions in relation to the planning proposal;*
5. *Resolve to develop site specific planning controls to apply to the future development at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore for inclusion in MDCP 2011 Part 9.9 (Newington Precinct 9) consistent with the advice contained within this report and that the site specific controls be publicly exhibited concurrently with the planning proposal; and*
6. *Consider the Voluntary Planning Agreement (VPA) offer in accordance with Council's interim VPA Policy.*

Subsequent to the Council resolution progress was deferred to enable the applicants to attend to Resolutions 1 and 2, and update their Planning Proposal document.

An amended Planning Proposal responding to the above resolutions 1 and 2 was received by Council on 18 May 2018. Council is in the process of completing the document and ancillary parts for referral to the Department for Gateway Determination so that it is in the form required by Section 3.33 of the Environmental Planning and Assessment (EPA) Act. This will also identify the need for additional studies. This will include a study dealing with the existing narrow Alma Avenue and narrow Tupper Street capacity, the need to service the development and so identify the necessary accommodating street widths. Also a local traffic study dealing with traffic impacts on the existing nearby narrow local street network and making recommendations on how to address this. A site specific Development Control Plan is to be produced post Gateway Determination and exhibited concurrently with the Planning Proposal.

4. Referral to Planning Panel requirements

The Department of Planning and Environment confirmed to Council on 19 June 2018 that pursuant to the Environmental Planning and Assessment Act, Clause 9.1 - "Directions by the Minister" and "Local Planning Panels Direction – Planning Proposals", that Planning Proposals lodged with Council and not submitted to the Minister before 1 June 2018 must be referred to the Local Planning Panel for advice before being referred for Gateway Determination.

Inner West Planning Panel**ITEM 8**

The Panel should refer to:

- Council report (25 July 2017) in **Attachment 1** which describes and assesses the Planning Proposal, and recommends changes.
- Council Resolution of 25 July 2017.
- Planning Proposal (May 2018) in **Attachment 2** responding to the Council resolution 25 July 2017.

5. Conclusion

The Planning Panel is required to provide comments on the latest Planning Proposal (May 2018) in **Attachment 3**. This should also include consideration of the Council report of 25 July 2017 and Council's resolution as indicated in **Part 4** of this Report.

Council will include the Panel's comments as part of Council's referral to the Department of Planning and Environment seeking Gateway Determination.

Item No: C0717 Item 8
Subject: **PLANNING PROPOSAL: 58-76 STANMORE ROAD, 2-20 TUPPER STREET AND 3-9 ALMA AVENUE, STANMORE**
File Ref: DA201600244/68241.16
Prepared By: Maxine Bayley - Strategic Planner and Peter Wotton - Strategic Planning Projects Coordinator
Authorised By: Simon Manoski - Group Manager Strategic Planning

SUMMARY

Council received a planning proposal request for 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore on 24 May 2016. A number of amendments were made to the planning proposal in response to issues raised by Council officers during the assessment process.

It is considered that the proposal has strategic merit, however further design refinement is required. This report recommends that Council give in principle support for the planning proposal subject to the imposition of conditions on the Gateway Determination as detailed in this report with a revised urban design scheme required prior to exhibition, to ensure that the proposed development is appropriate and provides suitable amenity for all users of the site and adjoining areas.

RECOMMENDATION

THAT Council:

1. Support the planning proposal request for 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore to rezone the land to facilitate the redevelopment of the site to include a new club premises, commercial floor space, a public plaza and residential accommodation with associated basement car parking subject to the following amendments:
 - (a) The Land Zoning for Site C being amended to R3 Medium Density Residential;
 - (b) Inclusion of MLEP 2011 Schedule 1 additional permitted use of a 'residential flat building' as part of a mixed use development;
 - (c) Maximum height of building controls and number of storeys to be applied across the site as detailed in this report;
 - (d) Floor space ratio controls to be developed for each site should the proposal obtain Gateway approval.
2. Request the applicant to update the planning proposal report and associated documentation to ensure consistency between all documents;
3. Forward the planning proposal to the Minister for Planning for a Gateway determination in accordance with Section 56 of the *Environmental Planning & Assessment Act 1979*;
4. Request that Council be delegated plan making functions in relation to the planning proposal;
5. Resolve to develop site specific planning controls to apply to the future development at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore for inclusion in MDCP 2011 Part 9.9 (Newington Precinct 9) consistent with the advice contained within this report and that the site specific controls be publicly exhibited concurrently with the planning proposal; and
6. Consider the Voluntary Planning Agreement (VPA) offer in accordance with Council's interim VPA Policy.

BACKGROUND

Design details In September 2015 Council received a request for pre-planning proposal advice regarding the subject site. Council officers reviewed the documentation and provided written advice on the proposal, including comments from Council's AEP, in February 2016.

The planning proposal request was lodged with Council on 24 May 2016. A full copy of the proposal is included as **ATTACHMENT 1**.

Following an initial assessment process, Council forwarded a letter of issues to the applicant in December 2016. The applicant's response was referred to Council's Architectural Excellence Panel (AEP) for their further consideration in March 2017. A meeting was then held with the applicants in March 2017 to discuss the contents of the AEP's advice and Council's final position regarding the application.

A further meeting was held with the applicants on 8 June 2017 and a subsequent letter, dated 14 June 2017, was sent to the applicant identifying issues with certain components of the revised scheme. The letter also requested further documentation in relation to certain aspects of the proposal.

The applicant's written response to the Council's letter is included as **ATTACHMENT 2**.

DISCUSSION

The subject site is currently zoned RE2 Private Recreation (58-76 Stanmore Road, 3-9 Alma Avenue and 20 Tupper Street), SP2 Electricity Supply (electrical substation on land fronting Alma Avenue) and R2 Low Density Residential (2-14 Tupper Street) under MLEP 2011. The subject site has a combined site area of 9,206 square metres (including the substation lot). The Alma Avenue frontage of the development site (excluding the Alma Avenue frontage of the property 20 Tupper Street) is shown on the MLEP 2011 Land Reservation Acquisition Map for the purposes of local road widening.

Note: As part of the planning proposal, known as Marrickville Local Environmental Plan 2011 (Amendment No. 4), the former Marrickville Council resolved to place a Local Road (SP2) Reservation on the Alma Avenue frontage of the property 20 Tupper Street.

The subject site is bounded by Stanmore Road to the north, Tupper Street to the east and Alma Avenue to the west. The southern boundary of the subject site abuts a residential flat building on 22 Tupper Street. The site has a frontage of approximately 67 metres to Stanmore Road and 140 metres to both Alma Avenue and Tupper Street. The land slopes away from the northern portion of the site to the south and contains a fall of approximately 11 metres.

The subject site comprises twelve separate properties, all of which are owned by the applicant with the exception of the electrical substation which the applicant is in the process of acquiring. As the land on which the substation is sited is critical to the progression of the proposal in its current form, the planning proposal application has been assessed including that land. The extent of the subject site is shown at Figure 1.

