

Planning Services

Gateway Determination Report

Local Government Area	Inner West Council
Relevant Planning Authority	Inner West Council
NAME	Marrickville LEP 2011 - Housekeeping Amendment (0 homes, 200 jobs)
NUMBER	PP 2017 IWEST 013 00
LEP TO BE AMENDED	Marrickville Local Environmental Plan 2011
ADDRESS	The planning proposal makes changes to planning controls that apply to land the LEP applies to and changes to multiple site specific locations.
DESCRIPTION	The properties affected are identified in Appendix 1
RECEIVED	23 August 2017
FILE NO.	17/10752
QA NUMBER	qA416382
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to make housekeeping amendments to Marrickville Local Environmental Plan 2011 (Marrickville LEP 2011) to correct descriptions, errors, omissions, anomalies and inconsistencies in the written instrument and maps, ensure consistency in the application of controls, or improve the clarity of controls.

Site Description

The planning proposal applies to multiple properties across the former Marrickville Council local government area, which is now part of the Inner West local government area.

Summary of Recommendations

The planning proposal should proceed subject to minor amendments. The planning proposal includes specific draft amendments of existing clauses, new clauses and changes to the land uses tables in Marrickville LEP 2011. Whilst the intent of the changes is clear, the proposed amendments may not be the best way to achieve the desired outcome. It is recommended that the planning proposal be updated to provide an explanation of the intended effect of the changes, rather than amendments to the written instrument, and include heritage assessments for proposed heritage items. The Gateway determination identifies the specific changes affected.

PROPOSAL

Objectives or Intended Outcomes

The statement of objectives adequately describes the intention of the planning proposal.

The proposal objectives are to:

- correct descriptions, errors, omissions, anomalies and inconsistencies in the written instrument and maps;
- ensure consistency in the application of controls; and
- improve communication in the plan.

Explanation of Provisions

The planning proposal seeks 207 changes to both the Marrickville LEP 2011 written instrument and the maps adopted by the instrument. The categories of amendments can be grouped as:

Part	AMENDMENT CATEGORY	No. of Amendments
A	Proposed Written Instrument Amendments	31
B	Proposed Land Zoning Map Amendments	34
C	Proposed Floor Space Ratio Map Amendments	46
D	Proposed Height of Buildings Map Amendments	45
E	Proposed Land Reservation Acquisition Map Amendments	11
F	Proposed Heritage Map Amendments	3
G	Proposed Archaeological Sites	32
H	Proposed Key Sites Map and miscellaneous map Amendments	5
TOTAL Number of Amendments		207

Table 1: Proposed amendments

A list of the proposed amendments and the Department's response to each of them is provided in Appendix 1.

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal, with the exception of the use of Schedule 1 to allow additional permitted uses, the insertion of a design excellence clause, and the calculation of FSR to include land dedicated for local roads. An explanation of the intended effect of these changes should be exhibited rather than specific LEP provisions.

Mapping

The planning proposal contains maps which adequately show the subject land and explain the proposed changes to the respective LEP map for exhibition purposes. Maps being altered are the Land Zoning Map, Floor Space Ratio Map, Height of Buildings Map, Heritage Map and Land Reservations and Acquisitions Map. The maps are suitable for exhibition purposes. Maps which comply with the Standard Technical Requirements for Spatial Datasets and Maps will need to be prepared before the Marrickville LEP 2011 is amended.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is needed to address the extensive number of amendments to Marrickville LEP 2011 proposed by Council. The proposal follows an earlier 73A amendment to Marrickville LEP 2011 as notified 26 May 2017, which made minor corrections to the LEP. This proposal addresses the issues that could not be resolved via the 73A amendment and proposes additional changes which require a planning proposal.

STRATEGIC ASSESSMENT

State

The planning proposal is generally consistent with the directions and actions of A Plan for Growing Sydney. The proposal aims to update controls and maps to provide consistency in the Marrickville LEP 2011 and clarify the planning controls.

The planning proposal is generally consistent with the Draft Sydney Regional Plan as seeks to improve the operation of Marrickville LEP 2011, conserve heritage, design great places and provide additional employment in an accessible location.

Regional / District

The planning proposal is consistent with the objectives and actions contained with the draft Central District Plan. With the exception of the proposed changes to height and FSR controls in Bridge Road, Stanmore, the proposed amendments are not anticipated to deliver additional housing or employment opportunities. The amendments will improve the clarity and operation of the Marrickville LEP 2011 by addressing errors, omissions, anomalies and inconsistencies in the written instrument and maps.

