

Draft Amendment Marrickville LEP 2011 - 74 Edinburgh Road, Marrickville

Proposal Title : **Draft Amendment Marrickville LEP 2011 - 74 Edinburgh Road, Marrickville**

Proposal Summary : **The planning proposal seeks to amend the Marrickville Local Environmental Plan (LEP) 2011 with the addition of site specific uses to allow a Masters Home Improvement Store at 74 Edinburgh Road, Marrickville.**

PP Number : **PP_2013_MARRI_001_00** Dop File No : **13/06637-1**

Proposal Details

Date Planning Proposal Received : **21-Oct-2013** LGA covered : **Marrickville**

Region : **Sydney Region East** RPA : **Sydney East Joint Regional Plan**

State Electorate : **MARRICKVILLE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street : **74 Edinburgh Road**

Suburb : **Marrickville** City : **Sydney** Postcode : **2204**

Land Parcel : **Lot 202 DP1133999**

DoP Planning Officer Contact Details

Contact Name : **Deewa Baral**

Contact Number : **0285754127**

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RPA Contact Details

Contact Name : **Angela Kenna**

Contact Number : **0292282064**

Contact Email : **angela.kenna@planning.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro South subregion** Consistent with Strategy : **No**

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	1	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	150
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment : The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.			

Supporting notes

Internal Supporting Notes :

On 15 September 2011, the planning proposal was submitted to Council to include the subject site in Marrickville LEP 2011 - Amendment No 1. Following Council's decision not to support the planning proposal, the proponent requested the Department to nominate an alternative Relevant Planning Authority (RPA).

On 15 October 2012, the planning proposal was referred to Planning Assessment Commission (PAC) and on 19 November 2012, the PAC recommended the planning proposal has strategic merit and recommended it be submitted for a gateway determination. On 14 December 2012, Council was offered a role of the RPA for the planning proposal. On 5 February 2013, Council subsequently resolved conditional acceptance of the RPA role subject to the preparation of a Department funded Employment Lands Review for Marrickville LGA, to be exhibited concurrently with the public exhibition of the planning proposal.

On 9 April 2013, the Minister appointed Sydney East Joint Regional Planning Panel (the Panel) as an alternate RPA for this planning proposal. The Minister agreed to a site specific planning proposal rather than a generic change to all IN1 General Industrial zoned land across the Marrickville LGA as recommended by PAC on 19 November 2012.

On 23 May 2013, the Panel resolved the planning proposal proceeding to gateway determination subject to the Panel being satisfied on three matters including revised analysis of traffic, analysis of potential alternative sites and review of industrial area enclosed by Sydenham Road, Victoria Road, Edinburgh Road and the railway line.

On 25 July 2013, the proponent provided the additional information to address the three issues raised by the Panel. Transport for NSW (TfNSW) reviewed the traffic report and provided further comments. On 11 October 2013, the proponent provided further additional information to the Regional Team addressing the issues raised by TfNSW.

On 27 September 2013, the Department's Regional Team provided advice to the Panel regarding the additional information supplied by the proponent in response to questions from the Panel. The advice concluded that:

the proposed Masters store is not expected to undermine the role of the adjoining industrial precinct; is complementary to the neighbouring industrial activities; would generate a net increase in jobs; would provide more jobs close to home and would offer improved choice and convenience for local residents. However, it is considered that these

benefits have to be balanced against the loss of the subject general industrial zoned land which is strategically placed near the Airport and Port Botany for freight, logistics and warehouse purposes, and the precedent that the rezoning may set.

On 21 October 2013, the Panel requested the matter proceed to the gateway subject to a requirement that the additional information regarding traffic provided by the proponent, be submitted to TfNSW and its response be included in the material forming part of any exhibition of the planning proposal.

The Regional Team has consulted with the proponent to confirm the planning proposal aligns with the site specific proposal initiated for the site.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The planning proposal seeks to amend the Marrickville LEP 2011 with the addition of site specific uses to allow a Masters Home Improvement Store at 74 Edinburgh Road, Marrickville.

