



INNER WEST COUNCIL

OUR REF: 15/4738

7 March 2017

Karen Armstrong
Director Sydney Region East
Sydney Region East
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Karen,

PLANNING PROPOSAL:

TO DELETE SHOP TOP HOUSING AS PERMITTED WITH CONSENT FROM THE LAND USE TABLE FOR THE B7 BUSINESS PARK ZONE

Please find attached a planning proposal to amend Marrickville Local Environmental Plan 2011 to delete "shop top housing" as *Permitted with consent* from the Land Use Table for the B7 Business Park zone.

Submission of this planning proposal for Gateway determination is in accordance with Council's resolution on this matter from its 28 February 2017 meeting.

Should your office have any queries please contact Peter Wotton, Strategic Planning Projects Coordinator, Marrickville on 9335 2260.

Yours sincerely

Jamie Erken
Acting Manager, Strategic Planning, Marrickville

Encl

Trim doc: 23236.17

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PLANNING PROPOSAL TO AMEND MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 (MLEP 2011)

To delete *shop top housing* as *Permitted with consent*
from the Land Use Table for the B7 Business Park zone

MARCH 2017

Introduction

This planning proposal seeks Gateway approval to amend Marrickville Local Environmental Plan 2011 (MLEP 2011) to delete "shop top housing" as *Permitted with consent* from the Land Use Table for the B7 Business Park zone.

Background

At its meeting on 28 February 2017 the Inner West Council considered a report which recommended that Council resolve to prepare a draft Planning Proposal to delete "shop top housing" as a permissible use within the B7 Business Park zone.

As detailed in the report, the purpose of the planning proposal is to address the consequences of a recent Land and Environment Court decision concerning the application of Council's planning controls to shop top housing development within the B7 Business Park zone.

In dealing with the matter the Council resolved:

"THAT:

1. the report be received and noted;
2. Council resolves to prepare a Planning Proposal to amend MLEP 2011 to delete "shop top housing" as a permissible use within the B7 Business Park zone and nominate itself as the Relevant Planning Authority;
3. Council submits the draft Planning Proposal to the Department of Planning and Environment for Gateway determination; and
4. Council resolves to publicly exhibit the draft Planning Proposal."

The following is an extract from that report providing background and discussion concerning the proposed amendment:

"Marrickville Local Environmental Plan 2011 (MLEP 2011) was gazetted on 12 December 2011 and includes the B7 Business Park zone.

The B7 Business Park zone is for employment uses but has been adapted in MLEP 2011 to include innovative provisions supporting creative and population serving industries and to assist in revitalising some industrial areas by allowing small scale opportunities for people to live and work in one place.

One of the objectives of the zone is:

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"To provide for limited residential development in conjunction with active ground floor uses."

The controls relating to the provision of limited residential development in the zone are contained in "Clause 6.13 - Dwellings and residential flat buildings in Zone B7 Business Park" of MLEP 2011. These are supplemented by provisions in Marrickville Development Control Plan 2011 (MDCP 2011) discussed below, particularly parts 6.5 and 6.6 thereof.

The following types of "residential accommodation" are permitted in the B7 Business Park zone under MLEP 2011:

- *Dwelling houses* (under Clause 6.11, but only purpose built dwelling houses existing on the land that were erected before the commencement of MLEP 2011);
- *Residential flat buildings/dwellings* (under Clause 6.13, but only as "part of a mixed use development that includes business premises or office premises or light industry on the ground floor"); and
- *Shop top housing*.

DISCUSSION

Marrickville Local Environmental Plan 2011 and Leichhardt Local Environmental Plan 2013 both contain land zoned B7 Business Park whereas no land is zoned B7 Business Park under Ashfield Local Environmental Plan 2013.

The provisions in MLEP 2011 relating to the B7 Business Park zone are unique and have been designed to achieve specific outcomes.

The main outcome sought in MLEP 2011 is to allow some types of small scale residential development in the B7 Business Park zone in order to promote live/work creative industries and to revitalise those areas.

