

**PLANNING PROPOSAL TO AMEND
MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011
(MLEP 2011 AMENDMENT No. 4)**

August 2017

Introduction

This planning proposal seeks Gateway approval to make a number of amendments to Marrickville Local Environmental Plan 2011.

The amendments are primarily housekeeping matters that seek to address misdescriptions, errors, omissions, anomalies and inconsistencies in the written instrument and maps, ensure consistency in the application of controls, or improve communication in the Plan.

Other amendments include:

- i. Changes to address the issue relating to the listing of certain uses in the LEP Land Use Tables as *"Permitted with consent"* when those uses are only permitted in specific circumstances via separate clauses in the LEP, using the approach suggested by the Department of Planning and Environment of transferring those uses permitted in specific circumstances into Schedule 1 – Additional permitted uses of the LEP;
- ii. Listing *"home industries"* as a use *"Permitted with consent"* in the Land Use Table for the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones;
- iii. Making *"neighbourhood shops"* as a use *"Permitted with consent"* in the Land Use Table for the R2 Low Density Residential zone;
- iv. Deleting the zone objective *"To provide for residential uses, but only as part of a mixed development"* for the B6 Enterprise Corridor zone;
- v. Deleting *"Commercial premises"* from *"Part 4 Prohibited"* of the Land Use Table for the B6 Enterprise Corridor zone and listing *"Retail premises"* as *"Prohibited"* in the Land Use Table for the zone;
- vi. Deleting *"turf farming"* from *"Part 4 Prohibited"* of the Land Use Table for the B7 Business Park zone;
- vii. Deleting *"respite day care centres"* from *"Part 4 Prohibited"* of the Land Use Table for the B7 Business Park zone;
- viii. Listing *"transport depots"* as a use permitted with consent in the Land Use Table for the IN1 General Industrial zone;
- ix. Deleting *"home occupations"* from *"Part 2 Permitted with consent"* of the Land Use Table for the SP1 Special Activities zone;
- x. Deleting *"home occupations"* from *"Part 2 Permitted with consent"* of the Land Use Table for the SP2 Infrastructure zone;
- xi. Amendment to Clause 4.4 (2A) to ensure consistency in the FSR controls with the other forms of development permitted on land labelled "F" on the Floor Space Ratio Map;
- xii. Amendment to Clause 4.4 – the addition of a new subclause (subclause (2C)) to act as an incentive to encourage land reserved for local road to be dedicated for proposed laneways;
- xiii. The inclusion of the Department's *"Model Clause 5.1A – Development on land intended to be acquired for public purposes"*;
- xiv. Amendment to Clause 6.13 (3) (d) to include the words *" , including a dwelling in a residential flat building-"* after the words *"a dwelling"*.

- xv. Amendments to Clause 6.15 (Location of boarding houses in business zones) so that the clause applies to all business zoned land where boarding houses are permitted under MLEP 2011;
- xvi. The inclusion of a new clause in the LEP (Clause 6.17) relating to “Design excellence”;
- xvii. Deleting certain Schedule 1 listings that are no longer required;
- xviii. The listing of 2 additional heritage items;
- xix. Amendments to the listing of certain heritage items;
- xx. Amendments to the listing of certain heritage conservation areas;
- xxi. Amendments to the list heritage conservation areas in a more user friendly manner;
- xxii. The listing of archaeological sites;
- xxiii. The commensurate rezoning on the Land Zoning Maps of all land reserved on the Land Reservation Acquisition Maps;
- xxiv. The rezoning of certain land for public purposes including:
 - a. Lot 2 DP1125319 on the south western corner of Old Canterbury Road and Barker Street, Lewisham (formerly part of the property 40 Old Canterbury Road);
 - b. Land between 24 Illawarra Road and 28 Illawarra Road, Marrickville (which form part of the Addison Road Community Centre) to SP2 Community Facilities;
 - c. Land at the rear of 20 Tupper Street, Enmore (fronting Alma Avenue) to SP2 Local Road;
 - d. Land at the rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville to SP2 Local Road; and
 - e. Land at the rear of 326-330 Marrickville Road, Marrickville to SP2 Local Road; and
 - f. 81 Railway Road, Sydenham to RE1 Public Recreation.
- xxv. The reserving of certain land for public purposes including:
 - a. Land at the rear of 20 Tupper Street, Enmore (fronting Alma Avenue) to SP2 Local Road;
 - b. Land at the rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville to SP2 Local Road; and
 - c. Land at the rear of 326-330 Marrickville Road, Marrickville to SP2 Local Road.
- xxvi. The rezoning of certain SP2 zoned land no longer required for public purposes including:
 - a. 24A Pigott Street, Dulwich Hill (formerly part of 171 Denison Street); and
 - b. Land at the rear and/or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham;
- xxvii. The rezoning of certain other land including:
 - a. 40-42 Cobar Street, Dulwich Hill (rear of property formerly part of 829 New Canterbury Road, Dulwich Hill to R1 General Residential);
 - b. 15 Hutchinson Street, St Peters (rear of property) to B7 Business Park;
 - c. 22 Cook Street, Tempe (rear of property) to R2 Low Density Residential; and
 - d. 18 Cecilia Street, Marrickville (part of property) to R4 High Density Residential.
- xxviii. Reinstatement of the FSR and height of building controls for the properties 31 Princes Highway, 41-45 Princes Highway and 129 Princes Highway, St Peters;
- xxix. Reduction in the maximum permitted height on the rear sections of certain properties in the St Peters Triangle Precinct;
- xxx. Reduction in the maximum permitted floor space ratio and the maximum permitted height for certain properties in the North Kingston Estate Heritage Conservation Area; and
- xxxi. The setting of floor space ratio and/or height of buildings controls on certain properties, or parts of properties, that currently have no such controls including:
 - a. 62 Constitution Road, Dulwich Hill;
 - b. Rear of 103 Denison Road, Dulwich Hill (Lot 42 DP 134604);
 - c. 24A Pigott Street, Dulwich Hill (formerly part of 171 Denison Street);
 - c. 305-317 King Street, Newtown (reserved land at rear proposed to be rezoned);
 - d. 3 Eliza Street, Newtown (reserved land proposed to be rezoned);
 - e. 5 Eliza Street, Newtown (reserved land proposed to be rezoned);
 - f. 2 Albany Road, 1-7 Albany Road and 20-26 Bridge Road, Stanmore;
 - g. 65 Newington Road, Marrickville;
 - h. Rear of 94 Audley Street, Petersham;
 - i. Land at the rear and/or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham;
 - j. 29 West Street and 29B West Street, Lewisham;

- k. 292 Illawarra Road and land at the rear of 280-290 Illawarra Road, Marrickville;
 - l. 18 Cecilia Street, Marrickville (part of property); and
 - m. 68-96 Thornley Street, Marrickville (rear of properties).
- xxxii. The deletion of 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 rezoned RE1 Public Recreation including:
- a. 1-9 Weston Street, Dulwich Hill (Sydney Water Corporation land);
 - b. Lot 2 DP 1125319, land on the south western corner of Old Canterbury Road and Barker Street, Lewisham (RMS land);
 - c. Alfred Street, Lewisham (Council land);
 - d. 299B Livingstone Road, Marrickville (Telstra Corporation land);
 - e. Lot 2 DP 607012, land off Illawarra Road between the properties 438 Illawarra Road and 460 Illawarra Road, Marrickville (Sydney Water Corporation land);
 - f. Rear of 89-105 New Canterbury Road, Petersham (part of proposed lane);
 - g. Land on the south western corner of Chester Street and Albert Street, Petersham (Sydney Water Corporation and Ausgrid land);
 - h. 2-14 Station Street, Newtown (Sydney Water Corporation land);
 - i. Land adjacent to 264 Stanmore Road, Petersham (Ausgrid land);
 - j. Lot 1 DP 180283, land off Alma Avenue, Enmore (Ausgrid land);
 - k. Rear of 20 Tupper Street, Enmore, (land fronting Alma Avenue) (Land proposed to be rezoned SP2 Local Road);
 - l. Land zoned SP2 Stormwater Management Systems at the rear of properties on the eastern side of Bridge Road, Stanmore (Sydney Water Corporation land);
 - m. Lot 1 DP 437179, land between Llewellyn Street and Empire Lane, Marrickville (Sydney Water Corporation land);
 - n. 13 Victoria Road, Marrickville (Lot 1 DP 440432) (Sydney Water Corporation land);
 - o. 81 Railway Road, Sydenham (land proposed to be rezoned RE1 Public Recreation);
 - p. Lot 1 DP 437934, Land on the eastern corner of Canal Road and Burrows Road South, St Peters (RMS land);
 - q. Part of the property 1-7 Unwins Bridge Road, St Peters (Land reserved SP2 Classified Road);
 - r. Part of the properties 5 Bellevue Street and 634-726 Princes Highway, Tempe (Land reserved SP2 Classified Road);
 - s. 32 Meeks Road, Marrickville (Ausgrid land);
 - t. Sydenham Pit and Drainage Pumping Station, Garden Street, Marrickville (Sydney Water Corporation land);
 - u. Land in the vicinity of Edinburgh Road, Sydney Steel Road and railway land, Marrickville (Sydney Water Corporation land);
 - v. Land between Garners Lane and Frampton Lane, Marrickville (Part Lot 3 DP 1169431) (Sydney Water Corporation land);
 - w. Land between Myrtle Street and Schwebel Street, Marrickville (Sydney Water Corporation land);
 - x. Land between Warren Road and Cary Street, Marrickville (Sydney Water Corporation land);
 - y. Rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville (land proposed to be rezoned SP2 Local Road);
 - z. Rear of 326-330 Marrickville Road, Marrickville (Land proposed to be rezoned SP2 Local Road);
 - aa. Lot 1 DP 539623, land on the south western corner of Edinburgh Road and Sydney Steel Road, Marrickville (Land proposed to be rezoned SP2 Local Road);
 - bb. Lot 1 DP 1124143, airspace over Enmore Road adjacent to the property 52-60 Enmore Road, Enmore;
 - cc. Lot 3 DP 921138, land between Garners Lane and Frampton Lane, Marrickville (Sydney Water Corporation land);
 - dd. Splay corner on the north western corner of Marrickville Road and Victoria Road, Marrickville;
 - ee. 2B Church Street, Marrickville (Lot 1 DP 530179) (SP2 Electricity Supply zoned land);
 - ff. Alfred Street, St Peters (land adjacent to the properties 60-94 Alfred Street); and
 - gg. 81 Railway Road, Sydenham.

