

Marrickville Local Environmental Plan 2011 - (Amendment No 2)

Proposal Title : **Marrickville Local Environmental Plan 2011 - (Amendment No 2)**

Proposal Summary : **The planning proposal seeks to amend Marrickville Local Environmental Plan 2011 and maps by making:**
(1) site specific amendments including changes to rezoning, FSR and height of building maps, and use of Schedule 1 Additional Permitted Uses;
(2) operational changes to Schedule 5 Environmental Heritage, Land Zoning Maps and Land Acquisition Maps; and
(3) policy changes to clarify interpretation of various clauses such as:
Zone objectives for R2 Low Density Residential; R3 Medium Density Residential and R4 High Density Residential Zones; Clause 5.4 (Controls relating to miscellaneous permissible uses; Clause 5.6 (Architectural Roof Features); Clause 6.5 (Development in areas subject to aircraft noise; Clause 6.10 (Use of Residential Buildings in Business zones); Clause 6.13 (Dwellings and residential flat buildings in Zone B7 Business Park) including map changes, the inclusion of a new Clause 6.15 (Location of boarding house in Business zones); and correction of various map anomalies.

PP Number : **PP_2013_MARRI_003_00**

Dop File No :

13/18552

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions;**

- 1. The planning proposal be exhibited for 28 days;**
- 2. The planning proposal should be completed within 9 months of the Gateway Determination;**
- 3. The planning proposal be amended to:**
 - a. Delete proposed amendments to Clause 5.4 Controls relating to miscellaneous permissible uses to Part 5 Miscellaneous provisions to add a new subclause (10) Boarding houses.**
 - b. Delete proposed amendment to 6.5 Development in areas subject to aircraft noise.**
 - c. Delete proposed changes to provision 6.11(3) as Council has addressed this matter in MLEP 2011 Amendment 1.**
 - d. Delete proposed zoning and FSR changes to 31-41 Bridge Street, Stanmore if the supporting traffic and design study is not completed for exhibition with the planning proposal.**

e. Include Council's preferred Approach 2 for proposed amendments to flood mapping which includes the PMF in the Flood Planning Area, and the Flood Planning Maps be amended accordingly.

f. Ensure all current and proposed maps include correct property and planning information, such as Attachment K (Land Zoning Map) by renaming from 'Current' to 'Proposed' to clarify for exhibition.

g. To include in words the correct location of all anomalies identified in Attachment K as follows:

- Southern side of Canal Road, St Peters;
- Properties at intersection of Stanmore Rd, New Canterbury Rd, Crystal St & Shaw St, Petersham; and
- 606-610 Parramatta Road, Petersham.

h. Delete any reference to Attachment O, as this has been identified by Council as an error.

4. Prior to exhibition, Council is to:

- amend the Land Reservation Acquisition Maps (Attachment K) so all land parcels for acquisition correspond to the proposed Land Zoning Maps (Attachment K); and
- include the corresponding changes from the Land Reservation Acquisition Map to Clause 5.1 Relevant acquisition authority.

5. Council proposes to progress the planning proposal under delegation. This matter is considered to be of local significance and the use of Council's delegation is supported.

6. Partial inconsistencies with Section 117 Direction 1.1 are considered to be of minor significance and the Director-General's approval to proceed under the direction is granted. No further consideration of any other s117 Directions is required.

7. Consultation with the following Government agencies: Office of Environmental and Heritage; Essential Energy; Sydney Catchment Authority; Roads and Maritime Services; NSW Police Force; and NSW Fire and Rescue.

Each public authority is to be provided with copies of the planning proposal and relevant supporting documents. Each public authority is to be given 21 days to comment or to indicate they require more time to comment on the proposal.

8. To ensure the traffic and transport study (Attachment S) is exhibited with this planning proposal to assist with interpretation of Attachment C & D.

9. No further studies are required to be undertaken.

Supporting Reasons :

The planning proposal is the second proposal to amend Marrickville LEP 2011. It aims to update MLEP 2011 via a miscellaneous set of technical and site-specific amendments to facilitate development on numerous sites and correct various anomalies. The various changes will not affect the consistency and legibility of MLEP 2011.

Panel Recommendation

Recommendation Date : **13-Feb-2014**

Gateway Recommendation : **Passed with Conditions**

Panel
Recommendation :

The planning proposal should proceed subject to the following conditions:

- 1. Council is to amend the planning proposal prior to public exhibition to clarify the preferred approach to amending Clause 6.5 – Development in areas subject to aircraft noise being the inclusion of a sub-clause for minor alterations and additions, rather than through an amendment to the wording of the current model clause.**
- 2. Prior to undertaking public exhibition, Council is to amend the planning proposal to remove proposed changes to Clauses 5.4 - Controls relating to miscellaneous permissible uses and 6.11 - Use of dwelling houses in business and industrial zones.**

3. If SJB Planning's traffic and design study for land at 31- 41 Bridge Street, Stanmore is not finalised prior to commencement of public exhibition, Council is to amend the planning proposal to remove amendments proposed to the zoning and FSR for this land. If the study is finalised prior to commencement of public exhibition, it should be included as part of the exhibition material.

4. Prior to undertaking public exhibition, Council is to update the planning proposal to:

- remove reference to 'Attachment O' within the planning proposal, as this is an error;
- ensure all maps, including land zoning and land reservation acquisition maps are at an appropriate scale, correctly reflect all proposed changes and clearly identify the subject lands;
- include appropriate acquisition authority in clause 5.1 - Relevant acquisition authority, to reflect proposed changes to the Land Reservation Acquisition Map;
- remove 'Approach 1' from the planning proposal and clarify that Council's preferred approach is 'Approach 2,' which seeks to include the Probable Maximum Flood within the Flood Planning Area. Council is to amend the Flood Planning Maps accordingly.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Essential Energy
- Sydney Catchment Authority
- Road and Maritime Services
- NSW Police Force
- NSW Fire and Rescue

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

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

Marrickville Local Environmental Plan 2011 - (Amendment No 2)

Signature:

J. Matthews

Printed Name:

JAMES MATTHEWS

Date:

14/3/14