

Item No: C0413 Item 3

Subject: DRAFT AMENDMENT NO.2 - MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 AND MARRICKVILLE DEVELOPMENT CONTROL PLAN 2011

File Ref: 13/SF57/5368.13

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SYNOPSIS

In 2012, Council considered the first round of amendments (Amendment No.1) to Marrickville Local Environmental Plan (MLEP) 2011 and Marrickville Development Control Plan (MDCP) 2011. In considering Amendment 1, Council had resolved to defer consideration of a small number of LEP/DCP amendment submissions, and more recently, additional submissions have been received. These deferred items and second round of submissions (Amendment No.2) are assessed in this report. As was the case for Amendment 1, these amendments are intended to address anomalies, improve communication and respond to submissions related to zoning, height of building (HoB) and floorspace ratios (FSRs) on individual sites. Council's LEP Amendment 2 resolutions from this report will be forwarded to the DP&I for approval through the Gateway process, then all LEP/DCP amendments will be placed on public exhibition. Final recommended amendments that take account of submissions from the public exhibition will be reported to Council for adoption prior to seeking final approval and gazettal by the NSW Government.

In the Discussion section of this report, each Amendment 2 matter is evaluated and a recommendation provided. Most respond to submissions from Councils staff, with a small number responding to external submissions. All recommendations are listed at the beginning and end of this report, and have been assigned to one of the following courses of action: prepare a Planning Proposal to amend MLEP 2011 that incorporates the matter; prepare and publicly exhibit a draft MDCP 2011 amendment that incorporates the matter; further investigate the matter and where appropriate report back to Council; take action through other policies/processes; or take no action on the matter.

RECOMMENDATION

THAT Council:

1. receives and notes this report;
2. resolves to prepare a Planning Proposal to amend MLEP 2011 and submits this Proposal to the DP&I through the Gateway process that incorporates the following matters:
 - **Recommendation L-2-1:** That the third and fourth MLEP 2011 R2 Low Density Residential zone objectives be amended and a fifth objective added, as follows:
 - "To provide for multi dwelling housing and residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings;
 - To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and
 - To provide for retail premises in existing buildings designed and constructed for commercial purposes."

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- **Recommendation L-2-2:** That the fourth and fifth MLEP 2011 R3 Medium Density Residential zone objectives be amended, and a sixth objective, to read as follows:
 - *“To provide for residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings ;*
 - *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and*
 - *To provide for retail premises in existing buildings designed and constructed for commercial purposes.”*
- **Recommendation L-2-3:** That the fourth and fifth MLEP 2011 R4 High Density Residential zone objectives be amended, to read as follows:
 - *“To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and*
 - *To provide for retail premises in existing buildings designed and constructed for commercial purposes.”*
- **Recommendation L-5-1:** That MLEP 2011 Clause 5.6 *Architectural Roof Features* be deleted as it is superfluous.
- **Recommendation L-5-2:** That MLEP 2011 Clause 5.4(10) include a limit on the size of boarding houses within the R2 Low Density Residential, R3 Medium Density Residential and R1 General Residential zone. This is to ensure that larger boarding houses are located in areas with reasonable access to transport and services. It is also to ensure that access to the boarding house does not compromise commercial uses at ground level within B1 Neighbourhood Centre, B2 Local Centre or B4 Mixed Use zones. The clause to be inserted is as follows:

“5.4 Controls relating to miscellaneous permissible uses

(10) Boarding Houses

If development for the purposes of a boarding house is permitted under this Plan,

 - (1) The capacity for total lodgers must not exceed:*
 - (a) 12 lodgers if the boarding house is within the R2 Zone,*
 - (b) 19 lodgers if the boarding house is within the R1 or R3 zone,*
 - (2) A boarding house with a capacity of more than 20 residents must be located:*
 - (a) Within 400m of an accessible train station and 200m of a bus with a regular accessible bus route - walking distance measured along the most direct route; or*
 - (b) Within 400m of a town centre that has facilities and services (including support services), recreation and entertainment opportunities;*
 - (3) The access to a boarding house that is within a mixed-use development within the B1, B2 or B3 zone must not exceed 20% of the floor area of the ground floor of the building.”*
- **Recommendation L-6-1:** That MLEP 2011 Clause 6.13 *Dwellings and residential flat buildings in Zone B7 Business Park* be amended to include light industry as a permitted use on the ground floor as part of a mixed-use development, as follows:

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

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

- **Recommendation L-6-2:** That MLEP 2011 Part 6: *Additional local provisions* include the following new clause:

“6.15 Location of boarding houses in business zones

- (1) *The objective of this clause is to control the location of boarding houses in business zones.*
- (2) *This clause applies to land in the following zones:*
 - (a) *Zone B1 Neighbourhood Centre,*
 - (b) *Zone B2 Local Centre,*
 - (c) *Zone B4 Mixed-use.*
- (3) *Development consent must not be granted for development for the purpose of a boarding house on land to which this clause applies if any part of the boarding house (excluding access, car parking and waste storage) is located at street level.”*

- **Recommendation L-6-3:** That MLEP 2011 Clause 6.10 be amended to read as follows:

1. *“The objective of this clause is to permit office premises, shops, restaurants or cafes or take away food and drink premises in Residential Zones where the development relates to the reuse of an existing building that was designed and constructed as a shop.*
2. *This clause applies to land in the following zones:*
 - a) *Zone R1 General Residential,*
 - b) *Zone R2 Low Density Residential,*
 - c) *Zone R3 Medium Density Residential,*
 - d) *Zone R4 High Density Residential.*
3. *Development consent must not be granted to development for the purpose of the use of an existing building that was designed and constructed as a shop for the purpose of office premises, shops, restaurants or cafes or take away food and drink premises on land to which this clause applies unless:*
 - a) *The development relates to a building that was designed and constructed for the purpose of a shop and was and was erected before the commencement of this Plan, and*
 - b) *The consent authority has considered the following:*
 - (i) *The impact of the development on the amenity of the surrounding locality,*
 - (ii) *The suitability of the building for adaptive reuse,*
 - (iii) *The degree of modification of the footprint and façade of the building.”*

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- **Recommendation L-6-4:** That MLEP 2011 Clause 6.5 (3) (c) be amended to replace *“must be satisfied the development will meet the indoor sound levels shown in Table 3.3... in AS 2021- 2000”* with *“must consider indoor sound levels shown in Table 3.3... in AS 2021-2000”*. This will allow Council to exercise discretion in the application of noise insulation requirements so that home extensions are excluded from these requirements. Should the DP&I not approve this MLEP 2011 amendment, that Council develop MDCP 2011 criteria for developments to be excluded from noise attenuation requirements, and these criteria be subject to advice from Council’s Legal Counsel and the DP&I.
- **Recommendation L-6-5:** That the objective in 6.13(1) be reworded to relate to the objective of the clause, being to limit how residential development is provided and 6.13(3) be amended to allow other permissible land uses on the street level as part of a mixed-use development, by replacing *“includes business premises or office premises on the ground floor”* with wording to the effect of not containing residential accommodation at the street level. This would still permit a minor area of the street level and minor part of the street front for entry access, waste storage, car parking or access to a basement car park.
- **Recommendation L-6-6:** That MLEP 2011 Clause 6.11 *Use of Dwelling Houses in Business and Industrial Zones* be re-worded as follows:
 - “(1) *The objective of this clause is to provide for the use of purpose built dwelling houses in business and industrial zones, for residential purposes, under particular circumstances.*
 - (2) *This clause applies to a building in existence on land zoned B1 Neighbourhood Centre, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial or IN2 Light Industrial on the appointed day, being a building that was designed and constructed as a dwelling house and in respect of which the existing use provisions of the Act have ceased to apply.*
 - (3) *Before determining a development application for the use of a building to which this clause applies, the consent authority must be satisfied that the building offers satisfactory residential amenity and can be used as a dwelling house without the need for significant structural alterations.”*
- **Recommendation L-Sch1-1 & L-Sch1-2:** That a provision be included in MLEP 2011 Schedule 1 to make car parking a permissible use for No’s 5 to 11 Chester Street, Petersham. That a provision be included in Schedule 1 of MLEP 2011 to permit a car park and loading use on No. 6 Livingstone Road, Petersham associated with a residential flat building or other appropriate uses permissible on Nos. 5-11 Chester Street. That a provision be included in Schedule 1 of MLEP 2011 to permit car park and loading use on No’s 5 to 11 Chester Street, Petersham associated with a shoptop housing or other appropriate uses permissible on No. 6 Livingstone Road, Petersham.
- **Recommendation L-Sch1-3:** That MLEP 2011 be amended to allow boarding houses as a permissible use in the B6 Enterprise Corridor zone from 776 to 798 Parramatta Road, Lewisham.
- **Recommendation L-Sch5-2:** That:
 - (a) Schedule 5 of MLEP 2011 be amended to include Hoskins Park as a Heritage Item, and this be shown on the MLEP 2011 Heritage Map. A draft Heritage Inventory Sheet for the Hoskins Park heritage at **ATTACHMENT 1** be publicly exhibited as part of MLEP 2011 Amendment 2. The Inventory Sheet will detail the reasons for the heritage listing and will include future management recommendations.