- xxxiii. Amendments to the floor space ratio and/or height of building controls for certain other land including:
 - a. 40-42 Cobar Street, Dulwich Hill (rear of property);
 - b. 22 Cook Street, Tempe (rear of property);
 - c. 31 Station Street, Newtown; and
 - d. 15 Hutchinson Street, St Peters;
- xxxiv. The site specific rezoning of the properties 5-43 Bridge Road, Stanmore;
- xxxv. Amendments to the Key Sites Map to address irregularities relating to the following properties:
 - a. 15 Hutchinson Street, St Peters (rear of property); and
 - b. 739A Princes Highway, Tempe (access handle to Princes Highway).
- xxxvi. Reduction in the maximum permitted height on the rear sections of certain properties in the St Peters Triangle Precinct;
- xxxvii. The removal of reservations on certain land no longer required for public purposes relating to the following properties:
 - a. 309-317 King Street and 3-5 Eliza Street, Newtown (removal of Local Road reservation;
 - b. Lot 1 DP 1022853 (land between the railway lines to the north west of the end of Hillcrest Street, Sydenham;
 - c. Reservation on land in the vicinity of 30 Canal Road, St Peters;
 - d. 240 Illawarra Road, Marrickville and 244-248 Illawarra Road, Marrickville (removal of Local Road reservation on the rear of the properties); and
 - e. 351 Illawarra Road, Marrickville (removal of Local Road reservation on the rear of the property).
- xxxviii. Other amendments to address errors, anomalies and inconsistencies and other matters including:
 - a. 1-9 Weston Street, Dulwich Hill – amending the zoning of the Sydney Water Corporation land from SP2 Stormwater Management Systems to SP2 Water Systems on the Land Zoning Map;
 - b. 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– the inclusion of the notation “R2” on the Land Zoning Map;
 - c. 1-213 Enmore Road and 1-7 Stanmore Road, Enmore – the inclusion of the notation “B2” on the Land Zoning Map;
 - d. 2-20 Sydenham Road, 51-103 Railway Parade, 27-31 Marrickville Road and 4-54 Buckley Street, Marrickville – the inclusion of the notation “IN1” on the Land Zoning Map;
 - e. 161-183 Princes Highway, St Peters – the inclusion of the notation “B6” on Land Zoning Map;
 - f. 500 Princes Highway and 1-4 Bellevue Street, St Peters – the inclusion of the notation “IN1” on the Land Zoning Map;
 - g. 94A-114 Pile Street and 89-101 Livingstone Road, Marrickville – the inclusion of the notation “J” on the Height of Buildings Map;
 - h. 2-10 Morgan Street and 51-53 Livingstone Road, Marrickville – the inclusion of the notation “J” on the Height of Buildings Map;
 - i. Amendments to the listings in the Legend on the Land Reservation Acquisition Maps;
 - j. Amendments to better identify the SP2 Classified Road notation on the Land Reservation Acquisition Map affectation on the properties 531 Princes Highway and 624-726 Princes Highway, Tempe;
 - k. Update of maps to ensure all maps reflect the new names of the adjoining councils;
 - l. Update of the Land Application Map to show the boundary of the Inner West LGA boundary and to replace the Marrickville Council logo in the Legend with the Inner West Council name and logo; and
 - m. Update of the Legend to all maps to include the Inner West Council name and logo and revised locality maps.

PART 1: OBJECTIVE OR INTENDED OUTCOME

To make a number of amendments to Marrickville Local Environmental Plan 2011 to:

- i. address misdescriptions, errors, omissions, anomalies and inconsistencies in the written instrument and maps;
- ii. ensure consistency in the application of controls;
- iii. improve communication in the plan; and
- iv. to make a number of other amendments, as detailed in the “Introduction” section of this submission.

PART 2: EXPLANATION OF THE PROVISIONS

The background to each proposed change and an explanation of the rationale and justification for each proposed change contained within the planning proposal are provided in the Attachments to this submission.

The planning proposal includes a significant number of proposed changes to both the written instrument and the maps adopted by the instrument. The proposed amendments have been broken down into categories to help with the communication of the proposed amendments. A separate Attachment is included for each category. The Attachments relate to the following categories:

- i. Part A: Proposed Written Instrument Amendments;
- ii. Part B: Proposed Land Zoning Map Amendments;
- iii. Part C: Proposed Floor Space Ratio Map Amendments;
- iv. Part D: Proposed Height of Buildings Map Amendments;
- v. Part E: Proposed Land Reservation Acquisition Map Amendments;
- vi. Part F: Proposed Heritage Map Amendments;
- vii. Part G: Proposed Archaeological Sites; and
- viii. Part H: Proposed Key Sites Map and miscellaneous map Amendments.

A breakdown of the number of amendments in each of the above categories is shown in the following Table:

Table 1: Breakdown of Proposed Amendments contained in draft Marrickville Local Environmental Plan 2011 (Amendment No. 4)

PROPOSED AMENDMENTS IN MLEP 2011 (AMENDMENT NO. 4)		
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

The explanation, rationale and justification of each of the proposed changes have been extracted from the reports considered by the former Marrickville Council on Draft Marrickville Local Environmental Plan 2011 (Amendment No. 4) detailed below:

- i. Item No: IP1215 Item 2 Infrastructure, Planning and Environmental Services Committee Meeting on 1 December 2015; and

- ii. Item No: IP0416 Item 2 Infrastructure, Planning and Environmental Services Committee Meeting on 5 April 2016.

As stated previously a number of additional matters/issues arose as part of the consideration of the original submitted Section 73A request. Those additional matters/issues unable to be progressed in the Section 73A request have been incorporated into the planning proposal. An explanation, rationale and justification for each of those matters have been incorporated into the planning proposal. The planning proposal also includes some additional matters to correct obvious mapping errors that have come to light since the preparation of the original reports.

PART 3: JUSTIFICATION

Section A – Need for the planning proposal

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

The need for this planning proposal has arisen to address a variety of issues. It deals largely with operational and other policy matters, as well as some site specific matters, and aims to ensure the efficient functioning of MLEP 2011. The amendments are intended to address anomalies and inconsistencies, improve communication in the Plan and respond to a submission on site specific matters.

MLEP 2011 was developed to be consistent with overriding strategic studies applicable at the time, including the Metropolitan Strategy, draft South Subregional Strategy and Marrickville Urban Strategy; in addition to supporting studies commissioned by Council to inform the Plan.

This planning proposal is considered to be consistent with those studies, and with the objectives of MLEP 2011 itself, as it will improve the overall operation of the Plan.

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 generally considered the best way of achieving the desired objective.

However Council's preferred approach to address the issue relating to the listing of certain uses in the LEP Land Use Tables as "*Permitted with consent*" when those uses are only permitted in specific circumstances via separate clauses in the LEP was not supported by the Department (refer to **ATTACHMENT 1** to Part A: Proposed Written Instrument Amendments).

In relation to that issue, the planning proposal incorporates provisions transferring those uses permitted in specific circumstances into Schedule 1 – Additional permitted uses of the LEP, in accordance with the approach suggested by the Department.

3. Is there a net community benefit?

The net community benefits from the planning proposal are summarised as follows:

- Improved performance of MLEP 2011

Some of the proposed amendments to MLEP 2011 within this planning proposal, such as the listing of heritage conservation areas in a more user friendly manner, aim to improve communication and operation of the Plan. This will assist in the community's understanding and use of MLEP 2011.

The planning proposal also includes amendments to address the issue relating to the listing of certain uses in the LEP Land Use Tables as "*Permitted with consent*" when those uses are only permitted in specific circumstances via separate clauses in the LEP. The current provisions have caused many interpretation issues (and in some cases litigation issues for Council) in the assessment of development applications for certain types of developments that are subject to provisions of some State Environmental Planning Policies, in particular the Affordable Rental Housing SEPP.

- Correcting errors, anomalies and/or inconsistencies

The majority of the proposed amendments within the planning proposal are to address misdescriptions, errors, omissions and anomalies and to ensure consistency in the application of controls, primarily concerning mapping related issues.

- Land use table changes

- Amendments to the Land Use Tables (to address the issue relating to the listing of certain uses in the LEP Land Use Tables as “Permitted with consent” when those uses are only permitted in specific circumstances via separate clauses in the LEP)

The planning proposal removes those uses from the relevant land use tables and includes other consequential changes necessary to MLEP 2011, based on the approach recommended by the Department “to transfer the uses permitted in specific circumstances to Schedule 1 of the MLEP.” (Recommendation L-6.9, Recommendation L-6.10, Recommendation L-6.11 (01) and Recommendation L-Sch. 1 – 23-27).

- R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones

The planning proposal includes an amendment to list “home industries” as a use permitted with consent in the Land Use Table for the zones (Recommendation L-2 (02)).

- R2 Low Density Residential zone

The planning proposal includes an amendment to list “neighbourhood shops” as a use permitted with consent in the Land Use Table for the zone (Recommendation L-2 (03)).

- B6 Enterprise Corridor zone

The planning proposal includes an amendment to delete the zone objective “To provide for residential uses, but only as part of a mixed development” for the zone (Recommendation L-2 (04)).

The planning proposal includes an amendment to delete “Commercial premises” from “Part 4 Prohibited” of the Land Use Table for the B6 Enterprise Corridor zone and list “Retail premises” as “Prohibited” in the Land Use Table for the zone (Recommendation L-2 (05)).

- B7 Business Park zone

The planning proposal includes an amendment to delete “turf farming” from “Part 4 Prohibited” of the Land Use Table for the B7 Business Park zone (Recommendation L-2 (06)).

The planning proposal includes an amendment to delete “respite day care centres” from “Part 4 Prohibited” of the Land Use Table for the zone (Recommendation L-2 (10)).

- IN1 General Industrial zone

The planning proposal includes an amendment to make “transport depots” permissible with consent in the IN1 General Industrial zone (Recommendation L-2 (07)).

- SP1 Special Activities zone

The planning proposal includes an amendment to make “home occupations” prohibited in the SP1 Special Activities zone (Recommendation L-2 (08)).

- SP2 Infrastructure zone

The planning proposal includes an amendment to make “home occupations” prohibited in the SP2 Infrastructure zone (Recommendation L-2 (09)).

- Floor space ratio (Amendment to Clause 4.4)

- Amendment to Clause 4.4 (2A)

The planning proposal includes an amendment to Clause 4.4 (2A) to ensure consistency in the FSR controls with the other forms of development permitted on land labelled “F” on the Floor Space Ratio Map (Recommendation L-4.4 (01)).

