



## APPLICATION FOR A PLANNING PROPOSAL

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Amend Marrickville Local Environmental Plan 2011 as it applies to land bound by Alma Avenue, Stanmore Road and Tupper Street to:

- Apply land use zones Zone B4 Mixed Use, Zone R1 General Residential and Zone R3 Medium Density Residential;
- Introduce an Additional Permitted Use subclause to permit residential flat buildings as part of a mixed use development on that part of the site to be within Zone B4
- Amend the height of buildings controls to allow buildings between three (3) and six (6) storeys;
- Amend the Floor space ratio controls for the site.

Address: **Land bound by Alma Ave, Stanmore Road and Tupper Street (Cyprus Club) STANMORE**



# PLANNING

I N G E N U I T Y

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Prepared for: **Cyprus Club Ltd.**

REF: M140125

Date: 27 July 18





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**ATTACHMENTS - PROPOSED LEP MAPS TO BE AMENDED**

- 1 Land Zoning Map
- 2 Maximum Height of Buildings Map
- 3 Maximum Floor Space Ratio Map
- 4 Land Reserved for Acquisition Map
- 5 Amendment to Key Sites Map

**ANNEXURES -ANCILLARY STUDIES AND INFORMATION**

- 1 Urban Design Study and Design Concept Scheme
- 2 Site Traffic and Parking Impact Assessment,
- 3 Arborists Report.
- 4 Voluntary Planning Agreement- preliminary letter of offer
- 5 Response letter from Sydney Airport Corporation
- 6 Survey Plan





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# 1. Executive Summary

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This application for a Planning Proposal seeks to amend the provisions of Marrickville Local Environmental Plan, 2011 (MLEP 2011) for land currently occupied by the Cyprus Club premises as well as adjoining land fronting Stanmore Road, Alma Avenue and Tupper Streets, Stanmore. The site is on the southern side of Stanmore Road and there are a wide variety of land uses and buildings of various scales and densities throughout the neighbourhood.

The primary intent of the application is to initiate a Planning Proposal process to amend the provisions of MLEP 2011 to:

- apply Zone B4 Mixed Use, Zone R1 General Residential and Zone R3 Medium Density Residential to the site;
- introduce an additional permitted use subclause which allows residential flat buildings as part of a mixed use development on that part of the site in Zone B4;
- amend the Key Sites Map to, by labelling the part of the site proposed to be Zoned B4, and adding a clause in the Marrickville LEP 2011 which 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 Map with FSR ranging from 1.1 to 1.8 :1; and
- amend Land Reservation Map to include a widening to Alma Street which includes the entire west part of the subject site.

The Cyprus Club provides recreational and social opportunities for its members and visitors and supports a variety of community groups and cultural events. The club intends to maintain and enhance this community-focused role by rebuilding and improving club facilities in conjunction with a redevelopment project to make more efficient use of the site for recreational, commercial and residential purposes and to provide additional public benefits within and beyond the site.

In order to undertake a redevelopment of the site, this application for a Planning Proposal applies to the land currently used and occupied by the club and ancillary car parking, to an existing substation in Alma Avenue and to adjoining residential properties fronting Tupper Street to form a consolidated site of regular shape. This application for a Planning Proposal seeks to amend the planning provisions of MLEP 2011 to apply new land use zones, introduce a new subclause for additional permitted uses and change the height of buildings and floor space ratio (FSR) controls.

The site is well capable of accommodating redevelopment compliant with the proposed LEP amendments as supported by Council in the report and resolution of the Ordinary Council meeting held on 25 July 2017.

A site-specific section to the Marrickville Development Control Plan 2011 (MDCP 2011) is also proposed to establish additional fine-grained controls particularly building setbacks and objectives for the future redevelopment of the site in a manner consistent with the Urban Design Study (UDS) that forms part of this application (see Annexure A). The Draft DCP will be exhibited concurrently with the Planning Proposal.

The Urban Design Study (UDS) has been prepared by Kennedy Associates Architects and a Concept Scheme has been prepared by Kennedy Associates Architects in collaboration with RKD Architects.

The UDS and Concept Scheme have been revised to match the recommendations of Council's Architectural Excellence Panel (AEP) and the Council agenda item and resolution made on 25 July 2017. The UDS demonstrates





the proposed LEP and DCP changes will facilitate high quality urban form compatible with the context and setting of the broader locality and the immediate surroundings.

The UDS shows future development can relate positively to the features of the site as well as to surrounding public space and residential buildings. The redevelopment includes opportunities for new publicly accessible spaces, new roads and widening of existing roads, streetscape enhancements, view corridors and a massing of built form which responds to the scale, height and density of surrounding buildings including the heritage conservation area to the north.

The Concept Scheme combines a new club premises with new commercial floor space and upper level apartments along Stanmore Road to improve activation of the main road frontage and incorporate landscaping to enhance the streetscape and retain existing mature trees. The Concept Scheme also demonstrates that the redevelopment of the site can result in multiple buildings each with the opportunity for demonstrating individuality in design and character.

This application is consistent with the Local, Regional and State Planning Strategies for Marrickville LGA and the Eastern City District Plan within the Metropolitan Area. This application has the potential to make a substantial positive contribution to the quality and utility of public space and result in the efficient use of a well-serviced site to provide a development which is diverse and vibrant, compatible with neighbouring properties and a high quality urban environment.





## 2. Introduction

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This application for a Planning Proposal has been prepared for the Cyprus Club Ltd, owner of the existing licensed club premises in Stanmore Road. The Cyprus Club Ltd owns the majority of the land to which this application applies. This application is a request to Council to seek a Gateway Determination under the provisions of Section 3.34 of the *Environmental Planning & Assessment (EP&A) Act, 1979*. This application for a Planning Proposal has been prepared in accordance with Section 3.53 of the Environmental Planning and Assessment Act, 1979 as well as the NSW Department of Planning publications "*A Guide to Preparing Planning Proposals*" and "*A Guide to Preparing Local Environmental Plans*".

The primary intent of the application is to initiate a Planning Proposal process to amend the provisions of MLEP 2011 to:

- apply Zone B4 Mixed Use, Zone R1 General Residential and Zone R3 Medium Density Residential to the site;
- introduce an additional permitted use subclause which allows residential flat buildings as part of a mixed use development on that part of the site in Zone B4;
- apply height of buildings controls which permit buildings ranging from three (3) to six (6) storeys; and
- apply FSR controls which match the height and setback controls as resolved in the Council agenda and resolution of 25 July 2017.

An Urban Design Study (UDS) and Concept Scheme are contained in Annexure 1 for future development of the site has been prepared and form part of this application. The UDS demonstrates the analysis of existing urban fabric and the constraints and opportunities present at the site which create the setting to support redevelopment of the site. The Concept Scheme demonstrates how the future redevelopment can best accommodate a new registered club, new commercial floor space, a publicly accessible plaza, two new public laneways, residential apartments and multi-dwelling housing. This mix of development is consistent with the Local and State Government Planning Strategies to drive more efficient and economic use of urban land in close proximity to established transport, commercial centres and community and social infrastructure. The scheme integrates new public movement space, commercial and residential uses, improvements to the streetscape and the pedestrian environment and achieves positive environmental, social and economic outcomes.

Also provided are Site and Traffic and Parking Impact Assessment (Annexure 2), Geotechnical Report (Annexure 3), Arborists Report (Annexure 4), Voluntary Planning agreement- letter of offer (Annexure 5), letter from Sydney Airport Corporation (Annexure 6) and Site Survey (Annexure 7).

Council resolved at its meeting of 25 July 2017 to forward the application for a Planning Proposal for a Gateway determination and to request delegation of plan making functions for the remainder of the planning proposal process.

This application for a Planning Proposal has relied on, and been informed by, the Urban Design Analysis and Concept Plans prepared collaboratively by RJK Architects and Kennedy Associates Architects as well as a draft Traffic and Parking Impact Assessment, geotechnical and contamination information and an Arborists Report. The Concept Plans and application have been revised based on feedback from Marrickville Council staff as part of ongoing meetings and correspondence as well as comments from Council's AEP and the Council agenda item and resolution made on 25 July 2017.



# 3. Locality and Site Analysis

## 3.1 THE SITE

The site is located on the southern side of Stanmore Road between Alma Avenue and Tupper Street and is comprised of the following lots:

- Lots A and B in Deposited Plan 308880;
- Lot 1 in Deposited Plan 167529;
- Lots 1, 2 and 3 in Deposited Plan 444675;
- Lot 1 in Deposited Plan 971516;
- Lot 1 in Deposited Plan 105806;
- Lot 1 in Deposited Plan 121240;
- Lots 1 and 2 in Deposited Plan 301956;
- **Lot 1 in Deposited Plan 119242;**
- **Lot 1 in Deposited Plan 923826; and**
- **Lots C and D in Deposited Plan 308880.**

The site also includes an allotment owned by Ausgrid which contains an electricity substation. This property is Lot 1 DP 180283 and has a frontage to Alma Avenue. This planning proposal seeks to change the LEP provisions that apply to the Ausgrid site and there are notable benefits to incorporating this lot in the redevelopment scheme. This planning proposal does not place an obligation on the Cyprus Club Ltd to purchase the Ausgrid land nor is the progress of the planning proposal contingent upon the acquisition of the lot from Ausgrid. Notwithstanding, the Cyprus Club Ltd have commenced negotiations with Ausgrid for the purchase of the lot and it is intended to be incorporated in the redevelopment scheme along with a revised means of accommodating the electricity infrastructure as may be necessary for the redevelopment of the site.

These properties are herein referred to as "the site" and are shown outlined red in **Figures 1 and 2**.

The site is a rectangular shape. The total frontage to Stanmore Road is 66.915m. The frontage to Alma Avenue is approximately 134m and the frontage to Tupper Street is approximately 113m. The total area of the site is 7,118m<sup>2</sup>.

The site contains the existing Cyprus Club which is a part three and part four storey building in the north east corner of the site. The club contains bars, a restaurant and function rooms. The car parking area for the club is located at grade on the western portion of the site. A photograph of the club building as viewed from Stanmore Road is included in Figure 3. There are several mature trees throughout the car parking area. Vehicle access to the car park is via Alma Avenue. The southern portion of the site is currently a vacant grassed area.

The site also includes residential properties which share a boundary with the Cyprus Club property and have frontages to Tupper Street. These properties contain single detached dwellings as shown in **Figures 4 and 5**. These residential properties have several mature trees along the rear boundaries. These properties have been acquired by the Cyprus Club.

A photograph of the electricity substation site fronting Alma Avenue is included in Figure 6.

All essential services are connected to the site.



Figure 1: Locality map subject site (Source: maps.six.nsw.gov.au)





**Figure 2:** Aerial photo subject site (Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au))





*Figure 3: View of Cyprus Club from Stanmore Road*



*Figure 4: Dwellings fronting Tupper Street near south east corner of subject site*



*Figure 5: Dwellings fronting Tupper Street on eastern side of subject site*



*Figure 6: Electricity substation in Alma Avenue*

### Club Operations

The Cyprus Club operates to provide social and recreational space for members and guests. The Club includes a café, bistro, restaurant, bar, gaming rooms and function rooms. The club also provides a venue for dance classes, bingo and regular lectures and community information sessions. There are also regular events and cultural celebrations open to the public.