This objective is achieved via Clause 6.13 of MLEP 2011, as follows:

"6.13 Dwellings and residential flat buildings in Zone B7 Business Park"

- (1) *The objective of this clause is to provide for limited residential development for small scale live-work enterprises, to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones.*
- (2) *This clause applies to land in Zone B7 Business Park.*
- (3) *Development consent must not be granted to development for the purpose of a dwelling or a residential flat building on land to which this clause applies unless the consent authority is satisfied that the development is part of a mixed use development that includes business premises or office premises or light industry on the ground floor."*

The extent of residential development permitted is further controlled via MDCP 2011 provisions that specify a maximum of 40% of GFA for residential development in the B7 Business Park zone.

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Note: Draft Marrickville Local Environmental Plan 2011 (Amendment - *Planning proposal (Department Ref: PP 2017 IWEST 004 00): to protect employment land and support the viability of commercial activities in the B7 Business Park zone and on other business zoned land*) proposes to relocate these MDCP provisions into Clause 6.13 of MLEP 2011 due to the Environmental Planning Assessment Act 1979 Amendments that limit the role of DCPs to derogate from the provisions of LEPs.

Since draft Marrickville Local Environmental Plan 2011 (Amendment No. 4) was considered by the former Marrickville Council, a recent Land and Environment Court matter ([2016] NSWLEC 1618) has identified an additional issue concerning the operation of Clause 6.13 of MLEP 2011.

The additional issue relates to shop top housing. Specifically, shop top housing is permitted with consent in land use tables for the B7 zone. The Court construed the operation of Clause 6.13 of MLEP 2011 together with the MDCP and concluded that the relevant provisions in the MDCP do not apply to shop top housing developments. As a consequence, the limitation on the quantum of residential floor space specified in the B7 Business Park zone (included as part of Amendment 4) only applies to residential flat buildings and dwellings. Shop top housing remains unconstrained in terms of the quantum of commercial floor space.

The listing of the term shop top housing as a use permitted with consent in the land use table for the B7 Business Park zone under MLEP 2011 is an anomaly particularly as the main intent of the zone is to permit employment uses such as business and office premises for the purposes of certain art, technology, production and design sectors and not shops.

In order to address the Court's decision, the planning controls require amendment as a matter of urgency to prohibit shop top housing.

This outcome will be consistent with the aims and objectives of the B7 Business Park zone and so this report recommends that a Planning Proposal be prepared and endorsed that amends the Land Use Table for the B7 zone under MLEP 2011 to prohibit shop top housing in the zone.

Not proceeding with the recommended amendment would compromise the intended planning outcomes for the B7 Business Park zone by allowing more extensive residential development than is desired for the predominantly employment zone."

The proposed amendment relates to all land zoned B7 Business Park under Marrickville Local Environmental Plan 2011. The following maps show all the land that is currently zoned B7 Business Park.