- (b) Schedule 5 of MLEP 2011 be amended to include Hoskins Park and its environs as a HCA, to be known as *Hoskins Park (Dulwich Hill) Heritage Conservation Area*, being of local heritage significance and shown on the MLEP 2011 Heritage Map as HCA C36. Mapping is to adopt the boundaries indicated in the Tanner Architects Pty Ltd *Heritage Assessment Report of Hoskins Park & Environs*.
 - (c) New planning controls for the draft Hoskins Park & environs HCA to be included in MDCP 2011, consistent with the approach taken for other HCAs in the LGA. The draft DCP chapter at **ATTACHMENT 2** be publicly exhibited as part of MDCP 2011 Amendment 2.
 - (d) Other minor amendments be made to MDCP 2011 Section 8 *Heritage* to make reference to the Hoskins Park HCA. Update the HCA map within MDCP 2011 Part 8.6.1.2 and place on publicly exhibition with MDCP 2011 Amendment 2. Make any minor amendments necessary to the MDCP 2011 to reference the proposed new Hoskins Park HCA. All persons who made submission in relation to the proposed Hoskins Park HCA be notified of the public exhibition of MLEP 2011 and MDCP 2011 Amendment 2.
- **Recommendation L-Sch5-4:** That MLEP 2011 Heritage Map Sheet HER_002 be amended to change the current label of I112 to I12 to correctly reflect the Item Number of the Dibble Avenue Waterhole within Schedule 5 of the MLEP 2011. Further, it is recommended that the mapped boundaries of the Dibble Avenue Waterhole be extended to include the rear portion of properties at No's 27, 29, 33, 35 & 37 Riverside Crescent, Marrickville, and a 10m buffer be added around the entire mapped area, as shown on the map at **ATTACHMENT 6**. Further, that MLEP 2011 Schedule 5 be amended to identify the Dibble Avenue Waterhole heritage item within the suburb of 'Marrickville', to show the correct location of the Item.
 - **Recommendation L-LZN-2:** That MLEP 2011 be amended to rezone No. 2 Hunter Street and No's 19 to 25 Railway Terrace from B1 Neighbourhood Centre to R4 High Density Residential.
 - **Recommendation L-LZN-4:** That the MLEP 2011 Land Zoning Map and Land Reservation Acquisition Map be amended to correct anomalies identified with regard the zoning of identified properties, which should then be reflected on the MLEP 2011 Land Reservation Acquisition Map to correct any related anomalies.
 - **Recommendation L-LZN-7:** That all lots on the eastern side of Bridge Road, Stanmore (i.e. No's 5 to 43 Bridge Road) be rezoned from IN2 Light Industrial to B5 Business Development and the FSR be increased from 0.85:1 to 2:1. This is contingent upon a study being prepared by the submitter and placed on public exhibition with MLEP 2011 Amendment 2 that assesses built form, traffic and other key impacts associated with the proposed zoning and FSR changes. The final zoning and FSR will depend on the outcomes of this study. Should the study not be exhibited with MLEP 2011 Amendment 2, this proposal is to be considered in a subsequent round of MLEP 2011 amendments.
 - **Recommendation L-FSR-1:** That an S5 Code label (FSR 1.8:1) be shown on the MLEP 2011 FSR map for No's 48 to 68 Hutchinson Street, St Peters.
 - **Recommendation L-HOB-1:** That the B7 Business Park zoned Hutchinson Street half of the property at No. 19 Hutchinson Street, St Peters be lowered to 14m (Code N) on the MLEP 2011 HOB Map.

- **Recommendation L-LRA-2:** That the land to facilitate a rear laneway identified as Local Road on the MLEP 2011 Land Reservation Acquisition Map affecting properties at No. 74A Audley Street, 96-102 New Canterbury Road and 5-9 Chester Street, Petersham, that is already owned by Council, be removed from the required Local Road acquisition affectation.
- **Recommendation L-FLO-1:** That MLEP 2011 be amended to be consistent with the updated flood studies and associated maps, and these be placed on public exhibition as part of MLEP 2011 and MDCP 2011 Amendment 2.

3. resolves to prepare and publicly exhibit a draft MDCP 2011 amendment that incorporates the following matters:

- **Recommendation D-G4- 1:** That reference to 'SEPP 1 Objection' in MDCP 2011 Part A.4 *Development Application Assessment Process* be replaced by reference to a 'MLEP 2011 Clause 4.6 variation'.
- **Recommendation D-1-4:** That MDCP Section 1 *Statutory Information* be given a broader title, and Part 1.1.8.3 *Appendices* be amended to state that appendices are 'sometimes' provided for guidance and to add that where this is the case, it will be made clear in the appendices themselves. That MDCP 2011 Section A *DA Guidelines* Part A.1 *The Consultation & notification process* be moved into MDCP 2011 Section 1. That, apart from the objectives of the DCP, the remaining text within MDCP 2011 Section 1 be relocated into the *Guidelines*. That 3 sections within MDCP 2011 Section 1 be created: *Statutory Information*; *General Objectives of the DCP*; and *Consultation & Notification*. That all necessary text edits be made in relation cross references to the restructured Section 1.
- **Recommendation D2.7-1:** That the wording of MDCP 2011 Section 2.7 *Solar Access & Overshadowing* Part 2.7.2 *Shadow diagrams* and 2.7.3 *Solar access for surrounding buildings* could be improved to more clearly explain how to prepare shadow diagrams and how this will be assessed by Council.
- **Recommendation D-2.7-2:** That a definition of 'window' be included within MDCP 2011 Section 2.7 *Solar Access & Overshadowing* Part 2.7.2 *Shadow diagrams*, similar to the definition within Council's former DCP 35 *Urban Housing*.
- **Recommendation D-2.10-4:** That a reference to Australian Standard AS2890.6:2009 *Off-street parking for people with disabilities* be inserted into the last table within MDCP 2011 Section 2.10 *Parking* Part 2.10.3, alongside those Standards already listed.
- **Recommendation D-2.10-6:** That any instances within MDCP 2011 Section 2.10 *Parking* of duplication of 2011 - "MLEP 20112011" - be amended to read "MLEP 2011".
- **Recommendation D-2.10-7:** That an additional parking provision rate be developed for 'entertainment facilities' and be inserted into to the car parking provision table (Table 1) within MDCP 2011 Section 2.10 *Parking*.
- **Recommendation D-2.10-14:** That MDCP 2011 Section 2.10 *Parking* C2(ix) be amended to read as follows: "Visitor car parking is not required for residential flat building developments in commercial centres (Parking Area 1), nor is visitor car parking required for shoptop housing developments with six or less units in any Parking Area. This is due to space constraints involved with small-lot developments."

- **Recommendation D-2.10-16:** That the following MDCP 2011 Section 2.10 *Parking* matters be implemented: (i) that no change be made to the parking requirements for shoptop residential developments of 7 units or more; (ii) that parking rates for additional land uses be deferred to a subsequent round of MDCP amendments to enable an appropriate list of land uses to be assessed for inclusion into Table 1; (iii) that an appropriate parking provision rate be developed for 'drive-in / take-away food shops', and this be inserted into DCP 2.10 Table 1; (iv) that alignment of the land use definitions in MDCP 2011 Section 2.10 Table 6 *Vehicle Service & Delivery Areas* with the definitions in Table 1 *Parking Provision Rates* be further investigated and considered in a future MDCP 2011 amendment; (v) that the matter of affordable housing parking rates be deferred to a subsequent round of MDCP 2011 amendments in the interests of consistency with the affordable housing SEPP; (vi) that the matter of motorcycle parking provision rates be deferred to a subsequent round of MDCP amendments in the interests of consistency; and (vii) that the matter of boarding house bicycle parking rates be deferred to a subsequent round of MDCP amendments in the interests of consistency with regard to the affordable housing SEPP.
- **Recommendation D-2.10-17:** That the boundary of Parking Area 1 on the Parking Areas Map in MDCP 2011 Section 2.10 *Parking* be amended so that the property at No. 94 Audley Street be entirely within Parking Area 1.
- **Recommendation D-2.10-18:** That an appropriate merit assessment of car parking requirements, where the land use is not specifically covered in MDCP Section 2.10 *Parking* Table 1, be developed in accordance with specific car parking requirements under the RTA *Guide to Traffic Generating Developments* with appropriate adjustments to reflect the specific conditions of the LGA.
- **Recommendation D-2.10-19:** That those classifications of land use within MDCP 2011 Section 2.10 *Parking* Table 1 that have parking provision rates based on predicted employee and/or customer numbers be converted to an equivalent calculation based on Gross Floor Area (GFA). That these rates be placed on public exhibition as part of MDCP 2011 Amendment 2.
- **Recommendation D-2.12-1:** That MDCP 2011 Section 2.12 *Signs & Advertising Structures* C17 be amended to include all activities permissible in residential zones which may require signage, as follows:

"C17 Non residential premises and shoptop housing in a residential zone
In the case of non-residential premises and shoptop housing in a residential zone, only one sign and/or one under awning sign may be displayed per premises. The total permissible area of the sign, excluding under awning sign, must not exceed 1sqm for every 20m of street frontage. For corner blocks, the frontage is to the street to which the property is rated and the area is calculated by including all faces of the sign. Advertising signs and structures are not permitted above the awning on a shop top housing development."
- **Recommendation D-2.12-3:** That Council determine, as part of the development of the *Public Domain Study*, a policy position in relation to 'advertising structures' on the road reserve in the following zones: B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed-use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial; and IN2 Light Industrial. Should Council support 'advertising structures' in the abovementioned zones, that appropriate planning control be developed for inclusion within the MDCP 2011 as part of a later amendment.

- **Recommendation D-2.13-2:** That MDCP 2011 be reviewed to ensure that all the Appendices are referenced in the contents pages and they all have cover pages.
- **Recommendation D-2.14-2:** That a note be included at the beginning of MDCP 2011 Section 2.14 *Unique Environmental Features* to explain that the general provisions in the first part of this section could apply to areas outside the Thornley Street Scenic Protection Area if deemed by merit assessment to have 'unique environmental features'.
- **Recommendation D-2.16-1:** That the application of energy efficiency provisions to mixed-use buildings be clarified by changing the title of Section 2.16 from *Energy Efficiency (non-BASIX buildings)* to *Energy Efficiency* and by adding text into the first paragraph that states that this section applies to the non-BASIX component(s) of mixed-use buildings.
- **Recommendation D-2.17-1:** That MDCP 2011 Section 2.17 *Water Sensitive Urban Design* include a new development type - "*childcare, aged care, other community services and educational development*" and be subject to appropriate water conservation and stormwater quality targets and information requirements. Further, that that this development type be divided into two categories according to size, with each subject to different requirements – "*development involving new or additional GFA of >700sqm and <2,000sqm*" and – "*development involving new or additional GFA of >2,000sqm*". That minor amendments be made to other parts of MDCP 2011 Section 2.17 to refer to these new uses and to update information and improve communication.
- **Recommendation D-2.18-2:** That all the existing definitions within MDCP 2011 be relocated into a definitions section located within Part 1 of the DCP, and additional definitions critical to applying the DCP controls be added. This includes definitions for 'landscaped area', 'common open space', 'public domain' and 'private domain'.
- **Recommendation D-2.18-4:** That MDCP 2011 Section 2.18 *Landscaping & Open Spaces* C17 and C18 be amended, as follows:
 - "C17 *Landscaped area (residential zones)*
 - i. *The entire front setback must be of a pervious landscape with the exception of driveways and pathways.*
 - ii. *The greater of 4m or a prevailing rear setback must be kept as pervious landscaped area.*
 - iii. *In addition to front setback, a minimum 45% of the site area is to be landscaped area at ground level.*
 - iv. *A minimum of 50% open space must be pervious landscape.*
 - C18 *Communal open space (all zones)*
 - v. *Communal open space is to be a minimum 20m².*
 - vi. *Communal open space where the capacity is 20 – 29 is to be a minimum 20m² plus an extra 2.8m² per person.*
 - vii. *Communal open space where the capacity is 30+ is to be a minimum 48m² or 10% of open space on the site (whichever is the greater).*
 - viii. *Communal open space should be provided within rear setback (if one is required) and provide space for relaxation, outdoor dining and entertainment.*
 - ix. *Communal open space is to have a minimum dimension of 3m.*
 - x. *Communal open space is not to be located in the required front setback.*
 - xi. *Design communal open space so that it can accommodate outdoor furniture such as chairs, tables and shade structures.*

xii. *Communal open space may include drying area and smoking area. Provide adequate space and separation between different activities so that activities do not impinge on the effective use and enjoyment of the open space for recreation (for instance the open space should not be dominated by clotheslines, and non-smokers should be able to enjoy a smoke-free outdoor area.*