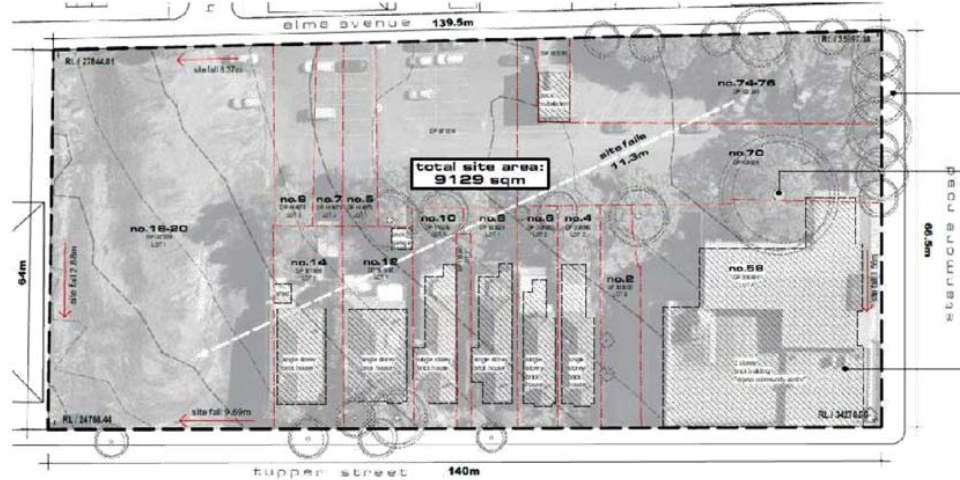


Figure 1: The Subject Site

The site currently contains the Cyprus Club which is a three part four storey building located on the north eastern corner of the site. The club currently contains bars, a restaurant and function rooms. The north western portion of the site contains an at grade car parking area and several established trees. The western portion of the site contains a continuation of the car parking area and a collection of mature trees. The southern part of the site contains a vacant lot which is grassed but otherwise devoid of any significant vegetation. The eastern portion of the site, facing Tupper Street, contains six freestanding residential dwelling houses which are all single storey (shown as numbers 4 to 14 in Figure 1). A small electrical substation exists in Alma Avenue which is proposed to be acquired by the proponents.

Vehicular access is currently provided to the at grade car parking area via Alma Avenue only.

The surrounding area is predominantly residential and contains a mix of built forms, ranging from single dwelling houses to four storey residential flat buildings. Stanmore Road contains a mix of residential typologies and an increasing number of commercial properties heading towards the main commercial strip of Enmore Road.

To the south, the site is directly adjoined by a three part four storey residential flat building that fronts Tupper Street with a minimal setback. Further to the south development fronting Tupper Street consists of a mixture of single dwelling houses and residential flat buildings. To the north, on the opposite side of Stanmore Road, the site is adjoined by two and three storey terrace houses contained within a Heritage Conservation Area. The properties 61-75 Stanmore Road on the northern side of the Stanmore Road directly opposite the site are listed as part of Heritage Item No. I242. To the east, the site is adjoined by a relatively large residential flat building on the corner of Tupper Street and Stanmore Road, with single storey dwelling houses to the south of this building. To the west, on the opposite side of Alma Avenue the site is adjoined by a small number of dwelling houses, one of which (6 Alma Avenue) is a listed Heritage Item (Item No. I29). Setbacks within the area vary significantly, particularly on the eastern side of Tupper Street, where residential flat buildings are setback further from the road than dwelling houses.

The streets within the precinct are narrow, with Alma Avenue operating as a one way street due to its limited width. Residential blocks tend to be long and run in an east-west direction. Connectivity from east to west is limited, restricting vehicular and pedestrian access. The subject site is within walking distance of the Enmore Road commercial area and is serviced by buses which operate along Stanmore and Enmore Roads. The site is approximately 800

metres from Stanmore railway station. The area suffers from an overall lack of open space areas. A small pocket park, known as Newington Road playground is located approximately 200 metres from the southern edge of the site. A larger open space area, known as Ryan Park, is located approximately 250 metres from the site along Stanmore Road. Enmore Park is approximately 800 metres from the site.

Proposed Development

Indicative concept design plans were submitted with the application, including an Urban Design Study. The concept plans propose:

- Demolition of all existing improvements on the site;
- Consolidation of all existing lots; and
- Division of land into three sites: Site A, Site B and Site C as shown in Figure 2.



Figure 2: Proposed site layout

- Creation of two laneways between Site A and Site B (Lane B), and Site B and Site C (Lane A) as shown in Figure 3;
- Basement car parking for residential, commercial and club activities on Site A to be accessed via Lane B;
- Basement car parking for residential uses on Site B to be accessed via Lane A;
- Car parking for Site C to be accessed via Tupper Street; and
- Widening of Alma Avenue from Stanmore Road up to the northern alignment of Site C.

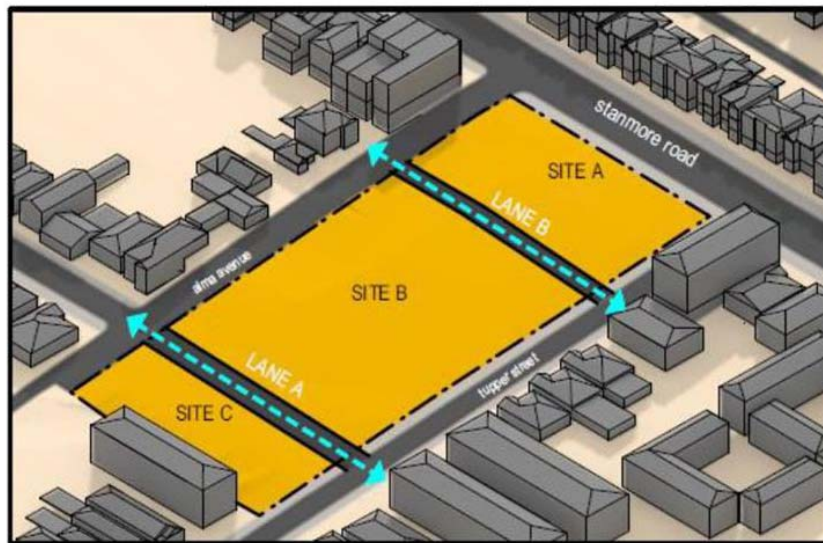


Figure 3: Proposed development including laneways and buildings

- Site A to contain a new club facility (Building B), commercial premises (Building A) and residential flat buildings (Buildings A and B) up to 5 storeys in height;
- Site B to contain two residential flat buildings up to 8 storeys in height; and
- Site C to contain attached dwellings up to 4 storeys in height as shown in Figure 4.

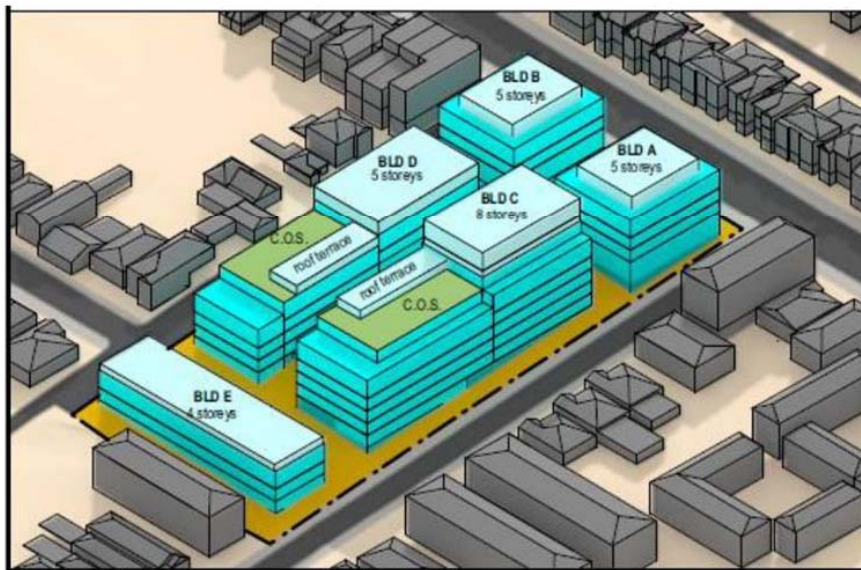


Figure 4: Proposed buildings locations and heights

A summary of the proposal for each site is included in Table 1 below:

PROPOSED	Site A	Site B	Site C
Land Use zone (proposed)	B4 Mixed Use	R1 General Residential	R1 General Residential
Uses	Building A – club and residential Building B – commercial and residential	Residential (residential flat buildings)	Residential (terraces)
Height of Building (maximum)	21 metres	28 metres	14 metres
Height in storeys (maximum)	Building A – 5 storeys Building B – 5 storeys	Building C – 8 storeys Building D – 5 storeys	4 storeys
Site Area	2,425m ²	4,675m ²	1,450m ²
Gross Floor Area	4,250m ²	9,350m ²	2,100m ²
Floor Space Ratio (excluding car parking)	1.75:1	2.0:1	1.84:1

Table 1: Summary of proposal for each proposed site

The proposal includes the provision of a public plaza located between Buildings A and B on Site A which will also serve as an access point into Buildings A and B. Communal and private open space is to be provided between Buildings C and D on Site B. The revised scheme also shows common open space provided to the rooftop areas of Buildings C and D. This space is not proposed to be publicly accessible. **Figure 5** shows the proposed open space areas within the site.

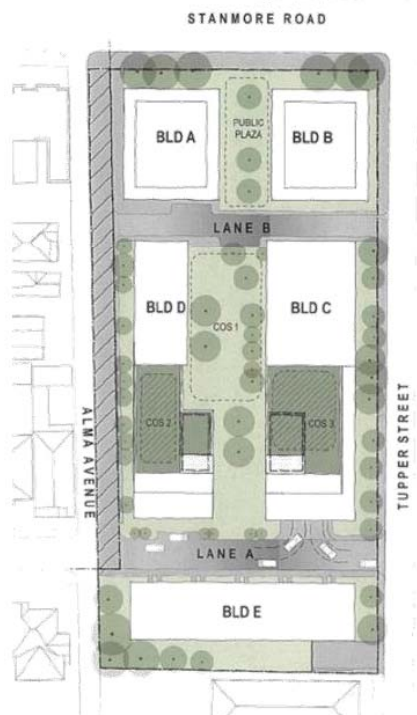


Figure 5: Proposed open space areas

The subject site is not a listed heritage item nor contained within a heritage conservation area. The site is located adjacent to a Heritage Conservation Area located on the northern side of

Stanmore Road (Kingston South Heritage Conservation Area No. 17). It is also located adjacent to existing Heritage Items at 6 Alma Avenue (Item No. I29) and 61-75 Stanmore Road (Item No. I242).

Comment

Intensification of development on the site is supported as currently the site is underutilised. The division of the site into three separate sites is also supported as it would create improved accessibility through the site and assist access for the wider area, and assist to break up the bulk of the development.

Land Use Zoning

The subject site is currently zoned RE2 Private Recreation (58-76 Stanmore Road, 3-9 Alma Avenue and 20 Tupper Street), SP2 Electricity Supply (electrical substation fronting Alma Avenue) and R2 Low Density Residential (2-14 Tupper Street) under MLEP 2011 as shown in Figure 6 below.

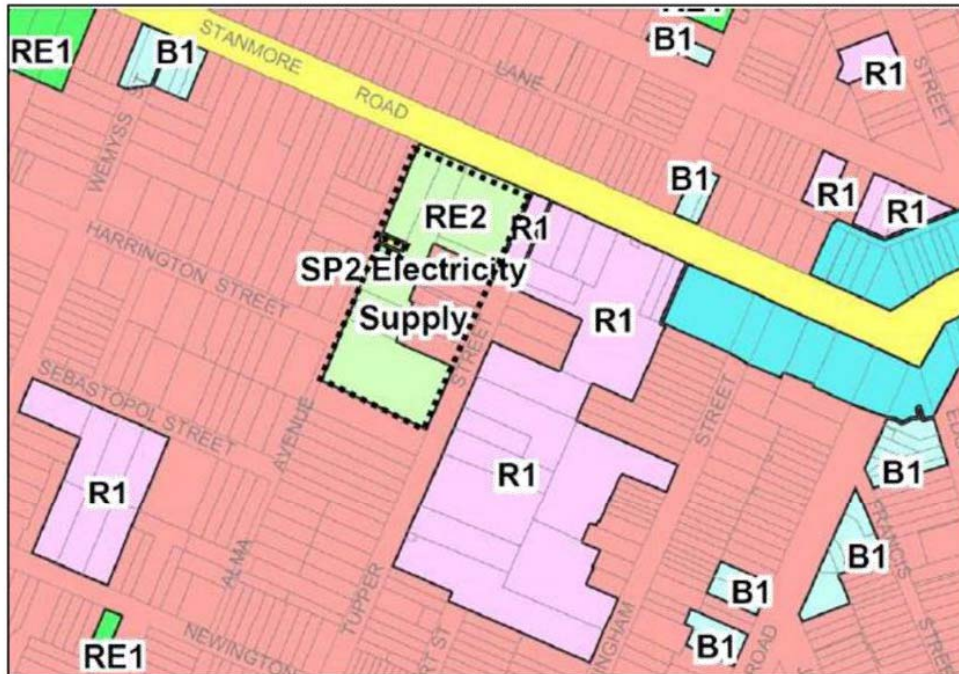


Figure 6: MLEP 2011 Current land zoning of subject site and environs

The planning proposal request seeks to rezone the land to B4 Mixed Use and R1 General Residential. Figure 7 shows the proposed zoning for the site sought in the planning proposal.

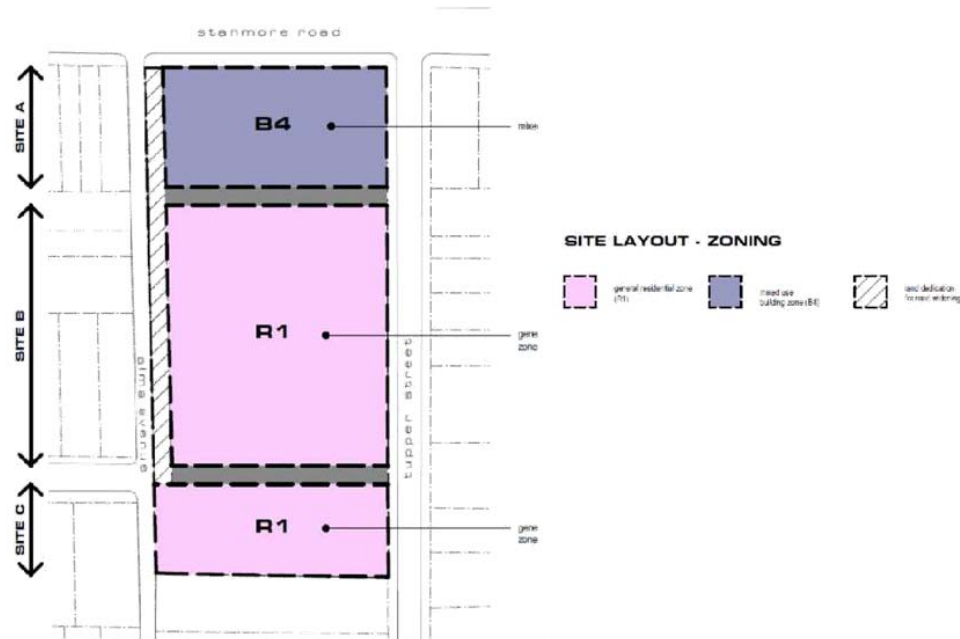


Figure 7: Proposed land use zoning for subject site

The MLEP 2011 objectives for the B4 Mixed Use and R1 General Residential zones are as follows:

B4 Mixed Use

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design.
- To promote commercial uses by limiting housing.
- To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.
- To constrain parking and restrict car use.