The club was established in 1929 and the current club premises are in need of renovation and significant improvements. The Club Executive recognise that the subject site represents an opportunity for redevelopment to its highest and best use with a mix of new commercial and residential premises compatible with the neighbourhood setting. The Club Executive is committed to maintaining their positive role in the community through enhancing the social and recreational services provided by the club in a contemporary premise. Ancillary services and car parking





are to be well integrated with the site in a manner which improves the club venue for members and guests as well as improves ancillary activities including on-site parking, deliveries and waste management contained in a basement to protect the amenity of surrounding residential neighbours. Redevelopment of the club premises also has the potential for positive outcomes in terms of traffic flow, new pedestrian routes, publicly accessible open space and a variety of uses on site which can serve the day to day needs of the neighbourhood.

#### Current Development Consent DA2008/00531

Development Consent DA2008/00531 became operative on 30 April 2013 and grants consent “to *redevelop the Cyprus Club including alterations and additions to the existing club building comprising a new fourth level, a piazza area with dining facilities, a guest accommodation wing with 7 guest rooms, a new administration area, a gallery at Level 1, 10 x 2 bedroom and 46 x 1 bedroom self-contained, self-care, senior living dwellings, with associated basement parking for 315 vehicles*”. The site to which the development consent applies is No.58-76 Stanmore Road, Stanmore being the land currently owned by the club and not including the six (6) residential properties fronting Tupper Street.

The seniors housing component of the development is located on the southern portion of the site and contains a two level basement accessed via Tupper Street. The seniors housing building is a maximum of four storeys.

The approved new club building includes a two level basement car park. The building above ground level is three storeys on the western side and four storeys on the eastern side. The eastern side of the building contains ground floor cafes and restaurants, an art gallery at first floor level and guest rooms at the second floor level. The eastern side of the building is the Cyprus Club premises. In the centre of the building is a circular four storey glazed atrium.

The height of buildings approved with Development Consent DA2008/00531 is consistent with the current 14m building height control. The floor space ratio of the approved development is between 0.67:1 for the portion of the site at 5-9 Alma Avenue and 1.27:1 for the portion of the site being 58-76 Stanmore Road and is limited by the floor space controls of State Environmental Planning Policy (Seniors Housing) 2005 and the previous MLEP 2001.

### **3.2 SURROUNDING DEVELOPMENT**

On the northern side of Stanmore Road are two storey terrace dwellings as shown in **Figure 7**. On the western side of Alma Avenue are single and two storey dwellings as shown in **Figures 8 and 9**. Adjoining the site to the south is a residential flat building fronting Tupper Street as shown in **Figure 10**. Opposite the site in Tupper Street are a variety of three and four storey residential flats and single storey detached dwellings as shown in **Figures 11 and 12**.



*Figure 7: Dwellings on northern side of Stanmore Road*





**Figure 8:** Dwellings on the corner of Alma Ave and Stanmore Road



**Figure 9:** Dwellings fronting Alma Avenue



**Figure 10:** Neighbouring residential flat building south of the subject site



**Figure 11:** Residential flat buildings at and near the corner of Stanmore Rd and Tupper Street



*Figure 12: Dwellings east of the site in Tupper Street*

The Urban Design Study prepared by Kennedy Associates Architects includes a site analysis that identifies features surrounding the site including proximity to major roads, railways stations, major bus routes, greenspace, commercial and industrial areas, social infrastructure and the location of residential flat developments. These diagrams indicate that the site is within walking distance to train and bus transport, education facilities (primary, secondary and tertiary), commercial strips and centres, public open space and recreation facilities. The character of development in the locality is a mix of residential densities.

The site is within 800m walking distance to Stanmore Railway Station. There are more than ten (10) bus stops within 500m of the site serviced by a variety of routes which link to local centres and railway stations and to the Sydney CBD. Bus services operate seven days a week.

There are primary and secondary public and private schools, churches and public parks within an 800m radius.

The commercial centres of Enmore and Newtown are east of the site approximately 300m and 1km straight line distance respectively.

### **3.3 MATTERS SPECIFIC TO FUTURE DEVELOPMENT CAPACITY**

#### **3.3.1 Urban Design Analysis**

The Urban Design Analysis and Design Scheme have been revised in response to feedback from Council staff, the AEP Council's Architectural Excellence Panel, Planners report to Council of 25 July 2018, and Agenda Item 8 of the Council Resolution of 25 July 2017. Future building envelopes have been defined based on building height (number of storeys), setbacks, width of laneways and building separation which will achieve solar access and building separation compliant with the Apartment Design Guide. The Urban Design graphics to support this Planning Proposal application are included in Annexure A.

#### **3.3.2 Geotechnical**

The site slopes down from Stanmore Road to the southern boundary. The long and consistent development history of the site and the excellent condition of existing buildings indicate that there are unlikely to be unusual geotechnical limitations to future excavation for basement car parking and construction of multi-storey buildings on the subject site. Geotechnical investigations completed for Development Application DA2008/00531 concluded that there are no unusual geotechnical constraints to the site. No additional geotechnical studies are required for this application as the geotechnical report prepared for DA2008/00531 demonstrates the site is suitable for residential and commercial use with no specific remediation measures or site verification required.



### 3.3.3 Flooding

The site is not affected by flooding and does not need to accommodate for stormwater management or overland flow paths from adjoining properties. All stormwater can be managed on-site and integrated with the existing constructed stormwater system. No concept stormwater management plans are required for this application.

### 3.3.4 Heritage and Archaeological

The site is located south of the Kingston South Heritage Conservation Area as shown in Figure 13. The conservation area is of 'local' significance and contains a cluster of Victorian villas at 61-75 Stanmore Road and 40-42 Cavendish Street which are directly north of the site (item I242). The villas are of 'local' heritage significance and are shown in Figure 7.

Near the north west corner of the site are heritage items I263 and I29 which are a villa at 88 Stanmore Road (see Figure 8) and a Victorian gothic style house at 6 Alma Avenue. Both items are of 'local' heritage significance.

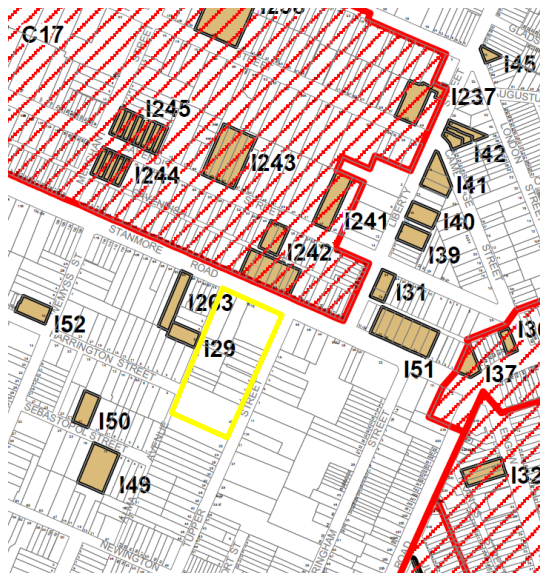


Figure 13: Extract from Heritage Map HER\_003 showing the subject site outlined in yellow

The subject site does not have cultural or historical links to the heritage significance of these items and does not make any built form contribution to the context and setting of the items or the heritage conservation area.

The potential improvements to the streetscape for Stanmore Road, Alma Avenue and Tupper Street in terms of establishing building setbacks, road widening and street trees will protect the curtilage and settings of nearby heritage items and streetscapes by maintaining physical separation and enhancing landscaping. The proposed new public plaza fronting Stanmore Road will provide an enhanced vantage point from which to observe and appreciate the streetscape contribution of Item I242 and the Kingston South Heritage Conservation Area.

The objectives and controls proposed for site-specific DCP controls will acknowledge the proximity to heritage items and the conservation area.

The proposed built form along Stanmore Road is to be set back a minimum of 4.5m from the street boundary which is consistent with the setbacks of heritage-listed dwellings to the west and north of the site and as recommended by Council's AEP. This setback allows for deep soil landscaping accommodating existing and new canopy trees compatible with the proposed four storey street frontage heights proposed along Stanmore Road. Deep soil planting



will create a shaded, pleasant pedestrian environment and an aesthetically appropriate separation to the row of two storey Victorian villas which comprise heritage item I242. The building form along Stanmore Road is to be broken into two x four-storey buildings with recessed fifth level which will be proportional to the scale and character of existing two storey dwellings with high parapets on the northern side of Stanmore Road and at the corner of Alma Avenue (as shown in Figures 7 and 8).

The proposed setback to Alma Avenue will be a minimum of 3m (after allowing for the widening of Alma Avenue) which will increase the future separation from heritage item I29.

As the potential separation to heritage items will be increased by this proposal, no heritage impact assessment is required to support this application.

### **3.3.5 Acid Sulfate Soils**

The southern edge of the site is within Class 5 Acid Sulfate Soils category. While it is expected that the future development of the site will include excavated basement car parking, no additional soil and ground water studies are required in conjunction with this application for a Planning Proposal. All matters relating to excavation and acid sulfate soils management are more appropriately addressed as required with any future development application.

### **3.3.6 Traffic and Transport**

A draft Traffic Impact Assessment (2017) has been prepared by Traffix in support of this application for a Planning Proposal based on the schematic building envelopes and proposed mix of land uses. The Assessment is to be refined as the project progresses and conclusions to date support the improvements to local traffic management and site permeability for vehicles, services and pedestrians. Widening of Alma Avenue is to continue for the full length of the western boundary of the site to greatly improve safe vehicle movement and to provide a clear and separate pedestrian footpath. The new Lane A is to be dedicated as a new public road and footpath and the new Lane B is to be a private laneway with a public right of way.

Agenda Item 8 to the Council meeting of 25 July 2017 states “*The proposed site permeability and laneways to enhance connectivity are strongly supported*”.

The section of Stanmore Road fronting the site is a State Road. No direct vehicle access to and from the Stanmore Road frontage is to be anticipated for future development.

The Design Scheme shows three separate basements can be provided within the site taking advantage of the slope of the site and reducing the bulk of built form above ground. All service vehicles related to the function of the commercial premises and club can be contained within a new basement to minimise impacts to the streetscape and the amenity of the neighbourhood.

There are continuous concrete pedestrian pathways on Tupper Street and Stanmore Road and it is anticipated that the redevelopment of the site will include widening and reconstruction of the footpath reserves for the full frontages of the sites and the full length of the new laneways.

### **3.3.7 ANEF**

Approximately 328m<sup>2</sup> of the south west corner of the site is within ANEF 25-30. This matter is addressed in responding to Section 117 Direction 3.5 Development Near Licensed Aerodromes in **Section 5** of this application.

### **3.3.8 Obstacle Limitation Surface**

The site is within the mapped area for height limitations imposed for the safe operation of Sydney (Kingsford Smith) Airport. An obstacle height limitation of 51m AHD applies to the subject site.