Local

The planning proposal is consistent with Marrickville Community Strategic Plan 'Our Place Our Vision 2023'. The Council states that the planning proposal is also consistent with the other relevant community strategic plans.

Section 117(2) Ministerial Directions

The planning proposal is subject to Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy (the Strategy) as Bridge Road, Stanmore is identified on the Parramatta Road Corridor map of the Strategy (pages 14 and 15).

Council's proposed controls are inconsistent with those recommended in the Strategy. A comparison of controls is shown in Table 2.

	Zone	FSR	Height (m)
Parramatta Road Corridor Urban Transformation Strategy	B6 Enterprise Corridor	2.1:1	17
Planning proposal	B5 Business Development	2:1	14

Table 2: Control comparison

Council states that the inconsistency is justified as:

- 5-43 Bridge Road was part of Marrickville LEP 2011 Amendment No 2, but was deferred pending a now completed traffic study which has been endorsed by Roads and Maritime Services (RMS). The proposed controls are consistent with that planning proposal which was previously given a Gateway Determination;

- the B6 Enterprise Corridor zone is questioned as one of the mandated objectives under the Standard Instrument is “*To promote businesses along main roads and to encourage a mix of compatible uses.*” Bridge Road is not a main road under the *Roads Act 1993*;
- there is an inconsistency in the Strategy’s Planning and Design Guidelines which shows a B6 zone on the eastern side of Bridge Road (page 269), but state that “*Existing maximum heights are proposed to be maintained on employment land currently zoned B5 Business Development along Bridge Street (sic) given the very recent amendment of those controls*” (page 271); and
- the 14m height control is a better transition to the adjoining residential houses to the east and responds to submissions made to the previous planning proposal regarding privacy and overshadowing impacts.

While the variations to the height and floor space ratios are considered to be of minor significance, the discrepancy between the zoning Council wishes to apply and the Strategy must be resolved prior to finalisation of the planning proposal.

The planning proposal is consistent with the following 117 Directions:

- Direction 3.1: Residential Zones
- Direction 3.3: Home Occupations
- Direction 3.4: Integrating Land Use and Transport
- Direction 3.5: Development Near Licensed Aerodromes
- Direction 4.1: Acid Sulfate Soils
- Direction 4.3: Flood Prone Land
- Direction 6.1: Approval & Referral Requirements
- Direction 6.2: Reserving Land for Public Purposes
- Direction 6.3: Site Specific Provisions
- Direction 7.1: Implementation of A Plan for Growing Sydney

State Environmental Planning Policies

The planning proposal is consistent with the relevant state environmental planning policies (SEPPs), being:

- SEPP No. 30 - Intensive Agriculture
- SEPP No. 64 - Advertising and Signage
- SEPP No. 65 - Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007
- SEPP (Affordable Rental Housing) 2009

SITE SPECIFIC ASSESSMENT

Social

The Council states heritage amendments which will increase local heritage protection and the proposed Design excellence clause will result in better built form outcomes. These amendments are considered to result in positive social outcomes for the community.

Environmental

The planning proposal does not address issues in relation to critical habitat or threatened species, populations or ecological communities, or their habitats and the proposed amendments are unlikely to adversely impact them.

Economic

As the planning proposal is primarily a housekeeping proposal to correct descriptions, mapping anomalies, address inconsistencies and improve communication in Marrickville LEP 2011 the proposed amendments would have limited economic effects. However, further comment could be included on the impact of the Bridge Road rezoning and number of jobs which will be generated by the proposed planning control changes which is estimated 200 full time positions.

Infrastructure

Being of a housekeeping nature, except for the changes to Bridge Road, Stanmore, it is considered that no additional infrastructure is required. RMS reviewed a traffic and transport study with regard to the former planning proposal for Bridge Road and advised that they had no objection to the proposal.

CONSULTATION

Community

The Council states that it will comply with the requirements of the Gateway Determination for community consultation. A 28 day public exhibition period is recommended as the planning proposal contains minor changes or changes which have been exhibited previously as part of the Bridge Road planning proposal.

Agencies

Council should consult with the following agencies:

- Roads and Maritime Services on the proposed amendments to numerous sites fronting a classified road; and
- the Office of Environment and Heritage on the proposed heritage amendments.

TIMEFRAME

The Council timeframe provides a realistic period to finalise the LEP amendment of approximately 12 months and is appropriate given the number of amendments proposed.

DELEGATION

The Council's request for delegation is supported as the planning proposal is of local significance and Council has completed the Evaluation criteria for the delegation of plan making functions.