R1 General Residential

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for retail premises in existing buildings designed and constructed for commercial purposes.
- To provide for office premises in existing buildings designed and constructed for commercial purposes or as part of the conversion of existing industrial or warehouse buildings.

Comment

Proposed B4 Mixed Use zoning for Site A

The B4 Mixed Use zone generally supports the uses proposed within the planning proposal. However, the B4 Mixed Use zone does not permit new residential accommodation in a form other than 'shop top housing' which is defined as:

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Building B on Site A proposes a residential flat building above a registered club. A registered club is defined as:

registered club means a club that holds a club licence under the [Liquor Act 2007](#).

Whilst registered clubs are permitted with consent in the B4 Mixed Use zone, a 'registered club' is not a type of 'retail premises' or 'business premises' and, consequently, Building B would not fall under the definition of 'shop top housing' within MLEP 2011. Building B would be considered a 'mixed use' development incorporating a 'registered club' and a 'residential flat building'. As 'residential flat buildings' are prohibited in the B4 Mixed Use zone, a Schedule 1 inclusion to permit a 'residential flat building' as part of a mixed use development would be required to apply to Site A to facilitate the proposed development on that land.

To ensure the proposed building typologies are permissible in the B4 Mixed Use zone, it is recommended that a Schedule 1 additional permitted use be added to MLEP 2011 as follows:

22 *Use of certain land at 58-76 Stanmore Road, Stanmore*

- (1) *This clause applies to land at 58-76 Stanmore Road, Stanmore, shown coloured blue and identified as "K" on the [Key Sites Map](#).*
- (2) *Development for the purpose of a residential flat building is permitted with consent, but only as part of a mixed use development.*

Proposed R1 General Residential zoning for Sites B and C

The R1 General Residential zone aims to provide a variety of housing types and densities to service the needs of the community. Site B contains two residential flat buildings which are permissible within the R1 General Residential zone. This zone also permits other forms of residential accommodation including attached dwellings and multi dwelling housing. That zone is considered appropriate for the development proposed on that part of the site referred to as Site B.

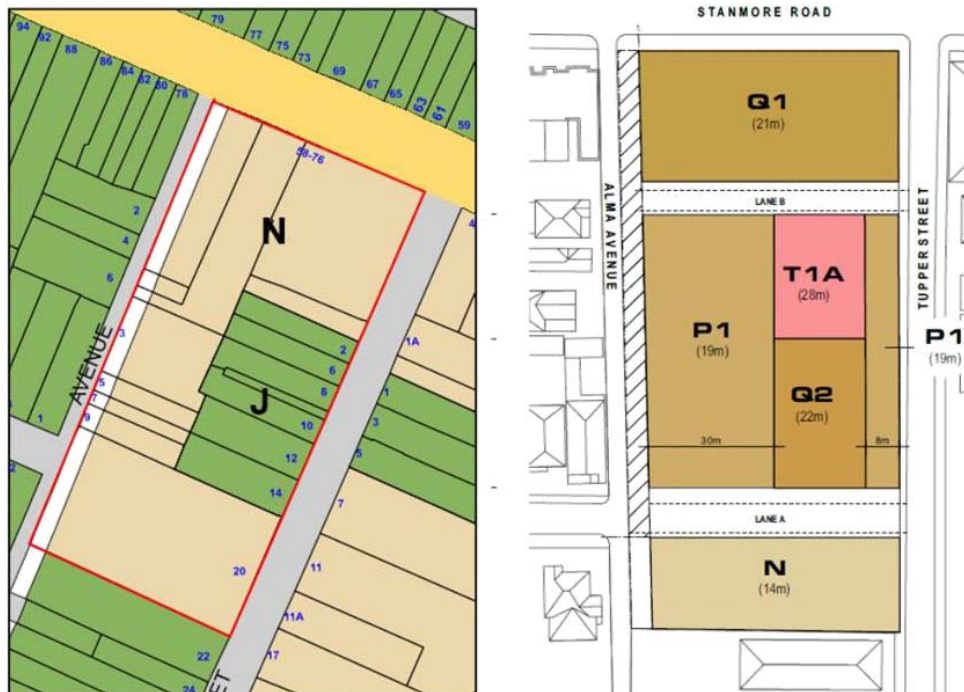
The proposed built form for Site C is for terrace housing. It is considered that that built form would provide an acceptable interface between Site C and adjoining properties. It is recommended that the planning proposal be amended to zone Site C as R3 Medium Density Residential to reflect the proposed built form outcome for the site. The R3 Medium Density Residential zone permits attached dwellings and multi dwelling housing with consent, but does not permit residential flat buildings.

It is recommended that the planning proposal be amended to reflect a R3 Medium Density Residential zoning for Site C to limit the built form for that part of the site to terrace housing, which is considered a suitable response for that part of the site.

Height of Buildings

Currently, two height of building controls apply to the subject land under MLEP 2011. A Height of Building control of 9.5 metres applies to the residential dwellings facing Tupper Street known as 4-14 Tupper Street and a Height of Building control of 14 metres applies to the remainder of the site, with the exception of a strip of land fronting Alma Avenue). No Height of Building control applies to the land required for the future road widening of Alma Avenue.

The current and proposed Height of Building controls for the site are included at Figure 8.



KEY: J = 9.5m, N = 14m, N1= 16m, P1= 19m, Q1=21m, Q2=22m, T1A= 28m

Figure 8: Current Height of Building control for the site under MLEP 2011 and Height of Building controls proposed

The planning proposal request includes a range of building heights from 14 metres to 28 metres to accommodate buildings of up to 8 storeys on the north eastern part of Site B.

The site contains a considerable slope falling from the Stanmore Road frontage to the rear of the site. The proposed building height controls have been considered taking into consideration the topography of the site. Accordingly, this report looks at the proposed height of building controls as well as building heights in storeys.

Comment

This matter was assessed in detail by the Architectural Excellence Panel (AEP) and is discussed further in this report.

The central portion of Site B is proposed for a 28 metre Height of Building control (T1A). That height is considered excessive in the context of the site and would potentially allow an 8 storey building to be developed on that part of the site. Prior to public exhibition, this proposed height needs to be reduced as per the recommendation of this report. This matter is addressed in detail later in the report.

The Height of Building control proposed for Site C is 14 metres. As detailed previously it is recommended that the zoning for Site C be amended from R1 General Residential as proposed to R3 Medium Density Residential. The proponent has previously been advised that the “proposed four storey built form” on Site C is not supported.