- Amendment to Clause 4.4 to include a new subclause (Proposed subclause (2C))

The planning proposal includes an amendment to Clause 4.4 – the addition of a new sub clause (sub clause (2C)) to act as an incentive to encourage land reserved for local road to be dedicated for proposed laneways (Recommendation L-4.4 (02)).

- Development on land intended to be acquired for public purposes (Proposed new Clause 5.1A)

The planning proposal includes the incorporation of the Department’s “*Model Clause 5.1A - Development on land intended to be acquired for public purposes*” into MLEP 2011 to address development potential on land reserved for public purposes (Recommendation L-5.1A).

- Dwellings and residential flat buildings in Zone B7 Business Park (Amendment to Clause 6.13)

The planning proposal includes an amendment to Clause 6.13 (3) (d) to include the words “, *including a dwelling in a residential flat building-*” after the words “*a dwelling*” to avoid potential interpretation issues and ensure that the clause applies to dwelling contained within a residential flat building (Recommendation L-6.13).

- Location of boarding houses in business zones (Amendment to Clause 6.15)

The current clause aims “*to control the location of boarding houses in business zones*” by restricting the use of the street level for boarding houses to promote active street fronts in the B1 Neighbourhood Centre, B2 Local Centre, and B4 Mixed Use zones.

However the provisions do not currently apply to all boarding houses permissible with consent in business zones under MLEP 2011, namely those boarding houses that are permissible with consent as part of a mixed use development on other business zoned Schedule 1 sites.

The planning proposal seeks to address that anomaly (Recommendation L-6.15).

- Design excellence (New Clause - Proposed Clause 6.17)

The planning proposal includes the incorporation of a “Design Excellence” clause into the LEP to assist in facilitating the former Marrickville Council’s vision that “*Marrickville’s built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability*” (KRA 3.9 - Marrickville Community Strategic Plan 2023) and promoting the delivery of exceptionally high quality urban design, architecture and sustainable buildings in Marrickville, and to ensure future developments add to the vibrancy, liveliness and attractiveness of the area (Recommendation L-6.17)).

- Additional permitted uses (Schedule 1)

The planning proposal includes amendments to Schedule 1 Additional permitted uses to delete the listings *Part 1 Use of certain land at 165 Edgeware Road, Enmore* and *Part 3A Use of certain land at 74 Edinburgh Road, Marrickville* as those listings are no longer necessary (Recommendation L-Sch. 1-1 and Recommendation L-Sch. 1-3A).

- Heritage

The planning proposal includes the following heritage related amendments:

- i. The listing and mapping of archaeological sites (Recommendation L-Sch. 5 Part 3 (01), Recommendation L-HER_ALL MAPS (01));
- ii. The listing and mapping of 2 new heritage items (Recommendation L-Sch. 5 Part 1 (08), Recommendation L-Sch. 5 Part 1 (09), Recommendation L-Sch. 5 Part 2 (01), Recommendation L-HER_ 002 (02) and Recommendation L-HER_ 003 (01));

- iii. Some amendments to address misdescriptions in heritage listings in MLEP 2011 (Recommendation L-Sch. 5 Part 1 (05), (Recommendation L-Sch. 5 Part 1 (06)); and
- iv. The listing of heritage conservation areas in a more user friendly manner and to address some HCA misdescriptions (Recommendation L-Sch. 5 Part 2 (01)).

The planning proposal also includes reduced FSR and HOB controls for certain properties within one heritage conservation area to provide greater heritage protection of those properties in that HCA (Recommendation L-FSR-003 (03) and Recommendation L-HOB_003 (04)).

- Site-specific zoning amendments (other than those to address errors, anomalies and inconsistencies):

- Land reserved for acquisition on the Land Reservation Acquisition Maps being zoned commensurately on the Land Zoning Map for that property

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 planning proposal includes those amendments to the Land Zoning Maps, in accordance with that resolution (Recommendation L-LZN_ALL (01)).

- The rezoning of certain SP2 zoned land no longer required for public purposes

The planning proposal includes an amendment to rezone certain SP2 zoned land no longer required for public purposes including:

- i. 24A Pigott Street, Dulwich Hill (formerly part of 171 Denison Street) (Recommendation L-LZN_001 (010); and
- ii. Land, being Lots 1, 2 and 3 DP 1057614 at the rear and/or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham (Recommendation L-LZN_003 (09).

- The rezoning of certain land for public purposes (other than those to address errors, anomalies and inconsistencies)

The planning proposal includes amendments to rezone certain land for public purposes including:

- i. Lot 2 DP 1125319 on the south western corner of Old Canterbury Road and Barker Street, Lewisham (formerly part of the property 40 Old Canterbury Road)
Current zoning: R2 Low Density Residential,
Proposed zoning: SP2 Classified Road
(Recommendation L-LZN_001 (03));
- ii. Land between 24 Illawarra Road and 28 Illawarra Road, Marrickville (which forms part of the Addison Road Community Centre
Current zoning: R2 Low Density Residential,
Proposed zoning: SP2 Community Facilities
(Recommendation L-LZN_003 (03));
- iii. Land at the rear of 20 Tupper Street, Enmore (fronting Alma Avenue)
Current zoning: RE2 Private Recreation,
Proposed zoning: SP2 Local Road
(Recommendation L-LZN_003 (15));
- iv. Land at the rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville
Current zoning: B2 Local Centre,
Proposed zoning: SP2 Local Road

- (Recommendation L-LZN_004 (13));
- v. Land at the rear of 326-330 Marrickville Road, Marrickville
 Current zoning: B2 Local Centre,
 Proposed zoning: SP2 Local Road
 (Recommendation L-LZN_004 (14)); and
 - vi. 81 Railway Road, Sydenham
 Current zoning: R2 Low Density Residential,
 Proposed zoning: RE1 Public Recreation
 (Recommendation L-LZN_004 (01)).
- The reserving of certain land for public purposes (other than those to address errors, anomalies and inconsistencies)
 The planning proposal includes amendments to reserve certain land for public purposes including:
 - i. Land at the rear of 20 Tupper Street, Enmore (fronting Alma Avenue) to SP2 Local Road (Recommendation L-LRA_003 (02));
 - ii. Land at the rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville to SP2 Local Road (Recommendation L-LRA_004 (05)); and
 - iii. Land at the rear of 326-330 Marrickville Road, Marrickville to SP2 Local Road (Recommendation L-LRA_004 (06)).
 - The rezoning of certain other land
 The planning proposal includes amendments to rezone certain other land including:
 - i. 40-42 Cobar Street, Dulwich Hill (rear of property formerly part of 829 New Canterbury Road, Dulwich Hill)
 Current zoning: B2 Local Centre,
 Proposed zoning: R1 General Residential
 (Recommendation L-LZN_001 (04));
 - ii. 15 Hutchinson Street, St Peters (rear of property)
 Current zoning: B5 Business Development,
 Proposed zoning: B7 Business Park
 (Recommendation L-LZN_004 (07));
 - iii. 22 Cook Street, Tempe (rear of property)
 Current zoning: B6 Enterprise Corridor,
 Proposed zoning: R2 Low Density Residential
 (Recommendation L-LZN_004 (15)); and
 - iv. 18 Cecilia Street, Marrickville (part of property)
 Current zoning: RE1 Public Recreation,
 Proposed zoning: R4 High Density Residential
 (Recommendation L-LZN_004 (25)).
 - 5-43 Bridge Road, Stanmore (properties on the eastern side of Bridge Road between Parramatta Road and Salisbury Road)
 A proposal to change the zoning of all lots on the eastern side of Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Development and an increase in the FSR development standard applying to the properties from 0.95:1 to 2:1 was originally considered as part of the amendments proposed under Marrickville Local Environmental Plan 2011 (Amendment No. 2). The planning proposal for the properties was deferred pending the submission of an expanded traffic/transport study requested by RMS.

An updated Traffic Study was submitted and reviewed and RMS raised no objection to the planning proposal.

The planning proposal includes the rezoning of that land, as requested, with appropriate floor space ratio and height of building development standards (Recommendation L-LZN_003 (11), Recommendation L-FSR_003 (16) and Recommendation L-HOB_003 (14)).

- Site-specific development standards (FSR and/or HOB controls) amendments (other than those to address errors, anomalies and inconsistencies):
 - Reinstatement of the FSR and height of building controls for the properties 31 Princes Highway, 41-45 Princes Highway and 129 Princes Highway, St Peters
The planning proposal includes amendments to reinstate the FSR and height of building controls that applied to the above properties when MLEP 2011 was originally gazetted (Recommendation L-FSR_004 (14) and Recommendation L-HOB-004 (08A)) as amended by the following dot point.
 - Reduction in the maximum permitted height on the rear sections of certain properties in the St Peters Triangle Precinct
The planning proposal includes amendments to reduce the height of building controls for the rear sections of certain properties in the St Peters Triangle Precinct to ensure that the heights are consistent with the Planning Precinct Masterplan controls in Part 9.25 St Peters Triangle (Precinct 25) of Marrickville Development Control Plan 2011 (Recommendation L-HOB-004 (08) and Recommendation L-HOB-004 (08A)).
 - Reduction in the maximum permitted floor space ratio and height of buildings for certain properties within the North Kingston Estate Heritage Conservation Area
The planning proposal includes amendments to reduce the floor space ratio and height of building controls for the properties 1-5 Mary Street, 6 Mary Street, 11-19 Mary Street, 2-8 Lennox Street, the rear lot (Lot 1 DP 542155) facing Lennox Street of No. 259 King Street and No. 3 Eliza Street, Newtown within the North Kingston Estate Heritage Conservation Area to provide greater heritage protection of those properties in that HCA (Recommendation L-FSR-003 (03) and Recommendation L-HOB-003 (04)).
 - 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
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 including:
 - i. 62 Constitution Road, Dulwich Hill
Floor Space Ratio control “V1 (3.00:1)” (Recommendation L-FSR_001 (04)), and Height of Building control “P (17.0m)” (Recommendation L-HOB_001 (03));
 - ii. Rear of 103 Denison Road, Dulwich Hill (Lot 42 DP 134604)
Floor Space Ratio control “F” (Recommendation L-FSR_001 (05)), and Height of Building control “J (9.5m)” (Recommendation L-HOB_001 (04));
 - iii. 24A Pigott Street, Dulwich Hill (formerly part of 171 Denison Street)
Floor Space Ratio control “F” (Recommendation L-FSR_001 (06)), and Height of Building control “J (9.5m)” (Recommendation L-HOB_001 (05));
 - iv. 305-317 King Street, Newtown (reserved land at rear proposed to be rezoned)
Floor Space Ratio control “S1 (1.5:1)” (Recommendation L-FSR_003 (01)), and Height of Building control “N (14.0m)” (Recommendation L-HOB_003 (02));
 - v. 3 Eliza Street, Newtown (reserved land proposed to be rezoned)
Floor Space Ratio control “P (1.2:1)” (Recommendation L-FSR_003 (02)), and Height of Building control “J (9.5m)” (Recommendation L-HOB_003 (03));
 - vi. 5 Eliza Street, Newtown (reserved land proposed to be rezoned)
Floor Space Ratio control “S1 (1.5:1)” (Recommendation L-FSR_003 (02A)), and