CONCLUSION

The planning proposal is supported and has strategic merit as it will improve the operation of Marrickville LEP 2011 by generally making minor changes to the written instrument and maps and development standards.

A number of amendments to the planning proposal are required prior to community consultation. The changes allow the intent of Council's amendments to be expressed, without committing to a particular methodology or change to the written instrument. No changes are required to mapping.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Note that the inconsistency with Section 117 Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy is unresolved and will require justification prior to the planning proposal being finalised.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal be amended to:
 - (a) include an explanation of the intended effect, rather than specific amendments to land use tables and Schedule 1 to clarify the permissibility of:
 - i. dwelling houses in industrial zones;
 - ii. conversion of warehouses for office premises, multi dwelling housing, and residential flat buildings; and
 - iii. office and retail premises in buildings constructed for a non-residential purpose.
 - (b) include an explanation of the intended effect, rather than specific amendments to:
 - i. Clause 4.4 Floor space ratio to address the calculation of FSR on sites which have a SP2 Local Road reservation over part of them; and
 - ii. introduce a design excellence clause.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - (a) Office of Environment and Heritage;
 - (b) Rail Corp; and
 - (c) Roads and Maritime Services.
4. Prior to finalisation; the planning proposal is to be updated to:
 - (a) address the inconsistency with the proposed zoning, height and floor space ratio controls for Bridge Road, Stanmore with the Section 117 Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy
 - (b) should they be proposed to be listed as heritage items, a heritage assessment is completed for:
 - i. 7-13 Bedford Street, Newtown; and
 - ii. the Turpentine – Ironbark Forest understory, Dulwich Hill.
5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

6. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.



25/10/2017

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SUMMARY OF INNER WEST COUNCIL HOUSEKEEPING PLANNING PROPOSAL 2017

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
Part A: Proposed Written Instrument Amendments					
1	Land use table, Local clauses and Schedule 1 Delete uses that are only permitted in limited circumstances from the land use tables. Include five new additional permitted uses in Schedule 1 Include local clauses for consideration when assessing applications for them. Uses are: dwelling houses in business and industrial zones, conversion of warehouses for office premises, multi dwelling housing, and residential flat buildings office and retail premises in buildings constructed for a non-residential purpose	The land uses are permitted with consent in land use tables, but local clauses limit locations.	The current approach has led to misinterpretation of the permissibility of the land uses. In particular: applications for boarding house development with bonus floor space ratio (FSR) under clause 29 (1)(c) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) in zones where residential flat buildings (RFBs) are permissible, but only as a warehouse conversion in those zones applications for group homes in business and industrial zones, based on dwelling houses being permissible, despite dwelling houses only being permissible to allow existing dwelling house buildings to be used for that purpose.	The use of Schedule 1 is intended to allow additional permitted land uses on specific lots of land. The broad approach suggested by the Council is unsatisfactory. An explanation of intended effect should be exhibited instead of specific LEP amendments. Council can discuss drafting amendments which achieve the same outcome with Parliamentary Counsel (PC) and the Department.	Supported subject to PC opinion