NB *Fully dimensioned indicative outdoor furniture layouts are to be provided with the development application*

xiii. *Locate communal open space adjacent to, and connected to, the communal living area and/or kitchen/dining area if one is provided."*

- **Recommendation D-2.20-1:** That MDCP 2011 Section 2.20 *Tree Management* be amended to: correct terminology, correct clause numbering and improve layout. Further, that additional information be added to: clarify requirements for engineers' reports, clarify requirements for compensatory planting, explain Council's tree assessment process and improve some of the tree management objectives for development sites.
- **Recommendation D-2.21-2:** That MDCP 2011 Section 2.21 *Recycling and Waste* C26 be amended to require provision recycling/waste containers that can accommodate the quantity of recycling/waste material required for the type of use specified, using Table 3 as a guide, justified in the Statement of Environmental Effects; that the Section 2.21 Table 3 heading be labelled as a guide; that Table 3 be updated based on the City of Melbourne generation rates; that land uses for which no waste generation rates are available be deleted and a statement be inserted that these land uses are to adopt waste generation rates based examples of identical or similar uses; that the Table 3 organic waste column incorporate a note to encourage the processing/recycling of organic waste, either on-site or through organic waste collection; and that links to information on recycling, including processing/recycling of organic waste be included.
- **Recommendation D-2.21-3:** That the C3 reference within control C12 in MDCP 2011 Section 2.21 *Recycling & Waste Management* be changed to C4.
- **Recommendation D-2.21-4 & D-2.21-5:** That MDCP 2011 Section 2.21 *Recycling & Waste Management* be amended to address all remaining issues raised by Council's Waste Services staff. This includes amending Table 2 under C4 regarding the size of bins and including a statement that green waste bins are optional. It also includes insertion of provisions into the Section 2.21 appendices to ensure there is space on-site to accommodate the storage, transfer and emptying of larger bins, in consultation with Council's waste services staff.
- **Recommendation D-2.24-1:** That MDCP 2011 Section 2.24 *Contaminated Land* C31 be amended to allow the option of capping of contaminants, provided it can be demonstrated that no feasible alternatives are available and the capping will result in full and permanent containment of contaminants.
- **Recommendation D-2.24-2:** That MDCP 2011 Section 2.24 *Contaminated Land*, part 2.24.10.2 *Category 2 remediation work* be amended by deleting the note at the end of that part, which states: "NB: *If the following development controls (C14, C15 and controls at Section 2.24.11 of this DCP) cannot be complied with, the remediation work is Category 1 and requires development consent.*"
- **Recommendation D-2.24-3:** That MDCP Section 2.24 *Contaminated Land* C16 be amended to replace the stated hours for contamination remediation works to Council's standard working hours, as is generally applied to all development consents.

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- **Recommendation D-4-1:** That the new MDCP 2011 Section 4.3 *Boarding Houses*, at **ATTACHMENT 4** be placed on public exhibition as part of MDCP 2011 Amendment 2.
- **Recommendation D-4.1-10:** That MDCP 2011 Section 4.1 *Low Density Residential* Part 4.1.13.4 *Doors and windows* C80 refer to doors as well as window, consistent with the title of this control.
- **Recommendation D-4.1-11:** That all references to, and definitions of, 'period dwellings' be within MDCP 2011 be replaced with 'residential period buildings'.
- **Recommendation D-5.1-5:** That MDCP 2011 Section 8 *Heritage* C8 and C9 relating to the King Street and Enmore Road HCA be amended to be consistent with Section 5 *Commercial & Mixed-use Development* C12(i) and C13(i). That the *King Street and Enmore Road Heritage and Urban Design Study* document be scanned and made available on Council's website, and a reference to this document be included in the HCA section of MDCP 2011 Section 8 *Heritage*, Part 8.4.2 *Contributory buildings* and MDCP 2011 Part 9.37 *Precinct 37: King Street and Enmore Road*. That contributory buildings be mapped for the other commercial centres, and parts of centres that have not yet been surveyed, as part of the next Heritage Study review. That the findings of the Heritage Study review be considered in a future amendment to MLEP 2011 and MDCP 2011.
- **Recommendation D-5.1-10:** That MDCP 2011 Section 5 *Commercial & Mixed-use Development* be amended by: amending C11 in Section 5.1.3.5 by adding 'or laneway' after 'a minor street'; amending the objectives in Part 5.1.3.6 to include corners, landmarks and gateways, not just corners as currently exists; amending C41 in Part 5.1.4.2 to delete 'or ramps'; and amending C45(i) in Part 5.1.4.2 by replacing 'side' with 'secondary frontage'.
- **Recommendation D-8-5:** That in MDCP 2011 Section 8 *Heritage* Part 8.1.8.1 *Other works – Council notification as minor work not required*, the following points (i) and (ii) be deleted: "Removing asbestos-based materials; and removing lead paint". Further, that the third point (iii) in Part 8.1.8.1 "Painting or rendering unpainted exterior surfaces" be deleted from this section and moved to Part 8.1.8 *Minor works*.
- **Recommendation D-8-6:** That the contributory buildings map within MDCP 2011 Section 8.4 *Controls for Heritage Retail Streetscapes* be amended to delete reference to the rear of No. 94 Audley Street, Petersham as a heritage item.
- **Recommendation D-9-3:** That the information provided by the Greenway Place Manager be reviewed with a view to improving consideration of the GreenWay within all relevant Stage 1 precinct statements within MDCP 2011 Part 9 *Strategic Context*. That consideration of the GreenWay be considered as part of the development of Council's *Public Domain Study*.
- **Recommendation D-9.5-1:** That MDCP 2011 Section 9.5 *Lewisham South Masterplan* Area MA5.1 be amended to require the front 3m of No. 2 Hunter Street and No's 19 to 29 Railway Terrace, Lewisham, to be dedicated as a widened footpath.
- **Recommendation D-9.14-2:** That Objective 1 of MDCP 2011 Part 9.14.5.1 *Site specific planning controls for 32–60 Alice Street, Newtown - Masterplan Area (MA 14.1)* be amended to refer to 32–60 Alice Street (not No. 30 Alice Street).

- **Recommendation D-9.25-3:** That the legend heading in the Figure 25.4 be reworded from “*Amalgamation permitted but not required*” to “*Amalgamation preferred but not required*”. That No. 58 Hutchinson Street, St Peters be rezoned from R1 General Residential to B7 Business Park. That the pocket park on the corner of May Street and Applebee Street, zoned RE1 Public Recreation, be excluded from the area indicated as (reworded) “*Amalgamation permitted but not required*”. That No’s 73A and 75 Hutchinson Street, St Peters be indicated as requiring amalgamation in combination with the adjacent No’s 96 to 102A May Street, St Peters. That No’s 74 to 78 Applebee Street and the rear part of No. 91 Princes Highway be rezoned from B6 Enterprise Corridor to B7 Business Park to a line consistent with the western edge shown on the MLEP 2011 Key Sites Map, Code G. This amends the Key Sites Map to cut through No. 76 Applebee Street between the south-eastern corner of No. 74 Applebee Street to the north-eastern corner of No. 78 Applebee Street, St Peters. That MDCP 2011 Section 9.25 *St Peters Triangle* C14 should be reworded to “*In order to achieve the maximum built form controls contained in MLEP 2011, properties identified as part of an indicative minimum site amalgamation in Figure 25.4 must be consolidated with all the other properties that form part of that indicative minimum site amalgamation*”.
 - **Recommendation D-9.26-1:** That completed drafts of all of the remaining 34 Stage 2 precinct statements be exhibited as part of MDCP 2011 Amendment 2. That any necessary amendments be made to Part 9 *Strategic Context* of MDCP 2011 to reference the Stage 2 precinct statements. That the additional biodiversity and heritage information included in selected Stage 1 precinct statements be place on public exhibition as part of MDCP 2011 Amendment 2.
 - **Recommendation D-9.45-1:** That the legend in MDCP 2011 Section 9.45 *McGill Street* Figure 45.4 *Future land use* relating to the blue colour be amended to read “*mixed-use – with ground floor commercial uses (and limited types of retail) and residential above*”, and No. 110 Old Canterbury Road be coloured dark brown instead of blue, to correspond to the B5 Business Development zoning.
 - **Recommendation D-FLO-1:** That MDCP 2011 be amended to be consistent with the updated flood studies and associated maps, and these be placed on public exhibition as part of MLEP 2011 and MDCP 2011 Amendment 2.
 - **Recommendation D-O-2:** That a new MDCP 2011 Section 2.25 *Stormwater Management*, at **ATTACHMENT 3**, be added to MDCP 2011.
 - **Recommendation D-O-4:** That a new Section 7.1 *Child Care Centres* at **ATTACHMENT 5** be included in MDCP 2011 as part of Amendment 2.
 - **Recommendation D-O-9:** That design guidance in the MDCP 2011 introductory material and throughout the DCP include a note where appropriate stating that design guidance is intended to assist the design/assessment of developments, but does not form part of the adopted DCP.
 - **Recommendation D-O-11:** That typographical, cross-referencing and grammatical corrections be made to MDCP 2011 as they are identified.
4. resolves that Council officers act on or investigate the following MLEP 2011 and MDCP 2011 matters and where appropriate report back to Council:
- **Recommendation L-Sch2-1:** That the issue of that some ‘events’ being made exempt development in MLEP 2011 subject to a standard set of conditions be deferred for a latter amendment after the *Public Domain Study* project has investigated appropriate policies and controls relating to events.

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- **Recommendation D-O-10:** That Council's resolution (Item Without Notice) from Council's 12 February 2013 meeting of the Development Assessment Committee regarding LEP/DCP building height controls (20 November 2012, Item 7 CM111(2)) be deferred to a future round of DCP amendments. Further, that the resource implications of these amendments be separately reported to Council prior to action commencing.

5. takes action through other policies/processes on the following MDCP 2011 amendment matters:

- **Recommendation D-2.10-19:** That a note be added to the text of any relevant Section 149(5) Certificate to advise applicants of the on-street parking eligibility restrictions that may apply to a property.
- **Recommendation D-2.18-5:** That Council staff liaise with the DP&I to discuss amendments to the Affordable Rental Housing SEPP 2009 that would be necessary to accommodate new controls in MDCP 2011 Section 4 *Residential Development* dealing with boarding houses in residential areas. Should these discussions progress, that further MDCP 2011 boarding house controls be recommended to Council at a later date.