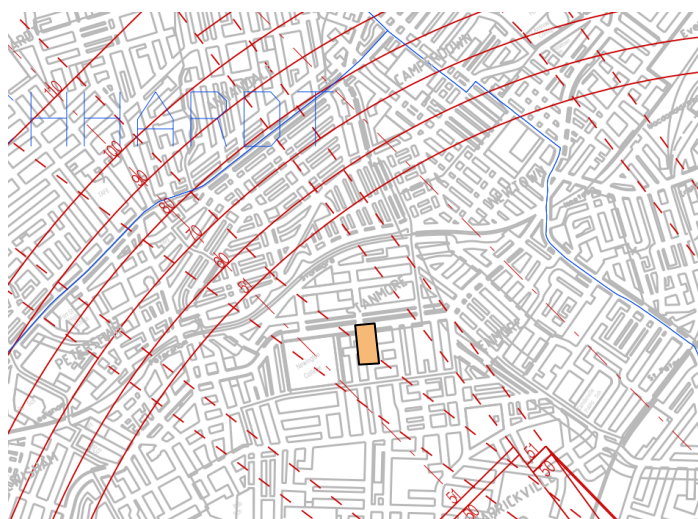




Clause 6.6 to Marrickville LEP requires that a development application cannot be granted consent if it proposes a structure which exceeds the obstacle limitation surface (OLS) unless it has received approval from the Commonwealth Authority which, in this case, is the Civil Aviation Safety Authority. At the proposed maximum height limits, the uppermost storeys of Buildings A, B, C and D may, in part, breach the OLS of 51m AHD. Construction machinery is likely to temporarily breach 51m AHD.

The applicant has commenced consultation with the Manager Airport Design Services, Sydney Airport and has lodged a Controlled Activity Permit application seeking in principle approval for buildings exceeding 51m AHD as shown in the Concept Building Envelopes. A copy of the application correspondence to date is included in **Annexure B**.

Initial feedback from the Manager Airport Design Services indicates that this minor height variation has potential to be supported. At this point in time Sydney Airport and CASA have requested the submission of an aeronautical engineering assessment. The applicant has obtained quotes for this assessment. It is not practical to process with engagement of consultants and the assessment until after a Gateway determination of the application. Further feedback on the outcomes of consultation will be provided to Council as this consultation progresses.



**Figure 14:** Extract from the Obstacle Limitation Surface contour map for Sydney Airport as it applies to the site

### 3.3.9 Tree Protection and Retention

An Arborists Report by Jacksons Nature Works dated 10 December 2016 reviewed the health and protection status of all existing trees on the site.

The report has been submitted to Council under separate cover and concludes that the proposed setbacks and building footprints can successfully retain and protect several mature trees within the setback to Stanmore Road and, of those trees to be removed, six (6) are Exempt trees. The report also notes that there will be adequate opportunities for compensatory planting to enhance the streetscape and the microclimatic conditions within the site with substantial new planting along the setback areas, within the new publicly accessible plaza and within the central communal open space area.

### 3.3.10 Substation on Alma Avenue

The applicant has commenced negotiations with Ausgrid and has been provided with the legal terms and conditions to achieve purchase of the substation. It is not practical to proceed with the purchase until after a Gateway





determination. The applicant intends to purchase the substation and incorporate the site into the overall redevelopment scheme.

### **3.3.11 Voluntary Planning Agreement (VPA)**

A letter of offer to enter into a VPA has been provided to Council under separate cover. Should the application receive a positive Gateway determination the applicant intends to progress a draft VPA with Council that may be subject to public exhibition concurrently with the draft Planning Proposal.

### **3.3.12 Urban Design Concept**

A revised Urban Design Concept consistent with the Council Agenda Item 8 and resolution made at the Ordinary Council meeting of 25 July 2017 has been prepared by Kennedy Associates Architects and RJK Architects and provided to Council under separate cover.



## 4. Existing Planning Provisions

### 4.1 MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 (MLEP 2011)

The current planning controls that apply to the site under MLEP 2011 are summarised as follows:

- Zoning – Part Zone RE2 Private Recreation, part Zone R2 Low Density Residential and part Zone SP2 Electricity Supply (see **Figure 15**);
- Height of buildings control – 14m for part of the site in Zone RE2 and 9.5m for part of the site in Zone R2 (see **Figure 16**); AND
- Floor Space Ratio (FSR) control – 0.6:1 (see **Figure 17**).

The land does not contain a heritage item and is not within a heritage conservation area. The land is not mapped as being within a flood planning area or subject to any other environmental or hazard constraints.

Part of the site adjacent to Alma Avenue has been identified as reserved for future acquisition to facilitate road widening.

The above listed provisions are proposed to be amended as described in **Section 5** of this document.

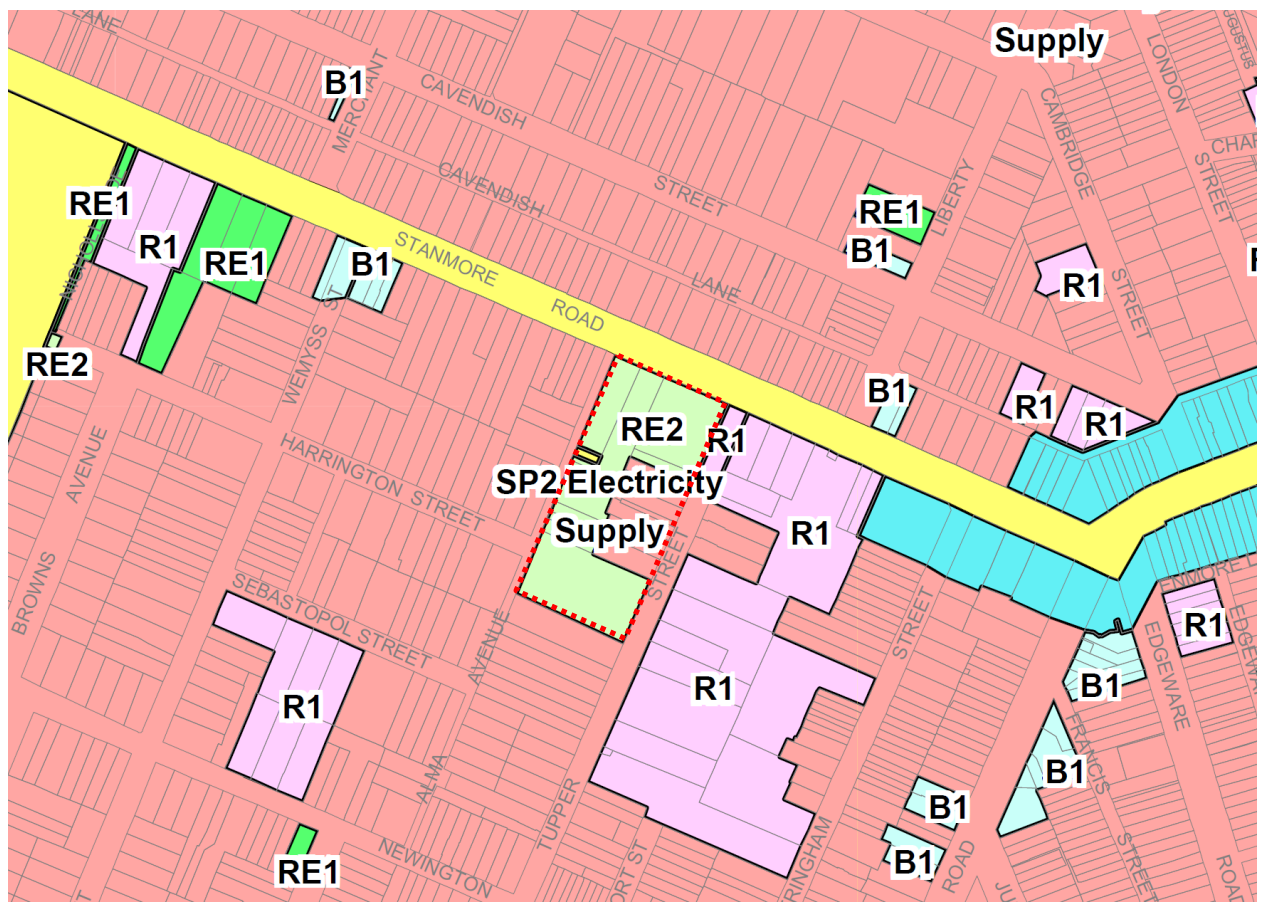


Figure 15: Extract from current Marrickville LEP 2011 - maps for zoning (site outlined dashed red)



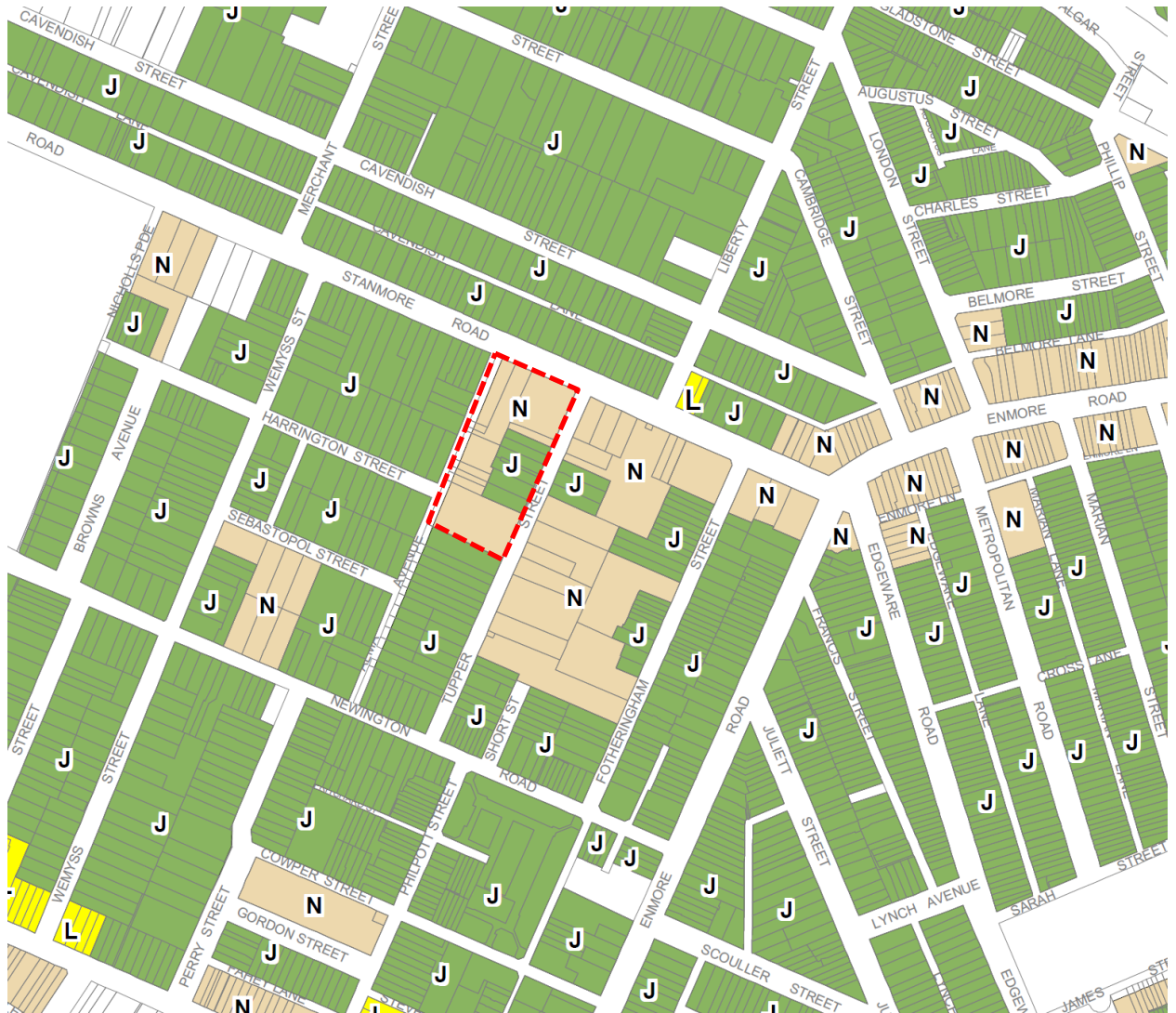


Figure 16: Extract from current Marrickville LEP 2011 maps for building height controls (site outlined dashed red) N = 14m, J = 9.5m