- vii. Height of Building control "N (14.0m)" (Recommendation L-HOB_003 (02));
2 Albany Road, 1-7 Albany Road and 20-26 Bridge Road, Stanmore
 - viii. Height of Building control "N (14.0m)" (Recommendation L-HOB_003 (01));
65 Newington Road, Marrickville
 - ix. Height of Building control "J (9.5m)" (Recommendation L-HOB_003 (05));
Rear of 94 Audley Street, Petersham
 - x. Floor Space Ratio control "T4 (2.20:1)" (Recommendation L-FSR_003 (04)), and
Height of Building control "P (17.0m)" (Recommendation L-HOB_003 (06));
Land at the rear and/or side of the properties 18 Charles Street, 20 Charles Street
and 54 Margaret Street, Petersham
 - xi. Floor Space Ratio control "F (0.60:1)" (Recommendation L-FSR_003 (11)), and
Height of Building control "J (9.5m)" (Recommendation L-HOB_003 (12));
29 West Street and 29B West Street, Lewisham
 - xii. Floor Space Ratio control "F (0.60:1)" (Recommendation L-FSR_003 (17)), and
Height of Building control "J (9.5m)" (Recommendation L-HOB_003 (15));
292 Illawarra Road and land at the rear of 280-290 Illawarra Road, Marrickville
 - xiii. Height of Building control "Q (20.0m)" (Recommendation L-HOB_004 (02));
18 Cecilia Street, Marrickville (part of property)
 - xiv. Floor Space Ratio control "F (0.60:1)" (Recommendation L-FSR_004 (18)), and
Height of Building control "N (14.0m)" (Recommendation L-HOB_004 (14)).
68-96 Thornley Street, Marrickville (rear of properties)
 - Floor Space Ratio control "F (0.60:1)" (Recommendation L-FSR_004 (19)), and
Height of Building control "J (9.5m)" (Recommendation L-HOB_004 (15)).
- The deletion of floor space ratio and/or height of buildings controls for certain land
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 including:
 - i. 1-9 Weston Street, Dulwich Hill (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_001 (01)), and
Height of Building (Recommendation L-HOB_001 (01));
 - ii. Lot 2 DP 1125319, land on the south western corner of Old Canterbury Road and
Barker Street, Lewisham (RMS land)
Floor Space Ratio (Recommendation L-FSR_001 (02)), and
Height of Building (Recommendation L-HOB_001 (02));
 - iii. Alfred Street, Lewisham (Council land)
Floor Space Ratio (Recommendation L-FSR_001 (02A)), and
Height of Building (Recommendation L-HOB_001 (02A));
 - iv. 299B Livingstone Road, Marrickville (Telstra Corporation land)
Floor Space Ratio (Recommendation L-FSR_002 (02)), and
Height of Building (Recommendation L-HOB_002 (01));
 - v. Lot 2 DP 607012, land off Illawarra Road between the properties 438 Illawarra Road
and 460 Illawarra Road, Marrickville (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_002 (03)), and
Height of Building (Recommendation L-HOB_002 (02));
 - vi. Rear of 89-105 New Canterbury Road, Petersham (proposed rear lane)
Floor Space Ratio (Recommendation L-FSR_003 (05));
 - vii. Land on the south western corner of Chester Street and Albert Street, Petersham
(Sydney Water Corporation and Ausgrid land)
Floor Space Ratio (Recommendation L-FSR_003 (06)), and
Height of Building (Recommendation L-HOB_003 (08));
 - viii. 2-14 Station Street, Newtown (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_003 (07)), and
Height of Building (Recommendation L-HOB_003 (09));

- ix. Land adjacent to 264 Stanmore Road, Petersham (Ausgrid land)
Floor Space Ratio (Recommendation L-FSR_003 (08)), and
Height of Building (Recommendation L-HOB_003 (10));
- x. Lot 1 DP 180283, land off Alma Avenue, Enmore (Ausgrid land)
Floor Space Ratio (Recommendation L-FSR_003 (09)), and
Height of Building (Recommendation L-HOB_003 (11));
- xi. Rear of 20 Tupper Street, Enmore, land fronting Alma Avenue (Land proposed to be rezoned SP2 Local Road)
Floor Space Ratio (Recommendation L-FSR_003 (10));
- xii. Lot 1 DP 1124143, airspace over Enmore Road adjacent to the property 52-60 Enmore Road, Enmore
Height of Building (Recommendation L-HOB_003 (13));
- xiii. Land zoned SP2 Stormwater Management Systems at the rear of properties on the eastern side of Bridge Road, Stanmore (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_003 (20)), and
Height of Building (Recommendation L-HOB_003 (19));
- xiv. Lot 1 DP 437179, land between Llewellyn Street and Empire Lane, Marrickville (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_003 (21)), and
Height of Building (Recommendation L-HOB_003 (17));
- xv. 13 Victoria Road, Marrickville (Lot 1 DP 440432) (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_003 (22)), and
Height of Building (Recommendation L-HOB_003 (18));
- xvi. 81 Railway Road, Sydenham (land proposed to be rezoned RE1 Public Recreation)
Floor Space Ratio (Recommendation L-FSR_004 (01)), and
Height of Building (Recommendation L-HOB_004 (01));
- xvii. Lot 1 DP 437934, land on the eastern corner of Canal Road and Burrows Road South, St Peters (RMS land)
Floor Space Ratio (Recommendation L-FSR_004 (02));
- xviii. Part of the property 1-7 Unwins Bridge Road, St Peters (Land reserved SP2 Classified Road)
Floor Space Ratio (Recommendation L-FSR_004 (03));
- xix. Part of the properties 5 Bellevue Street and 634-726 Princes Highway, Tempe (Land reserved SP2 Classified Road)
Floor Space Ratio (Recommendation L-FSR_004 (04));
- xx. 32 Meeks Road, Marrickville (Ausgrid land)
Floor Space Ratio (Recommendation L-FSR_004 (05));
- xxi. Sydenham Pit and Drainage Pumping Station, Garden Street, Marrickville (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_004 (06));
- xxii. Land in the vicinity of Edinburgh Road, Sydney Steel Road and railway land, Marrickville (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_004 (07));
- xxiii. Land between Garners Lane and Frampton Lane, Marrickville (Part Lot 3 DP 1169431) (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_004 (08)), and
Height of Building (Recommendation L-HOB_004 (05));
- xxiv. Land between Myrtle Street and Schwebel Street, Marrickville (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_004 (09));
- xxv. Land between Warren Road and Cary Street, Marrickville (Sydney Water Corporation land)
Floor Space Ratio (Recommendation L-FSR_004 (10)), and
Height of Building (Recommendation L-HOB_004 (04));
- xxvi. Rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville (Land proposed to be rezoned SP2 Local Road)

- xxvii. Floor Space Ratio (Recommendation L-FSR_004 (11)), and Height of Building (Recommendation L-HOB_004 (05));
Rear of 326-330 Marrickville Road, Marrickville (Land proposed to be rezoned SP2 Local Road)
 - xxviii. Floor Space Ratio (Recommendation L-FSR_004 (12)), and Height of Building (Recommendation L-HOB_004 (06));
Lot 1 DP 539623, land on the south western corner of Edinburgh Road and Sydney Steel Road, Marrickville (Land proposed to be rezoned SP2 Local Road)
 - xxix. Floor Space Ratio (Recommendation L-FSR_004 (15)), and
Lot 3 DP 921138, land between Garners Lane and Frampton Lane, Marrickville (Sydney Water Corporation land)
 - xxx. Height of Building (Recommendation L-HOB_004 (04)); and
Splay corner on the north western corner of Marrickville Road and Victoria Road, Marrickville
 - xxxi. Height of Building (Recommendation L-HOB_004 (11));
2B Church Street, Marrickville (Lot 1 DP 530179) (SP2 Electricity Supply zoned land)
 - xxxii. Floor Space Ratio (Recommendation L-FSR_004 (17)), and Height of Building (Recommendation L-HOB_004 (13)); and
Alfred Street, St Peters (adjacent to the properties 60-94 Alfred Street) (road)
 - xxxiii. Floor Space Ratio (Recommendation L-FSR_004 (20)), and Height of Building (Recommendation L-HOB_004 (16)); and
81 Railway Road, Sydenham (Council land proposed to be zoned RE1 Public Recreation)
 - Floor Space Ratio (Recommendation L-FSR_004 (01)), and Height of Building (Recommendation L-HOB_004 (01)).
- Amendments to the floor space ratio and/or height of building controls for certain other land including:
 - i. 40-42 Cobar Street, Dulwich Hill (rear of property)
Floor Space Ratio (Recommendation L-FSR_001 (03));
 - ii. 22 Cook Street, Tempe (rear of property)
Floor Space Ratio (Recommendation L-FSR_004 (13)), and Height of Building (Recommendation L-HOB_004 (07));
 - iii. 31 Station Street, Newtown
Height of Building (Recommendation L-HOB_003 (17)); and
 - iv. 15 Hutchinson Street, St Peters
Height of Building (Recommendation L-HOB_004 (03)).
 - The removal of reservations on certain land no longer required for public purposes relating to the following properties:
 - i. 309-317 King Street and 3-5 Eliza Street, Newtown (removal of Local Road reservation on parts of property) (Recommendation L-LRA_003 (01));
 - ii. Lot 1 DP 1022853 (land between the railway lines to the north west of the end of Hillcrest Street, Sydenham (removal of Drainage reservation) (Recommendation L-LRA_004 (01));
 - iii. Reservation on land in the vicinity of 30 Canal Road, St Peters (removal of Classified Road reservation) (Recommendation L-LRA_004 (03);
 - iv. 240 Illawarra Road, Marrickville and 244-248 Illawarra Road, Marrickville (removal of Local Road reservation on the rear of the properties) (Recommendation L-LRA_004 (04)); and