6. takes no action on the following MLEP 2011 and MDCP 2011 matters:

- **Recommendation L-HOB-2:** That MLEP 2011 and MDCP 2011 HoB controls for 9 & 11 Barwon Park Road, St Peters not be amended.
- **Recommendation D-2.13-1:** That MDCP 2011 Section 2.13 *Biodiversity* C2, which requires land within Habitat Corridors to incorporate native vegetation as part of any landscaping works, not be amended.
- **Recommendation D-9-2:** That no amendments be made to the existing 'desired future character' statements within MDCP 2011 Section 9 *Strategic Context*.

BACKGROUND

In 2012, Council considered the first round of amendments (Amendment No.1) to Marrickville Local Environmental Plan (MLEP) 2011 and Marrickville Development Control Plan (MDCP) 2011. In considering Amendment 1, Council had resolved to defer consideration of a small number of LEP/DCP amendment submissions, and more recently, additional submissions have been received. These deferred items and second round of submissions, known as Amendment No.2 are assessed in this report. As was the case for Amendment 1, these amendments are intended to address anomalies, improve communication and respond to submissions related to zoning, Height of Building (HoB) and Floor Space Ratios (FSRs) on individual sites.

Council's LEP Amendment 2 resolutions from this report will be forwarded to the DP&I for approval through the Gateway process. Once approved, the LEP and DCP amendments will be placed on public exhibition. Final recommended amendments that take account of submissions from the exhibition will be reported to Council for adoption prior to seeking final approval and gazettal by the NSW Government.

DISCUSSION

The following discussion evaluates each Amendment 2 matter and provides a recommendation for each. All recommendations are listed at the beginning and end of this report, and have been assigned to one of the following courses of action:

- prepare a Planning Proposal to amend MLEP 2011 that incorporates the matter;
- undertake preparatory work for a review of the Marrickville Urban Strategy (MUS) that incorporates the matter;
- prepare and publicly exhibit a draft MDCP 2011 amendment that incorporates the matter;
- further investigate the matter and where appropriate report back to Council; or
- take no action on the matter.

Most of the proposed amendments respond to submissions from Councils staff, with a small number responding to external submissions. Where items are the result of a prior Council resolution, the term 'resolution' is used and the Council meeting date is shown. Where items are the result of a Council staff or external submission that has not been dealt with previously, the term 'submission' is used.

In this section of the report, the amendment items are ordered beneath the following sub-headings:

- LEP items from prior Council resolutions;
- LEP items from recent submissions;
- DCP items from prior Council resolutions; and
- DCP items from recent submissions.

Commonly-used abbreviations used in this report are as follows:

- MLEP 2011 - Marrickville Local Environmental Plan 2011;
- MDCP 2011- Marrickville Development Control Plan 2011;
- DP&I - NSW Department of Planning & Infrastructure;
- EP&A Act - Environmental Planning & Assessment Act 1979;
- LGA - Local Government Area;
- MUS - Marrickville Urban Strategy;
- FSR – Floor Space Ratio;
- HoB - Height of Building;
- GFA – Gross Floor Area;
- HCA - Heritage Conservation Area;
- SEPP – State Environmental Planning Policy;
- DA – Development Application
- C – Control
- Cl. or cl. – Clause;
- s. – Section;
- Sch. – Schedule; and
- sqm – square metres.

MLEP 2011 amendment items from prior Council resolutions

MLEP Clause 6.13 *Dwellings and Residential Flat Buildings in Zone B7 Business Park*

Resolution (3f), 17 April 2012: That the matter of the objective of MLEP 2011 Part 6 *Additional Local Provisions* Clause 6.13 *Dwellings and Residential Flat Buildings in Zone B7 Business Park* not relating to Subclause (3) be further investigated, and an appropriate recommendation be presented to Council later in 2012.

Assessment: The objective of the clause is to limit the extent of residential development in the B7 Business Park zone. Clause 6.13(1) needs to be reworded to relate to the objective of the clause. In addition, it is necessary to amend Clause 6.13(3) to allow other permissible land uses on the street level, such as light industry, as part of a mixed-use development by replacing “*includes business premises or office premises on the ground floor*” with wording to the effect of not containing residential accommodation. This would still permit a minor area for entry access, waste storage, car parking or access to a basement car park) at the street level.

Recommendation L-6-5: That the objective in 6.13(1) be reworded to relate to the objective of the clause, being to limit how residential development is provided and 6.13(3) be amended to allow other permissible land uses on the street level as part of a mixed-use development, by replacing “*includes business premises or office premises on the ground floor*” with wording to the effect of not containing residential accommodation at the street level. This would still permit a minor area of the street level and minor part of the street front for entry access, waste storage, car parking or access to a basement car park.

Events as exempt development

Resolution (3g), 17 April 2012: That the issue of that some ‘events’ being made exempt development in MLEP 2011 subject to a standard set of conditions be investigated further, with an appropriate recommendation presented to Council for consideration later in 2012 (- L-Sch2.1).

Assessment: This issue relates to establishing appropriate policies and controls on the use of the public domain, that will be investigated as part of the *Public Domain Study* project, being undertaken from mid 2013 to Sept 2014.

Recommendation L-Sch2-1: That the issue of that some ‘events’ being made exempt development in MLEP 2011 subject to a standard set of conditions be deferred for a later amendment after the *Public Domain Study* project has investigated appropriate policies and controls relating to events.

Updated flood maps

Resolution (3j), 17 April 2012: That following the completion of the *Cooks River, Eastern Channel East and the Marrickville Valley Flood Studies*, the MLEP Flood Maps be updated to reflect these studies and placed on exhibition. That legal and engineering advice be sought to establish whether the MLEP Flood Map exhibition process should occur simultaneously following the completion all three flood studies, or individually following the completion of each study, and that subsequent to receiving this advice, that the flood maps be placed on exhibition according to the advice received.

Assessment: Legal advice on the timing of the exhibition of the updated maps is not required, and it is agreed that it is appropriate to place these studies and associated flood maps should be placed on public exhibition as part of MLEP 2011 and MDCP 2011 Amendment 2. Council is to consider an officer's report on these updated studies and associated maps at its 2 April 2013 meeting, and it is recommended below that should these be adopted, that the maps be placed on public exhibition with LEP/DCP Amendment 2. Background information about how the updated flood maps relate to the LEP and DCP will be included on the LEP/DCP public exhibition webpage.

Recommendation L-FLO-1: That MLEP 2011 and MDCP 2011 be amended to be consistent with the updated flood studies and associated maps, and these be placed on public exhibition as part of MLEP 2011 and MDCP 2011 Amendment 2.

Resolution (3k), 17 April 2012: That MLEP 2011 Clause 6.11 *Use of Dwelling Houses in Business and Industrial Zones* be re-worded as follows:

- "(1) The objective of this clause is to provide for the use of purpose built dwelling houses in business and industrial zones, for residential purposes, under particular circumstances.*
- (2) This clause applies to a building in existence on land zoned B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial or IN2 Light Industrial on the appointed day, being a building that was designed and constructed as a dwelling house and in respect of which the existing use provisions of the Act have ceased to apply.*
- (3) Before determining a development application for the use of a building to which this clause applies, the consent authority must be satisfied that the building offers satisfactory residential amenity and can be used as a dwelling house without the need for significant structural alterations."*

Assessment: A 2012 staff submission explained in part:

"Council has numerous dwelling houses that are located in business and industrial zones which were lawfully erected before the coming into effect of an environmental planning instrument which prohibited such uses.

Using the example of industrial zones, under the previous planning controls of MLEP 2001, dwelling houses, other than those used in conjunction with a permissible use, were prohibited under the zoning controls applying to the land. Those dwelling houses which were lawfully commenced, that were not used in conjunction with a permissible use, and that were continuously used as a dwelling house would have existing use rights under the Environmental Planning and Assessment Act.

The coming into effect of Marrickville Local Environmental Plan 2011 has had the effect of making those dwelling houses permissible with consent and as such they no longer benefit from the existing use rights provisions of the Act. Consequently any development on land containing one of those dwellings would be subject to the relevant provisions contained within MLEP 2011 and MDCP 2011.

Those provisions include Clause 6.11(3) of MLEP 2011. That clause would essentially prohibit alterations and additions to existing dwelling houses in those zones which involve "significant structural alterations".

An unfortunate consequence of the subject clause is that it would preclude alterations and additions to those dwelling houses which involve significant structural alterations even if those works were to improve the residential amenity of that dwelling house. It should be noted that prior to the gazettal of MLEP 2011 alterations and additions to those dwelling houses, whilst requiring development consent, were not subject to the same restriction.

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It should also be pointed out that in many cases because of subdivision patterns, etc there is probably little prospect of many of those properties being developed for industrial purposes in accordance with the zoning provisions applying to the land.

This was not the intent of the subject clause."

The Council officer's assessment supported this submission, and a re-wording of the clause was recommended and subsequently adopted by Council.

However the subsequent DP&I Gateway Determination was to not include the total proposed amendments but only to amend Subclause 6.11(3) of Marrickville LEP 2011 by deleting the words "*and will not require significant structural alterations*", i.e.

"(3) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless:

- (a) there is an existing dwelling house on the land that was erected before the commencement of this Plan,*
- (b) the existing dwelling house will be substantially retained ~~and will not require significant structural alterations,~~*
- (c) the existing dwelling house will offer satisfactory residential amenity."*

Council's Development Assessment Staff have recently advised that the DP&I Gateway Determination did not overcome the concerns previously raised and have provided the following additional points in support of amendments being made to the subject clause:

"It could be argued that the coming into effect of the subject clause in many ways had the effect of derogating from the incorporated provisions under the Act relating to existing uses.

Prior to the coming into effect of Marrickville Local Environmental Plan 2011 dwelling houses in business and industrial zones that had existing use rights under the Act could be.... altered, enlarged, rebuilt under Section 108 of the Act. As stated previously the coming into effect of Marrickville Local Environmental Plan 2011 has had the effect of making those dwelling houses permissible with consent and as such they no longer benefit from the existing use rights provisions of the Act. As such those dwelling houses are now subject to the provisions of Clause 6.11 of MLEP 2011.

To illustrate some of the issues associated with the clause it is probably best to give an example. Under the current drafting of the clause a dwelling house destroyed by fire could not be rebuilt because such development could not satisfy the provisions of Clause 6.11(3). Whereas prior to the coming into effect of MLEP 2011 if that dwelling house had existing use rights under the Act it could be rebuilt under Section 108 of the Act.