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
2	Zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential Include home industries as permissible with consent in all residential zones.	Home industries are prohibited in residential zones.	"Industries" are listed as "<i>Prohibited</i>" in the Land Use Table for the R1 – General Residential, R2 – Low Density Residential, R3 – Medium Density Residential and R4 – High Density Residential zones of MLEP 2011. Consequently "<i>home industries</i>" are not permissible in any residential zone. As the intent of home industries is that they be permissible in residential zones it is recommended that "home industries" permitted with consent in the residential zones.	Listing home industries as permissible with consent in residential zones is appropriate. Home industries by definition must not interfere with the amenity of the neighbourhood.	Supported
3	Zone R2 Low Density Residential, Clause 6.10 Permit neighbourhood shops in the same circumstances as clause 6.10 <i>Use of existing non-residential buildings in residential zones</i>	Neighbourhood shops are prohibited in the R2 zone.	As shops are permitted in the R2 zone by clause 6.10, neighbourhood shops should also be permitted under the same circumstances as they have lesser impact.	Broadening the type of shop permissible to include neighbourhood shops will allow greater flexibility for the use of non-residential buildings in residential zones, without increasing potential for amenity impacts.	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
4	Zone B6 Enterprise Corridor, Land use table – commercial premises That: the listing of “<i>Commercial premises</i>” as “<i>Prohibited</i>” in the land use table for the B6 Enterprise Corridor zone be deleted the term “<i>Retail premises</i>” be listed as “<i>Prohibited</i>” in the zone.	Land use table Commercial premises are currently prohibited and a range of retail uses are permitted.	“<i>Business premises</i>” and “<i>Office premises</i>” are both listed as “<i>Permitted with consent</i>” in the land use table for the B6 Enterprise Corridor zone. The group term “<i>Retail premises</i>” is not listed as “<i>Permitted with consent</i>” in the land use table for the zone but a number of types of retail premises are listed in the land use table as “<i>Permitted with consent</i>”. One of the objectives of the B6 Enterprise Corridor zone is “<i>To maintain the economic strength of centres by limiting retailing activity.</i>” In view of the above it is recommended that the listing of “<i>Commercial premises</i>” as “<i>Prohibited</i>” in the land use table for the zone be deleted and the term “<i>Retail premises</i>” be listed as “<i>Prohibited</i>” in the zone.	The changes to the land use table are supported as they are consistent with the objectives of B6 Enterprise Corridor.	Supported
5	B7 Business Park Zone, Land use table - turf farming Delete “<i>turf farms</i>” as prohibited development.	Turf farming is listed as prohibited, but so is agriculture which includes turf farming.	The listing of “<i>turf farming</i>” as a prohibited use in the land use table for the zone is superfluous as “<i>agriculture</i>” is already prohibited, which includes “<i>turf farming</i>”. The listing is also inconsistent with the listing practice used in other land use table zones in Marrickville LEP 2011.	The superfluous listing for turf farming should be deleted from the prohibited section of the land use table for the B7 zone.	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
6	B7 Business Park Zone, Land use table - respite day care centres. Delete Respite day care centres as prohibited development.	"Respite day care centres" is a use listed as "Permitted with consent" and also listed as "Prohibited"	"Respite day care centres" are a use mandated as "Permitted with consent" in the B7 Business Park zone under the Standard Instrument. The listing of "respite day care centres" as a prohibited use in the land use table for the zone is an error.	Agree with Council. The inconsistency should be corrected and respite day care centres should be removed from the prohibited land use table.	Supported
7	IN1 General Industrial Zone - Transport Depots "Transport depots" were omitted as permitted with consent in error from the IN1 zone when the LEP was prepared	Transport depots are prohibited	"Transport depots" should be permitted with consent in the IN1 General Industrial zone. The IN1 General Industrial zones in the LGA are generally located away from residential zones. By comparison, the IN2 Light Industrial, B6 Enterprise Corridor and B7 Business Park zones are generally located adjacent to residential zones.	Agree with Council. Given that previous LEPs permitted the use in the equivalent of the IN1 zone, the use should be reinstated as it is compatible with the zone.	Supported
8	SP1 Special Activities Zone and SP2 Infrastructure zone - Home Occupations "Dwellings" are prohibited in the SP1 and SP2 zones, therefore "home occupations" do not need to be permitted with consent	"Home occupations" are permitted with consent.	"Home occupations" are listed as "Permitted without consent" in the SP1 and SP2 zones. As dwellings are not permissible in these zones "Home occupations" can be deleted from the Land Use Table. Precedent – other LEPs	It is reasonable to remove these irrelevant uses from the land use table. The approach is consistent with PN 08-002 Zoning for infrastructure in LEPs.	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported								
Part 4 Principal development standards													
9	Clause 4.4 Floor space ratio - Subclause (2A) - FSR for dwelling houses on sites greater than 400sqm Amend the floor space ratio table in the clause to allow a maximum FSR of 0.6:1 on lots >350m².	Under subclause (2A) the FSR applying to lots over 400m² is less for some residential uses.	attached dwellings, bed and breakfast accommodation, dwelling houses and semi-detached dwellings on land labelled “F” on the Floor Space Ratio Map with a site area greater than 400sqm are restricted to 0.5:1. Other development e.g. child care centres, community facilities, is permitted at 0.6:1 To provide FSR consistency across permitted land uses the maximum floor space ratio table in Clause 4.4 (2A) of MLEP 2011 be amended by deleting: <table><tr><td>“> 350 ≤ 400 square metres</td><td>0.6:1</td></tr><tr><td>> 400 square metres</td><td>0.5:1”</td></tr><tr><td>and inserting instead:</td><td></td></tr><tr><td>“> 350 square metres</td><td>0.6:1”</td></tr></table>	“> 350 ≤ 400 square metres	0.6:1	> 400 square metres	0.5:1”	and inserting instead:		“> 350 square metres	0.6:1”	Providing a consistent FSR for all land uses permitted in areas marked as “F” on the Floor Space Ratio Map is supported.	Supported
“> 350 ≤ 400 square metres	0.6:1												
> 400 square metres	0.5:1”												
and inserting instead:													
“> 350 square metres	0.6:1”												