- v. 351 Illawarra Road, Marrickville (removal of Local Road reservation on the rear of the properties) (Recommendation L-LRA_004 (07)).
- Other amendments to address errors, anomalies and inconsistencies and other matters including:
 - i. 1-9 Weston Street, Dulwich Hill – amending the zoning of the Sydney Water Corporation land from SP2 Stormwater Management Systems to SP2 Water Systems on the Land Zoning Map;
 - ii. 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 – the inclusion of the notation “R2” on the Land Zoning Map (Recommendation L-LZN_003 (19));
 - iii. 1-213 Enmore Road and 1-7 Stanmore Road, Enmore – the inclusion of the notation “B2” on the Land Zoning Map (Recommendation L-LZN_003 (20));
 - iv. 2-20 Sydenham Road, 51-103 Railway Parade, 27-31 Marrickville Road and 4-54 Buckley Street, Marrickville – the inclusion of the notation “IN1” on the Land Zoning Map (Recommendation L-LZN_004 (20));
 - v. 161-183 Princes Highway, St Peters – the inclusion of the notation “B6” on Land Zoning Map (Recommendation L-LZN_004 (21));
 - vi. 500 Princes Highway and 1-4 Bellevue Street, St Peters – the inclusion of the notation “IN1” on the Land Zoning Map (Recommendation L-LZN_004 (22));
 - vii. 94A-114 Pile Street and 89-101 Livingstone Road, Marrickville – the inclusion of the notation “J” on the Height of Buildings Map (Recommendation L-HOB_003 (19));
 - viii. 2-10 Morgan Street and 51-53 Livingstone Road, Marrickville – the inclusion of the notation “J” on the Height of Buildings Map (Recommendation L-HOB_003 (20));
 - ix. Amendments to the listings in the Legend on the Land Reservation Acquisition Maps (Recommendation L-LRA_ALL MAPS (01));
 - x. Amendments to better identify the SP2 Classified Road notation on the Land Reservation Acquisition Map affectation on the properties 531 Princes Highway and 624-726 Princes Highway, Tempe (Recommendation L-LRA_004 (02));
 - xi. Update of maps to ensure all maps reflect the new names of the adjoining councils (Recommendation L-ALL_Various Maps (01));
 - xii. Update of the Land Application Map to show the boundary of the Inner West LGA boundary and to replace the Marrickville Council logo in the Legend with the Inner West Council name and logo (Recommendation L-LAP-001 (01)); and
 - xiii. Update of the Legend to all maps to include the Inner West Council name and logo and revised locality maps (Recommendation L-ALL MAPS_001 (01)).

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 not inconsistent with the objectives and actions contained within the applicable regional or sub-regional strategy including the Sydney Metropolitan Strategy.

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

The planning proposal is consistent with Marrickville Community Strategic Plan ‘*Our Place Our Vision 2023*’ and other associated local community strategic plans.

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. 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. However the planning proposal includes one amendment (Recommendation L-2-(06)) which relates to intensive agriculture, being the deletion of the term “*Turf farming*” from Part 2 Prohibited of the Land Use Table for the B7 Business Park zone. That term is superfluous in the Land Use Table for that zone as the group term “*agriculture*” is listed as prohibited in the Land Use Table for the zone. 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.

Note: It should be noted that the original report considered by Marrickville Council at its meeting on 1 December 2015 included a recommendation relating to advertisements - signage on bus and taxi rank shelters (Recommendation L-Sch2 (01)). That matter was progressed as a separate standalone planning proposal (Marrickville Local Environmental Plan 2011 (Amendment No. 6) Department's Reference: PP_2016_MARRI_001_00. That amendment was gazetted on 1 April 2016.

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.

The planning proposal does not include specific provisions relating to residential apartment development. However the planning proposal does include a recommendation (Recommendation L-6.17 Design Excellence) which would apply to certain forms of residential apartment development. The proposed provision is not that dissimilar to other Council's LEPs which contain design excellence provisions. The objective of the proposed clause “*is to deliver the highest standard of architectural, urban and landscape design*”.

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.

- 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 includes some matters which relate to infrastructure and the provision of services (Recommendation L-5.1A being the incorporation of the Department's *"Model Clause 5.1A – Development on land intended to be acquired for public purposes"*) and (Recommendation L-LZN_ALL (01) *"That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property"*).

The later of those recommendations is in response to a request from Roads and Maritime Services.

Other recommendations contained within the planning proposal which relate to infrastructure are to address misdescriptions and mapping anomalies and inconsistencies to ensure consistency in the application of controls in MLEP 2011 including a number of 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 and certain land over roads.

Apart from the above mentioned matters, the planning proposal does not raise any other issues in relation to the SEPP. Council has concluded that the Planning Proposal is consistent with this SEPP.

- SEPP (Affordable Rental Housing) 2009

This SEPP establishes a consistent planning regime for the provision of affordable rental housing. The planning proposal includes an amendment to Clause 6.15 of MLEP 2011 relating to the location of boarding houses in Business zones (Recommendation L-6.15). The amendment does not relate to land to which Clause 26 of the Affordable Rental Housing SEPP applies.

As detailed previously, the planning proposal includes amendments to the Land Use Tables (to address the issue relating to the listing of certain uses in the LEP Land Use Tables as *"Permitted with consent"* when those uses are only permitted in specific circumstances via separate clauses in the LEP). One of the reasons for that amendment is to address a MLEP 2011 interpretation issue, particularly on land zoned R2 Low Density Residential, associated with the wording of the floor space ratio bonus provisions for boarding house developments under Clause 29 (1) (c) of the ARHSEPP. That clause permits a floor space ratio bonus for boarding house developments in certain circumstances including *"if the development is on land within a zone in which residential flat buildings are permitted"*. It is unfortunate that the subject clause is not drafted in a manner similar to Clause 20 of the ARHSEPP or Clause 1.18 (1) (b) of the Codes SEPP.

Proponents have argued that *"residential flat buildings"* are permitted with consent in the Land Use Table for the R2 Low Density Residential under MLEP 2011 and that under the ARHSEPP *"the question is not whether or not residential flat buildings may be built in relation to **the land**, rather in relation to **the Zone**"*. Proponents then contend that *"Irrespective of whether residential flat buildings may be built on the subject property within the Zone, the fact is that residential flat buildings may be built within the Zone, thereby satisfying the requirement of the Policy"* and *"Accordingly, given the fact that residential flat buildings may be built in the Zone, the subject property is entitled to the bonus under the Policy"*.

Council does not believe that the ARHSEPP intended that floor space ratio bonuses for boarding house developments applied on land zoned R2 Low Density Residential. The planning proposal provisions aim to address that unfortunate consequence.

In light of the above, Council considers that the planning proposal is not inconsistent 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 overall, the planning proposal is consistent with all applicable Ministerial s.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 planning proposal affects land within existing business and industrial zones including alterations to some existing business and industrial zone boundaries, and as such Direction 1.1 is relevant to the planning proposal.

Many of the proposed amendments relating to existing business and industrial zones are to address misdescriptions, mapping omissions, anomalies and inconsistencies in MLEP 2011 and to ensure consistency in the application of controls. Some of those amendments would alter existing business zone boundaries.

Another proposed amendment that affects existing business and industrial zones is in response to a request from Roads and Maritime Services (Recommendation L-LZN_ALL (01): That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property).

Apart from those proposed amendments, the only substantive amendment contained within the planning proposal that affects land within existing business and industrial zones is the site specific rezoning of the properties 5-43 Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Development (Recommendation L-LZN_003 (11)). (It is noted that the Department has previously given in principle support for the rezoning of that land being included in a planning proposal as part of Gateway Determination PP_2013_MARRI_003_00).

In light of the above, Council considers the planning proposal to be generally consistent with this Direction, with the inconsistencies with Direction 1.1 being of minor significance.

2. Environment and Heritage

- Direction 2.3: Heritage Conservation

This Direction applies when a relevant planning authority prepares a planning proposal and states that the planning proposal must, inter alia, contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.

The planning proposal contains a number of proposed amendments relating to heritage related matters as detailed in “*Part 3 – Is there a net community benefit?*” of this submission under the heading “*Heritage*”.

The planning proposal is consistent with this Direction as it specific relates to local heritage identification and management through the listing of additional heritage assets.

3. Housing, Infrastructure and Urban Development

- Direction 3.1: Residential Zones

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.

The planning proposal affects land within existing residential zones including alterations to some existing residential zone boundaries and the planning proposal also includes the rezoning of some land to residential, and as such Direction 3.1 is relevant to the planning proposal.

Many of the proposed amendments relating to existing residential zones are to address misdescriptions, mapping omissions, anomalies and inconsistencies in MLEP 2011 and to ensure consistency in the application of controls. Another proposed amendment that affects existing residential zones is in response to a request from Roads and Maritime Services (Recommendation L-LZN_ALL (01): That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property).

The planning proposal also includes a minor amendment (amendment to the Site area and Maximum floor space ratio table in Clause 4.4 (2A) of MLEP 2011) to the existing development standard that applies to certain residential development (Recommendation L-4-4 (01)).

In light of the above, Council considers the planning proposal to be consistent with this Direction.

- Direction 3.3: Home Occupations

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

The planning proposal includes some amendments relating to “*home occupations*”. Those amendments relate to the deletion of the listing of “*Home occupations*” as “*Permitted without consent*” in the Land Use Tables for the SP1 Special Activities zone and the SP2 Infrastructure zone. As “*dwelling houses*” are not permitted in either of those zones the planning proposal is not inconsistent with Direction 3.3.

- 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 some amendments that “*will create, alter or remove a zone or a provision relating to urban land.*” Most of those amendments are housekeeping amendments to address mapping anomalies or mapping omissions and to ensure consistency in the application of controls.

The only substantive amendment that creates, alters or removes a zone or a provision relating to urban land are the proposed the site specific rezoning of the properties 5-43 Bridge Road, Stanmore.

The planning proposal seeks to rezone the properties 5-43 Bridge Road, Stanmore to permit other land uses. It is considered that this planning proposal is consistent with the objectives of this direction to improve access to housing, jobs and services by walking, cycling and public transport; increasing the choice of available transport and reducing dependence on cars; reducing travel demand; and supporting viable public transport services. The subject land is located within close proximity of an existing commercial centre. It is well located to services and public transport options.