The 14 metre Height of Building (HOB) control proposed for Site C is inappropriate for a R3 Medium Density Residential zone which permits multi dwelling housing (vertical dwellings) as opposed to residential flat buildings (horizontal dwellings).

Such a height control is also considered an inappropriate transition to the residential zoned land to the south which has a 9.5 metre Height of Building control under MLEP 2011. The recommended maximum Height of Building control for Site C is 11 metres. Prior to public exhibition, this proposed height for Site C needs to be reduced as per the recommendation of this report.

Floor Space Ratio

The current Floor Space Ratio controls for the site are included at Figure 9.



KEY: F = 0.6:1 (subject to clause 4.4 of MLEP 2011)

Figure 9: Current Floor Space Ratio control for the site under MLEP 2011

Note: As part of the planning proposal known as Marrickville Local Environmental Plan 2011 (Amendment No. 4) the former Marrickville Council resolved to delete the floor space ratio along the Alma Street frontage of the property 20 Tupper Street proposed to be reserved for Local Road (SP2) purposes.

The proposed floor space ratio for the site is 1.84:1, however the actual floor space ratio for Site A, Site B and Site C varies significantly (see Table 1). The final resolution of floor space ratio on the site (Site A, Site B and Site C) will be dependent on the resolution of the maximum Height of Building controls to be applied across the site.

It is recommended that a separate FSR be set for each of the proposed sections (Site A, Site B and Site C) to ensure that the more sensitive interface areas remain low density development areas.

Architectural Excellence Panel

Pre planning proposal advice was provided to the applicant in December 2015 (see **ATTACHMENT 3**). The AEP considered the application and held an on-site meeting on 28 June 2016. The AEP report on the proposal makes a number of recommendations (see

ATTACHMENT 4). An issues letter was sent to the applicant in December 2016. It included, amongst other things, issues raised by the AEP in their advice. Council received a response letter which was forwarded to the AEP for their further consideration in March 2017 (see **ATTACHMENT 5**). The response from the applicant did not involve major modifications to the proposal.

A further meeting was held in June 2017 when the applicant provided additional information responding in more detail to the AEP's comments for the site (see **ATTACHMENT 6**). The information submitted at this meeting has considered the AEP's comments but does not completely align with the advice from the AEP. Accordingly, this report recommends approval of the planning proposal subject to amendments to ensure it more closely aligns with the AEP's advice.

The AEP's March 2017 advice regarding the application and the additional information provided by the applicant is discussed below.

1. *Site-specific Development Control Plan: The preparation of a site-specific DCP, revision of the urban design report and preparation of a vision statement post-Gateway is supported.*

Comment

This report includes a recommendation for the development of site specific development controls to include matters raised in this report. Inconsistencies exist in the documentation attached to the planning proposal application. These need to be addressed and rectified prior to the public exhibition of the planning proposal.

2. *Car Parking: Panel's recommendations regarding minimisation of onsite car parking remain the same as provided in the report dated 8 July 2016. In addition, the Panel is of the view that the proposed car parking podium results in a poor streetscape and built form outcome and should be reconsidered. Any area of car parking space (podium) that sits more than 1.0m above existing Ground Level should be counted as GFA and as a floor level.*

Comment

The quantum of car parking provided will be resolved at the development application stage. However, it is agreed that the current proposal's inclusion of extensive underground parking impacts upon the overall design options for the site, particularly in relation to opportunities for deep soil planting and building response to the slope of the site. Accordingly, the site specific DCP controls will, amongst other matters, seek to limit parking to the amount required for the development under the provisions of Part 2.10 of MDCP 2011.

The proposed extrusion of the podium elements will vary across the site depending on the fall of the land. These have the potential to lead to poor built form outcomes, as noted by the AEP. The application should seek to not only minimise the occurrence of those podiums, but also seek to minimise their visual impacts on the development and the surrounding area. The applicant will also need to demonstrate that those podium structures do not impact upon pedestrian movement and accessibility through the site.

Accordingly, it is agreed that any podium element of the building sitting higher than 1.0 metre above existing ground level be counted as a floor level as it will impact upon the bulk and scale of the buildings. The applicant will need to demonstrate that the podiums will not have unreasonable visual or accessibility impacts. Those requirements will be included within the site specific DCP.

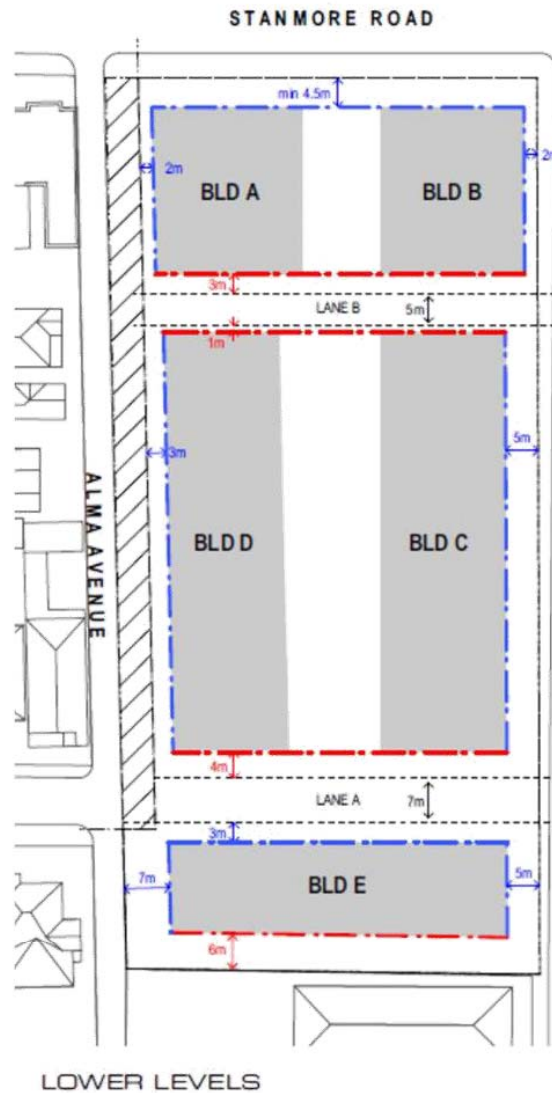
3. *Setbacks:*
 - a. *Buildings A and B: side setback to Building A (corner with Alma Avenue) and Building B (corner with Tupper Street) to be 2.0m wide to provide some relief to the streets,*

- greater separation from adjoining period buildings, potentially wider footpath, and to create opportunities for landscaping. Front setback to Stanmore Road boundary should be determined to ensure that the existing trees and roots are protected from excavation works. Although the appropriate setback (4.5m or greater) should be determined by Council's tree officer, from a streetscape perspective, the Panel recommends the front setback to Buildings A and B to be consistent.*
- b. Building C: front setback to Tupper Street to be 5.0m to ensure some consistency with the existing streetscape character and allow the provision of a well-sized front yard to the Ground Level units, tree planting and landscaping.*
 - c. Building D: front setback to Alma Avenue to be 3.0m to ensure consistency with the existing streetscape character of nearby streets, provide adequate separation and visual relief between new higher-density buildings and existing low-density buildings along Alma Avenue (particularly given that Alma Avenue will be 10.0m wide only) and allow the provision of a small front yard to the Ground Level units and landscaping.*
 - d. Building E: the intent to provide a 3.0m wide front setback to Lane A is supported as this will allow north-facing courtyards/landscaped areas to the terraces and provide visual relief and separation between the buildings fronting the lane. Side setback to Tupper Street to be 5.0m.*

Comment

The revised scheme presented to Council at the June 2017 meeting aligns with the AEP's setback recommendations for the site.