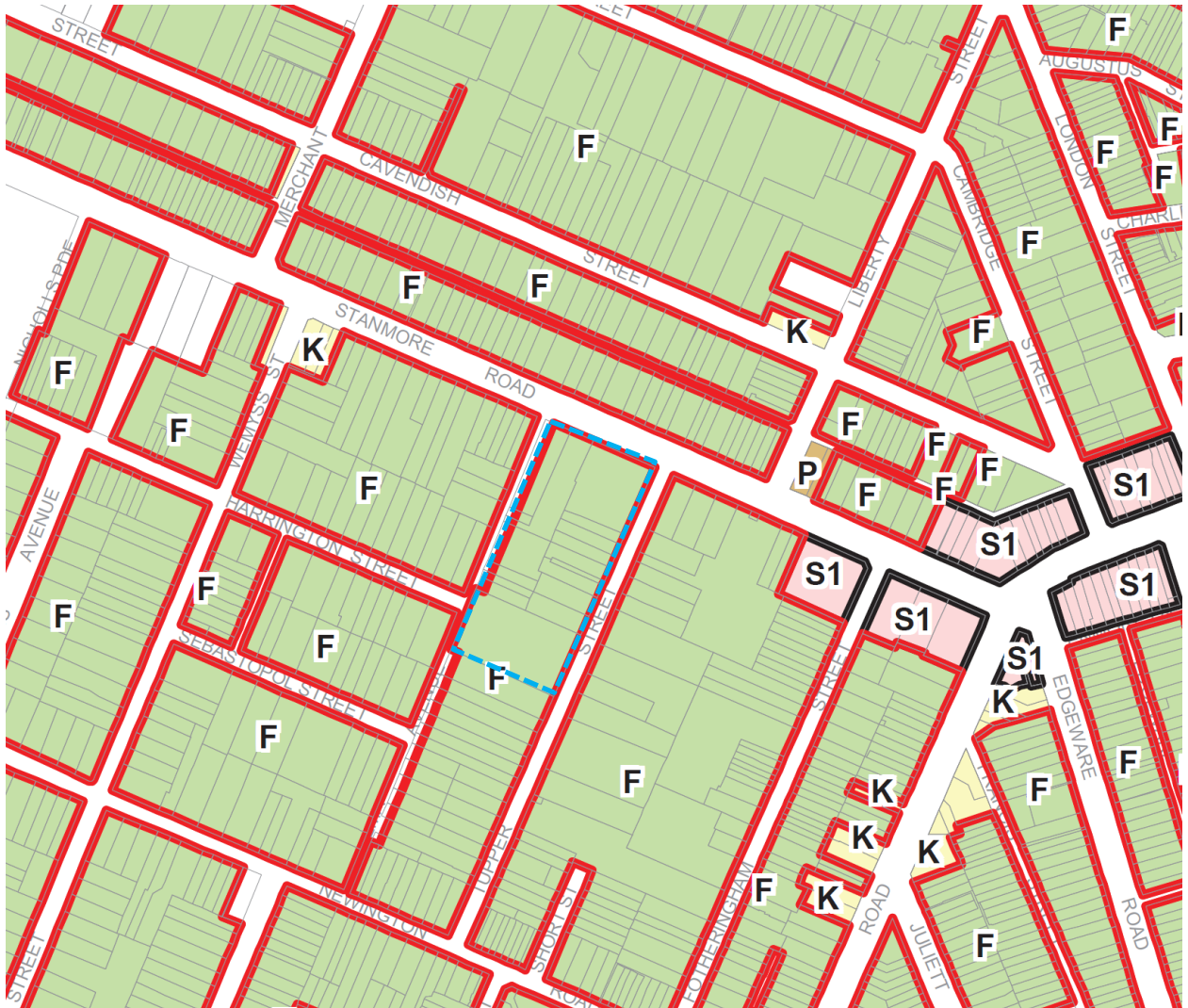


Figure 17: Extracts from current Marrickville LEP 2011 maps for FSR controls (site outlined dashed blue)

## 4.2 MARRICKVILLE DEVELOPMENT CONTROL PLAN 2011 (MDCP 2011)

A site-specific Development Control Plan (DCP) will be prepared post-Gateway for public exhibition with the draft Planning Proposal documents. Details of intended controls are included in the revised Urban Design Concept which provide sufficient information on setbacks and building envelope controls for Gateway determination.



# 5. Draft Planning Proposal

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## 5.1 PROPOSED MARRICKVILLE LEP (MLEP) 2011 AMENDMENTS

The proposed amendments to MLEP 2011 are described as follows:

- Amend the MLEP 2011 zoning map to apply Zone B4 to the northern portion of the site, Zone R1 to the central portion of the site and Zone R3 to the southern portion of the site as diagrammatically indicated in **Figure 18**, and as shown in the actual Proposed LEP Map in Attachment 1.1
- Amend the MLEP 2011 height of buildings controls to apply maximum building heights as diagrammatically indicated in **Figures 19 and 19(a)**; and as shown in the actual Proposed LEP Map in Attachment 1.2
- Amend the MLEP 2011 floor space ratio controls to apply as diagrammatically indicated in **Figure 20**; and as shown in the actual Proposed LEP Map in Attachment 1.3.
- Amend the Land Reserved for Acquisition Map to match the details shown in Figure 22 where the land identified for future acquisition is shown red hatched;
- Amend the Key Sites Map to apply a new clause to that part of the site to be within Zone B4 as shown in **Figure 18** and label the site 'L'; and as shown in the actual Proposed LEP Map in Attachment 1.4
- Add an Additional Permitted Uses clause to Schedule 1 to MLEP 2011 to state:

*“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 “L” 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.”*





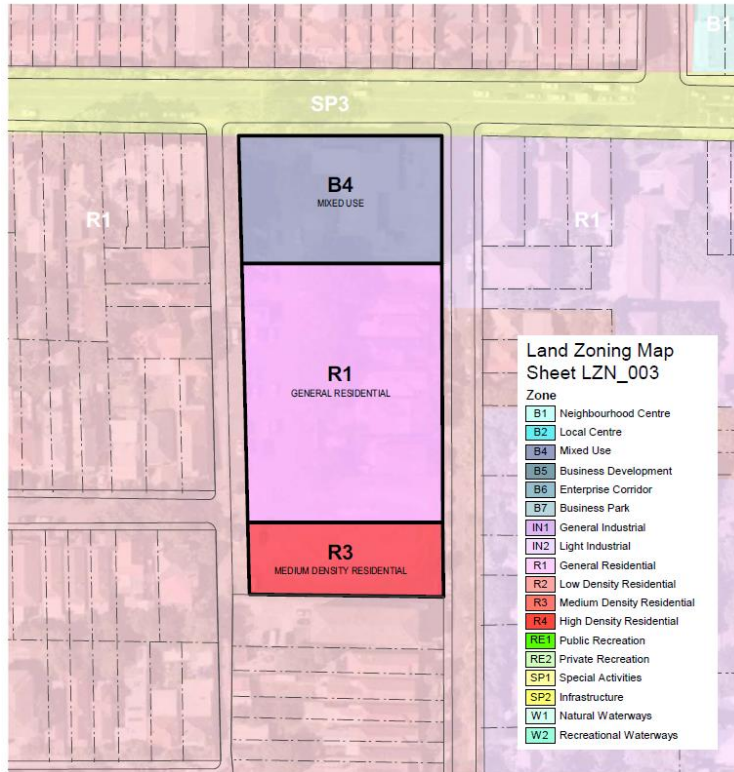
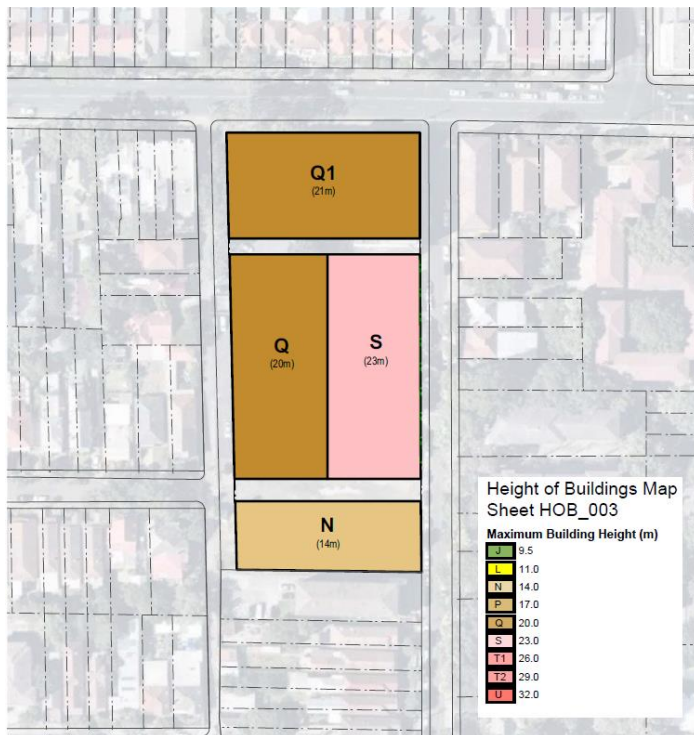


Figure 18: Diagram- Proposed amendment to land zoning map to MLEP 2011 Refer to actual Proposed LEP Map in Attachment 1.1

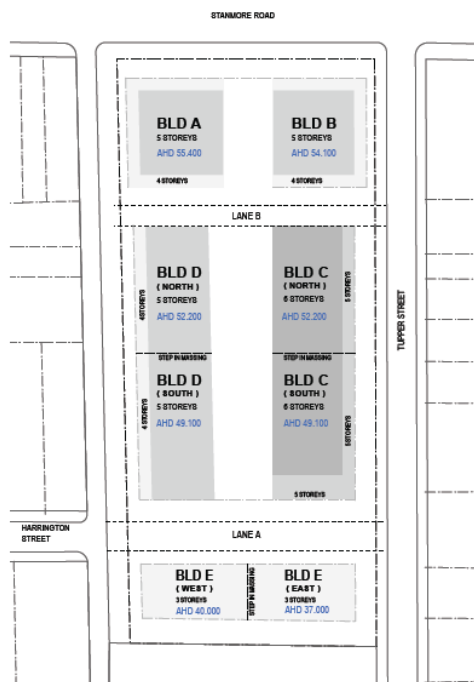
Continued next page



Council to change above from Code N to Code L (this is in design concept),

Change Code S- 23m height - to Code R- 22m to reflect council report, i.e. 28m – two storeys= 22 m.