It is considered that the planning proposal is consistent with the aims and objectives of this Direction.

- **Direction 3.5: Development Near Licensed Aerodromes**

The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes; (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. This direction applies to a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

The amendments contained within the planning proposal are extensive and would affect a large number of properties within the former Marrickville Council area, including some land that is in an ANEF contour of 20 or greater. As detailed previously, the majority of the proposed amendments are to address misdescriptions, mapping omissions and anomalies and to ensure consistency in the application of controls.

In light of the above it is considered that the planning proposal is not inconsistent with the aims and objectives of this Direction.

4. Hazard and Risk

- **Direction 4.1: Acid Sulfate Soils**

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

The amendments contained within the planning proposal are extensive and would affect a large number of properties within the former Marrickville Council area, including some land identified on the Acid Sulfate Soils Map. As detailed previously the majority of the proposed amendments are to address misdescriptions, mapping omissions and anomalies and to ensure consistency in the application of controls. The planning proposal does not include

any changes to “*Clause 6.1 Acid sulfate soils*” of MLEP 2011 or any changes to Marrickville Local Environmental Plan 2011 Acid Sulfate Soils Map.

The one substantive rezoning contained within the planning proposal (5-43 Bridge Road, Stanmore) is not located on land identified on the Acid Sulfate Soils Map.

The planning proposal does not introduce new provisions to regulate works in acid sulfate soils. In light of the above, Council considers the planning proposal to be consistent with this Direction.

- Direction 4.3: Flood Prone Land

This Direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

As per the comments in relation to Direction 4.1, the amendments contained within the planning proposal are extensive and would affect a large number of properties within the former Marrickville Council area, including some land that is flood liable. As detailed previously, the majority of the proposed amendments are to address misdescriptions, mapping omissions and anomalies and to ensure consistency in the application of controls. The planning proposal does not include any changes to “*Clause 6.3 Flood planning*” of MLEP 2011.

In light of the above, Council considers the planning proposal to be consistent with this Direction.

6. Local Plan Making

- Direction 6.1: Approval & Referral Requirements

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

The planning proposal does not include amendments to the existing public authority concurrence/ consultation provisions contained in MLEP 2011. The proposed listing of archaeological sites (Recommendation L-Sch 5-Part 3 (01) and Recommendation L-HER_ALL MAPS (01)) would require the referral of applications relating to the carrying out of development on those sites to the Heritage Council in accordance with the requirements under Clause 5.10 (7) of MLEP 2011.

In light of the above it is considered that the planning proposal does not require the approval of the appropriate Minister or public authority. The planning proposal is consistent with this Direction.

- Direction 6.2: Reserving Land for Public Purposes

This Direction applies when a relevant planning authority prepares a planning proposal. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

The planning proposal includes amendments that will “*create, alter or reduce existing zonings or reservations of land for public purposes*” and as such Direction 6.2 is relevant to the planning proposal.

The main one of those amendments is in response to a request from Roads and Maritime Services (Recommendation L-LZN_ALL (01): That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property).

Other amendments relate to the rezoning of certain SP2 zoned land no longer required for public purposes (Recommendation L-LZN_003 (09)).

Another amendment (Recommendation L-LRA_003 (01)) relates to the removal of local road reservations from certain land in Newtown in accordance with an earlier Council resolution.

Other amendments (Recommendation L-LRA_ALL MAPS (01) and Recommendation L-LRA_ALL MAPS (02)) relate to certain listings on the Land Reservation Acquisition Maps and to ensure that the notations on the maps are in accordance with the listings in Table 5.1 (2) of MLEP 2011.

The other amendments in the planning proposal relating to reserved land are primarily to address mapping anomalies in MLEP 2011. In relation to most of those amendments which create new reservations, the Council is the relevant public authority to acquire the land the subject of that reservation. The other amendments which create, alter or reduce existing zonings or reservations of land for public purposes address errors, omissions, anomalies and inconsistencies in the maps.

In light of the above, Council considers the planning proposal to be consistent with this Direction.

- Direction 6.3: Site Specific Provisions

This direction applies to the planning proposal. The objective of the direction is to discourage unnecessarily restrictive site specific planning controls. The Direction requires a planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on; or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any additional development standards or requirements; or (c) allow that land use on the relevant land without imposing any additional development standards or requirements.

The planning proposal includes zoning amendments to numerous properties in the former Marrickville LGA, and as such Direction 6.3 is relevant to the planning proposal.

As detailed previously, many of those proposed amendments are to address errors, omissions, anomalies and inconsistencies in the maps adopted by MLEP 2011.

The other site specific amendments contained within the planning proposal are those previously detailed in “*Part 3 – Is there a net community benefit?*” of this submission under the heading “*Site-specific zoning amendments*”.

The site specific amendments relate to the rezoning of land on the eastern side of Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Development (Recommendation L-LZN_003 (11)).

The site specific components of the planning proposal are consistent with the subject Direction.

7. Metropolitan Planning

- Direction 7.1: Implementation of 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 primarily a range of housekeeping amendments to MLEP 2011 that seek to address misdescriptions, errors, omissions, anomalies and inconsistencies in the written instrument and maps, ensure consistency in the application of controls, or improve communication in the Plan.

Whilst the subject Direction is technically applicable it is not particularly relevant to the majority of the matters contained within the planning proposal.

The Planning Proposal includes a site specific amendment relating to the rezoning of land on the eastern side of Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Development. Gateway determination has previously been issued by the Department for the rezoning of the subject land (as part of planning proposal PP_2013_MARR_003_00).

Action 1.9.2: Support key industrial precincts with appropriate planning controls of the Plan states that the *Industrial Lands Strategic Assessment Checklist* will guide the assessment of proposed rezoning of industrial lands. That checklist poses questions about whether the site is near or within direct access to key economic infrastructure, how it contributes to a significant industry cluster, and how the proposed rezoning would impact on industrial land stocks and employment objectives in each subregion.

The first question posed in the checklist reads as follows:

- *Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?*

The land on the eastern side of Bridge Road to which the site specific amendment in the planning proposal relates is located in the Parramatta Road Corridor Urban Transformation Strategy. The proposed rezoning is generally consistent with that strategy. The matter is discussed in more detail under the heading “*Direction 7.3: Parramatta Road Corridor Urban Transformation Strategy*.”

Action 3.4.4: Identify and re-use heritage sites, including private sector re-use through the Priority Precincts program.

A Plan for Growing Sydney’ notes that ‘Heritage studies identify buildings and places to be listed as heritage items or heritage conservation areas in a Local Environmental Plan to enable their ongoing protection and management.’ The planning proposal includes the proposed listing of two additional heritage items and the listing of 32 archaeological sites and the listing of heritage conservation areas in a more user friendly manner. The proposed amendments are part of this ongoing process of local government protection of local heritage places.

The planning proposal is considered to be consistent with the NSW Government’s ‘A Plan for Growing Sydney’, and as such Council considers the planning proposal to be consistent with this Direction.

- Direction 7.3: Parramatta Road Corridor Urban Transformation Strategy

This Direction applies to the planning proposal as part of the planning proposal relates to land within the Parramatta Road Corridor as identified on the Map titled Parramatta Road Corridor on pages 14 and 15 of the *Parramatta Road Corridor Urban Transformation Strategy* (November, 2016).

The properties on the eastern side of Bridge Road, Stanmore are located in the Camperdown Frame Area of the Camperdown Precinct of the Parramatta Road Corridor Urban Transformation Strategy. The planning proposal seeks to rezone the subject land to B5 Business Development (Recommendation L-LZN_003 (11)) with a floor space ratio of 2:1 (Recommendation L-FSR_003 (16)) and a height of building control of ("N" 14.0m) (Recommendation L-HOB_003 (14)).

The Parramatta Road Corridor Urban Transformation recommends a zoning of B6 Enterprise Corridor for the land with FSR and HOB Controls of 2.1:1 and "P2" 17.0m respectively (pages 269, 273 and 271).

The proposed planning controls contained within the planning proposal are not consistent with the Parramatta Road Corridor Planning and Design Guidelines (November, 2016) and the requirements set out in Section 3 Corridor-wide Guidelines and the Camperdown Precinct Guidelines.

The main difference being the planning proposal recommends a B5 Business Development zone for the land whereas the Parramatta Road Corridor Urban Transformation Strategy recommends a B6 Enterprise Corridor zone for the land. The proposed B6 Enterprise Corridor zone in the Strategy is questioned. One of the mandated objectives for the B6 Enterprise Corridor zone 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.

It is also noted that the Parramatta Road Planning and Design Guidelines includes some contradictory information in relation to the planning controls for properties on the eastern side of Bridge Road. The Design Guidelines state in part *"Land fronting Bridge Road, south of Parramatta Road, has recently been rezoned from an industrial zone to B6 Enterprise Corridor. No change is therefore proposed in this part of the Precinct. (page 268) and "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)*

A proposal to change the zoning of all lots on the eastern side of Bridge Road, Stanmore (the land referred to in the Strategy as *"Land fronting Bridge Road, south of Parramatta Road"*) was originally considered as part of the housekeeping amendments proposed under Marrickville Local Environmental Plan 2011 (Amendment No. 2). The proposed zoning change related to the properties on the eastern side of Bridge Road known as 5-43 Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Development and an increase in the FSR development standard applying to the properties from 0.95:1 to 2:1.

It is noted that the Department has previously given in principle support for the rezoning of that land being included in a planning proposal as part of Gateway Determination PP_2013_MARRI_003_00.

The planning proposal for the properties was deferred pending the submission of an expanded traffic/transport study requested by RMS. That study was submitted. RMS reviewed the study and advised that they raised no objection to the planning proposal.