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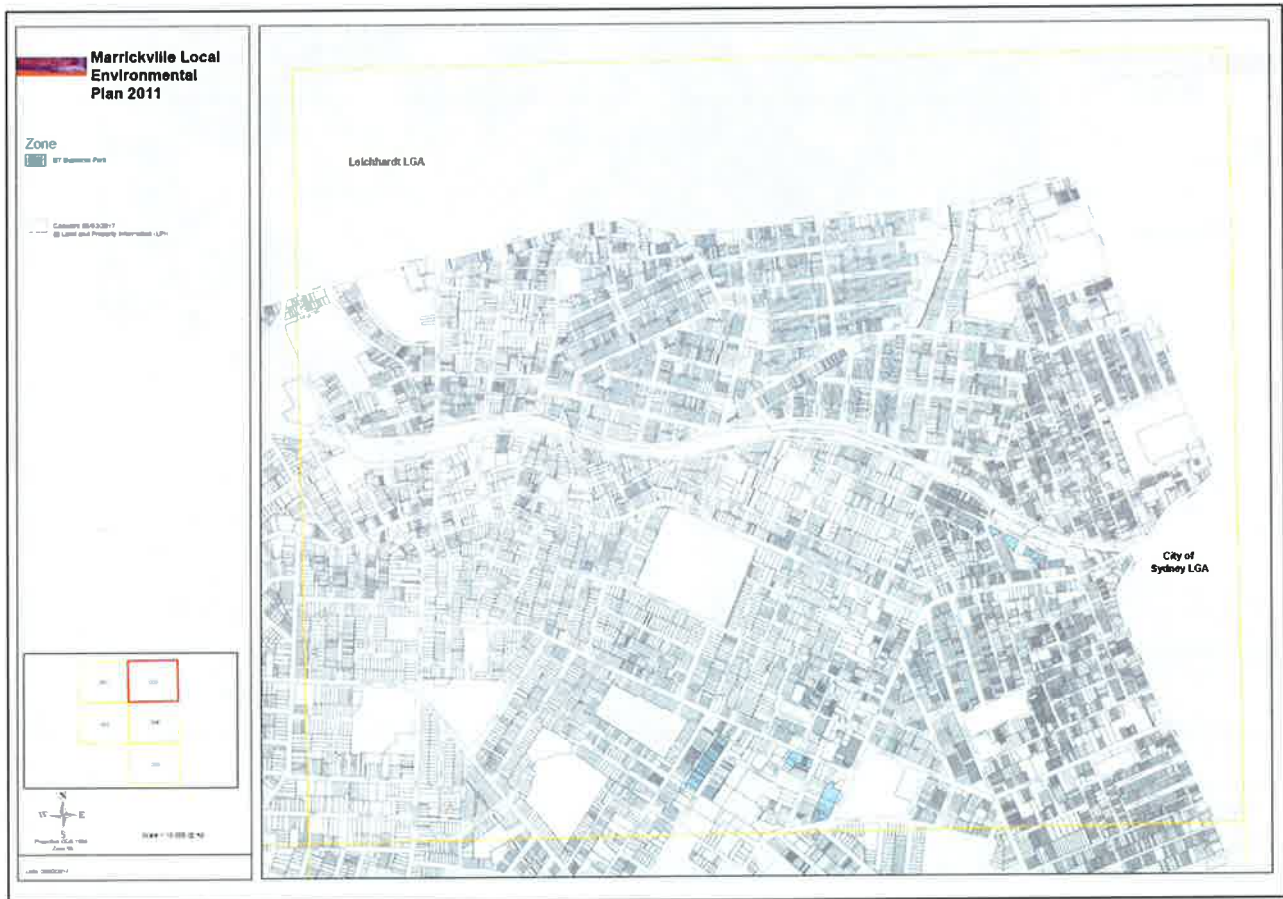
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Map 1: Land zoned B7 Business Park under MLEP 2011 on Land Zoning Map LZN_003



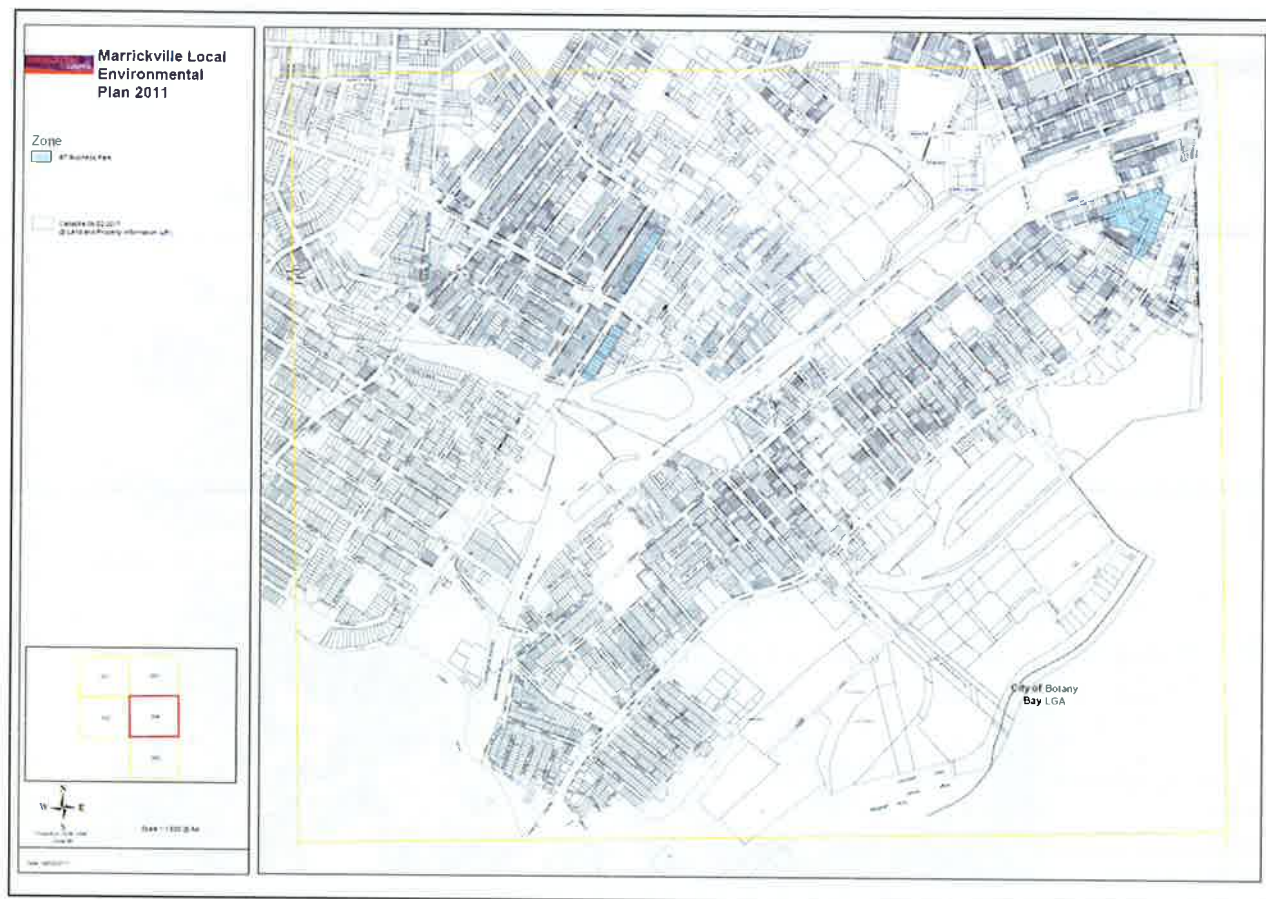
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Map 2: Land zoned B7 Business Park under MLEP 2011 on Land Zoning Map LZN_004