It should also be noted that the original recommended change also included the B2 – Local Centre zone. Purpose built dwelling houses are not currently permitted in such zone so the reference to the B2 – Local Centre zone should be deleted from subclause (2)."

Staff seek to resubmit the original resolution to the DP&I so it can be again considered, this time as part of MLEP 2011 Amendment 2. This submission is supported, and below it is recommended that the Clause 6.11 be amended as per Council's 17 April 2012 resolution as part of MLEP 2011 Amendment 2.

Recommendation L-6-6: That MLEP 2011 Clause 6.11 *Use of Dwelling Houses in Business and Industrial Zones* be re-worded as follows:

- “(1) The objective of this clause is to provide for the use of purpose built dwelling houses in business and industrial zones, for residential purposes, under particular circumstances.*
- (2) This clause applies to a building in existence on land zoned B1 Neighbourhood Centre, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial or IN2 Light Industrial on the appointed day, being a building that was designed and constructed as a dwelling house and in respect of which the existing use provisions of the Act have ceased to apply.*
- (3) Before determining a development application for the use of a building to which this clause applies, the consent authority must be satisfied that the building offers satisfactory residential amenity and can be used as a dwelling house without the need for significant structural alterations.”*

Zoning, eastern side of Bridge Road, Stanmore

Resolution 3, 1 May 2012: That 31-41 Bridge Road, Stanmore and other Industrially zoned properties on the eastern side of Bridge Road be investigated for rezoning in conjunction with the Victoria Road corridor precinct.

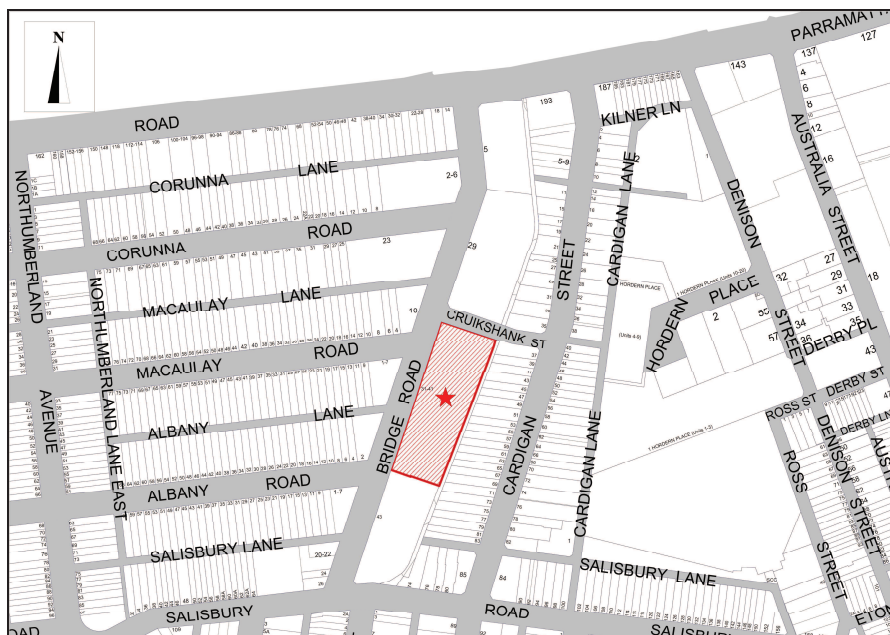
Assessment:

Council's 1 May 2012 resolution has the effect of immediately implementing the Council officer's Recommendation (1h) from the 17 April 2012 Council meeting *“that the proposal to rezone 31-41 Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Development and the increase in the site's FSR from 0.85:1 to 2:1 be subject to further investigations and liaison with the DP&I concerning the land use direction for the eastern side of Bridge Road under the dSSS, and subject to the outcomes further considered as part of the next review of the MUS”*.

The owner/manager of this site has been advised by Council staff that to action the 1 May 2012 resolution, Council requires a report that assesses the issues involved with the proposed change in zoning and FSR controls on this site and adjacent IN2 lots along the entire eastern side of Bridge Road, Stanmore – i.e. No's 5 to 43 Bridge Road. These issues are principally the traffic and built form implications of the change in land use and increased FSR. Decisions on the final zoning and FSR controls would depend on the outcome of the study. The site owner/manager has recently indicated an intention to prepare such a study.

It is recommended below that the zoning and FSR controls for these sites be amended as originally recommended in April 2012, subject to the aforementioned study being placed on public exhibition with MLEP Amendment 2. As mentioned above, the final zoning and FSR adopted would depend on the outcomes of the study. Should the study not be received prior to the exhibition, this proposal will be considered in a subsequent MLEP 2011 amendment.

Recommendation L-LZN-7: That all lots on the eastern side of Bridge Road, Stanmore (i.e. No's 5 to 43 Bridge Road) be rezoned from IN2 Light Industrial to B5 Business Development and the FSR be increased from 0.85:1 to 2:1. This is contingent upon a study being prepared by the submitter and placed on public exhibition with MLEP 2011 Amendment 2 that assesses built form, traffic and other key impacts associated with the proposed zoning and FSR changes. The final zoning and FSR will depend on the outcomes of this study. Should the study not be exhibited with MLEP 2011 Amendment 2, this proposal is to be considered in a subsequent round of MLEP 2011 amendments.



Location: 31-41 Bridge Road, Stanmore
Approx. site area: 5,582 sqm

Aircraft noise attenuation

Resolution (2a), 5 June 2012: That an explanation in MDCP 2011 Section 2.6 *Acoustic & Visual Privacy* about the type of developments that require noise attenuation and the extent of attenuation be developed, including legal advice, and presented to Council later in 2012.

Assessment: Under Clause 28 of the former MLEP 2001, Council was required to “take into consideration” noise insulation standards in areas affected by Australian Noise Exposure Forecast (ANEF) 20 or greater. This allowed Council to exercise discretion over noise insulation requirements, and it has been standard practice for Council to not require noise attenuation for minor extensions/renovations to dwellings. Clause 6.5 of MLEP 2011 however requires the consent authority to be “satisfied” that all residential development (including all extensions) will meet the noise insulation standards. This makes noise insulation mandatory for all dwelling renovations/extensions, regardless of size. This ‘standard’ clause, inserted into MLEP 2011 by the Department of Planning & Infrastructure (DP&I), puts an unreasonable onus on homeowners to provide a noise report with the DA and to undertake noise insulation, even if works are minor. It is recommended below that MLEP 2011 Clause 6.5 be amended to allow Council discretion over noise insulation requirements, as was the case for the former MLEP 2001. Should the DP&I not approve this recommendation, then Council will need to develop DCP criteria for the types and sizes of residential development excluded from compliance with noise insulation standards. When these criteria are drafted, they would be subject to advice from Council’s Legal Counsel and the DP&I, as they may not have legal weight given the recent legislative changes to the role of DCPs.

Recommendation L-6-4: That Clause 6.5 (3)(c) of MLEP 2011 be amended to replace “must be satisfied the development will meet the indoor sound levels shown in Table 3.3... in AS 2021- 2000” with “must consider indoor sound levels shown in Table 3.3... in AS 2021-2000”. This will allow Council to exercise discretion in the application of noise insulation requirements so that home extensions are excluded from these requirements. Should the DP&I not approve this MLEP 2011 amendment, that Council develop MDCP 2011 criteria for developments to be excluded from noise attenuation requirements, and these criteria be subject to advice from Council’s Legal Counsel and the DP&I.

Car parking as permissible use, 5-11 Chester Street, Petersham

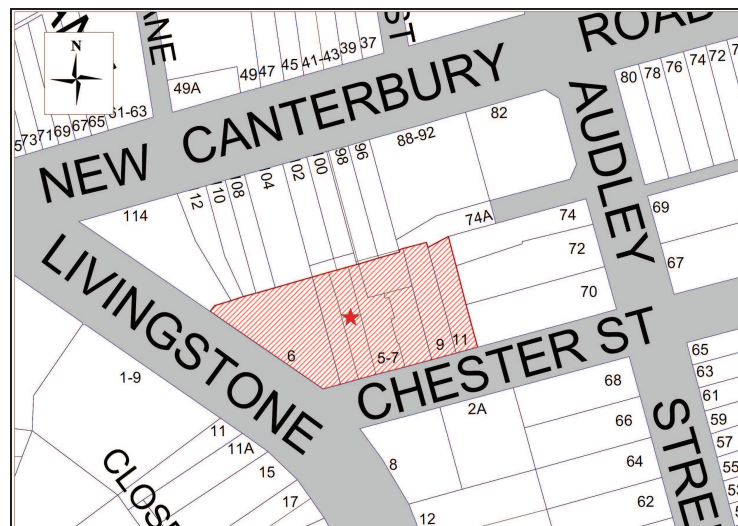
Resolution, 5 June 2012: In relation to the proposed car park at Chester Street, Petersham: *"That Council resolve to seek an amendment to Schedule 1 of the MLEP 2011 to make car parking a permissible land use."* Further to this resolution, in order to allow development of Nos. 5 to 11 Chester Street and No. 6 Livingstone Road as a combination of public car park, residential flat building and shoptop housing, the recommendation would also need to allow car parking and loading to serve a future residential flat building use on Nos. 5-11 Chester Street, Petersham and the shoptop housing on No. 6 Livingstone Road, Petersham across each zone.

Assessment:

Use of a site within an R4 High Density Residential zone solely for car parking is not permitted. The existing car park, and potentially an expanded car park, is shown as part of a development in the Masterplan area MA 36.1 within MDCP 2011 Section 9.6 *Petersham South* at 5 to 11 Chester Street, Petersham, which has an R4 zoning. Whilst the existing car park would have existing use rights, a provision would need to be added to MLEP 2011 Schedule 1 to make an expanded car park permissible as part of a development at Nos. 5-11 Chester Street, Petersham, potentially in combination with 6 Livingstone Road, Petersham.

Currently any residential flat building on No. 5-11 Chester Street, zoned R4 High Density Residential would not be permitted to have an associated car park or loading use extending over No. 6 Livingstone Road, zoned B2 Local Centre. Similarly, shop top housing on No. 6 Livingstone Road, zoned B2 Local Centre would not be permitted to have an associated car park or loading use accessing or extending over No. 5-11 Chester Street, zoned R4 High Density Residential. It is proposed to include car parking in MLEP 2011 Schedule 1 on No. 6 Livingstone Road and No. 5-11 Chester Street to provide for this.

Recommendation L-Sch1-1 & L-Sch1-2: That a provision be included in MLEP 2011 Schedule 1 to make car parking a permissible use for No's 5 to 11 Chester Street, Petersham. That a provision be included in Schedule 1 of MLEP 2011 to permit car park and loading use on No. 6 Livingstone Road, Petersham associated with a residential flat building or other appropriate uses permissible on Nos. 5-11 Chester Street. That a provision be included in Schedule 1 of MLEP 2011 to permit car park and loading use on No's 5 to 11 Chester Street, Petersham associated with a shoptop housing or other appropriate uses permissible on No. 6 Livingstone Road, Petersham.