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
10	Clause 4.4 Floor space ratio - FSR on land reserved Local Road (SP2) on the Land Reservation Acquisition Maps Insert a new subclause which allows land reserved for roads to be included in site area encouraging owners to dedicate the land to Council.	Certain land in the Land Reservation Acquisition Map. Clause 4.4	Reservations over the rear of some shops means that that land is not included in site area calculation. The proposed new clause would formalise the current approach where if land is dedicated to Council, it is still included in site area so there is no loss of development potential.	Including the area to be dedicated for a local road to be included in the calculation of site area, and therefore FSR calculations is supported. However, an explanation of intended effect should be exhibited instead of specific LEP amendments. Council can discuss drafting amendments which achieve the same outcome with PC and the Department.	Supported subject to PC opinion
Part 5 Miscellaneous provisions					
11	Insert clause 5.1A Development on land intended to be acquired for public purposes That a new clause "Model Clause 5.1A - Development on land intended to be acquired for public purposes" be added to address development potential on land reserved for public purposes.	There is no clause to address this issue	Following a report on laneway reservations Council contacted the Department, who suggested adopting Model Clause 5.1A.	The inclusion of the clause for public exhibition is supported as it is consistent with the other councils' clauses (City of Sydney, Woollahra, Ryde).	Supported
Part 6 Additional local provisions					