PART 1: OBJECTIVE OR INTENDED OUTCOME

The objectives of the Planning Proposal are:

- To protect employment land and support the viability of commercial activities in the B7 Business Park zone and on other business zoned land;
- To delete “shop top housing” as *Permitted with consent* from the Land Use Table for the B7 Business Park zone; and
- To address an anomaly in the Land Use Table for the B7 Business Park zone, in that the listing of “shop top housing” as a use *Permitted with consent* is contrary to the main intent of the zone to permit employment uses such as business and office premises for the purposes of certain art, technology, production and design sectors and not shops.

PART 2: EXPLANATION OF THE PROVISIONS

The former Marrickville Council’s planning controls include provisions to protect employment land and support the viability of commercial activities in the B7 Business Park zone and on other business zoned land.

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The B7 Business Park zone is for employment uses but has been adapted in MLEP 2011 to include innovative provisions supporting creative and population serving industries and to assist in revitalising some industrial areas by allowing small scale opportunities for people to live and work in one place.

One of the objectives of the zone is:

"To provide for limited residential development in conjunction with active ground floor uses."

The provisions in MLEP 2011 relating to the B7 Business Park zone are unique and have been designed to achieve specific outcomes.

The main outcome sought in MLEP 2011 is to allow some types of small scale residential development in the B7 Business Park zone in order to promote live/work creative industries and to revitalise those areas.

The controls relating to the provision of limited residential development in the zone are contained in "Clause 6.13 - Dwellings and residential flat buildings in Zone B7 Business Park" of MLEP 2011. Those controls are supplemented by provisions in Marrickville Development Control Plan 2011 (MDCP 2011).

As discussed previously a recent Land and Environment Court matter ([2016] NSWLEC 1618) has identified an issue concerning the operation of Clause 6.13 of MLEP 2011. That issue relates to shop top housing. Specifically, shop top housing is permitted with consent in land use tables for the B7 Business Park zone. The Court construed the operation of Clause 6.13 of MLEP 2011 together with the MDCP and concluded that the relevant provisions in the MDCP do not apply to shop top housing developments. As a consequence, the limitation on the quantum of residential floor space specified in the B7 Business Park zone (included as part of Amendment 4) only applies to residential flat buildings and dwellings. Shop top housing remains unconstrained in terms of the quantum of commercial floor space.