5-11 Chester Street & No. 6 Livingstone Road
Approx. site area - 1,180sqm

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Heritage matters - Hoskins Park, Dulwich Hill

Resolution, 15 November 2011: Council resolve to undertake a heritage review in accordance with Option 2 with the heritage assessment of Hoskins Park and environs in Dulwich Hill. This was to be undertaken and funded by savings within the existing Planning Services budget.

Assessment:

Council resolved at its 15 November 2011 meeting to undertake a heritage review of Hoskins Park and surrounds, Dulwich Hill. The project was initiated through Council's receipt of over 400 proforma letters supporting such a review. The resident action was largely in response to a DA received by Council to demolish dwelling houses at 34 and 36 Pigott Street, Dulwich Hill and carry out restoration works to Brook Lodge at 174 Denison Road, Dulwich Hill, and erect a three storey residential flat building.

In May 2012, Council engaged Tanner Architects Pty Ltd to undertake a heritage assessment of Hoskins Park and its environs. Council received the final report in September 2012. It included a detailed heritage assessment of Hoskins Park and its surrounds, including an historical assessment, physical assessment based on site visits, and an extensive comparative analysis which compared Hoskins Park to other parks in the LGA.

The report concluded that:

"Hoskins Park has heritage significance for a number of reasons. It was one several parks under the control of Petersham Municipality (and subsequently came under the control of Marrickville Municipality in 1949). It is representative of these parks, sharing several features from the interwar period with them, and demonstrates the consistent approach that a particular local government instrumentality took to the design of residential amenity in the first half of the twentieth century. It's naming, after a mayor, reflects what may be a relatively common local government practice during the first half of the twentieth century."

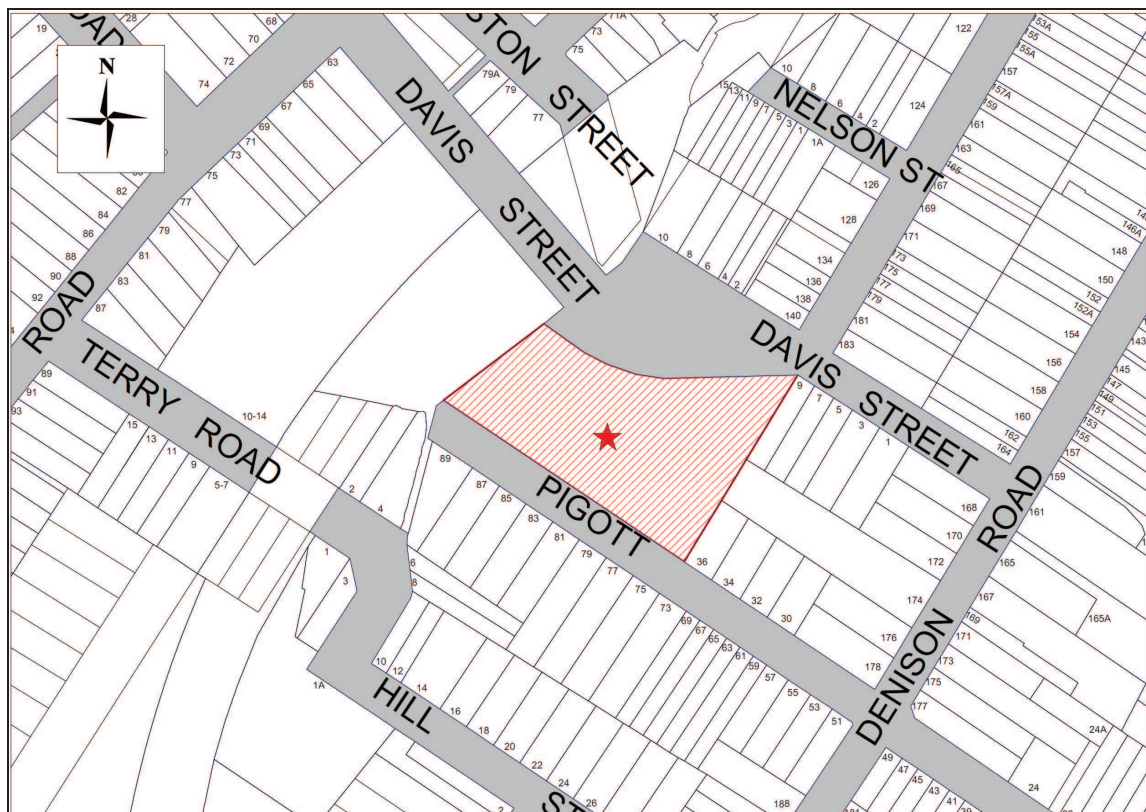
Hoskins Park and its setting provide evidence of early twentieth century urban consolidation in Dulwich Hill, both by the provision of parks and by the consistent residential development on Davis and Pigott Street. The character of the park derives from a combination of several features including site configuration and topography, mature trees and landscaping, and smaller detail elements, along with its important visual relationship with late nineteenth and early twentieth century housing along Davis and Pigott Streets."

The report recommended that Hoskins Park be listed as an individual Heritage Item within Schedule 5 of the MLEP 2011. Further, it recommended that a HCA be created in the area immediately surrounding Hoskins Park.

Recommendation L-Sch5-2: That:

- (a) Schedule 5 of MLEP 2011 be amended to include Hoskins Park as a Heritage Item, and this be shown on the MLEP 2011 Heritage Map. A draft Heritage Inventory Sheet for the Hoskins Park heritage at **ATTACHMENT 1** be publicly exhibited as part of MLEP 2011 Amendment 2. The Inventory Sheet will detail the reasons for the heritage listing and will include future management recommendations.
- (b) Schedule 5 of MLEP 2011 be amended to include Hoskins Park and its environs as a HCA, to be known as *Hoskins Park (Dulwich Hill) Heritage Conservation Area*, being of local heritage significance and shown on the MLEP 2011 Heritage Map as HCA C36. Mapping is to adopt the boundaries indicated in the Tanner Architects Pty Ltd *Heritage Assessment Report of Hoskins Park & Environs*.

- (b) New planning controls for the draft Hoskins Park & environs HCA to be included in MDCP 2011, consistent with the approach taken for other HCAs in the LGA. The draft DCP chapter at **ATTACHMENT 2** be publicly exhibited as part of MDCP 2011 Amendment 2.
- (c) Other minor amendments be made to MDCP 2011 Section 8 *Heritage* to make reference to the Hoskins Park HCA. Update the HCA map within MDCP 2011 Part 8.6.1.2 and place on public exhibition with MDCP 2011 Amendment 2. Make any minor amendments necessary to the MDCP 2011 to reference the proposed new Hoskins Park HCA. All persons who made a submission in relation to the proposed Hoskins Park HCA to be notified of the public exhibition of MLEP 2011 and MDCP 2011 Amendment 2.



Location: Hoskins Park, Dulwich Hill
Approx. site area - 5,658sqm

Permitted uses, 776-798 Parramatta Road, Lewisham

Resolution, 20 November 2012: Proposal to rezone 776 Parramatta Road, Lewisham, from B6 Enterprise Corridor to B2 Local Centre be investigated.

Assessment: A representative of the site owner lodged a written submission immediately prior to Council's consideration on 20 November 2012 of the post public exhibition report for LEP/DCP Amendment 1, and Council had resolved to investigate the issue as part of the next round of MLEP/DCP amendments. The Council officer's assessment in the 20 November 2012 report summarises the submission as follows:

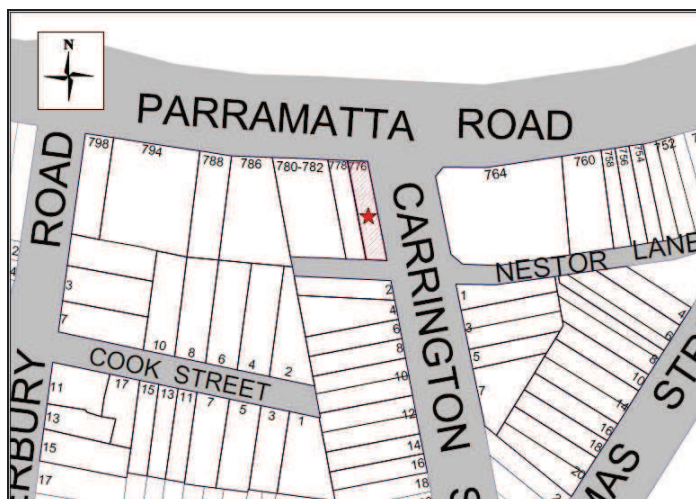
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“Submitter proposes a zoning change for the above site from B6 Enterprise Corridor to B2 Local Centre, highlighting the fact that the site borders R2 Low Density Residential, yet has limited capacity for residential development. The submitter also states that the site is not conducive to light industrial activities or hotel/motel accommodation, as permitted under the current B6 zone. The submitter suggests a rezoning of the block comprising seven individual lots between Old Canterbury Road and Carrington Street to B2 Local Centre to allow for a greater mix of commercial/residential uses - as the area is well serviced by public transport, parks, schools, community facilities etc. “

The submission notes that due to limited activity along this part of Parramatta Road, retail/commercial business has not been viable and property owners have found it difficult to rent their properties for commercial purposes. They would like to expand the range of permissible uses along this part of Parramatta Road to create opportunities for viable businesses and future redevelopment of these properties.

Assessment: The submission has merit, and the rationale behind the submission is acknowledged. In the drafting of the Marrickville Urban Strategy and MLEP 2011, the range of permissible uses in properties such as this and along much of Parramatta Road was expanded when MLEP 2011 rezoned these sites from 4(b) Light Industrial to B6 Enterprise Corridor. In doing so, Council had ruled out residential uses along most of Parramatta Road due to poor residential amenity created by noise, vibration and air pollution impacts from traffic on Parramatta Road. The submitters have recently lodged a further written submission (letter dated 15 March 2013). In this submission, the prior arguments have been reiterated, and the submitter now seeks an amendment to the existing B6 Enterprise Corridor zoning of this site, along with 6 adjacent sites from 776 to 798 Parramatta Road, to allow affordable housing (boarding houses) within this zone. It is agreed that appropriately designed boarding houses could be suitable for these sites. It is not expected that Parramatta Road traffic impacts and impacts that may arise from uses within the B6 Enterprise Corridor strip would make boarding houses unviable, particularly as boarding house residents would generally not reside on the premises for the same duration as residents of dwelling houses. Note also that there would be no change to the FSR and HoB controls, which would limit the size of boarding houses to small-scale and adaptive re-use. It is therefore recommended that MLEP 2011 be amended to allow boarding houses in the B6 Enterprise Corridor zone from 776 to 798 Parramatta Road, Lewisham.