**Figure 19:** Diagram- Proposed amendment to Height of Buildings Map to MLEP 2011 Refer to actual Proposed LEP Map in Attachment 1.2 which set maximum height in metres



**Figure 20:** Explanatory Diagram- Height of Buildings Map by Reduced Level (RL) AHD

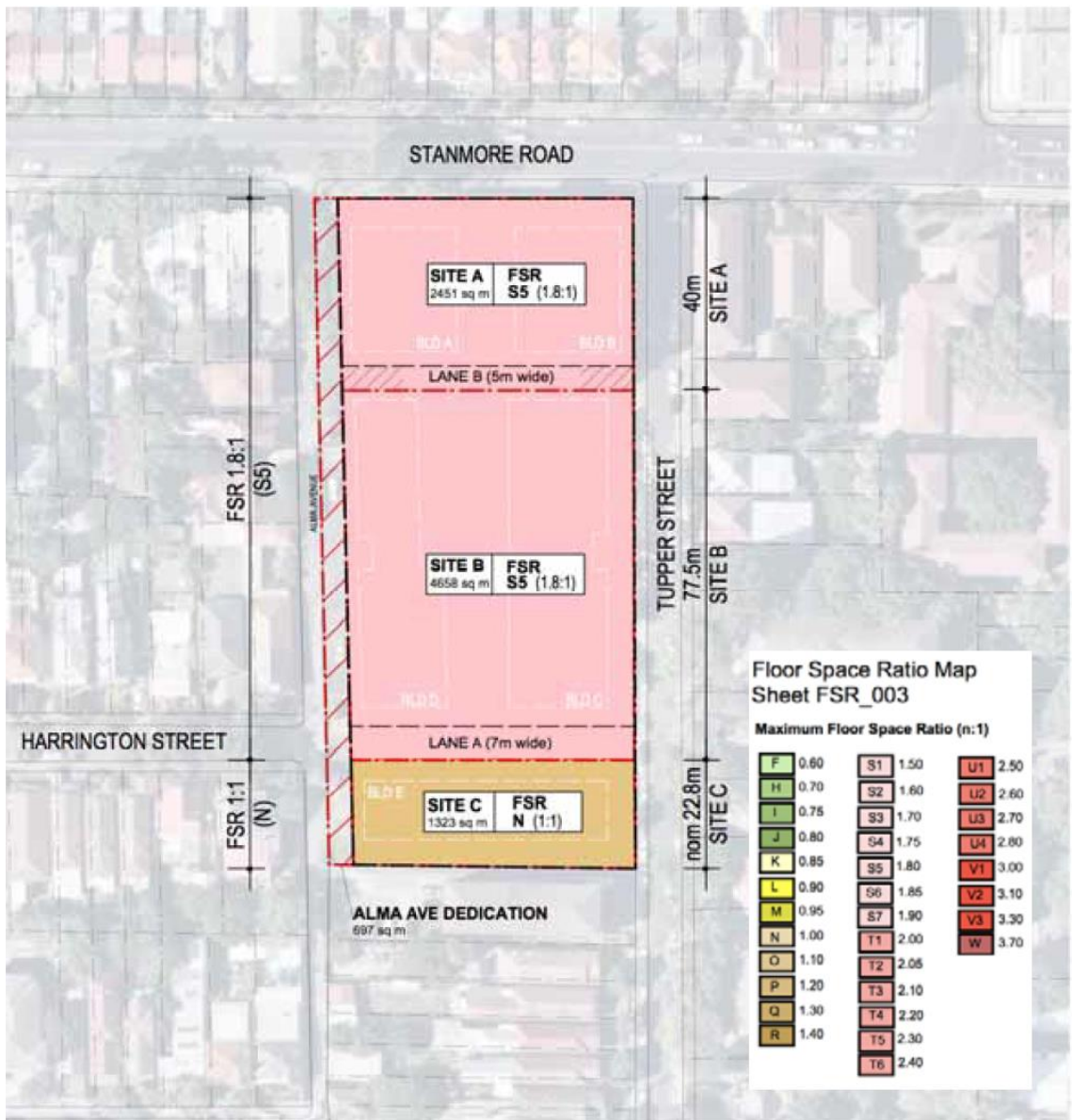
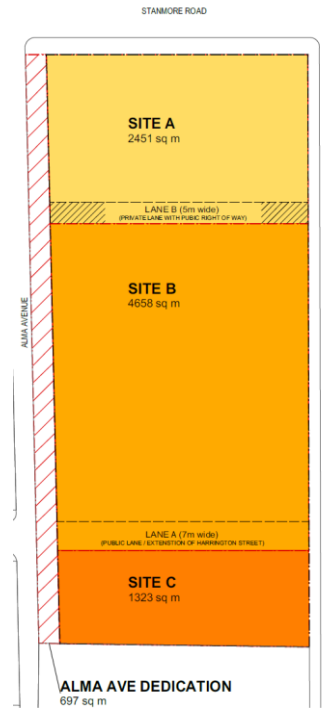


Figure 21: Proposed amendment to the FSR Map to MLEP 2011 Refer to actual Proposed LEP Map in Attachment .



**Figure 22: Proposed amendment to LEP Map to show land reserved for acquisition along Alma Avenue frontage.** Refer to actual Proposed LEP Map in Attachment . Its purpose is to extend the road widening so that it affects the entire west side of the site along Alma Street.

# EVALUATION AGAINST CRITERIA IN “PLANNING PROPOSALS – A GUIDE TO PREPARING PLANNING PROPOSAL” (PP GUIDE)

## 5.2 OBJECTIVES OR INTENDED OUTCOMES – PART 1 OF PP GUIDE

### 5.2.1 Objectives

The objectives for this application for a Planning Proposal are:

- (i) Assist with meeting strategic development outcomes for high quality infill development in an established urban area of Stanmore;
- (ii) Deliver a redevelopment scheme that facilitates and supports a vibrant range of integrated land uses and quality landscaped spaces;
- (iii) Contribute to new dwelling and employment targets set by State, Regional and Local Strategies;
- (iv) Redevelopment of the Cyprus Club premises to enhance the social and recreational opportunities available to members and visitors and to improve the amenity of the neighbourhood in accommodating the new club premises and ancillary features;
- (v) Provide new commercial floor space to contribute towards the daily convenience needs of the neighbourhood residents and contribute to the economic vitality of the locality with premises in easy and safe walking distance to a catchment of local residents;
- (vi) Creating new housing opportunities in an area with high amenity and good access to a variety of transport, social infrastructure and recreational spaces;
- (vii) Establish planning controls with the potential to deliver a new built form which integrates with the setting and context of the established character and built form in the surrounding area; and
- (viii) Allow for the orderly and economic development of the land.
- (ix) Allow for the continued land use of a “registered club” on the site

### 5.2.2 Intended Outcomes

The Planning Proposal will amend MLEP 2011 to facilitate redevelopment of the site in a manner presented in detail in the revised Urban Design Report and as examined in Council's assessment report Agenda Item 8 to the Council Ordinary Meeting of 25 July 2017.

The redevelopment scheme is based on a detailed urban design analysis of the site and its setting combined with input from specialist studies for traffic and movement and tree retention and landscaping opportunities, detailed modelling of visual impacts and solar access and the feedback provided throughout the assessment process. The redevelopment scheme will deliver contemporary club premises with a variety of spaces and facilities for social functions and economic activity, mixed uses fronting Stanmore Road to provide commercial premises to service the local needs of the neighbourhood and a new publicly accessible plaza to enhance the streetscape and provide quality local scale open space. The redevelopment will also include a variety of new housing including apartments and medium density housing incorporating affordable housing and accessible housing. The redevelopment scheme also provides for improvements to local road and pedestrian routes.

## 5.3 EXPLANATION OF PROVISIONS – PART 2 OF PP GUIDE

The proposed outcome will be achieved by:

- Amending the MLEP 2011 zoning map to apply Zone B4 to the northern portion of the site, Zone R1 to the central portion of the site and Zone R3 to the southern portion of the site as diagrammatically shown in **Figure 18**; and as shown in the actual Proposed LEP Map in Attachment 1.1
- Amend the MLEP 2011 height of buildings controls to apply maximum building heights as diagrammatically indicated in **Figures 19 and 20** and as shown in the actual Proposed LEP Map in Attachment 1.2 It is proposed to set maximum height in metres and RLs to provide certainty for Council, the community and a future applicant in relation to building height. Provisions relating to height in storeys will be contained in a Draft DCP to be exhibited concurrently with the Planning Proposal;
- Amending the MLEP 2011 floor space ratio controls to apply as shown in Figure 21; and as shown in the actual Proposed LEP Map in Attachment 1.3
- Amending the Land Reserved for Acquisition Map to match the details shown in **Figure 22** where the land identified for future acquisition is shown red hatched;
- Amending the Key Sites Map to apply a new clause to that part of the site to be within Zone B4 as shown in Figure 18 and label the site 'L'; and as shown in the actual Proposed LEP Map in Attachment X
- Adding an Additional Permitted Uses clause to Schedule 1 to MLEP 2011 to state:

*“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 “L” 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.”*

## 5.4 JUSTIFICATION – PART 3 OF PP GUIDE

This section details the reasons for the proposed LEP amendments and is based on a series of questions as outlined in the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals'. The matters to be addressed include the strategic planning context of the amendments, potential State and Commonwealth agency interests, environmental, social and economic impacts.

### **Questions for consideration in demonstrating justification**

#### **5.4.1 Section A - The Need for the Planning Proposal**

##### **Q1: Is the Planning Proposal the result of any strategic study or report?**

The request for a Planning Proposal is not the result of a specific strategic planning study.

However, it is generally consistent with several strategies that apply to the area, to Marrickville LGA and to the greater Metropolitan area for the efficient and optimum redevelopment of established urban areas.

The Urban Design Scheme has been provided which forms part of this application is a result of detailed strategic planning investigations of the site and surrounds and has been revised based on feedback from Council's Architectural Design Panel and the report to the Ordinary Council meeting of 25 July 2017.

##### **Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?**



Yes as they will ensure continuation of the existing registered club use and also permit mixed development which includes a residential component, and permit standalone residential flat development for part of the site.