The proposed lower setbacks are shown in **Figure 10** below:



LOWER LEVELS

Figure 10: Proposed setbacks for lower levels

Those setbacks align with the AEP’s recommendations. However the setback of Building E from Alma Avenue is shown based on the current alignment of Alma Avenue. As discussed later in this report Council’s Development Engineer has indicated that Council will require the widening of Alma Avenue for the full length of the subject site. The setback of Building E from Alma Avenue should be a minimum of 3 metres from Alma Avenue (after widening).

Accordingly, it is recommended that the site specific DCP include the following setbacks:

Location	Setbacks
Site A	Minimum front setback to Stanmore Road to ensure existing trees and roots are protected from excavation works to be determined by Council’s Investigation and Design Team Minimum setback of 2 metres from Alma Avenue (after widening)

	and Tupper Street
Site B	Minimum 5 metres to Tupper Street Minimum 3 metres to Alma Avenue (after widening)
Site C	Minimum 3 metres to Lane A Minimum 5 metre setback to Tupper Street Minimum 3 metres to Alma Avenue (after widening)

4. Heights and FSR:

e. *The Panel maintains its view that an 8 to 9-storey building on the subject site is over-scaled and does not fit with the existing context nor the desired future character for the area. It is recommended that building heights are as follows:*

- i. *Buildings A and B: maximum of 4-storeys (14m).*
- ii. *Building C: maximum of 5-storeys with a six-storey element set back a minimum of 3.0m from Tupper Street front boundary and 6.0m from Lane A side boundary.*
- iii. *Building D: maximum of 4-storeys (14m).*
- iv. *Building E: maximum of 3-storeys (11m).*

Comment

A revised scheme for the planning proposal was submitted by the proponent during a meeting with officers in June 2017 and is included as **ATTACHMENT 7** to this report. The comments below respond to the revised scheme and the advice provided by the AEP in relation to the proposal.

Buildings A and B: The revised scheme proposes a 5 storey built form for Buildings A and B, with the 5th storey recessed 3 metres on all sides. Although this is in excess of the 4 storey limit recommended by the AEP, it is considered suitable due to its Stanmore Road frontage. A control is to be included in the site specific planning controls for the site to minimise the visual impact of balconies or other structures on the building facades, particularly to the recessed 5th storey element.

Buildings C and D: The revised scheme proposed a maximum 8 storey built form for Building C and a maximum 5 storey built form for Building D. Both those proposed heights are in excess of the recommendation provided by the AEP. It is considered that the AEP recommendation for Building C (maximum of 5-storeys with a six-storey element set back a minimum of 3.0m from the Tupper Street front boundary and 6.0m from Lane A side boundary) is the appropriate response within the context of this building. The applicant has not provided justification for the additional height proposed for this part of the site. It is considered that an 8 storey built form would be out of keeping with the predominant character for the area which is a mix of dwelling houses and lower scale residential flat buildings.

Accordingly, the proposed 28m height of building control for this part of the site is not supported. This report recommends the planning proposal be amended to be consistent with the AEP's advice in relation to Building C.

Building D shows a maximum 5 storey built form. The AEP's advice was for this building to be a maximum of 4 storeys in height. However, as the applicant has agreed to the proposed setbacks for this building from Alma Avenue, it is considered a reasonable outcome for that part of the site. The widening of Alma Avenue in addition to the setback will provide sufficient relief for the building addressing Alma Avenue. In order to minimise the visual impact of the building, it is recommended that the upper levels be recessed 3 metres from its Alma Avenue elevation.

On balance, the proposed height of building control and built form for Building D is supported. Controls limiting the building to 5 storeys and requiring a 3 metre setback of upper floor levels will be included in the site specific development controls.

The revised scheme for Buildings C and D also show common open space and associate roof terraces on parts of the buildings. The applicant will need to ensure that any roof structure, including plant and lift overruns, are fully contained within the proposed height of building controls.

Building E: The revised scheme for Building E shows a 4 storey built form. This is more than the maximum recommended by the AEP. The proposed 4 storey built form for this part of the site is not supported. That part of the site is located adjacent to a 3 storey residential flat building (above ground level parking), which although orientated towards Tupper Street, contains a long, northerly orientated side wall, including balconies. A 4 storey built form on that part of the site has the potential to affect the amenity of the residential flat building on the property 22 Tupper Street. A 3 storey built form and 11 metre height of building control is considered more appropriate to provide a suitable interface between the subject site and adjoining areas. The recommended R3 Medium Density Residential zone will prohibit residential flat buildings on this part of the site, thereby providing more variety in building typology.

The proposed development controls for the building heights are as follows:

Building		Building height in storeys
Site A	Building A	Maximum 5 storeys with the top storey setback a minimum of 3 metres on all sides from the external wall of the floor below
	Building B	Maximum 5 storeys with top storey setback a minimum 3 metres on all sides from the external wall of the floor below
Site B	Building C	Maximum 6 storeys with the top storey set back a minimum of 3 metres from the Tupper Street external wall of the floor below and a minimum of 6 metres from the Lane A external wall of the floor below
	Building D	Maximum 5 storeys with the top storey setback a minimum of 3 metres from the Alma Avenue external wall of the floor below
Site C	Building E	Maximum 3 storeys

The final building heights may be impacted by Sydney Airport and Civil Aviation Safety Authority in light of the proposal's breach of the Obstacle Limitation Surface (OLS) to ensure the safe operations of Sydney Airport. The OLS places a maximum height of 51 metres above Australian Height Datum (AHD) for the site. Under the current proposal, the development breaches that limit. Should the planning proposal obtain Gateway approval consultation with Sydney Airport and the Commonwealth should be required.

- f. *The Panel does not view favourably the provision of a car parking podium and is of the view that the podium will create unreasonable bulk, height and amenity impacts to the streetscape. If a car parking podium is inevitable in some points, the podium should be no higher than 1.0m from the existing ground level.*

Comment

As stated previously, a control will be included in the site specific DCP controls limiting the extent to which car parking podiums can extrude out of existing ground level before they are counted as a building floor. It may not be possible for the proponent to limit the podiums to a

maximum of 1.0 metre in parts due to the need to provide enough height for vehicles to safely access the basement car parks. However, the applicant will be required to minimise where these extrusions occur and ensure their impacts are reasonable, managed and integrated into the overall site and building design.

- g. In the Panel's experience, a single height and FSR limit across the site could potentially create several problems for Council at DA stage. It is recommended that the LEP indicates separate height limits (in metres - measured from existing ground level) and FSR for Sites A, B and C. Site B is 60m wide and the Panel recommends the height limit to Site B be split in two portions that are 30m in width each. The portion fronting Alma Avenue to be 14m high (4-storeys maximum) and the one fronting Tupper Street to be 20m high (6-storeys maximum). Heights for Sites A and C to be 14m and 11m, respectively.*

Comment

It is agreed that the controls should be nuanced across the site to reflect the desired built form outcomes. This approach is consistent with the original application which seeks different building height controls across the site. The division of the site into three distinct lots makes it easier to express different height of building controls.