Recommendation L-Sch1-3: That MLEP 2011 be amended to allow boarding houses as a permissible use in the B6 Enterprise Corridor zone from 776 to 798 Parramatta Road, Lewisham.



Location: 776 Parramatta Road, Lewisham
Approx. site area: 197 sqm

R2 Low Density Residential zone objectives

Resolution, 20 November 2012: That the following proposed amendments to MLEP 2011 R2 Low Density Residential zone objectives be considered as part of LEP/DCP Amendment 2.

Assessment:

MLEP 2011 R2 Low Density Residential zone objectives do not clearly articulate the permissibility of office premises within this zone. The submitter suggests the last two objectives, i.e.:

- *To provide for office premises, multi dwelling housing and residential flat buildings only as part of the conversion of existing industrial and warehouse buildings; and*
- *To provide for office premises and retail premises in existing buildings designed and constructed for commercial purposes.*

be reworded as follows:

- *“To provide for multi dwelling housing and residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings; and*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.”*

The amendments to MLEP 2011 R2 Low Density Residential zone objectives more clearly articulate the permissibility of office premises within this zone. It is agreed that the re-wording of the R2 zone objectives more correctly reflect the conversion of pre-existing industrial buildings and warehouse buildings between office premises and other uses. The addition of a fifth objective relating to retail premises in existing buildings designed and constructed for commercial purposes is also proposed to reflect the permissibility of retail premises within the zone.

Recommendation L-2-1: That the third and fourth MLEP 2011 R2 Low Density Residential zone objectives be amended and a fifth objective added, as follows:

- *“To provide for multi dwelling housing and residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings;*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.”*

R3 Medium Density Residential zone objectives

Resolution, 20 November 2012: That the following proposed amendments to MLEP 2011 R3 Medium Density Residential zone objectives be considered as part of LEP/DCP Amendment 2.

Assessment:

The submitter suggests the last two objectives for the MLEP 2011 R3 Medium Density Residential zone, i.e.:

- *“To provide for office premises and residential flat buildings only as part of the conversion of existing industrial and warehouse buildings; and*

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- *To provide for office premises and retail premises in existing buildings designed and constructed for commercial purposes;*

be replaced with the following three objectives:

- *“To provide for residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings ;*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.”*

As per the above submission, it is agreed that the amendments to the MLEP 2011 R3 Medium Density Residential zone objectives more clearly articulate the permissibility of office premises within this zone. The re-wording of the R3 zone objectives reflects that office premises are permissible within the zone only in existing buildings designed and constructed for the purpose of a commercial premises, as well as part of the conversion of existing industrial and warehouse buildings.

Recommendation L-2-2: That the fourth and fifth MLEP 2011 R3 Medium Density Residential zone objectives be amended, and a sixth objective, to read as follows:

- *“To provide for residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings ;*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.”*

R4 High Density Residential zone objectives

Resolution, 20 November 2012: That the following proposed amendments to MLEP 2011 R4 High Density Residential zone objectives be considered as part of LEP/DCP Amendment 2.

Assessment:

The submitter suggests the fourth and fifth objectives of the MLEP 2011 R4 High Density zone, i.e.:

- *“To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings; and*
- *To provide for office premises and retail premises in existing buildings designed and constructed for commercial purposes.”*

be replaced with the following objectives:

- *“To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.”*

As per the above submissions, it is agreed that the amendments to the MLEP 2011 R4 High Density Residential zone objectives more clearly articulate the permissibility of office premises within this zone. The re-wording of the R4 zone objectives reflects the fact that office premises are permissible within the zone only as part of existing buildings designed and constructed for the purpose of commercial premises, as well as part of the conversion of existing industrial and warehouse buildings. The combination of the two objectives into one makes it easier to assess the practicality of office premises in the R4 zone.

Recommendation L-2-3: That the fourth and fifth MLEP 2011 R4 High Density Residential zone objectives be amended, to read as follows:

- *“To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.”*

MLEP 2011 Clause 6.10 Use of existing non-residential buildings in residential zones

Resolution, 20 November 2012: That the following proposed amendments to MLEP 2011 Clause 6.10 *Use of existing non-residential buildings in residential zones* be considered.

Assessment: Clause 6.10 *Use of existing non-residential buildings in residential zones* could be interpreted as prohibiting certain shop uses in the R1 General Residential and R4 High Density Residential zones unless it was in a building that was designed and constructed for the purpose of a shop and erected before the commencement of MLEP 2011.

This is best illustrated by an example – ‘neighbourhood shops’ and ‘shop top housing’ are forms of development permitted with consent in both zones in their own right. A ‘neighbourhood shop’ is a type of shop, and by virtue of the drafting of Clause 6.10, it could be interpreted that a ‘neighbourhood shop’ would be prohibited unless it was in a building that was designed and constructed for the purpose of a shop and erected before the commencement of MLEP 2011. This is obviously not the intent of the clause, and this matter should be rectified to avoid any potential for confusion.

Whilst ‘shop top housing’ is a form of development permitted with consent in both the R1 General Residential and R4 High Density Residential zones in its own right, it is contended that the current drafting of Clause 6.10 of MLEP 2011 precludes such development from being carried out in the respective zones.

In this regard, the following points are made:

- ‘Shop top housing’ by definition means one or more dwellings located above ground floor retail premises or business premises. As ‘business premises’ are not permitted in the respective zones, any shop top housing in both the R1 General Residential and R4 High Density Residential zones is limited to one or more dwellings located above retail premises.
- If the arguments above are accepted, the only form of retail premises permitted in the respective zones are shops (including neighbourhood shops), restaurants or cafes or take away food and drink premises. By virtue of Clause 6.10, those retail premises are only permissible where they are carried out in a building that was designed and constructed for the purpose of a shop and was erected before the commencement of MLEP 2011.

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The submitter is of the view that the clause should be amended in a similar manner to the suggested changes to Clause 6.9 discussed previously. In relation to Clause 6.10 it is suggested that the clause should be reworded to read as follows:

1. *"The objective of this clause is to permit office premises, shops, restaurants or cafes or take away food and drink premises in Residential Zones where the development involves the reuse of an existing building that was designed and constructed as a shop.*
2. *This clause applies to land in the following zones:*
 - a) *Zone R1 General Residential,*
 - b) *Zone R2 Low Density Residential,*
 - c) *Zone R3 Medium Density Residential,*
 - d) *Zone R4 High Density Residential.*
3. *Development consent must not be granted to development for the purpose of the use of an existing building that was designed and constructed as a shop for the purpose of office premises, shops, restaurants or cafes or take away food and drink premises on land to which this clause applies unless:*
 - a) *The development relates to a building that was designed and constructed for the purpose of a shop and was and was erected before the commencement of this Plan, and*
 - b) *The consent authority has considered the following:*
 - i. *The impact of the development on the amenity of the surrounding locality,*
 - ii. *The suitability of the building for adaptive reuse,*
 - iii. *The degree of modification of the footprint and façade of the building."*

The matters concerning MLEP 2011 Clauses 6.9 and 6.10 are interrelated, especially in relation to office premises. In view of the circumstances it would be preferable for the changes to be made concurrently. The submitter is of the view that these amendments to Clause 6.10 would not change the intent of the clause.

The amendments to MLEP 2011 Clause 6.10 as proposed by the submitter clarify the permissibility of uses within the respective residential zones. Currently, MLEP 2011 prohibits office premises, shops (including neighbourhood shops), shoptop housing and cafes, restaurants or take away and drink premises within residential zones. The exception is that shoptop housing is permissible in R1 and R4 zones, while neighbourhood shops are permitted in R1, R3 and R4 zones. The current wording of Clause 6.10 means these uses are only permissible within residential zones as long as the premises is contained within an existing building that has been designed and constructed for the commercial use. The inter-relationship between Clause 6.9 and 6.10 allows the permissibility of certain forms of development in specific cases. Clause 6.9 of the MLEP 2011, which relates to the conversion of individual buildings and warehouse buildings to residential flat buildings, multi dwelling housing and office premises was considered in Amendment No. 1, resulting in a recommendation to amend the clause.

Recommendation L-6-3: That MLEP 2011 Clause 6.10 be amended to read as follows:

1. *"The objective of this clause is to permit office premises, shops, restaurants or cafes or take away food and drink premises in Residential Zones where the development relates to the reuse of an existing building that was designed and constructed as a shop.*
2. *This clause applies to land in the following zones:*
 - (a) *Zone R1 General Residential,*
 - (b) *Zone R2 Low Density Residential,*
 - (c) *Zone R3 Medium Density Residential,*
 - (d) *Zone R4 High Density Residential.*
3. *Development consent must not be granted to development for the purpose of the use of an existing building that was designed and constructed as a shop for the purpose of office premises, shops, restaurants or cafes or take away food and drink premises on land to which this clause applies unless:*
 - (a) *The development relates to a building that was designed and constructed for the purpose of a shop and was and was erected before the commencement of this Plan, and*
 - (b) *The consent authority has considered the following:*
 - (i) *The impact of the development on the amenity of the surrounding locality,*
 - (ii) *The suitability of the building for adaptive reuse,*
 - (iii) *The degree of modification of the footprint and façade of the building."*

MLEP 2011 amendment items from recent submissions

Heritage Map and Schedule 5 correction for Dibble Avenue Waterhole

Submission L-Sch5-4:

An error on the MLEP 2011 Heritage Map has been identified relating to the Dibble Avenue Waterhole, Heritage Item No I12. The Heritage Map Sheet HER_002 labels the Dibble Avenue Waterhole as Item Number I112. This is incorrect, as it does not correlate with the Heritage Item Number within Schedule 5 of the MLEP 2011.

Council's Heritage and Urban Design Advisor has also advised that the boundaries of the Dibble Avenue Waterhole do not accurately reflect the extent of the waterhole. Currently, only the boundaries of Council's land and the rear of properties at 9-13 Dibble Avenue are mapped as heritage for the waterhole. Council's Heritage and Urban Design Advisor has indicated that the boundary should be amended to include the rear of some privately owned properties located at No's 27, 29, 33, 35 & 37 Riverside Crescent, Marrickville. It is recommended below that a 10 metre buffer be added to the mapping to provide added protection to the integrity of the Heritage Item. This is shown on the map at **ATTACHMENT 6**.

Further, the 'Dibble Avenue Waterhole' is currently listed in the MLEP 2011 under the suburb of 'Dulwich Hill', whilst Council's internal mapping system indicates that this Heritage Item is located within the suburb of Marrickville. The suburb name should be corrected to state 'Marrickville'.