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
12	Clause 6.13 Dwellings and residential flat buildings in Zone B7 Business Park Amend clause 6.13(3)(d) to: <i>“(d) in the case of development for the purpose of a dwelling, including a dwelling in a residential flat building—the dwelling will be on the same lot of land as a non-residential use (including in the case of a lot in a strata plan or community title scheme).”</i>	(d) in the case of development for the purpose of a dwelling—the dwelling will be on the same lot of land as a non-residential use (including in the case of a lot in a strata plan or community title scheme).”	Based on the wording of the clause it could be contended that the provisions of subclause (d) do not apply to dwellings contained within a residential flat building. Such an interpretation is clearly contrary to the objective of the clause <i>“to provide for limited residential development....”</i> The existing wording of the clause has interpretation issues. Council has legal advice which recommends amending the clause.	The change is supported as it is consistent with the intent of objective of the clause <i>“to provide for limited residential development....”</i>	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
13	Clause 6.15 Location of boarding houses in business zones Insert a subclause to ensure the clause applies to development permitted by Schedule 1. (2A) This clause also applies to the following land: (a) land identified as “A”, “B”, “E”, “F”, “G” or “H” on the Key Sites Map, (b) land at 776–798 Parramatta Road, Lewisham, being Lots 16 and 17, DP 2357, part of Lot 1, DP 1010446, Lot 1, DP 983757 and Lot 1, DP 7419 in Zone B6 Enterprise Corridor, (c) land at 76 Wilford Street, Newtown, being Lot 1, DP 617685.	The clause applies to zones which the Schedule 1 uses are outside.	The objective of the clause “is to control the location of boarding houses in business zones”. However, the provisions do not apply to boarding houses that are permissible with consent as part of a mixed use development on other business zoned Schedule 1 sites. To achieve the objectives of Clause 6.15 it is recommended that a new subclause be inserted into the clause.	The amendment to clause 6.15 is supported to ensure boarding houses are permissible in all mixed zones.	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
14	Insert a design excellence clause	No clause currently	Other councils include a design excellence clause (Blacktown, Botany Bay, Manly, Penrith, Randwick, Rockdale, Strathfield, Sydney and The Hills). The clause is critical to enhance the urban and public domain character of an area and contribute to its liveability, vibrancy and attractiveness. The Inner West Council has Architectural Excellence Panel to provide guidance on applications the clause would apply to. The clause would apply to new buildings and external alterations to existing buildings over 14m	The clause contains detail that is already in the DCP, or is DCP level. We support the inclusion of a design excellence clause. However, an explanation of intended effect should be exhibited instead of specific LEP amendments. Council can discuss drafting amendments which achieve the same outcome with PC and the Department.	Support
15	Schedule 1 – Delete two uses which are no longer required 165 Edgeware Road, Enmore 74 Edinburgh Road, Marrickville.	Permits a pub and garden centre respectively	The pub is permitted in the B1 Zone which applies to 165 Edgeware Road. Garden centres are now a mandated use in the IN1 zone which applies to 74 Edinburgh Road.	The Schedule 1 uses can be deleted as they are no longer required and will not result in the creation of existing use rights for either property.	Supported
Schedule 5 Environmental Heritage – Part 1 Heritage items					
16	Amend local item - I97 Former Schwebel Family Quarry Correct a duplication of lot numbers. Lot 2 of DP 338141 is listed twice for item I97. Delete the lot number from the Wharf Road and Illawarra Road listing.	The lot is listed in two listings for item I97.	The duplication is in error and should only be listed once under 560 Illawarra Road, Marrickville.	Agree, the duplication should be removed.	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
17	Amend local item – I275 St Peter’s Church of England and Cemetery That the heritage listing of the St Peter’s Church of England (Heritage Item No. I275) be amended to read “St Peter’s Church of England, including interiors and Cemetery”.	St Peter’s Church of England, including interiors.	The whole property is indicated as a heritage item on the heritage map (HER_004) and the property description in Schedule 5 relates to the entire property. The church is located on the property known as 211 Princes Highway and the cemetery is located on the property known as 187 Princes Highway. The property contains 2 lots and Council’s property information system refers to both lots as being Part Lot 1 DP 233214.	The amendment will improve the clarity of the listings.	Supported
18	Add new local item – I390 7-13 Bedford Street, Newtown (The Hub Theatre) Subject to a heritage assessment report.	Not listed	The hub theatre is important to the entertainment industry due to being a location to host and train performers in the 1910s and 1920s. It is thought to be the last purpose- built Vaudeville theatre building in NSW. The theatre has played an important role for the community hosting performances over the 20 th century.	The new item is supported given its social and architectural importance. The heritage assessment must be completed prior to making any amendment to Marrickville LEP 2011.	Supported
19	Add new local item – I389 Turpentine – Ironbark Forest Understory	Not listed	A patch of native grassland north of Dudley Street and east of the railway bridge at Dulwich Hill is significant because is a rare remnant understory of the original Turpentine- Ironbark Forest which covered much of the area prior to the arrival of Europeans.	There are no maps, studies or photos which illustrate the site. The listing should be accompanied by Heritage Assessment Report. Comment from the Council’s open space and trees team regarding the importance of the vegetation should be sought. If the vegetation is on Rail Corporation land, they should be consulted about the listing.	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
20	Correct address of local item – I230 - Former Petersham Girls' High School Change the address from West Street, Petersham to 2 Gordon Street, Petersham	West Street	The address in the listing is different to the heritage inventory sheet and council's property database.	The property description can be updated.	Supported
21	Updated address and map for local item – I136 – Australia Street Infants School The map is proposed to be updated to apply to the part of the site with heritage significance. The listing is proposed to be updated by deleting reference to 73 Lennox Street.	229 Australia Street, Newtown (including 73 Lennox Street)	The Heritage Map Sheet includes the properties 69 Lennox Street, 71 Lennox Street and 75 Lennox Street in addition to those listed in item I136. The heritage map should apply to the part of the site with heritage significance, as should the listing. All the lots comprising the school site have the property description of Part Lot 1 DP 830304.	The listing and mapping clarifies the location and description of the parts of the site with heritage significance.	Supported
22	Correct description of local Item - I159 – St Peters Hotel The hotel name is incorrect it should be Sydney Park Hotel	St Peters Hotel	The name of the hotel is incorrect.	Correcting the error is supported.	Support
Schedule 5 - Part 2 Heritage Conservation Areas					
23	Heritage conservation areas table Include the suburbs in the conservation areas	The suburbs are not included	To improve the useability of the table. Other councils list suburbs (Sydney LEP 2012)	Agree. The table is more user friendly when suburbs are listed.	Support

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
24	Petersham South Heritage Conservation Area – C18 Correct the listing name to: Petersham South (Norwood Estate) Heritage Conservation Area	Petersham South Heritage Conservation Area	The name of the HCA omitted part of the description of the area when the LEP was made. The proposed change is consistent with the Marrickville DCP.	The name is more meaningful and accords with the description in Council's DCP.	Support
25	Northwood Park Estate (Park Street, Marrickville) Heritage Conservation Area – C19 Rename to Norward Park Estate Heritage Conservation Area	Northwood Park Estate (Park Street, Marrickville) Heritage Conservation Area	For consistency with other HCA listings.	Agree, the new wording is consistent with the other HCA listings	Support
Schedule 5 - Part 3 Archaeological sites					
26	Include 32 archaeological sites	The sites are not currently listed	Potential archaeological sites are being missed in assessments because they are not included in the LEP which is slowing DA processing times, due to the need to refer these applications to the Heritage Council for comment. The sites have already been identified and are included in Council's property system.	Agree. The sites can be included consistent with the SI methodology.	Support