Under the current planning controls, the redevelopment options for the portions of the site in Zone RE2 Private recreation and Zone R2 are very limited and do not support mixed use development which is considered to be the optimum redevelopment mix for the site. The site has been demonstrated to have a variety of attributes conducive to mixed use development and higher density residential accommodation as well as the delivery of public benefits including new road and pedestrian links and affordable housing which can only be delivered through changes to the current planning provisions.

#### 5.4.2 Section B - Relationship to the Strategic Planning Framework

##### **Q3: Is the Planning Proposal consistent with the objectives and actions of the applicable regional or subregional strategy?**

The following provides the matters for consideration listed in The Guide and provides responses specific to the proposal which demonstrate that the proposal has clear strategic planning merit.

##### A Metropolis of 3 Cities: The Greater Sydney Region Plan (March 2018)

On 23 March 2018, the Greater Sydney Commission released A Metropolis of 3 Cities: The Greater Sydney Region Plan. Its Part 1 contains a revised ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;
4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

Parts 3- 6 of the Sydney Region Plan elaborate on the above and state particular objectives. An assessment against the relevant objectives, in its Part 4 (Liveability) and part 6 (Sustainability) is provided in the table below.

**Table 1 Greater Sydney Region Plan Directions**

#### **Part 4 Liveability (Direction – A city for people)**

##### **Objective 7 Communities are healthy, resilient and socially connected**

This objective is about creating a lively connected neighbourhood that is in close proximity to shops, creative arts centres, schools, health care centres and community facilities. It promotes the benefits of mixed use centres and the opportunities for public and alternative forms of transport.

The subject site is located on Stanmore Road and within 550m of Stanmore Railway Station, the Enmore Theatre and the strip shopping centre on Enmore Road. The locality is well serviced by public transport and alternative means of transport such as riding and walking are actively encouraged.

The Concept Scheme shows potential under the proposed land uses for a new club premises with new commercial floor space and upper level apartments along Stanmore Road. The potential for provision of wide centralised courtyards and improvements to the public domain will enhance connectivity for the surrounding residents and encourage more travel by walking and cycling.

##### **Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods**

This objective is about fostering cultural diversity and facilitating their growth.



#### Table 1 Greater Sydney Region Plan Directions

The proposed land uses will provide for a continued use of the Cyprus Club. The Regional Plan details that 4.4% of the Greater Sydney Area speak Greek (Cypriot) at home and the concept scheme will help foster this diversity.

The concept scheme will provide new and improved facilities for the Cyprus Club. The Regional Plan details that 4.4% of the Greater Sydney Area speak Greek (Cypriot) at home and the concept scheme will help foster this diversity. The co-location of residential and commercial uses also provides potential for a type of live/work lifestyle.

The Concept scheme will retain the use of the Cyprus Club and result in improved connectivity, a better streetscape outcome and preservation of the local character buildings.

#### Part 4 Liveability (Direction – A city for people)

##### Objective 10 - Greater housing supply

The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036. The Eastern City will require 46,550 homes up to 2021 and 157,500 homes up to 2036.

The proposed land uses and development standards, and as illustrated in the Concept Scheme will provide a supply of employment and new dwellings in close proximity to an established centre within a highly accessible location in terms of public transport, services and community facilities. The Concept scheme will retain the use of the Cyprus Club and result in improved connectivity, a better streetscape outcome and preservation of the local character buildings.

##### Objective 11 - Housing is more diverse and affordable

The Plan encourages the provision of a supply of diverse housing supply and encourages the provision of Affordable Housing.

In providing a supply of apartments, the Concept Scheme has potential to add the diversity accommodation in the Stanmore area.

It is noted that Inner West Council has been included under SEPP 70 – Affordable Housing (Revised Schemes) and any future development application may be subject to a contribution or dedication for affordable housing to be determined by Council.

#### Part 5 – Productivity (Direction – Jobs and skills for the city)

##### Objective 24 – Economic sectors are targeted for success (Direction- Jobs and Skills for the city)

The Plan seeks to promote employment and economic development, and continuation of the club use of the site provides a significant local contribution.

#### Part 6- Sustainability (Direction – A city for people)

##### Objective 12 - Great places that bring people together

The Regional Plan promotes the following principles for the design of great places:

- People friendly public open space areas and streets
- Fine grain fabric and activity
- A diverse mix of uses
- A socially connected region
- Ensure adequate car parking which takes into account access to public transport
- Encourage the use of car sharing and hybrid vehicles

The Concept Scheme will enhance the public domain and provide through site connections as well as a mix of employment, community and residential uses that directly accords with the plans ambition. The Concept Scheme will attract people to the site and promote connectivity and a sense of place. The mix of uses on site will encourage interaction and provide for greater employment and services in close proximity to residential accommodation.

The site is in a highly accessible location and the provision of car parking will be cognisant of the proximity to public transport and surrounding services. Alternative forms of transport, car sharing and electric vehicles will be encouraged.

#### Part 6- Sustainability (Direction -A city in its landscape)

##### Objective 30 - Urban tree canopy cover is increased

The Regional Plan seeks to expand the urban tree canopy in the public realm.

The Concept Scheme will provide a significant improvement to the urban canopy and public realm with a significant number of trees to be planted in and around the site. The choice of landscaping will enhance the communal areas and provide a leafy







**Table 1 Greater Sydney Region Plan Directions**

outlook for workers and residents on the site.

**Part 6- Sustainability (Direction -A city in its landscape)**

**Objective 34 - Energy and water flows are captured, used and re-used**

The Regional Plan supports precinct based initiatives to increase renewable energy generation and efficiencies.

It is proposed to explore a number of sustainability measures through the development of the site including water harvesting, urban agriculture, and the use of natural ventilation where possible.

Development permissible under the proposed land use will be required at Development Application stages and Construction Certificate stages to comply with the relevant environmental standards in SEPP-BASIX for residential development, and energy provisions of the National Construction Code.

Eastern City District Plan

On 23 March 2018, the Greater Sydney Commission released the Eastern City District Plan. The Eastern City District Plan is a guide to implementing the Greater Sydney Region Plan at a District level. It provides a 20-year plan to manage growth and achieve the 40 year vision.

The District Plan outlines actions for how the Eastern City District will work towards meeting the priorities and objectives of the Regional Plan. The Proposal supports a number of the actions outlined in the plan as outlined in the following table:

**Table 2 Eastern City District Plan**

**Part 3 Liveability (Direction 3 – A city for people)**

**Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities**

10. Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:

- a. providing walkable places at a human scale with active street life
- b. prioritising opportunities for people to walk, cycle and use public transport
- c. co-locating schools, health, aged care, sporting and cultural facilities
- d. promoting local access to healthy fresh food and supporting local fresh food production.

The proposed land uses and development standards, and as illustrated in the Concept Scheme will deliver a safe and inclusive environment that provides activity on the public domain and within the site. The Concept Scheme intends to create high quality living and recreational spaces for new residents, visitors, club patrons and neighbours and cater for a wide variety of people and day to day activities.

The subject site is within walking distance of Stanmore Railway Station, numerous bus stops and Enmore strip shopping centre and promote public and alternative forms of transport.

**Part 3 Liveability (Direction – Housing the city)**

**Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport**

16. Prepare local or district housing strategies that address the following:

- a. the delivery of five-year housing supply targets for each local government area
- b. the delivery of 6-10 year (when agreed) housing supply targets for each local government area
- c. capacity to contribute to the longer term 20-year strategic housing target for the District
- d. the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include:
  - i. creating capacity for more housing in the right locations
  - ii. supporting planning and delivery of growth areas and planned precincts as relevant to each local

Inner West Council is required to provide an additional 5,900 dwellings between 2016-2021. The provision of up to 150 apartments, 1050sqm of club area and 489sqm of commercial space as part of a mixed use development will cater for the additional population and provide additional employment opportunities in the short and long term.

The site is currently underdeveloped and the Concept Scheme illustrates an opportunity to provide a variety of housing and employment in a highly accessible area.





**Table 2 Eastern City District Plan**

- government area
- iii. supporting investigation of opportunities for alignment with investment in regional and district infrastructure
- iv. supporting the role of centres.

**Part 3 Liveability (Direction – A city of great places)**

**Planning Priority E6 Creating and renewing great places and local centres, and respecting the District’s heritage**

18. Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:

- a. prioritising a people-friendly public realm and open spaces as a central organising design principle
- b. recognising and balancing the dual function of streets as places for people and movement
- c. providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres
- d. integrating social infrastructure to support social connections and provide a community hub
- e. recognising and celebrating the character of a place and its people.

The proposed land uses and development standards, and as illustrated in the Concept Scheme, have the potential to will provide a centralised public plaza fronting Stanmore Road which extends south to create an open and active space for residents, workers and visitors. The public plaza will enhance the streetscape and improve the amenity and aesthetics of Stanmore Road by providing a high quality public space for local residents.

The Concept Scheme will enhance the public domain with the new publicly accessible laneways and pedestrian routes through the site significantly improving permeability and safety for vehicles and pedestrians. The Concept Scheme will also permit the reconstruction and widening of Alma Avenue, including the intersection with Alma Avenue and Stanmore Road, to improve vehicular circulation and safety.

The subject site is within walking distance of Stanmore Railway Station, numerous bus stops and Enmore strip shopping centre. The provision of the Cyprus Club and additional commercial premises will promote activity and social interaction for workers, occupants and surrounding residents.

21. Use place-based planning to support the role of centres as a focus for connected neighbourhoods.

The illustrative Concept Scheme shows the potential for a mix of residential and commercial uses along with the provision of a new Cyprus Club. The facilities will support the neighbouring centres in Marrickville and Newtown.

**Part 4 – Productivity (Direction – Jobs and skills for the city)**

**Planning Priority E13 - Supporting growth of targeted industry sectors (Direction- Jobs and skills for the city).**

24. Economic sectors targeted for success

Continuation of the club use provides significant economic activity as part of the district’s cultural experience, including for the Greek Cypriot community.

**Part 5 Sustainability (Direction – A city in its landscape)**

**Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections**

65. Expand urban tree canopy in the public realm.

Future development which would be enabled by the proposal, as illustrated in the Concept Scheme will enhance the public domain by providing significant trees around the periphery of the site to expand the urban tree canopy and make connections with the existing tree network. The Arborists Report submitted with the application demonstrates that those trees of highest aesthetic significance in the Stanmore Road setback can be retained and protected and included in future landscaping works

67. Maximise the use of existing open space and protect, enhance and expand public open space by:

- a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow.
- b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space

Future development enabled by the proposal as illustrated in the Concept Scheme has potential for a public plaza fronting Stanmore Road to provide a north facing open area to promote activity and interaction. This public plaza will supplement the existing public open space or Ryan Park and Montague Gardens which are within 350m of the site.





**Table 2 Eastern City District Plan**

and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space.  
 c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved.  
 d. planning new neighbourhoods with a sufficient quantity and quality of new open space.  
 e. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses.  
 f. delivering or complementing the Greater Sydney Green Grid  
 g. providing walking and cycling links for transport as well as leisure and recreational trips.