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

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

Comment : The planning proposal seeks to amend Marrickville LEP 2011 by allowing 'hardware and building supplies' and 'garden centre' as additional uses within Schedule 1 - 'Additional Permitted Uses' for the land at 74 Edinburgh Road, Marrickville.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 22—Shops and Commercial Premises

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP (Infrastructure) 2007

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

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

If No, explain :

Direction 1.1 Business and Industrial Zones applies to the planning proposal as the subject site is within the existing industrial zone. Planning proposal is partially inconsistent with the Direction 1.1. The outcome of the proposal will reduce potential floor space for industrial uses although it will create approximately 150 jobs. In addition, the proposal will not significantly undermine the integrity and core purpose of Sydenham Industrial Land as it proposes a site specific change rather than a generic change to all IN1 - General Industrial zoned land with the LGA. This is in line with the justification as set out under 5(a) of 1.1 Direction. The agreement of the Director General is recommended as the inconsistency is of minor significance.

The planning proposal is partially inconsistent with **Direction 3.4 Integrated Land Use and Transport**. The site exhibits reasonable access to public and private transport and is within reasonable proximity to major arterial road and existing retail services. However, it does not reduce car dependency and increases travel demand. The agreement of the Director General is recommended as the inconsistency is of minor significance.

Direction 3.5 Development Near Licensed Aerodromes is relevant to this site specific planning proposal as it proposes to alter the permissible land use relating to the land in the vicinity of Sydney Airport. The planning proposal is consistent with Direction 3.5 Development Near Licensed Aerodromes as the Australian Standards for building with respect to interior noise levels can be adequately dealt with at development application (DA) stage. In addition, compliance with Sydney Airport Corporation Obstacle Limitation Surface height restrictions can also be dealt with at DA stage, as required by clause 6.6 in the Marrickville LEP 2011. Consultation will be required with the Department of Infrastructure and Regional Development in relation to these Sydney Airport issues prior to the exhibition of the planning proposal.

Direction 4.1 Acid Sulphate Soils is relevant to the proposal as the subject site lies within a potential Acid Sulphate Soils Area on the Acid Soils Map for MLEP 2011. The proposal is inconsistent with this Direction as the proposed additional uses would result in an intensification of land uses and it requires an acid sulphate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. Clause 6.1 of Marrickville LEP 2011 provides appropriate provisions that need consideration prior to any development on the site. Given a minor intensification of land use as buildings already exist on the site, and the clause 6.1 provision under MLEP 2011, the agreement of the Director General is recommended as the inconsistency is considered to be of minor significance.

The site is identified as a flood planning area under Marrickville LEP 2011. The proposal's inconsistency with **Direction 4.3 Flood Prone Land** is considered minor as it only proposes additional uses on the subject site and clause 6.3 of Marrickville LEP 2011 provides appropriate provisions that need consideration prior to any development on the site. A full assessment of the land's potential flood hazards is required after the gateway process and prior to any development.

The agreement of the Director General is recommended as the inconsistency is considered to be of minor significance.

The proposal is inconsistent with **6.3 Site Specific Provisions** as it proposes to add certain uses for the subject site under Schedule 1- Additional Permitted Uses. On 9 April 2013, the Minister agreed to a site specific planning proposal rather than a generic change to all IN1 General Industrial zoned land across the Marrickville LGA as recommended by PAC on 19 November 2012. The agreement of the Director General is recommended as the inconsistency is considered to be of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Mapping amendments are not required to Marrickville LEP 2011 as this planning

proposal is proposing an amendment to Schedule 1 - Additional Permitted Uses.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

It is recommended that public exhibition of the planning proposal is generally undertaken in the following manner by the Panel:

- 28 days exhibition period (to be extended if the exhibition occurs during the December to January school holiday period);
- Notification in local newspaper at commencement of exhibition period;
- Notification on Sydney East Joint Regional Planning Panel website for the duration of the exhibition; and
- Notification in writing to affected and adjoining landowners at commencement of exhibition period.

In addition, the Panel should be required to consult Transport for NSW in relation to the additional information regarding traffic provided by the proponent and its response be included in the exhibition material package for the planning proposal.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Principal LEP was notified on 12 December 2011.

Marrickville Council has been granted \$50,000 funding under the Planning Reform Fund - Round 8 for the review of Marrickville Employment Lands Study 2008. The study will inform upcoming planning proposals for the rezoning of large industrial precincts near the Victoria Road Corridor and Carrington Road, as well as the current proposal for Masters Home Improvement Centre at 74 Edinburgh road, Marrickville.