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
Mapping Amendments					
Zoning Amendments					
27	Land zoning maps changed to a SP2 zone reflect land reservation acquisition maps. For locations and maps see Part B of the planning proposal documentation.	Some locations do not have a special use zone applied.	The former Marrickville Council previously resolved that “the MLEP 2011 Land Zoning Maps (LZN Maps) be amended to ensure that any land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) is zoned commensurately on the Land Zoning Map for that property”.	The changes are consistent with the land uses that will apply in future on the sites.	Supported
28	The rezoning of certain SP2 zoned land no longer required for public purposes Rezone 24A Pigott Street Rezone 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham from SP2 to R2 Low Density Residential	Zoned SP2 Carpark	The land has been sold to the owners of the properties and is not needed for car parking.	The R2 zone is more appropriate given the land is not needed for car parking.	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
29	The rezoning of certain land for public purposes (to SP2 or RE1) Lot 2 DP 1125319 (formerly part of 40 Old Canterbury Road, Lewisham) 24 Illawarra Road and 28 Illawarra Road, Marrickville Land at the rear of 20 Tupper Street, Enmore, fronting Alma Avenue Land at the rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville Land at the rear of 326-330 Marrickville Road, Marrickville 81 Railway Road, Sydenham	R2 Low Density Residential, RE2 Private Recreation, B2 Local Centre, R2 Low Density Residential	The lands for part of existing or proposed infrastructure. The land at 81 Railway Road is used for public recreation and should be zoned as such.	The change of zoning is consistent with the current or future use of the land. These changes should be grouped in Part 4 of the documentation as per the groupings in the planning proposal document for easier referencing.	Supported
30	The rezoning of certain other land due to boundary adjustment 40-42 Cobar Street, Dulwich Hill 15 Hutchinson Street, St Peters 22 Cook Street, Tempe 18 Cecilia Street, Marrickville	B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, RE1 Public Recreation	Subdivision has changed lot boundaries at the zone interface. A consistent zone should apply to the lots.	Agree with Council. The proposed zones reflect the current use of the land or desired future character.	Supported
31	5-43 Bridge Road, Stanmore Rezone land from IN2 Light Industrial to B5 Business Development and increase the FSR from 0.95:1 to 2:1.	IN2 Light Industrial	Deferred matter from Marrickville LEP 2011. Now additional work on traffic study has been completed per RMS request, the rezoning can be completed	The proposed changes are consistent with the changes originally proposed when the LEP was being prepared and now are supported by the required traffic study. However, mapping should be provided to show the proposed changes, and the change from IN2 to B5 must be discussed for consistency with 117 directions.	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
32	Changes to address errors anomalies and inconsistencies 24A Piggot Street R.O.W , SP2 to R2 1-9 Weston Street Lot 2 DP 1125319 Hercules Street and land on the western side of Dulwich Hill Public School, Kintore Street, Dulwich Hill Hawthorne Canal, Lewisham Land where Illawarra Road crosses the Cooks River Lot 2 DP 87288 (Part of the property known as 460 Illawarra Road, Marrickville) Addison Road Community Centre Tooth Lane 193 Parramatta Road, Camperdown Lot 1 DP 323955 (Land on the south western corner of Parramatta Road and Crystal Street, Petersham adjacent to 452 Parramatta Road) Lot 1 DP 437179 (Sydney Water land between Llewellyn Street and Empire Lane, Marrickville) 13 Victoria Road, Marrickville (Lot 1 DP 440432) 12-22 Gordon Street; 8-14, 38-52, 29-33 and 49-57 West Street; 40-50 and 41-53 Hunter Street; and 2-8 The Boulevarde, Petersham	Various zones	These matters correct zoning, labels and inconsistent approaches to zoning across the LGA.	The changes provide consistency across the zoning map. Some items do not have maps. Maps should be provided for all locations as part of the public exhibition.	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
32 Cont.	Changes to address errors anomalies and inconsistencies Land on the northern side of Enmore Road (1-213 Enmore Road) and the properties 1-7 Stanmore Road, Enmore Land adjacent to the property 60-82 Princes Highway, St Peters Land on eastern side of Richardsons Crescent, Marrickville Railway land on the western side of Griffiths Street to the Cooks River Land on the south western corner of Edinburgh Road and Sydney Steel Road, Marrickville (Lot 1 DP 539623) St Peters Plaza (Lot 1 DP 441842) 2-20 Sydenham Road, 51-103 Railway Parade, 27-31 Marrickville Road and 4-54 Buckley Street, Marrickville – labelling 161-183 Princes Highway, St Peters - labelling - no map 500 Princes Highway and 1-4 Bellevue Street, St Peters – labelling 13 Victoria Road, Marrickville (Lot 1 DP 440432) Unzoned land King Street, St Peters adjacent to intersection with Sydney Park Road				

