

<b>DATE OF ADVICE</b>	Wednesday 15 February 2017
<b>PANEL MEMBERS</b>	John Roseth (Acting Chair), Sue Francis, Julie Savet Ward
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

#### **PRE-GATEWAY REVIEW**

2016SYE106 – Inner West - PGR\_2016\_MARRI\_001\_00 - AT 67-73 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters (also known as Precinct 75 or the Taubmans Paint Factory) (AS DESCRIBED IN SCHEDULE 1)

#### Reason for Review:

- The council has notified the proponent that the request to prepare a planning proposal has not been supported
- The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

#### **PANEL CONSIDERATION AND RECOMMENDATION**

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that:

- The planning proposal **should** be submitted for a Gateway determination, subject to the matters raised in the recommendation of the Panel
- The planning proposal **should not** be submitted for a Gateway determination

The decision was unanimous.

#### **ADVICE AND REASONS FOR THE RECOMMENDATION**

The Panel considered this proposal for the first time in October 2016, at which time it asked for clarification of certain aspects. The proponent has now responded to this request with responses that the Panel considers adequate.




Since the Panel's first consideration of the proposal, the draft Sydney Central District Plan has been released for community consultation. That Plan suggests that a precautionary approach should be applied to any re-zonings of industrial land. The Panel considers that this rezoning proposal satisfies the precautionary principle, because the site is an isolated piece of industrial land and also because the amount of floor space devoted to employment will be greater following the proposed rezoning than it is now. Moreover, two studies undertaken by the former Marrickville Council (the Marrickville Urban Strategy of 2007 and the Marrickville Employment Land Study of 2015) supported the conversion of this type of isolated industrial site to alternative use.

The Panel is aware that there is some difference of opinion between the proponent and the council's planning staff in relation to the height of buildings along Edith Street and the Floor Space Ratio (FSR). The Panel accepts that the heights and FSR proposed by the proponent are appropriate to be exhibited. The Panel notes that the detailed proposal has been endorsed by the council's Architectural Excellence Panel.

The Panel is aware that in an amendment to the LEP specifying varying height limits over one site, it is advantageous to have some flexibility in relation to the exact boundary between different height limits. The Panel suggests that, instead of having recourse to a variation under cl 4.6 of the Marrickville LEP, it would be better to include a flexibility clause in this amendment, to the effect that the boundary between different height limits may be varied in any horizontal direction by up to 1m.

The Panel suggests that the objectives of the proposed amendment should include a reference to the relevant priorities of the draft District Plan (eg sustainability, creative employment, housing diversity and affordability, adaptive reuse of buildings and the mixing of employment and residential use on the one site).

The Panel recommends that the draft DCP should be exhibited at the same as the proposed amendment and that the council needs to be satisfied that the draft DCP enables the objectives of the draft LEP to be achieved.

PANEL MEMBERS		
		
John Roseth (Chair)	Sue Francis	Julie Savet Ward

<b>SCHEDULE 1</b>		
<b>1</b>	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	2016SYE106 – Inner West - PGR_2016_MARRI_001_00 - AT 67-73 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters (also known as Precinct 75 or the Taubmans Paint Factory)
<b>2</b>	<b>LEP TO BE AMENDED</b>	Marrickville Local Environmental Plan 2011
<b>3</b>	<b>PROPOSED INSTRUMENT</b>	<p>The planning proposal seeks to amend Marrickville Local Environmental Plan 2011 as follows:</p> <ul style="list-style-type: none"> <li>• rezone the site from IN2 industrial and R2 Low Density Residential, to B4 mixed Use and RE1 Public</li> <li>• Recreation;</li> <li>• increase the maximum floor space ratio from 0.6:1 and 0.95:1, to 2.2:1 across the entire site; and</li> <li>• increase the maximum building height from 9.5m and no building height, to varying heights between 9.5m</li> <li>• and 29m across the site.</li> </ul>
<b>4</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Pre-Gateway review request documentation</li> <li>• Department Justification Assessment Report</li> <li>• Additional information provided by the applicant</li> </ul>
<b>5</b>	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing meeting with Department of Planning and Environment (DPE), 6 October 2016, 9.30 am to 10.20 am <ul style="list-style-type: none"> <li>○ Panel members (Sydney East Joint Regional Planning Panel) in attendance: John Roseth (Chair), Sue Francis, Julie Savet Ward</li> <li>○ DPE staff in attendance: Karen Armstrong, Martin Cooper</li> </ul> </li> <li>• Briefing meeting with Council, 6 October 2016, 10.20 am to 11.00 am <ul style="list-style-type: none"> <li>○ Panel members (Sydney East Joint Regional Planning Panel) in attendance: John Roseth (Chair), Sue Francis, Julie Savet Ward</li> <li>○ DPE staff in attendance: Karen Armstrong, Martin Cooper</li> <li>○ Council representatives in attendance: Jaimie Erkin</li> </ul> </li> <li>• Briefing meeting with Proponent, 6 October 2016, 11.05 am to 11.55 am <ul style="list-style-type: none"> <li>○ Panel members (Sydney East Joint Regional Planning Panel) in attendance: John Roseth (Chair), Sue Francis, Julie Savet Ward</li> <li>○ DPE staff in attendance: Karen Armstrong, Martin Cooper</li> <li>○ Council staff representatives in attendance: Jaimie Erkin</li> <li>○ Proponent representatives in attendance: Paul Apostoles, Jack Varker-Mills, Mas Chalak, Andrew Duggan, Craig McLaren, Tim Greer</li> </ul> </li> <li>• Briefing meeting with Department of Planning and Environment (DPE), 15 February 2017, 9.30 am to 10.00 am <ul style="list-style-type: none"> <li>○ Panel members (Sydney Central Planning Panel) in attendance: John Roseth (Acting Chair), Sue Francis, Julie Savet Ward</li> <li>○ DPE staff in attendance: Martin Cooper, Michael Kokot</li> </ul> </li> <li>• Briefing meeting with Council and Proponent, 15 February 2017, 10.00 am to 10.40 am <ul style="list-style-type: none"> <li>○ Panel members (Sydney Central Planning Panel) in attendance: John Roseth (Acting Chair), Sue Francis, Julie Savet Ward</li> <li>○ DPE staff in attendance: Martin Cooper, Michael Kokot</li> <li>○ Council staff representatives in attendance: Maxine Bailey, Jaimie Erkin</li> <li>○ Proponent representatives in attendance: Paul Apostoles, Andrew Duggan, Tim Greer, Chis Patfield</li> </ul> </li> </ul>