The floor space ratio and height of building controls proposed for land on the eastern side of Bridge Road, Stanmore in the planning proposal are slightly less than the respective controls proposed in the *Parramatta Road Corridor Planning and Design Guidelines (November, 2016)*, a FSR control of 2:1 as opposed to 2.1:1 and a HOB control of 14 metres as opposed to 17 metres. It is noted that the Guidelines state that the *"existing maximum heights are proposed to be maintained.....given the very recent amendment of those controls."*

It should also be noted that as part of the exhibition of the planning proposal (referred to as Marrickville Local Environmental Plan 2011 (Amendment No. 2) – Department's ref: PP_2013_MARR_003_00), letters were sent to all landowners on the eastern side of

Bridge Road (i.e. No.'s 5-43 Bridge Road - all directly affected by the rezoning proposal), as well as potentially affected surrounding landowners. Most of those latter landowners were residents of dwellings on land zoned R2 Low Density Residential on the western side of Cardigan Street, whose properties back onto a stormwater canal that separates them from the rear of the Bridge Road properties. Seven of the eight submissions received in relation to the item were from Cardigan Street residents. Issues raised in those submissions included issues relating to privacy impacts and overshadowing impacts. The 14 metre HOB control proposed for the land in the planning proposal was chosen to "*provide an appropriate transition in built form and land use intensity*" between the subject land and the R2 Low Density Residential zoned land immediately adjoining to the east.

As stated previously, the properties on the eastern side of Bridge Road, Stanmore are located in the Camperdown Frame Area of the Camperdown Precinct of the Parramatta Road Corridor Urban Transformation Strategy. The planning proposal is therefore technically inconsistent with the staging and other identified thresholds for land use change identified in the *Parramatta Road Corridor Implementation Plan 2016 – 2023* (November, 2016). Notwithstanding the above, the Strategy essentially implies that no changes are proposed to the controls applying to the land "*given the very recent amendment of those controls.*"

In light of the above, the technical inconsistency with Direction 7.3: Parramatta Road Corridor Urban Transformation Strategy is considered acceptable.

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?

The planning proposal is primarily a housekeeping proposal to amend misdescriptions, mapping anomalies, address inconsistencies and improve communication in the Plan. Consequently there are unlikely to be environmental effects, either individually or cumulatively, as a result of the planning proposal. The only development of significance that may result from this planning proposal is the possible redevelopment of land on the eastern side of Bridge Road, Stanmore. The redevelopment of that land in accordance with the planning controls proposed in the planning proposal is not anticipated to have any significant environmental impacts.

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

As the planning proposal is primarily a housekeeping proposal to amend misdescriptions, mapping anomalies, address inconsistencies and improve communication in the Plan most of the proposed amendments would have limited social/economic effects.

The planning proposal includes some amendments which will have positive social impacts, such as the heritage amendments which will increase local heritage protection. Another amendment which will result in better built outcomes is the proposed Design excellence clause. Such amendments will result in positive social and economic influences on the community and the built environment.

Section D – State and Commonwealth Interests

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

The planning proposal is primarily a housekeeping proposal to amend misdescriptions, mapping anomalies, address inconsistencies and improve communication in the Plan. The planning proposal comprises incremental, relatively minor amendments, so there are not likely to be significant additional demands placed on public infrastructure.

In view of the circumstances there is unlikely to be much additional demand for public infrastructure as a result of the planning proposal. The only development of significance that may eventuate from the planning proposal is the possible redevelopment of land on the eastern side of Bridge Road, Stanmore. The traffic/transport study submitted with the proposal to rezone that land was reviewed by RMS who raised no objection to the proposal on traffic grounds.

Consequently 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 includes a significant number of mapping amendments. Most of those mapping amendments are to address misdescriptions, mapping anomalies and mapping inconsistencies in MLEP 2011.

Maps showing current mapping control(s) and proposed mapping control(s) (for each mapping recommendation contained in the planning proposal) are detailed in **ATTACHMENTS B to H**.

PART 5: COMMUNITY CONSULTATION

The former Marrickville Council considered the planning proposal would have a low impact overall. It is not a principal LEP and the amendment is generally consistent with Marrickville Council's strategic planning framework.

The planning proposal would not create the need for significant 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) – August 2017;
- anticipated timeframe for the completion of required technical information – September 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 – October/November 2017;
- dates for public hearing (if required) – N/A at this stage;
- timeframe for consideration of submissions – December 2017;
- timeframe for the consideration of a proposal post exhibition – February 2018;
- date of submission to the Department to finalise the LEP – March 2018; and
- anticipated date RPA will forward to the department for notification N/A.

INFORMATION CHECKLIST

Attachment 1

MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 (AMENDMENT NO. 4)

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|---|---|
| • Objectives and intended outcome | • Explanation of provisions |
| • Mapping (including current and proposed zones) | • Justification and process for implementation (including compliance assessment against relevant Section 117 direction/s) |
| • Community consultation (agencies to be consulted) | |

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☒	☐	• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Demonstrated consistency with relevant sub-regional strategy	☒	☐	• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒	• Lighting impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Site Description/Context			Economic Considerations		
• Aerial photographs	☐	☒	• Economic impact assessment	☐	☒
• Site photos/photomontage	☐	☐	• Retail centres hierarchy	☐	☒
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☐	☒	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☒	☐
• Public transport	☐	☒	• Aboriginal archaeology	☐	☒
• Cycle and pedestrian movement	☐	☒	• Open space management	☐	☒
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☐	☒	• Social and cultural impacts	☐	☒
• Acid Sulfate Soil	☐	☒	• Stakeholder engagement	☐	☒
• Noise impact	☒	☐	Infrastructure Considerations		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☐	☒	List any additional studies		
• Stormwater management	☐	☒			
• Flooding	☐	☒			
• Land/site contamination (SEPP55)	☐	☒			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils
Local Government Area: Inner West Council (The Plan only relates to land in the former Marrickville LGA)
Name of draft LEP: Marrickville Local Environmental Plan 2011 (Amendment No. 4)
Address of Land (if applicable): N/A
Intent of draft LEP:
To make a number of amendments to Marrickville Local Environmental Plan 2011.
The amendments are primarily housekeeping matters that seek to amend misdescriptions, mapping anomalies and improve communication in the Plan. Other amendments include:
i. Changes to address the issue relating to the listing of certain uses in the LEP Land Use Tables as “<i>Permitted with consent</i>” when those uses are only permitted in specific circumstances via separate clauses in the LEP, using the approach suggested by the Department of Planning and Environment of transferring those uses permitted in specific circumstances into Schedule 1 – Additional permitted uses of the LEP; ii. Listing “<i>home industries</i>” as a use “<i>Permitted with consent</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; iii. Making “<i>neighbourhood shops</i>” as a use “<i>Permitted with consent</i>” in the Land Use Table for the R2 Low Density Residential zone; iv. Deleting the zone objective “<i>To provide for residential uses, but only as part of a mixed development</i>” for the B6 Enterprise Corridor zone; v. Deleting “<i>Commercial premises</i>” from “<i>Part 4 Prohibited</i>” of the Land Use Table for the B6 Enterprise Corridor zone and listing “<i>Retail premises</i>” as “<i>Prohibited</i>” in the Land Use Table for the zone; vi. Deleting “<i>turf farming</i>” from “<i>Part 4 Prohibited</i>” of the Land Use Table for the B7 Business Park zone; vii. Deleting “<i>respite day care centres</i>” from “<i>Part 4 Prohibited</i>” of the Land Use Table for the B7 Business Park zone; viii. Listing “<i>transport depots</i>” as a use permitted with consent in the Land Use Table for the IN1 General Industrial zone; ix. Deleting “<i>home occupations</i>” from “<i>Part 2 Permitted with consent</i>” of the Land Use Table for the SP1 Special Activities zone; x. Deleting “<i>home occupations</i>” from “<i>Part 2 Permitted with consent</i>” of the Land Use Table for the SP2 Infrastructure zone; xi. Amendment to Clause 4.4 (2A) to ensure consistency in the FSR controls with the other forms of development permitted on land labelled “F” on the Floor Space Ratio Map; xii. Amendment to Clause 4.4 – the addition of a new subclause (subclause (2C)) to act as an incentive to encourage land reserved for local road to be dedicated for proposed laneways; xiii. The inclusion of the Department’s “<i>Model Clause 5.1A – Development on land intended to be acquired for public purposes</i>”; xiv. Amendment to Clause 6.13 (3) (d) to include the words “, <i>including a dwelling in a residential flat building-</i>” after the words “<i>a dwelling</i>”. xv. Amendments to Clause 6.15 (Location of boarding houses in business zones) so that

- the clause applies to all business zoned land where boarding houses are permitted under MLEP 2011;
- xvi. The inclusion of a new clause in the LEP (Clause 6.17) relating to “Design excellence”;
 - xvii. Deleting certain Schedule 1 listings that are no longer required;
 - xviii. The listing of 2 additional heritage items;
 - xix. Amendments to the listing of certain heritage items;
 - xx. Amendments to the listing of certain heritage conservation areas;
 - xxi. Amendments to the list heritage conservation areas in a more user friendly manner;
 - xxii. The listing of archaeological sites;
 - xxiii. The commensurate rezoning on the Land Zoning Maps of all land reserved on the Land Reservation Acquisition Maps;
 - xxiv. The rezoning of certain land for public purposes including:
 - a. Lot 2 DP 1125319 on the south western corner of Old Canterbury Road and Barker Street, Lewisham (formerly part of the property 40 Old Canterbury Road);
 - b. Land between 24 Illawarra Road and 28 Illawarra Road, Marrickville (which forms part of the Addison Road Community Centre to SP2 Community Facilities);
 - c. Land at the rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville to SP2 Local Road;
 - d. Land at the rear of 326 Marrickville Road, Marrickville to SP2 Local Road;
 - e. Land at the rear of 20 Tupper Street, Enmore (fronting Alma Avenue) to SP2 Local Road; and
 - f. 81 Railway Road, Sydenham to RE1 Public Recreation.
 - xxv. The reserving of certain land for public purposes including:
 - a. Land at the rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville to SP2 Local Road;
 - b. Land at the rear of 326-330 Marrickville Road, Marrickville to SP2 Local Road; and
 - c. Land at the rear of 20 Tupper Street, Enmore (fronting Alma Avenue) to SP2 Local Road.
 - xxvi. The rezoning of certain SP2 zoned land no longer required for public purposes including:
 - a. 24A Pigott Street, Dulwich Hill (formerly part of 171 Denison Street); and
 - b. Land at the rear and/or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham;
 - xxvii. The rezoning of certain other land including:
 - a. 40-42 Cobar Street, Dulwich Hill (rear of property formerly part of 829 New Canterbury Road, Dulwich Hill) to R1 General Residential;
 - b. 15 Hutchinson Street, St Peters (rear of property) to B7 Business Park;
 - c. 22 Cook Street, Tempe (rear of property) to R2 Low Density Residential; and
 - d. 18 Cecilia Street, Marrickville (part of property) to R4 High Density Residential.
 - xxviii. Reinstatement of the FSR and height of building controls for the properties 31 Princes Highway, 41-45 Princes Highway and 129 Princes Highway, St Peters;
 - xxix. Reduction in the maximum permitted height on the rear sections of certain properties in the St Peters Triangle Precinct;
 - xxx. Reduction in the maximum permitted floor space ratio and the maximum permitted height for certain properties in the North Kingston Estate Heritage Conservation Area;
 - xxxi. The setting of floor space ratio and/or height of buildings controls on certain properties, or parts of properties, that currently have no such controls including:
 - a. 62 Constitution Road, Dulwich Hill;
 - b. 103 Denison Road, Dulwich Hill (Lot 42 DP 134604);
 - c. 24A Pigott Street, Dulwich Hill (formerly part of 171 Denison Street);
 - d. 305-317 King Street, Newtown (reserved land at rear proposed to be rezoned);
 - e. 3 Eliza Street, Newtown (reserved land proposed to be rezoned);