**Part 5 Sustainability (Direction – An efficient city)**

**Planning Priority E19 - Reducing carbon emissions and managing energy, water and waste efficiently**

70. Protect existing and identify new locations for waste recycling and management.

It is proposed to explore a number of sustainability measures, including on site places to cater for waste management and recycling, which can be demonstrated on a Design Concept.

71. Support innovative solutions to reduce the volume of waste and reduce waste transport requirements.

Previous Draft Central District Plan

The Draft Central District Plan was in effect at the time of the lodgement of the Planning Proposal application and has been replaced by the Eastern City District Plan. The Directions and Actions of the Eastern City District Plan are discussed above.

**Q4: Is the Planning Proposal consistent with a Council’s local strategic or other local strategic plan?**

Marrickville Urban Strategy (2007)

The Marrickville Urban Strategy (2007) contains strategic directions for the following urban redevelopment opportunities relevant to the proposal as follows:

- Increase residential densities in and around established centres – the site is within walking distance of Enmore and Stanmore commercial centres;
- Commercial zoned land to be located in established centres- the proposal will not detract from the viability of commercial land use zones in Enmore and Stanmore; and
- Increase density on infill sites.

The proposal is consistent with the abovementioned directions.

Marrickville Community Strategic Plan 2023

The Marrickville Community Strategic Plan 2023 includes the following key result areas relevant to the application for a Planning Proposal:

- Key Result Area 1 – A diverse community that is socially just, educated, safe and healthy; and
- Key Result Area 3 – A vibrant economy and well-planned, sustainable urban environment and infrastructure.

This application has the potential to contribute to the implementation and delivery of outcomes consistent with the abovementioned key result areas through:

- Redevelopment which creates safe, healthy living and recreational places for residents and visitors;





- Well-planned and well located redevelopment which allows future residents and visitors to use several options for transport and movement and new housing which is compliant with the thermal comfort and water efficiency requirements of BASIX;
- New and enhanced business opportunities through redevelopment of modern registered club facilities and small scale local business premises; and
- Improvements to the local road and pedestrian network.

Inner West Council Affordable Housing Policy (AHP).

The Planning Proposal application was lodged in 2016. Council's AHP came into effect in March 2017.

The applicant intends to negotiate a Voluntary Planning Agreement with Council which will also consider provision of Affordable Housing.

**Q5: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?**

There are no State Environmental Planning Policies (SEPPs) or draft Policies or Deemed SEPPs that would prohibit or restrict this Planning Proposal. A list of relevant SEPPs is included in Table 1.

Table 3 indicates the SEPPs that apply to the land.

TABLE 3: RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES			
SEPP	Relevance	Consistency	Comments
SEPP 19 Bushland in Urban Areas			There is no conflict with this SEPP.
SEPP 21 Caravan Parks			There is no conflict with this SEPP.
SEPP 30 Intensive Agriculture			There is no conflict with this SEPP.
SEPP 33 Harzardous and Offensive Development			There is no conflict with this SEPP.
SEPP 50 Canal Estate Development			There is no conflict with this SEPP.
SEPP No 55- Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land.	Yes	<p>This application for a Planning Proposal will change the land use zoning and the range of land uses permissible on the site.</p> <p>Geotechnical investigations undertaken and approved with Development Consent DA2008/00531 confirmed the site is suitable for residential use without remediation and future DAs will include further investigations in accordance with SEPP 55.</p> <p>This application for a Planning Proposal will not result in any activities which would be likely to expose humans or</p>



**TABLE 3: RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES**

SEPP	Relevance	Consistency	Comments
			<p>the environment to risks of contamination.</p> <p>This application does not change the manner in which this SEPP applies to the site.</p> <p>A Phase 1 Contamination investigation pursuant to the Managing Land Contamination- Planning Guidelines will be provided by the applicant prior to Community Consultation should Gateway Determination be proceed be granted.</p>
SEPP 62 Sustainable Acquaculture			There is no conflict with this SEPP.
SEPP 64 Advertising and Signage			There is no conflict with this SEPP.
SEPP 65 (Design Quality of Residential Apartment Development)	This SEPP aims to improve the design quality of developments containing apartments. The SEPP is linked to the Apartment Design Guide (ADG) which includes specific objectives and recommendations for detailed design requirements.	Yes	<p>This application seeks increased height and FSR controls to increase the scale of future built form on the site. The provisions of SEPP 65 will continue to apply to the site.</p> <p>The Urban Design Scheme submitted with the application demonstrates the potential delivery of a variety of housing types and building envelopes which allow solar access and solar penetration and multiple facades to achieve compliance with the ADG.</p> <p>The Urban Design scheme demonstrates that the proposed development standards for maximum Floor Space Ratio and Building height are compatible in that they will achieve basic building separation and open space guidelines found in the ancillary Apartment Design Guide.</p>
SEPP 70 Affordable Housing (Revised Scheme)	This SEPP has identified Inner West Council as a Local Government Area requiring increased affordable housing. The SEPP requires the consent authority to have regard to the affordable housing principles set out in Schedule 2 before imposing such a condition for affordable housing.	Yes	The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.
SEPP(Housing for Seniors or People with a Disability) 2004			There is no conflict with this SEPP.



**TABLE 3: RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES**

SEPP	Relevance	Consistency	Comments
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP requires residential development to achieve minimum performance standards for thermal comfort and water efficiency with the intention of reducing demand for energy and potable water.	Yes	This application does not change the manner in which this SEPP will apply to any future development application for new dwellings.
SEPP (Major Development) 2005			There is no conflict with this SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007			There is no conflict with this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007			There is no conflict with this SEPP.
SEPP (Affordable Rental Housing) 2009	This SEPP facilitates the provision of affordable rental housing and retention of existing affordable housing as well as encourages the siting of affordable housing in accessible locations through bonus incentives.	Yes	The site is not in an accessible location as defined by the SEPP.  This application does not change the manner in which this SEPP applies to the site.
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	This application for a Planning Proposal does not change the manner in which this SEPP applies to the site.
SEPP (Infrastructure) 2007	This Policy aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure.	Yes	The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site. Amplification of infrastructure to meet changing needs will be undertaken during the staged redevelopment with separate development applications. Noise and vibration attenuation measures will be investigated with any future development application to ensure new dwellings are compatible with the ongoing operation of Stanmore Road as a classified road.



**TABLE 3: RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES**

SEPP	Relevance	Consistency	Comments
SEPP (Vegetation in Non-Rural Areas) 2017	This SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Yes	The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.  An Arborist Report has been submitted with the Planning Proposal detailing the significance of the trees to be removed and the protection measures of the trees to be retained.
SEPP (Educational Establishments and Child Care Facilities) 2017			There is no conflict with this SEPP.
Deemed SEPP (Sydney Harbour Catchment)			There is no conflict with this SEPP.

**Q6: Is the Planning Proposal consistent with the applicable Ministerial Directions?**

The consistency of the Planning Proposal with the relevant Ministerial Directions is demonstrated in Table 2.

**TABLE 4: S.9.1 MINISTERIAL DIRECTIONS (PREVIOUS S.117)**

Ministerial Direction	Relevance	Consistency	Implications
<b>1. Employment and Resources</b>			
<b>3. Housing, Infrastructure and Urban Development</b>			
<b>3.1 Residential Zones</b>	<p>(1) The objectives of this direction are to:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs;</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p>The Direction applies to all planning authorities and applies when a relevant planning authority prepares a planning proposal that will affect land</p>	Yes	<p>Direction 3.1 applies to this application for a Planning Proposal as it seeks to apply residential zones to the site.</p> <p>This application for a Planning Proposal will facilitate the construction of additional dwellings in conjunction with limited club premises and small scale commercial uses.</p> <p>As detailed in the Urban Design Study a variety of building forms can be accommodated within a building envelope designed to be compatible with the topography and dimensions of the site and the established built form on adjoining surrounding properties.</p>





	<p>within an existing residential zone or a zone which permits significant residential development.</p> <p>A planning proposal must encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden choice of building types and locations;</li> <li>(b) make more efficient use of existing infrastructure and services;</li> <li>(c) reduce land consumption on the urban fringe;</li> <li>(d) be of good design.</li> </ul> <p>A Planning Proposal must:</p> <ul style="list-style-type: none"> <li>(a) contain a provision that residential development is not permitted until land is adequately serviced; and</li> <li>(b) not contain provisions that reduce density.</li> </ul>		<p>The variety of new dwellings are capable of being of high quality design in order to be consistent with the requirements of SEPP 65 where applicable.</p> <p>The additional residential densities will be serviced by the existing and planned stormwater drainage and new road construction that will be undertaken during the staged redevelopment of the site.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 3.1.</p>
<p><b>3.4 Integrating Land Use and Transport</b></p>	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</li> <li>(b) increasing the choice of available transport and reducing dependence on cars, and</li> <li>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>(d) supporting the efficient and viable operation of public transport services, and</li> <li>(e) providing for the efficient movement of freight.</li> </ul> <p>This direction applies to all relevant planning authorities and to all Planning Proposals that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	<p>Yes</p>	<p>This Direction applies to this application for a Planning Proposal as it seeks to increase housing densities within urban zoned land.</p> <p>This application for a Planning Proposal seeks to increase the density of residential development and provide a mix of non-residential uses of a limited scale to serve the day to day convenience needs of the locality and to provide contemporary club premises to replace the existing outdated facility. As illustrated in the Urban Design Concept there is potential for a new public plaza which will encourage pedestrian activity and social interaction as well as enhance the streetscape and public space network.</p> <p>The site is close to bus services and Stanmore railway station.</p> <p>New laneways and improvements to the public road network will increase safe and efficient movement of vehicles, pedestrians and cyclists.</p> <p>For these reasons the application is consistent with Direction 3.4.</p>





3.5

**Development near licensed aerodromes**

The objectives of this Direction are as follows:

Yes

*“(a) to ensure the effective and safe operation of aerodromes, and*

*(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and*

*(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.”*

The Direction applies to the application for a Planning Proposal for the Cyprus Club site in Stanmore because the application proposes to change the zoning of land in the vicinity of Sydney Kingsford Smith Airport which is a licensed aerodrome.

Direction 3.5 requires a relevant planning authority to:

*“(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,*

*(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,*

*(c) for land affected by the OLS:*

*(i) prepare appropriate development standards, such as height, and*

*(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome*

*(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as*

The site is affected by operation of Sydney Airport and flight paths.

The proximity of the site is such the south west corner of the site is affected by noise generated by the airport operations to the degree that this part of the site is within the Australian Noise Exposure Forecast (ANEF) contours of between 25 and 30. As objective (c) requires mitigation measures only for residential development on sites within ANEF 20 to 25 no additional measures are required to be implemented for the potential redevelopment of the site and no specialist studies are required to recommend mitigating measures for future construction standards.

The entire site is also affected by the *Obstacle Limitation Surface (OLS)* which is set at RL 51 m. Parts of the Proposal, at its northern part where buildings are to be located off Stanmore Road,, will have an uppermost building height of approximate RL 55.4

The applicant advises that: A Controlled Activity application has been made to Sydney Airport and has been referred to the Civil Aviation Safety Authority (CASA).