Assessment Criteria

Need for planning proposal :

The planning proposal is a result of a pre-gateway review application considered by the Panel on 21 October 2013 and recommending the matter proceed to the gateway. The recommendation was subject to a requirement that the additional information regarding traffic provided by the applicant, be submitted to Transport NSW and that its response be included in the material forming part of any exhibition of the planning proposal.

The planning proposal seeks to add 'hardware and building supplies' and 'garden centre' as additional uses within Schedule 1 - 'Additional Permitted Uses' for the land at 74 Edinburgh Road, Marrickville which is consistent with the Minister's recommendation to progress the planning proposal as a site specific rather than a generic IN1 General Industrial zoned land amendment to the Marrickville LEP 2011.

The planning proposal would generate an increase in economic activity and an increase in jobs. The planning proposal should not undermine the industrial role of the nearby industrial precinct given its site specific nature and is supported.

Consistency with strategic planning framework :

• The planning proposal is not the result of any strategic study or report. Council recommended undertaking an employment land review prior to any gateway determination to inform the implications of the proposed zoning changes on the subject site. However, this employment land review was not undertaken earlier as it did not align with the pre gateway review application timeframe. Council have now been granted the PRF - Round 8 funding for the review of Employment Lands which includes the subject land.

Metropolitan Plan for Sydney 2036 (2010) -

The planning proposal is consistent with Objective E2 as it enables economic activity, investment and generates jobs; it is inconsistent with Objective E3 as it does not retain strategically important land; it is partially inconsistent with the Objective B1 as it does not focus activity in accessible centre. The subject site does not lie within any strategic centre and is surrounded by other industrial land; it is inconsistent with the Objective 13 as it decreases the supply of industrial land.

Other draft/Strategies - It is inconsistent with the draft South Subregional Strategy and Marrickville Urban Strategy (2007) which strategically underpin the Marrickville LEP 2011 and Marrickville Employment Lands Study (2008). This is because they identify the subject site and the entire core of Sydenham/ Marrickville Industrial Precinct as strategically important industrial land to be retained for industrial purposes.

• Although the proposal is partially inconsistent with Metropolitan Strategy for Sydney 2036 (2010), draft Metropolitan Strategy for Sydney and draft South Subregional Strategy (2007), the additional uses proposed are site specific and do not affect other industrial land in the region.

Environmental social economic impacts :

There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts are minimal.

The proposal will enable a use which should increase a range of goods and services options in the region and will provide increased employment opportunities.

Assessment Process

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

Timeframe to make LEP : **9 months** Delegation :

Public Authority Consultation - s56(2)(d) : **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 :

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Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

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**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information :

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

- 1. Prior to undertaking exhibition, the proponent is to provide the following:**
 - a) updated planning proposal in line with the 'Guide to Preparing Planning Proposal' available online at www.planning.nsw.gov.au/gateway-process and the planning proposal template provided to the proponent;**
 - b) a map outlining the land subject to the planning proposal; and**
 - c) a current land zoning map.**
- 2. Prior to public exhibition, consultation is required with Transport for NSW and its response be included in the exhibition package.**
- 3. Consultation is required with Marrickville Council, Sydney Water, Department of Infrastructure and Regional Development and Office of Environment and Heritage.**
- 4. The planning proposal be exhibited for 28 days.**
- 5. The planning proposal be completed within 9 months of the gateway determination.**
- 6. Inconsistencies with s117 Direction 1.1 Business and Industrial Zones, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land and 6.3 Site Specific Provisions are minor and have been justified. The Director General's approval to proceed under these Directions be granted. No further consideration of any other Section 117 Directions is required.**
- 7. No further studies are required to be carried out.**

Supporting Reasons :

The planning proposal seeks to add additional uses on the subject site to allow a Masters Home Improvement Store enabling economic activity and an increase in jobs in the area and is supported for a gateway determination to be issued to allow public exhibition. These benefits have to be balanced against the loss of the subject land which is strategically placed near Sydney Airport and Port Botany for freight, logistics and warehouse purposes, and the precedent the planning proposal may set.

Signature:

Megan Hollingsworth

Printed Name:

Megan Hollingsworth

Date:

22 November 2013