- f. 5 Eliza Street, Newtown (reserved land proposed to be rezoned);
 - g. 2 Albany Road, 1-7 Albany Road and 20-26 Bridge Road, Stanmore;
 - h. 65 Newington Road, Marrickville;
 - i. Rear of 94 Audley Street, Petersham;
 - j. Land at the rear and/or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham;
 - k. 29 West Street and 29B West Street, Lewisham;
 - l. 292 Illawarra Road and land at the rear of 280-290 Illawarra Road, Marrickville;
 - m. 18 Cecilia Street, Marrickville (part of property); and
 - n. 68-96 Thornley Street, Marrickville (rear of properties).
- xxxii. The deletion of 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 including:
- a. 1-9 Weston Street, Dulwich Hill (Sydney Water Corporation land);
 - b. Lot 2 DP 1125319, land on the south western corner of Old Canterbury Road and Barker Street, Lewisham (RMS land);
 - c. Alfred Street, Lewisham (Council land);
 - d. 299B Livingstone Road, Marrickville (Telstra Corporation land);
 - e. Lot 2 DP 607012, land off Illawarra Road between the properties 438 Illawarra Road and 460 Illawarra Road, Marrickville (Sydney Water Corporation land);
 - f. Rear of 89-105 New Canterbury Road, Petersham (Proposed rear lane);
 - g. Land on the south western corner of Chester Street and Albert Street, Petersham (Sydney Water Corporation and Ausgrid land);
 - h. 2-14 Station Street, Newtown (Sydney Water Corporation land);
 - i. Land adjacent to 264 Stanmore Road, Petersham (Ausgrid land);
 - j. Lot 1 DP 180283, land off Alma Avenue, Enmore (Ausgrid land);
 - k. Rear of 20 Tupper Street, Enmore, (land fronting Alma Avenue) (Land proposed to be rezoned SP2 Local Road);
 - l. Land zoned SP2 Stormwater Management Systems at the rear of properties on the eastern side of Bridge Road, Stanmore (Sydney Water Corporation land);
 - m. Lot 1 DP 437179, land between Llewellyn Street and Empire Lane, Marrickville (Sydney Water Corporation land);
 - n. 13 Victoria Road, Marrickville (Lot 1 DP 440432) (Sydney Water Corporation land);
 - o. 81 Railway Road, Sydenham (land proposed to be rezoned RE1 Public Recreation);
 - p. Lot 1 DP 437934, Land on the eastern corner of Canal Road and Burrows Road South, St Peters (RMS land);
 - q. Part of the property 1-7 Unwins Bridge Road, St Peters (Land reserved SP2 Classified Road);
 - r. Part of the properties 5 Bellevue Street and 634-726 Princes Highway, Tempe (Land reserved SP2 Classified Road);
 - s. 32 Meeks Road, Marrickville (Ausgrid land);
 - t. Sydenham Pit and Drainage Pumping Station, Garden Street, Marrickville (Sydney Water Corporation land);
 - u. Land in the vicinity of Edinburgh Road, Sydney Steel Road and railway land, Marrickville (Sydney Water Corporation land);
 - v. Land between Garners Lane and Frampton Lane, Marrickville (Part Lot 3 DP 1169431) (Sydney Water Corporation land);
 - w. Land between Myrtle Street and Schwebel Street, Marrickville (Sydney Water Corporation land);
 - x. Land between Warren Road and Cary Street, Marrickville (Sydney Water Corporation land);

- y. Rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville (land proposed to be rezoned SP2 Local Road);
- z. Rear of 326-330 Marrickville Road, Marrickville (Land proposed to be rezoned SP2 Local Road);
- aa. Lot 1 DP 539623, land on the south western corner of Edinburgh Road and Sydney Steel Road, Marrickville (Land proposed to be rezoned SP2 Local Road);
- bb. Lot 1 DP 1124143, airspace over Enmore Road adjacent to the property 52-60 Enmore Road, Enmore;
- cc. Lot 3 DP 921138, land between Garners Lane and Frampton Lane, Marrickville (Sydney Water Corporation land);
- dd. Splay corner on the north western corner of Marrickville Road and Victoria Road, Marrickville;
- ee. 2B Church Street, Marrickville (SP2 Electricity Supply zoned land);
- ff. Alfred Street, St Peters (Council land (local road) adjacent to the properties 60-94 Alfred Street); and
- gg. 81 Railway Road, Sydenham (Council land proposed to be rezoned RE1 Public Recreation).
- xxxiii. Amendments to the floor space ratio and/or height of building controls for certain other land including:
 - a. 40-42 Cobar Street, Dulwich Hill (rear of property);
 - b. 22 Cook Street, Tempe (rear of property);
 - c. 31 Station Street, Newtown; and
 - d. 15 Hutchinson Street, St Peters;
- xxxiv. Site specific rezoning of the properties 5-43 Bridge Road, Stanmore;
- xxxv. Amendments to the Key Sites Map to address irregularities relating to the following properties:
 - a. 15 Hutchinson Street, St Peters (rear of property); and
 - b. 739A Princes Highway, Tempe (access handle to Princes Highway).
- xxxvi. Reduction in the maximum permitted height on the rear sections of certain properties in the St Peters Triangle Precinct;
- xxxvii. The removal of reservations on certain land no longer required for public purposes relating to the following properties:
 - a. 309-317 King Street and 3-5 Eliza Street, Newtown (removal of Local Road reservation on parts of properties);
 - b. Lot 1 DP 1022853 (land between the railway lines to the north west of the end of Hillcrest Street, Sydenham);
 - c. Reservation on land in the vicinity of 30 Canal Road, St Peters;
 - d. 240 Illawarra Road, Marrickville and 244-248 Illawarra Road, Marrickville (removal of Local Road reservation on the rear of the properties); and
 - e. 351 Illawarra Road, Marrickville (removal of Local Road reservation on the rear of the property).
- xxxviii. Other amendments to address errors, anomalies and inconsistencies and other matters including:
 - a. 1-9 Weston Street, Dulwich Hill – amending the zoning of the Sydney Water Corporation land from SP2 Stormwater Management Systems to SP2 Water Systems on the Land Zoning Map;
 - b. 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– the inclusion of the notation “R2” on the Land Zoning Map;
 - c. 1-213 Enmore Road and 1-7 Stanmore Road, Enmore – the inclusion of the notation “B2” on the Land Zoning Map;
 - d. 2-20 Sydenham Road, 51-103 Railway Parade, 27-31 Marrickville Road and 4-54

Buckley Street, Marrickville – the inclusion of the notation “IN1” on the Land Zoning Map; e. 161-183 Princes Highway, St Peters – the inclusion of the notation “B6” on Land Zoning Map; f. 500 Princes Highway and 1-4 Bellevue Street, St Peters – the inclusion of the notation “IN1” on the Land Zoning Map; g. 94A-114 Pile Street and 89-101 Livingstone Road, Marrickville – the inclusion of the notation “J” on the Height of Buildings Map; h. 2-10 Morgan Street and 51-53 Livingstone Road, Marrickville – the inclusion of the notation “J” on the Height of Buildings Map; i. Amendments to the listings in the Legend on the Land Reservation Acquisition Maps; j. Amendments to better identify the SP2 Classified Road notation on the Land Reservation Acquisition Map affectation on the properties 531 Princes Highway and 624-726 Princes Highway, Tempe; k. Update of maps to ensure all maps reflect the new names of the adjoining councils; l. Update of the Land Application Map to show the boundary of the Inner West LGA boundary and to replace the Marrickville Council logo in the Legend with the Inner West Council name and logo; and m. Update of the Legend to all maps to include the Inner West Council name and logo and revised locality maps.
Additional Supporting Points/Information:

Marrickville Local Environmental Plan 2011 (Amendment No. 4)

Evaluation criteria for issuing an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
Minor Mapping Error Amendments	YES			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Yes. The planning proposal includes numerous mapping amendments, some of which seek to address minor mapping errors.			
Heritage LEPs	YES			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	The proposal seeks to list 2 additional heritage items and to list 32 archaeological sites, list heritage conservation areas in a more user friendly			

	manner, and are number of other changes to the listing and mapping of heritage items to address misdescriptions and mapping anomalies and omissions. The Heritage Office has not endorsed the heritage study. OEH will be consulted as part of the public exhibition process.			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	No. The heritage amendments relating to archaeological sites were based on extensive studies, undertaken by renown heritage professionals in accordance with the methodology established within the guidelines prepared by the Heritage Division of the NSW Office of Environment & Heritage.			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	No. The heritage amendments contained within the planning proposal do not relate to items of state heritage significance.			
Reclassifications		N/A		
Is there an associated spot rezoning with the reclassification?				
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?				
Is the planning proposal proposed to rectify an anomaly in a classification?				
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?				
Will the draft LEP discharge any interests in public land under section 30 of the Local Government				

Act, 1993?				
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?				
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?				
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?				
Spot rezonings	YES			
Will the proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?	No			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	No			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	Part of the planning proposal includes the site specific rezoning of the properties 5-43 Bridge Road, Stanmore, a matter previously deferred from the MLEP 2011 (Amendment No. 2) to address issues raised by RMS.			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	Yes The issues previously raised by RMS have now been resolved to RMS's satisfaction.			
Does the planning proposal create an exception to a mapped development standard?	No			
Section 73A Matters	YES			
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the	Yes. The planning proposal includes a number of amendments that			

inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under Section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).	seek to correct obvious errors in the principal instrument.			
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NOTES

- Where a council responds ‘yes’ or can demonstrate that the matter is ‘not relevant’, in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.