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
Height and Floor Space Ratio Amendments					
Site specific amendments					
33	Reinstatement of height and FSR at 31 Princes Highway, 41-45 Princes Highway and 129 Princes Highway, St Peters	1:1 and no height control	The controls for these properties were revised as part of Amendment No 1 to Marrickville LEP 2011. Since then, Council has considered the desired future character of the area and determined that the current controls are inconsistent with the surrounding controls, do not provide sufficient development potential to redevelop and include public benefits and therefore a height that is consistent with adjoining properties and site specifics FSRs should be applied.	The rationale for the changes follows a long investigation into the controls for these sites. The controls are suitable and will facilitate development consistent with the 2009 master plan and Marrickville DCP 2011. The changes are supported by height control amendments for surrounding properties to create a transition to 4 storey development on Applebee Street	Supported
34	Reduction in the maximum permitted height on the rear sections of certain properties in the St Peters Triangle Precinct Reduce height from 23 to 14m at the rear of properties	23m	The changes ensure that the heights are consistent with the Planning Precinct Masterplan controls in Part 9.25 St Peters Triangle (Precinct 25) of Marrickville DCP 2011	The changes are will help achieve the desired future character established by the Marrickville DCP 2011.	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
35	The setting of floor space ratio and/or height of buildings controls on certain properties/land, or parts of properties, that currently have no such controls 62 Constitution Road, Dulwich Hill Rear of 103 Denison Road, Dulwich Hill (Lot 42 DP 134604) 24A Pigott Street, Dulwich Hill 305-317 King Street, Newtown 3 and 5 Eliza Street, Newtown 2 Albany Road, 1-7 Albany Road and 20-26 Bridge Road, Stanmore 65 Newington Road, Marrickville 65 Newington Road, Marrickville Rear of 94 Audley Street, Petersham Land at the rear and/or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham 29 West Street and 29B West Street, Lewisham 292 Illawarra Road and land at the rear of 280-290 Illawarra Road, 18 Cecilia Street, Marrickville (part of property) 68-96 Thornley Street, Marrickville (rear of properties)	No controls	The planning proposal includes amendments to place floor space ratio and height of building controls on certain properties that currently have no FSR or HOB control under MLEP 2011	Applying planning controls to these lots is consistent with the Standard Instrument. Maps identifying the changes have been prepared and will be exhibited at part of the planning proposal. Addresses need checking, some were different to SIXmaps (NSW Government).	Supported

No.	Proposed Change	Current wording/ mapping	Council justification	Department comment	Supported/ Not supported
36	The deletion of floor space ratio and/or height of buildings controls for 33 sites which are zoned SP2 Special Use	Various height and FSR controls	The planning proposal includes amendments to delete floor space ratio and/or height of building controls for certain land zoned SP2 Infrastructure, certain land shown on the Land Reservation Acquisition Maps for certain public purposes, certain roads, certain land over roads and land proposed to be zoned RE1 Public Recreation. As the land is zoned SP2	The changes are consistent with Standard Instrument the approach to applying development standards to these zones. However, Council is not obliged to remove the planning controls which, in most cases, are compatible with the surrounding area.	Supported
37	Amendments to the floor space ratio and/or height of building controls for: 40-42 Cobar Street, Dulwich Hill 22 Cook Street, Tempe 31 Station Street, Newtown 15 Hutchinson Street, St Peters	Various height and FSR controls	The planning proposal includes amendments to floor space ratio and height of building controls as part of Council's aim to improve communication in the Plan.	The changes are minor and consistent with the Standard Instrument.	Supported
38	The removal of reservations on land no longer required for public purposes relating to: 305-317 King Street and 3 and 5 Eliza Street, Newtown 240 Illawarra Road, Marrickville and 244-248 Illawarra Road, Marrickville 351 Illawarra Road, Marrickville	Land reservations on map	The public purposes are no longer required.	The changes are minor and consistent with the Standard Instrument.	Supported