An aeronautical engineering assessment has been requested by Sydney Airports and CASA to support the application. The request is contained in Annexure 6. In response the applicant advises he is willing to commission an aeronautical engineering assessment subject to Gateway support for the application.

In response to Direction 3.5 Should the application receive support at Gateway, Council (as the relevant planning authority) is anticipated to undertake the actions listed in Direction 3.5 (a) to (d) above. The applicant advises that he



*permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.”*

Direction 3.5 requires that a planning proposal must not rezone land 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.

The application for a Planning Proposal does seek to rezone land for residential purposes and increase residential densities on that part of the site where the ANEF is estimated at between 25 and 30 and is therefore inconsistent with the Direction.

Direction 3.5 states that a planning proposal may be inconsistent with the terms of the Direction only if

*“the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*

*(a) justified by a strategy which:*

*(i) gives consideration to the objectives of this direction, and*

*(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*

*(iii) is approved by the Director-General of the Department of Planning, or*

*(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*

*(c) in accordance with the relevant Regional Strategy or Sub-Regional*

commits to support Council in this process and furnish any additional information as may be necessary.

It is considered that the application for a Planning Proposal represents an inconsistency of minor significance as permitted by (d) above. The immediate context and adjoining context of the site are detailed in PP202 and PP208 to the Urban Design Report. Both context diagrams show there are residential developments of higher density than the proposal which are also within the 25-30 ANEF. Approximately 2 or 3 new dwellings would potentially be accommodated within the portion of the site within the 25-30 ANEF as a result of this proposed LEP amendment. The south west corner is within Site C and the Urban Design Report notes that Site C is to be the area of lowest density in comparison to the remainder of the site.

Furthermore there are far higher residential densities permitted within the ANEF contours of 25 and above in closer proximity to the airport. The change proposed by this application is miniscule in comparison to the number and density of dwellings existing and permissible in closer proximity to the airport.

The application is also consistent with (c) above in that the Eastern City District Plan includes a Planning Priority to ‘meet housing demand with innovative solutions’ and in particular deliver a wider range of medium density housing choices. The proposal seeks to create new opportunities for a variety of medium density housing forms and multi-dwelling housing in particular within the section of the site affected by the ANEF 25-30 contour.

The proposal does not change the provisions of Marrickville LEP 2011, Clause 6.5 ‘Development in areas





*Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*

*(d) of minor significance.”*

subject to aircraft noise’ and any future development application will need to satisfactorily demonstrate that noise attenuation measures are achieved.

## 6. Local Plan Making

### 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Yes

This direction applies to all relevant planning authorities and to all Planning Proposals.

A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- allow that land use to be carried out in the zone the land is situated on, or
- rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

A Planning Proposal must not contain or refer to drawings that show details of the development proposal.

This application for a Planning Proposal seeks amendments to MLEP 2011 which are specific to the site and specific to building envelopes and other site works as described in the UDS. It also seeks an Additional Permitted Use clause which enables the construction of a new club premises with apartments above. This is specific to the site as the definition of ‘shop top housing’ does not allow for apartments above a club premises. The amendments therefore seek specific building forms and specific mix of uses but does not seek to facilitate a specific type of development proposal as would be proposed by a development application.

The amendment is consistent with Direction 6.3 because it:

- requires a change to the permissible land uses through the implementation of APU clause but this amendment accommodates for the continuation of a land use already established on the site;
- does not introduce a new land use zone that is not already contained in MLEP 2011; and
- does not introduce new development standards that are not already contained in the MLEP 2011.

For these reasons the application for a Planning Proposal is considered to be consistent with the requirements of Direction 6.3.

## 7. Metropolitan Planning

7.1 This Direction applies to all Planning Proposals in Yes

A Plan for Growing Sydney has been





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<b>Implementation of A Plan for Growing Sydney</b>	<p>nominated Local Government Areas and seeks to give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in <i>A Plan for Growing Sydney</i>.</p> <p>A Planning Proposal must be consistent with the Plan unless the inconsistency is of minor significance and the planning proposal achieves the overall intent of the Plan.</p>	<p>superseded by <u><i>A Metropolis of 3 Cities: The Greater Sydney Region Plan (March 2018)</i></u>.</p> <p>In relation to this Direction, this application is consistent with the broader strategic planning for Greater Sydney and the districts as detailed in Section 5.4.2.</p>
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#### 5.4.3 Section C - Environmental, Social and Economic Impacts

***Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The site is part of an urban environment and does not contain habitat for threatened species, populations or ecological communities.

***Q8: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?***

*Solar Access*

The building envelopes have been planned to achieve solar access throughout the site and to adjoining and surrounding properties as demonstrated in the Urban Design Scheme submitted with the application.

*Visual Impact:*

The Urban Design Scheme includes photomontages showing the potential schematic visual impacts of future built forms.

The Applicant advises they demonstrate that the built form will be compatible with surrounding existing built forms.

*Demands for infrastructure, utilities and services:*

The increase in building height and FSR will translate to additional dwellings and additional commercial floor space. The demand for infrastructure, utilities and services to support the day to day demands of future land uses are likely to be within the functional capacity of infrastructure, utilities and services augmented in response to specific development proposals.

***Q9: Has the Planning Proposal adequately addressed any social and economic effects?***

The site is part of the urban renewal and revitalization of the locality and the club premises in particular. Positive social impacts include the provision of new club premises including restaurants, meeting rooms, function rooms and informal meeting spaces as well as high quality new publicly accessible open space and landscaped areas fronting Stanmore Road. Positive economic impacts include the provision of new club facilities and new commercial premises which will provide long term stable direct employment of staff and flow-on employment for support services.

#### 5.4.4 Section D - State and Commonwealth Interests

***Q10: Is there adequate public infrastructure for the Planning Proposal?***





The site is within an established urban area well serviced by infrastructure, utilities, public transport and a variety of social support services and recreational facilities. The additional development potential facilitated by the proposed LEP amendments will not exceed the capacity or availability of such public infrastructure.

The site is located between Stanmore Road, Alma Street and Tupper Street.

The Cyprus Club currently on the site has its rear carparking area accessed off Stanmore Road and off Alma Street, which currently is a narrow 3.5 metre one way street, with no footpath. Alma Street contains houses.

Tupper Street is a narrow two way street, approx. 12 metres wide (including footpaths). Due to its narrow width there are difficulties in accommodating both two way movements, and parking on both sides of the street.

A Traffic study is appended which deals with traffic generation matters arising from potential future development utilizing the proposed land zoning and development standards, including carparking requirements and traffic generation.

Appropriate Development Contributions will be levied at the time of development consent for any future building work. The applicant has also provided to Council a letter of offer for a Voluntary Planning Agreement the details of which will be subject to further negotiation following a positive Gateway determination.

***Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

A future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation.

The Roads and Maritime Service is the only agency anticipated to have an interest in the consultation process during the public exhibition phase. The Gateway determination may identify additional agencies to be consulted.

**5.4.5 Part 4 - Mapping**

Proposed amendments to the Marrickville LEP 2011 Maps for the site have been explained in Part X of this document and the proposed LEP Maps to be amended are contained in the following attachments:

- Amendment to Land Zoning Map (to apply Zone B4 to the northern portion of the site, Zone R1 to the central portion of the site and Zone R3 to the southern portion of the site) - Attachment 1
- Amendment to Maximum Height of Buildings Map -- Attachment 2
- Amendment to Maximum Floor Space Ratio Map - Attachment 3
- Amendment to Land Reserved for Acquisition Map – Attachment 4
- Amendment to Key Sites Map- to label the site 'L' - Attachment 5

**5.4.6 Community Consultation**

It is anticipated that a draft Planning Proposal would be publicly exhibited for a period of 28 days. The exhibition material will include documents as specified in the Gateway determination and will include a copy of the Planning Proposal, an explanation of provisions, draft LEP maps and an indication of the timeframes for completion of the process as estimated by Council.







It is anticipated that the Community Consultation methods will be as stipulated in the Planning Proposal Guidelines. This includes forwarding copies of relevant documents to appropriate State and Commonwealth agencies, notice of public exhibition in a local newspaper and on Inner West Council's website, providing copies of exhibition material in electronic and hard copy form at relevant local government premises and letters of notification to nearby and potentially affected land owners.

#### 5.4.7 Project Timeline

A Project Timeline is provided below.

Phase	Timing
Gateway determination date	To be determined by Department of Planning & Environment.
Completion of required ancillary technical information	Ancillary Technical Information - End week 8. Draft site specific Development Control Plan- End week 8
State agency consultation (during exhibition)	Concurrent with public exhibition (28 days)
Commencement and completion dates for public exhibition period	End week 20
Consideration of submissions	End week 24
Report to Council	End week 28
Referral to Parliamentary Counsel of written instrument and response	End week 36
Referral to Department for Mapping	End week 36
Instruction to Department to gazette LEP amendments-upload onto website	End week 40
LEP amendment gazetted.	End week 42





## 6. Conclusion

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This application for a planning proposal demonstrates that the proposed amendments to MLEP 2011 to allow changes to land use zones, permitted land uses, building height and FSR. The changes will facilitate:

- New club premises supported by new commercial premises and higher density residential development;
- High quality publicly accessible plaza area incorporating streetscape planting and retention of established mature trees;
- Integrate development with public transport and improvements to the local road and footpath network and creating higher densities and employment opportunities on a site in close proximity to established centres and facilities;
- Address housing affordability by providing a mix of housing choices and incorporating affordable and accessible housing;
- Create liveable communities by providing high quality amenities and open space to meet the needs of existing and future residents;
- Deliver the highest standards of urban planning and excellence in architectural design.

The application is entirely consistent with the local, regional and state strategic planning directions.

The Urban Design Scheme prepared by Kennedy Associates Architects and RJK Architects demonstrate a high quality redevelopment scheme integrated with new roads, new pedestrian movement routes, landscaped areas, solar access and a variety of building forms.

The Urban Design Scheme comprehensively demonstrates that the proposed building form to be achieved from this application will:

- Fit with the anticipated future urban form;
- Deliver additional apartments and new rooftop open space of high quality and potentially compliant with the requirements of SEPP 65 and the ADG;
- Provide increased housing opportunities to optimise the efficient use of infrastructure, services and facilities; and
- Maintain a mix of land uses expected to facilitate the orderly and economic development of the site with no detrimental impacts to the amenity and accessibility of public open spaces and at a density which will be within the capacity of augmented infrastructure.





REFER TO SEPARATE DOCUMENTS FOR THE FOLLOWING:

## ATTACHMENTS – MAPS TO BE AMENDED

- 1 Land Zoning Map
- 2 Maximum Height of Buildings Map
- 3 Maximum Floor Space Ratio Map
- 4 Land Reservation Acquisition Map
- 5 Key Sites Map

## ANNEXURES- ANCILLARY STUDIES AND INFORMATION

- 1 Urban Design Study and Design Concept Scheme
- 2 Site Traffic and Parking Impact Assessment
- 3 Arborists Report
- 4 Voluntary Planning Agreement- preliminary letter of offer
- 5 Response letter from Sydney Airport Corporation
- 6 Survey