The issue of building heights has been discussed previously in this report.

- h. The proposal does not adequately demonstrate how GFA and FSR have been calculated. In drawing number PP403, it is unclear whether the lanes have been included in the calculations and if so, on which site (gross FSR, net FSR or net-net FSR?). Detailed GFA/FSR calculation plans should be provided. Amendments to FSR calculation will be required to address the recommendations for height and setbacks discussed above.*

Comment

The amendments recommended in this report will result in amendments to the GFA and FSR calculation for the site. The planning proposal documentation will require amendment prior to the public exhibition process, including demonstrating how the proposed FSR has been calculated. The FSR for the site can be determined prior to a public exhibition process should the proposal receive a favourable Gateway determination.

- i. There appears to be some inconsistencies between the height diagrams, 3Ds, architectural plans and FSR calculations.*

Comment

The applicant will be required to update their documentation and ensure consistency between documents prior to any public exhibition process.

5. Lanes:

- a. As stated by the Panel previously, street connectivity and pedestrian permeability through the provision of two east-west lanes (Lanes A and B) and the widening of Alma Avenue are the aspects of the proposal that have developed most since Pre-Planning Proposal and are considered good public benefits associated with the Planning Proposal. In order to give greater certainty to Council that the lanes and road widening will be implemented, it is recommended that, in addition to the inclusion of these elements in a site-specific DCP, a VPA agreement is entered between Council and the proponent.*

Comment

The proposed site permeability and laneways to enhance connectivity are strongly supported. Council's Development Engineer has reviewed the proposal and advised that:

- **Lane A (7m wide)** is supported as a two-way public road. It shall be an extension of Harrington Street with the two road pavements aligning (kerb to kerb);
- **Lane B (5m wide)** is supported as a one-way (Alma Avenue to Tupper Street) private road with a public right of way created over the road.

The revised scheme presented to Council in June 2017 is not proposing to widen Alma Avenue to full length of the site. Council's Development Engineer has indicated that Council will require the widening of Alma Avenue for the full length of the subject site.

The site specific DCP will make reference to the laneways consistent with the advice of the AEP and Council's Development Engineer. A VPA is to be negotiated separately to the assessment of this planning proposal as per Council's Interim VPA policy.

6. Deep soil zones, tree planting and landscaping:

- a. *A clear strategy to establish a robust urban tree canopy and Ground Level deep soil zones for the site should be provided at Planning Proposal stage and should be included in the site-specific DCP. Most likely, opportunities for tree planting will occur on the streets (if footpaths are wide enough to accommodate them) or on front setbacks (provided that the basement car parking is designed accordingly). The Panel recommends that, if 'deep soil planter boxes' are provided, it should be part of a comprehensive landscape proposal.*

Comment

This report recommends the proposed site specific development controls include requirements to maximise the provision of deep soil planting on site. This may require amendments to the extent of the proposed basement car parking, which would also assist in minimising basement extrusions.

Council's Tree Management Officer has reviewed the landscape plans submitted with the application and noted that the proposal includes the retention and protection of some high retention value trees along the property's Stanmore Road frontage. However, it is noted that there appears to be major encroachment by the proposed development into the tree protection zones (TPZ) that fringes into the structural root zones (SRZ) of those trees, due to excavation for basement level car parking. This clearly exceeds the minor 10% encroachment within the TPZ as suggested by the project's arborist. Consequently, it has not been demonstrated that trees proposed for retention will remain viable beyond the completion of the development and/or demonstrated appropriate strategies to minimise impacts upon the trees.

Adequate and appropriate compensatory tree planting and landscaping will be required as part of the development of the site.

7. *Design Competition: given the scale and importance of the project, it is recommended that an urban designer, an architect and a landscape architect are involved throughout the Planning Proposal process. Additionally, it is recommended that a condition of consent at Planning Proposal stage be included (should the PP is approved) requesting the engagement of an urban designer and two to three different architects at Pre-DA and DA stages.*

Comment

This comment is noted.

8. *Further urban design recommendations can be provided for the Site-specific DCP.*

Additional DCP controls

In addition to other controls which have been discussed in this report or otherwise apply to the land, the following matters are recommended to be included within the proposed site specific DCP controls:

Access and permeability

The current proposal provides accessibility improvements through the site via the inclusion of two new laneways and a public plaza linked to Stanmore Road. The DCP controls will reinforce the importance of those connections and the need for any proposal on the site to provide publicly accessible links to improve permeability through the site to the benefit of the wider community.

Built form typology

The subject site contains a significant fall from north to south. It is essential that the built form reflects this aspect of the site. The DCP controls will include provisions to ensure the proposed buildings reflect the natural slope of the land by stepping down the slope.

The DCP controls will include the following provisions relating to building design:

- Ensure that new buildings are of exceptional design quality.
- Ensure that new residential development provides good amenity for residents and does not adversely impact on existing surrounding development.
- Variations in parapet walls and/or roof form are required to create a varied skyline.
- The architectural expression and articulation of buildings are to emulate the fine grained built form of the surrounding area.

Public Plaza

The DCP controls will contain the following requirements for the plaza space:

- The plaza design to be configured to provide intimacy of the human scale amenity inclusions including seating, large canopy shade tree plantings and the addition of softscape planting.
- Public through site links between Lane B and Stanmore Road via the plaza are to be provided.
- Planting within the plaza must finish flush with pavement surface.
- If planting is on slab, trees will require 1.0m soil depth, 75mm minimum mulch plus drainage material.
- Planting on slab will require irrigation from a non-potable supply.
- Pavement materials must be a high quality stone.

Landscaping, Open Space and Biodiversity

More detailed landscaping and open space plans will be required as part of any development application for the site. Site specific controls will seek to maximise the coverage of landscaping, particularly deep soil plantings, across the site. This may involve a reduction in the amount of basement car parking proposed for the site. It will also include controls for canopy tree planting along street frontages.

Lot Subdivision

- At the end of the design and approval process there should be a re-subdivision of the site into smaller lots (Sites A, B and C).
- Basement car parking should be designed in accordance with the proposed lot subdivision.
- The site should not result in a single community or strata title scheme.

Traffic and Access

Council's Development Engineer has reviewed the traffic and parking impact assessment that was provided with the planning proposal request.

Contamination

A site investigation report was previously prepared as part of a previous application to Council and was prepared in 2003. The report concluded that the site was suitable for the proposed development of medium to high rise residential dwellings. However, the report did not cover the full extent of the current planning proposal. Specifically, it excluded the residential dwellings on Tupper Street and the substation fronting Alma Avenue. The applicant was requested to update the report to include all properties subject to the planning proposal. The applicant provided the following response:

- (i) *the properties fronting Tupper Street are already in a residential zone and have a long history of residential use (and therefore unlikely to contain contaminated soils);*
- (ii) *the substation may require more detailed investigation. However, it is the intention to remove the substation and restore the site and we anticipate that contamination investigations and restoration will be part of the requirements in future negotiations with Ausgrid.*

The applicant requested that Council agree to the updated assessment being undertaken at the post-Gateway stage due to the costs involved. Council's Environmental Officer considered the applicant's request and concluded that the updated detailed site investigation could be deferred given the site's current and past uses.

Consequently, the matter of contamination will be subject of further investigation should the proposal receive a favourable Gateway determination. It will also be further investigated at the development application stage.

The DCP will contain a requirement that the site be remediated to an acceptable standard to accommodate residential development.