The listing of the term *shop top housing* as a use permitted with consent in the land use table for the B7 Business Park zone under MLEP 2011 is an anomaly particularly as the main intent of the zone is to permit employment uses such as business and office premises for the purposes of certain art, technology, production and design sectors and not shops.

This planning proposal seeks to address that anomaly by deleting "*shop top housing*" as a use *Permitted with consent* in the Land Use Table for the B7 Business Park zone.

PART 3: JUSTIFICATION

Section A – Need for the planning proposal

1. Is the planning proposal the result of any strategic study or report?

Strategic studies were commissioned by Marrickville Council to inform the making of Marrickville Local Environmental Plan 2011. MLEP 2011 was developed to be consistent with overriding strategic studies as well as those strategic studies commissioned by Council.

The planning proposal is consistent with those studies, and with the objectives of the Plan.

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The planning proposal is result of a report considered by Council on a recent Land and Environment Court matter ([2016] NSWLEC 1618) which identified an issue concerning *shop top housing* in the B7 Business Park zone and the operation of Clause 6.13 of MLEP 2011.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered the best way of achieving the desired objective of protecting employment land and support the viability of commercial activities in the B7 Business Park zone.

Not proceeding with the recommended amendment would compromise the intended planning outcomes for the B7 Business Park zone by allowing more extensive residential development than is desired for the predominantly employment zone.

3. Is there a net community benefit?

The net community benefit from the planning proposal is to protect employment land in the B7 Business Park zone.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the objectives and actions contained within the applicable regional or sub-regional strategy including the Sydney Metropolitan Strategy.

The planning proposal is consistent with the State Government's current Metropolitan Plan *A Plan for Growing Sydney*. The following direction and action outlined in the table below are of particular relevance:

A Plan for Growing Sydney	
Objective	Comment
GOAL 1: A competitive economy with world-class services and transport	
Direction 1.7: Grow strategic centres - providing more jobs closer to home	Action 1.7.1 supports planning initiatives to grow jobs and housing and create vibrant hubs of activity. One of the principles is to provide a large number of jobs to increase jobs close to where people live. Whilst the planning proposal does not relate to land within strategic centres identified in The Plan for Growing Sydney the planning proposal seeks to protect employment land and support the viability of commercial activities to revitalise those areas with small scale residential development to "increase jobs close to where people work".

The Greater Sydney Commission's Draft Central District Plan includes provision 3.5.2 *Protect and manage employment and urban services land*. The Plan states that we "need to ensure that our employment lands are effectively managed and protected across Greater Sydney and within the Central District." (page 68)

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The Planning Proposal is consistent with the subject provision in that the proposal seeks to strengthen the planning controls to protect employment land and support the viability of commercial activities in the B7 Business Park zone by deleting *shop top housing* as a use permitted with consent on such land.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The *Marrickville Community Strategic Plan (Our Place, Our Vision)* was adopted in 2010 to define the long term aspirations and strategic directions for the community. That document, the result of an extensive community engagement process, established four 'key result areas' that summarise the objectives and strategies for the Marrickville community over the next decade. The plan was reviewed and updated in 2012/2013. The Plan's 4 key result areas are as follows:

- "a diverse community that is socially just, educated, safe and healthy;
- a creative and cultural Marrickville;
- a vibrant economy and well planned, sustainable urban environment and infrastructure; and
- an innovative, effective, consultative and representative Council".

The planning proposal is consistent with the former Marrickville Council's Strategic Plan, Marrickville Community Strategic Plan (Our Place, Our Vision) which defines the long term aspirations and strategic directions for the community.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The planning proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs) as detailed below. Based on that assessment, Council has concluded that overall, the planning proposal is consistent with all relevant SEPPs as follows:

- SEPP No. 1 – Development Standards

This SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary. No matters within this planning proposal relate to amendments to development standards. Notwithstanding the above, by virtue of Clause 1.9 (2) of MLEP 2011, SEPP No. 1 does not apply to land to which MLEP 2011 applies.

- SEPP No. 19 - Bushland in Urban Areas

This SEPP aims to protect and preserve bushland within certain urban areas as part of the natural heritage or for recreational, educational and scientific purposes. It is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared. No matters within this Planning Proposal alter the degree to which urban bushland will be protected under MLEP 2011. Council has concluded that the Planning Proposal is consistent with this SEPP.

