



## Gateway Determination

**Planning proposal (Department Ref: PP\_2021\_2911):** to rezone 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue and amend the development standards to enable residential flat buildings and mixed-use development comprising up to 160 dwellings and 1550m<sup>2</sup> of commercial and club floor space.

I, the Executive Director, Eastern Harbour City, Greater Sydney, Place and Infrastructure at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Marrickville Local Environmental Plan (LEP) 2011 to enable a mixed use development of up to 160 dwellings and 1550m<sup>2</sup> of commercial and club floor space should proceed subject to the following conditions:

1. The planning proposal is to be amended to reduce the height and floor space ratio to address the following matters:
  - (a) The concept scheme is to be amended to address:
    - (i) the delivery of improved and usable ground level communal open space which achieves the requirements of the Apartment Design Guide (ADG) and minimises exposure to aircraft noise by being located away from rooftops.
    - (ii) an improved residential amenity outcome by achieving compliance with the ADG solar access requirements for all individual buildings on the site and demonstrate that the adjoining properties will achieve compliance with the ADG requirements in terms of solar access.
    - (iii) include a landscape plan which demonstrates how the provision of deep soil planting will not be impeded by above ground structures or subterranean development and which is capable of accommodating the trees which will be retained and new replacement planting. The landscape concept plan must demonstrate how new trees will be accommodated and the community benefits stated in Council's Additional Information Response (dated 8 March 2021) of tree lined streets, lanes and vistas are achieved.
  - (b) Information to demonstrate how publicly accessible open space in the plaza, through-site lanes A and B, and any other publicly accessible open space proposed, will be protected and delivered as 'publicly accessible'.
  - (c) Provide a clear rationale for the reduced height and FSR standards that are being proposed, having regard to the existing scale of surrounding buildings and the desired future character, which includes heritage items and a heritage conservation area. This is to include:
    - (i) a rationale demonstrating how the amended height and density provisions, and built form of the concept plan are sympathetic to,

- and consistent with, the surrounding area's density, scale and context;
- (ii) be informed by a heritage study prepared by a suitably qualified expert; and
  - (iii) include photomontages and view analysis of all buildings providing a clear visual representation of the intended bulk and scale and relationship to the surrounding area.
- (d) The statement addressing consistency with the Eastern City District Plan is to be updated to reflect the amended planning proposal. This statement must also address Planning Priority E18 - Delivering high quality open space, which is not addressed in the current proposal.
- (e) The statement addressing consistency with Priorities 6 and 7 in the Inner West LSPS is to be updated to reflect the amended planning proposal. This statement must address all other relevant Planning Priorities in the LSPS, including:
- Priority 1 – Adapt to climate change,
  - Priority 3 – A diverse and increasing urban forest that connects habitats of flora and fauna,
  - Priority 8 – Provide improved and accessible sustainable transport infrastructure,
  - Priority 9 – A thriving local economy, and
  - Priority 11 – Provide accessible facilities and spaces that support active, healthy communities.
- (f) Update the planning proposal to address the adopted *Inner West Housing Strategy* (2020), the *Inner West Recreational Needs Study – A Healthier Inner West* (2018) and draft *Inner West Recreation Strategy and Action Plan* (if finalised prior to submission to the Department for pre-exhibition endorsement).
- (g) Information to clearly demonstrate consistency with, or that any inconsistency is justified and/or of minor significance, with the following section 9.1 Directions:
- (i) Ministerial Direction 1.1 Business and Industrial Zones – acknowledge and address consistency with this Direction.
  - (ii) Ministerial Direction 2.3 Heritage Conservation – Undertake a heritage impact report which considers the heritage significance and impacts on the nearby heritage items and Kingston Heritage Conservation Area. Update the planning proposal to acknowledge and address this Direction;
  - (iii) Ministerial Direction 2.6 Remediation of Contaminated Land – Undertake a preliminary site investigation for all land to which the proposal applies.
  - (iv) Ministerial Direction 3.1 – Amend the planning proposal to address good design and amenity, in accordance with Condition 1 (a) in the Gateway Determination;
  - (v) Ministerial Direction 3.4 Integrating Land Use and Transport – update the traffic impact assessment prior to exhibition to address

- the anticipated car parking space demand and provision resulting from the proposed development in accordance with the DCP controls and the proposed dwellings and mixed uses.
  - any recommended measures to reduce private vehicle trip generation and demand, and maximise public transport patronage.
  - The impact on the road network, including any required infrastructure or intersection upgrades
- (vi) Ministerial Direction 3.5 Development Near Regulated Airports and Defence Airfields – Amend the planning proposal to:
- prepare an updated Noise Planning Strategy which clearly demonstrates the site-specific recommendations and measures to achieve the relevant Aircraft Noise Reduction value for the site and internal design levels of *AS 2021:2015*;
  - incorporate any requirements of consultation with, and Controlled Activity Approval from the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development (dated 23/12/2020). This includes the requirement that the maximum height of buildings must not exceed 55.4m AHD inclusive of all lift over-runs, vents and chimneys, aerials, antennas, lightning rods, exhaust flues, roof top garden plantings, construction cranes, and the like;
  - incorporate Council's additional information response for Ministerial Direction 3.5 (dated 25/09/2020 and February 2021) and the Aeronautical Assessment (by Aviation Projects, dated 25/11/2020);
- (vii) Ministerial Direction 6.3 Site Specific Provisions – Provide further justification to address Ministerial Direction 6.3 and how the proposal will achieve Objectives 2, 4 and 9 of the planning proposal and LSPS Priority 9. This includes discussion on how mixed uses (being a club premises and commercial premises) will be realised by the additional permitted use clause which proposes to permit a residential flat building on the B4 zone portion of the site, but only as part of a mixed use development.
- (h) Provide a provision for a site specific development control plan to apply to the site to incorporate the matters addressed in Council reports on 25/7/2017 and 11/09/2018
- (i) Update the planning proposal, proposed maps and all supporting documentation to be consistent with and to reflect the changes to the proposal as a result of the Gateway Conditions.
- (j) Provide clarification on the mechanism to enable the proposed widening of Alma Avenue.
- (k) Include an updated project timeline.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - NSW Heritage
  - Environment, Energy and Science Group of the Department
  - Transport for NSW
  - Sydney Water
  - Water NSW
  - Ausgrid
  - Greater Sydney Commission
  - NSW Department of Education
  - In relation to Ministerial Direction 3.5:
    - Sydney Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.
    - the Civil Aviation Authority (CASA) as to whether the Aeronautical Assessment (by Aviation Projects, dated 25 November 2020) and Aircraft Noise Planning Strategy (by EMM Consulting, dated 17 April 2020) address the requirements for CASA.
    - Airservices Australia with regards to the proposal's location in the 'Area of Interest' for Sydney Airport's Primary and Secondary Surveillance Radars, as recommended by the Aeronautical Assessment (by Aviation Projects, dated 25/11/2020);
    - Commonwealth Department of Infrastructure, Transport, Cities and Regional Development

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council

from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated                      7<sup>th</sup> June 2021.



**Malcolm McDonald**  
**Executive Director, Eastern Harbour City**  
**Greater Sydney, Place and Infrastructure**

**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**