Waste Management

The DCP will note that detailed waste management plans will need to be submitted as part of any development application for the site. The plans will need to include separate bin storage areas for residential and commercial uses, bulky waste/clean up room and waste collection points.

Australian Noise Exposure Forecast (ANEF)

A small portion of the south western part of the site, approximately 328 square metres in area, falls within ANEF 25-30 as shown in Figure 11 below in red hatching.

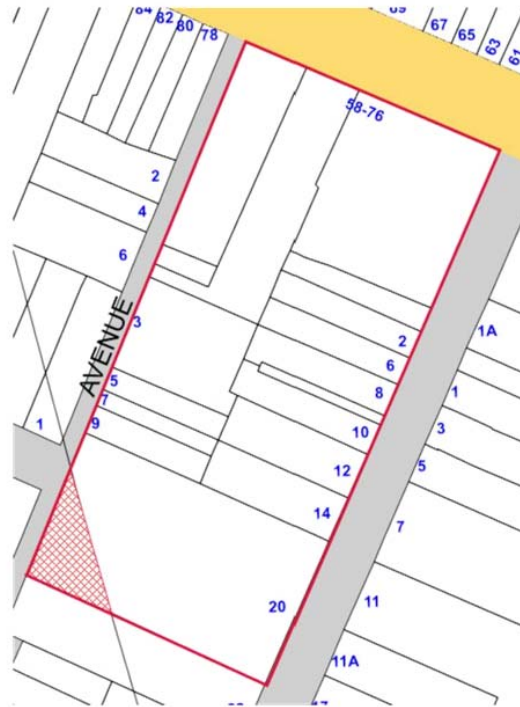


Figure 11: Extent of subject site affected by ANEF 25-30 shown in red hatching

Section 117 Direction 3.5 Development Near Licensed Aerodromes includes the following restriction:

- (5) *A planning proposal must not rezone land:*
 - (a) *for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or*
 - (b) *for schools, hospitals, churches and theatres where the ANEF exceeds 20, or*
 - (c) *for hotels, motels, offices or public buildings where the ANEF exceeds 30.*

This Direction is relevant for the planning proposal as part of the site is affected by ANEF contour 25-30. The area of the site affected by ANEF 25-30 is approximately 3.5% of the entire site area. This is considered to be a relatively small portion of the site and, therefore, the inconsistency is considered to be of a minor nature. The applicant will be required to noise attenuate buildings as per Clause 6.6 of the MLEP 2011.

Obstacle Limitation Surface

As noted previously, the subject site is mapped under the Obstacle Limitation Surface (OLS) to ensure the safe operations of Sydney Airport. The OLS places a maximum height of 51 metres above Australian Height Datum (AHD) for the site. Under the current proposal, the development breaches that limit by 4 metres. Clause 6.6 of the MLEP 2011 requires a consent authority to consult with the relevant Commonwealth body before granting development consent for a proposal which breaches the OLS.

The applicant has commenced a Controlled Activity Application due to the proposed breach. Further information will be required to be prepared should the proposal proceed through the Gateway process.

Consistency of Proposed LEP Amendment with Strategic Planning Policies

The following discussion provides an assessment of the proposal against the State Government's and Council's strategic planning directions for the former Marrickville LGA.

Draft Central District Plan (2017)

The draft Central District Plan (released in November 2016) contains the following actions: *Liveability Priority 1: Deliver Central District's five year housing targets*; and *Action L3: Councils to increase housing capacity across the District*. The subject site is currently underdeveloped and well located to provide additional housing capacity for the Central District.

The draft plan also contains *Liveability Priority 2: Deliver housing diversity*. It is essential that, should the planning proposal progress, the resultant development provides a range of residential typologies and also variety in building sizes.

Marrickville Urban Strategy (2007)

The Marrickville Urban Strategy (MUS) was adopted by Council in 2007. It establishes a vision and co-ordinated directions addressing a range of planning, community, and environmental issues, to guide short, medium and long term strategic planning policies for the Marrickville LGA. The MUS was developed in response to employment and housing targets established through the dSSS and its overriding strategy, Sydney Metropolitan Strategy *City of Cities, A Plan for Sydney's Future* (December 2005).

The MUS adopted six urban renewal approaches to inform policy options for future residential development within the LGA. These are:

1. Focus on residential density in and around centres;
2. Focus on commercial zoned land in centres;
3. Rezone select industrial sites;
4. Develop new centres;
5. Rezone select special use sites; and
6. Increase density in infill areas.

It is considered that the subject site is consistent with Approach 6 – increase density in infill areas. The MUS states that this approach is suitable where locations are within good access to public transport and open space. The subject site can be identified as an infill area as it is currently underdeveloped and can accommodate additional development. It is also well located, being within close proximity to an existing centre, public transport and open space.

Marrickville Community Strategic Plan 2023

Marrickville Council's Community Strategic Plan 2023 was adopted by Council in June 2013. The plan sets the desired future direction and priorities for Council over a 10 year period.

The Community Strategic Plan 2023 includes the following action:

- 3.9 *Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability*
- 3.9.1 *Provide effective planning controls to ensure that the built environment reflects community expectations and changing needs, conserves heritage and is socially and environmentally sustainable*

FINANCIAL IMPLICATIONS

The Planning Proposal does not result in any cost implications for Council.

The proponent has provided a letter of offer to Council "*confirming a commitment to enter into a voluntary planning agreement linked to the potential uplift as well as the public benefits proposed to be delivered directly by the master planned scheme*". The proponent advised that "*should the application receive a positive Gateway determination the applicant intends to progress the draft VPA with Council that may be subject to public exhibition concurrently with the draft Planning Proposal.*"

Should the proposal receive a positive Gateway Determination, the offer submitted by the applicant will be considered in accordance with Council's Interim VPA Policy.

A copy of the proponent's letter is included as **ATTACHMENT 8**.

OTHER STAFF COMMENTS

Internal referrals were undertaken with the following departments: Architectural Excellence Panel, Development Assessment (Development Engineer), Culture and Recreation, Sustainability and Resource Management, Development Assessment (Trees), Biodiversity. Comments received are discussed in the body of this report.

PUBLIC CONSULTATION

Public consultation will occur as part of the public exhibition of the planning proposal, in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

CONCLUSION

This report considers a planning proposal for land at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore to enable its redevelopment into a precinct to include a registered club, commercial spaces and residential accommodation.

On balance, the application is considered to demonstrate strategic merit and in principle support is recommended. However, as detailed within this report, some design modifications are recommended to ensure that the scale and density of the development proposed is reasonable within the context of the area.

It is recommended that Council resolve to seek amendments to the planning proposal outlined in this report to enable it to agree to forward the application to the Department of Planning & Environment for their consideration as part of the Gateway process.

ATTACHMENTS

1. [↓](#) Planning Report: 58-76 Stanmore Road, 2-20 Tupper Street and 1-9 Alma Avenue, Stanmore
2. [↓](#) Applicant's response to matters raised in Council's letter
3. [↓](#) Pre Planning Proposal advice for 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore
4. [↓](#) Architectural Excellence Panel Report: June 2016
5. [↓](#) Architectural Excellence Panel Report: March 2017
6. [↓](#) Additional information letter from applicant
7. [↓](#) Revised Planning Proposal Scheme: 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore
8. [↓](#) Letter of offer - Cyprus Club VPA