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- SEPP No. 21 - Caravan Parks

This SEPP ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years. This planning proposal does not include any provisions relating to caravan parks. Council has concluded that the Planning Proposal is consistent with the SEPP.

- SEPP No. 30 - Intensive Agriculture

This SEPP requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority. Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP No. 33 - Hazardous and Offensive Development

This SEPP amends the definitions of hazardous and offensive industries and includes provisions relating to such developments. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of the proposal. The consent authority must carefully consider the specifics the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. The definitions contained within the SEPP were incorporated into the Standard Instrument and the Dictionary to MLEP 2011 includes those definitions. The planning proposal does not relate to any of those uses and is therefore consistent with the objectives of the SEPP.

- SEPP No. 50 - Canal Estate Development

This SEPP aims to prohibit canal estate development in order to ensure that the environment is not adversely affected by the creation of new developments of that kind. The planning proposal does not propose any changes in the instrument relating to provisions for canal estate developments. Therefore, Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP No. 55 - Remediation of Land

This SEPP introduced a State wide planning approach to the remediation of contaminated land across NSW. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must be undertaken before the land is developed. Some sites within this planning proposal may be

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affected by this SEPP due to their past uses. The planning proposal does not include any provisions relating to the remediation of land. No provisions contained within the planning proposal are considered to be inconsistent with the aims and objectives of the SEPP. Therefore, Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP No. 62 - Sustainable Aquaculture

This SEPP encourages the sustainable expansion of the aquaculture industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks. Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP No. 64 - Advertising and Signage

This SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. None of the matters in this Planning Proposal raise issues in relation to this SEPP. Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP No. 65 - Design Quality of Residential Apartment Development

This SEPP aims to improve the quality of design of residential apartment development across the NSW through the application of design principles. It provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential apartment development and involvement of a qualified designer throughout the design, approval and construction stages. Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP (Housing for Seniors or People with a Disability) 2004

This SEPP encourages the development of quality accommodation for the ageing population and for people who have disabilities, in keeping with the local neighbourhood. The Planning Proposal does not include any provisions that would, directly or indirectly, affect housing for seniors or people with a disability, nor would it affect any provision within the SEPP. Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP (Building Sustainability Index: BASIX) 2004

This SEPP operates in conjunction with EP&A Amendment (Building Sustainability Index: BASIX) Regulation 2004 to implement consistent building sustainability provisions across NSW. The Planning Proposal does not include any provisions that would, directly or indirectly, affect BASIX or any provision that relates to building sustainability. Council has concluded that the Planning Proposal is consistent with this SEPP.

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- SEPP (State Significant Precincts) 2005

This SEPP aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, and to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

The Planning Proposal does not include any provisions that would, directly or indirectly, affect any provision within the SEPP. Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development. Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP (Temporary Structures) 2007

This SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. None of the matters in this Planning Proposal raise issues in relation to the SEPP, and Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP (Infrastructure) 2007

This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW. It is intended to provide greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The Planning Proposal does not raise any issues in relation to the SEPP. Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP (Exempt and Complying Development Codes) 2008

This SEPP simplifies assessment processes for development that complies with specified development standards. It identifies types of minor development that may be carried out without development consent, or carried out in accordance with a complying development certificate. Council has concluded that the Planning Proposal is consistent with this SEPP.

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- SEPP (Affordable Rental Housing) 2009

This SEPP establishes a consistent planning regime for the provision of affordable rental housing. The planning proposal is consistent with this SEPP.

- SEPP (State and Regional Development) 2011

The aims of this Policy are to identify development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications. None of the matters in the Planning Proposal raise issues in relation to this SEPP, and Council has concluded that the Planning Proposal is consistent with this SEPP.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the planning proposal against all relevant s.117 Directions is provided below. From that assessment, Council has concluded that the planning proposal is consistent with all applicable Ministerial Section 117 Directions.

1. Employment and Resources

- Direction 1.1: Business & Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres. The Direction applies when a planning proposal will affect land within an existing or proposed business or industrial zone, including the alteration of any existing business or industrial zone boundary.

The prime objective of the planning proposal is to protect employment land and support the viability of commercial activities in the B7 Business Park zone. As such the planning proposal is consistent with Direction 1.1.

3. Housing, Infrastructure and Urban Development

- Direction 3.1: Residential Zones

The objectives of this direction are:

- “(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.”*

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This direction applies when a relevant planning authority prepares a planning proposal that will affect land within either an existing or proposed residential zone (including the alteration of any existing residential zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.

Council considers the planning proposal to not be inconsistent with this Direction.

- **Direction 3.4: Integrating Land Use and Transport**

The objectives 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:*

- "(a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight."*

This direction applies to a planning proposal 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"*.

The planning proposal includes amendments that *"will create, alter or remove a zone or a provision relating to urban land."*

The proposed amendment seeks to delete "shop top housing" as *Permitted with consent* from the Land Use Table for the B7 Business Park zone.

Consequently the planning proposal is consistent with the aims and objectives of this Direction.

6. Local Plan Making

- **Direction 6.1: Approval & Referral Requirements**

The objective of this direction is *"to ensure that LEP provisions encourage the efficient and appropriate assessment of development."*

This Direction applies when a relevant planning authority prepares a planning proposal and states, inter alia, that the planning proposal must minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of the appropriate Minister or public authority, and the Director-General of the



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Department of Planning (or an officer of the Department nominated by the Director-General).

The planning proposal is consistent with this Direction.

7. Metropolitan Planning

• Direction 7.1: Implementation of A Plan for Growing Sydney

The objective of this direction is *"to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney."*

This Direction applies to the planning proposal. The Plan for Growing Sydney *"provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space"*.

The planning proposal is consistent with one of principles under the plan to *"increase jobs close to where people work"*.

Council considers the planning proposal to be consistent with the NSW Government's 'A Plan for Growing Sydney', and thereby consistent with this Direction.

Section C – Environmental, social and economic impact

8. **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?**

All significant issues in relation to critical habitat or threatened species, populations or ecological communities, or their habitats were taken into account in the making of MLEP 2011. The planning proposal does not include any proposed amendments to those controls. Consequently it is considered little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal.

9. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are unlikely to be environmental effects, either individually or cumulatively, as a result of the planning proposal.

10. **How has the planning proposal adequately addressed any social and economic effects?**

The planning proposal is an amendment to address an anomaly in the Land Use Table for the B7 Business Park zone, in that the listing of *"shop top housing"* as a use *Permitted with consent* is contrary to the main intent of the zone to permit employment uses such as business and office premises for the purposes of certain art, technology, production and design sectors and not shops. In view of the circumstances it is considered that the planning proposal would not cause any social or economic impacts.

Customer Service Centres

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Section D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

As discussed above, the planning proposal is essentially a housekeeping amendment and in view of the nature of the proposal it is considered that there is adequate public infrastructure for the planning proposal.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

As this planning proposal has not yet proceeded to Gateway determination, the views of State and Commonwealth public authorities have not been sought, nor is this required at this stage. In accordance with the Gateway determination process, the Department of Planning and Environment will inform Council which State and Commonwealth authorities are to be formally consulted during the public exhibition period.

PART 4: MAPPING

The planning proposal does not involve any map amendments.

The proposed amendment relates to all land zoned B7 Business Park under Marrickville Local Environmental Plan 2011. (Maps showing all the land that is currently zoned B7 Business Park under MLEP 2011 are included earlier in this submission).

PART 5: COMMUNITY CONSULTATION

Council considers that the planning proposal would have a low impact overall. The planning proposal would not create the need for any additional infrastructure servicing.

The planning proposal would be publicly exhibited in accordance with the requirements of any Gateway determination issued.

PART 6: PROJECT TIMELINE

Following are estimated dates (month/year) for completion of key tasks in the planning proposal process:

- anticipated commencement date (date of Gateway determination) – March 2017;
- anticipated timeframe for the completion of required technical information – April 2017;
- timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) – to be determined after Gateway determination;
- commencement and completion dates for public exhibition period – May /June 2017;
- dates for public hearing (if required) – N/A at this stage;
- timeframe for consideration of submissions – June 2017;
- timeframe for the consideration of a proposal post exhibition – July 2017;
- date of submission to the Department to finalise the LEP – August 2017; and
- anticipated date RPA will forward to the Department for notification – August 2017.

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