Recommendation L-Sch5-4: That MLEP 2011 Heritage Map Sheet HER_002 be amended to change the current label of I112 to I12 to correctly reflect the Item Number of the Dibble Avenue Waterhole within Schedule 5 of the MLEP 2011. Further, it is recommended that the mapped boundaries of the Dibble Avenue Waterhole be extended to include the rear portion of properties at No's 27, 29, 33, 35 & 37 Riverside Crescent, Marrickville, and a 10m buffer be added around the entire mapped area, as shown on the map at **ATTACHMENT 6**. Further, that MLEP 2011 Schedule 5 be amended to identify the Dibble Avenue Waterhole heritage item within the suburb of 'Marrickville', to show the correct location of the item.

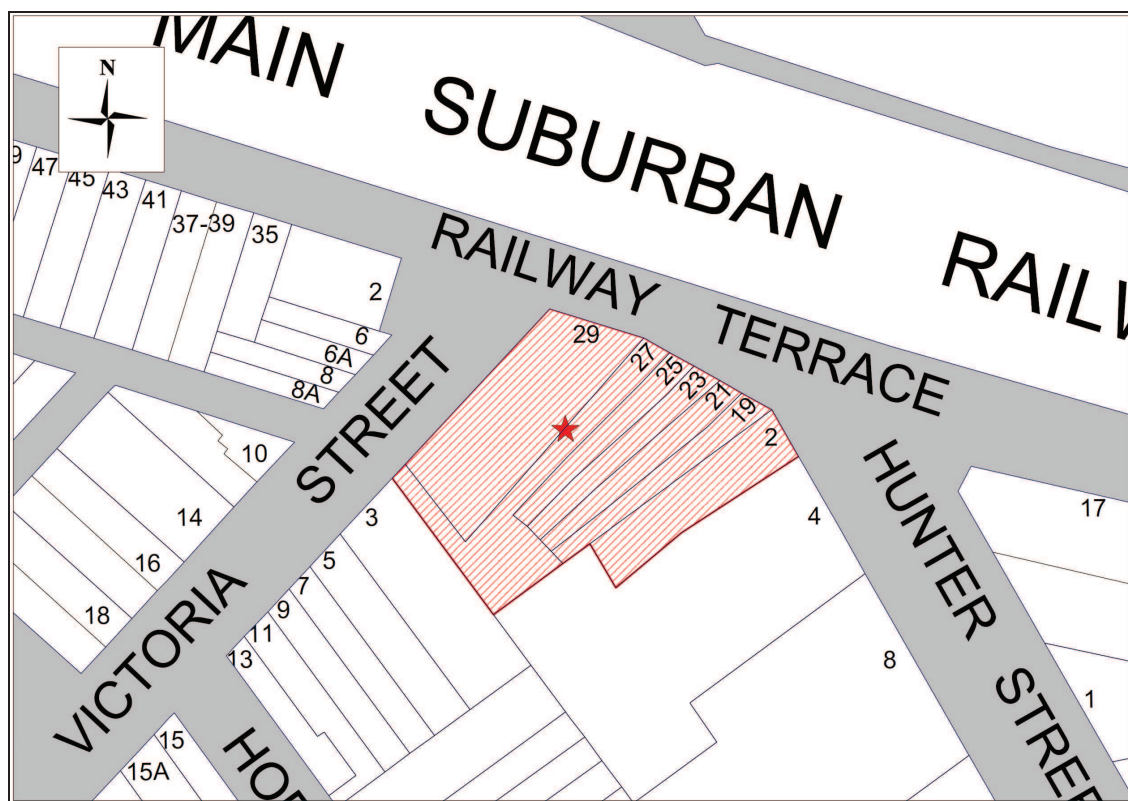
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Zoning, 2 Hunter Street & 19-25 Railway Terrace, Lewisham

Submission L-LZN-2: It has been identified in a staff submission that Nos. 2 Hunter Street and 19-25 Railway Terrace, Lewisham are zoned B1 Neighbourhood Centre, which is inconsistent with the MDCP 2011 Part 9.5.5.1 *Master Plan Area MA5.1*. The Masterplan had intended that these properties accommodate residential flat buildings, and as such, there would be no commercial component. This classification was given due to poor conditions for commercial uses along Railway Terrace. With the exception of 27-29 Railway Terrace, the Masterplan has focused commercial uses on Victoria Street, which has more favourable conditions for this type of use. The zoning for these properties should be R4 High Density Residential.

Assessment: This submission is supported, and it is agreed that the zoning of these properties should be amended to make them consistent with MDCP 2011 Section 9.5 *Lewisham South Precinct Masterplan Area MA5.1*. They should be rezoned from B1 Neighbourhood Centre to R4 High Density Residential.

Recommendation L-LZN-2: That MLEP 2011 be amended to rezone No. 2 Hunter Street and No's 19 to 25 Railway Terrace from B1 Neighbourhood Centre to R4 High Density Residential.



Location: 2 Hunter Street & 19 to 29 Railway Terrace
Approx. site area (all lots) – 879 sqm

Correct anomalies on zoning and land reservation acquisition maps

Submission L-LZN-4: There are a number of instances on the MLEP 2011 zoning maps where parts of privately-owned properties are zoned SP2 and where that land is also indicated on the Land Reservation Acquisition Maps as Classified Road (SP2). Examples include the properties on the southern side of Canal Road and properties in the vicinity of the intersection of New Canterbury Road, Stanmore Road, Crystal Street and Shaw Street, Petersham. The submitter suggests the SP2 zoning on those properties on the MLEP 2011 Zoning Maps be deleted, with the subject parts of those properties being rezoned to reflect the zoning that applies to the remainder of the property. Further, 395 Marrickville Road, Marrickville is coloured R1 but has a B1 notation, and 606-610 Parramatta Road, Petersham appears to be coloured R6 but has a B5 notation.

Assessment: It is agreed that amendments to the Zoning Map are needed to remove the incorrect zonings from the affected properties. Further, the MLEP 2011 Land Reservation Acquisition Map also requires amendment. Properties or sections of properties shown on the Land Reservation Acquisition Map as a future acquisition also indicate their current zoning in brackets. In some instances, as these sites have been incorrectly zoned and the zone has also been incorrectly represented on the Land Reservation Acquisition Map.

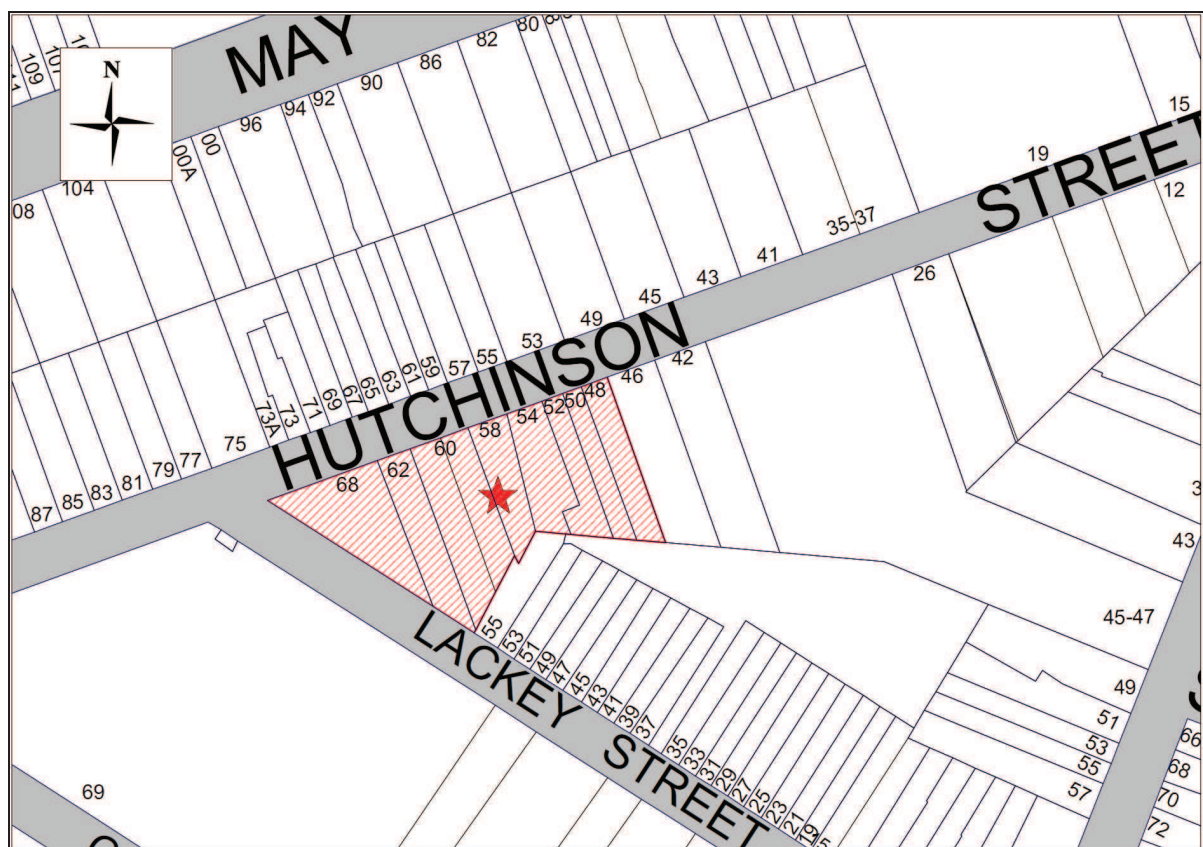
Recommendation L-LZN-4: That the MLEP 2011 Land Zoning Map and Land Reservation Acquisition Map be amended to correct anomalies identified with regard the zoning of identified properties, which should then be reflected on the MLEP 2011 Land Reservation Acquisition Map to correct any related anomalies.

FSR map label for 48-68 Hutchinson Street, St Peters

Submission L-FSR-1: MLEP 2011 FSR Map 4 (5200_COM_FSR_004_010_20111128) does not have a label on the properties at 48-68 Hutchinson Street, St Peters.

Assessment: These properties are coloured pink on the FSR Map, corresponding to the S code, which assigns a FSR in the range 1.5 to 1.9. According to the *St Peters Triangle Masterplan* within MDCP 2011 Section 9.25, these properties were to have an FSR of 1.8:1. This corresponds to the S5 code, and this is what has been mapped on Council's GIS mapping system. However, the S5 label is missing for these properties and should be inserted.

Recommendation L-FSR-1: That an S5 code label (FSR 1.8:1) be shown on the MLEP 2011 FSR map for No's 48 to 68 Hutchinson Street, St Peters.



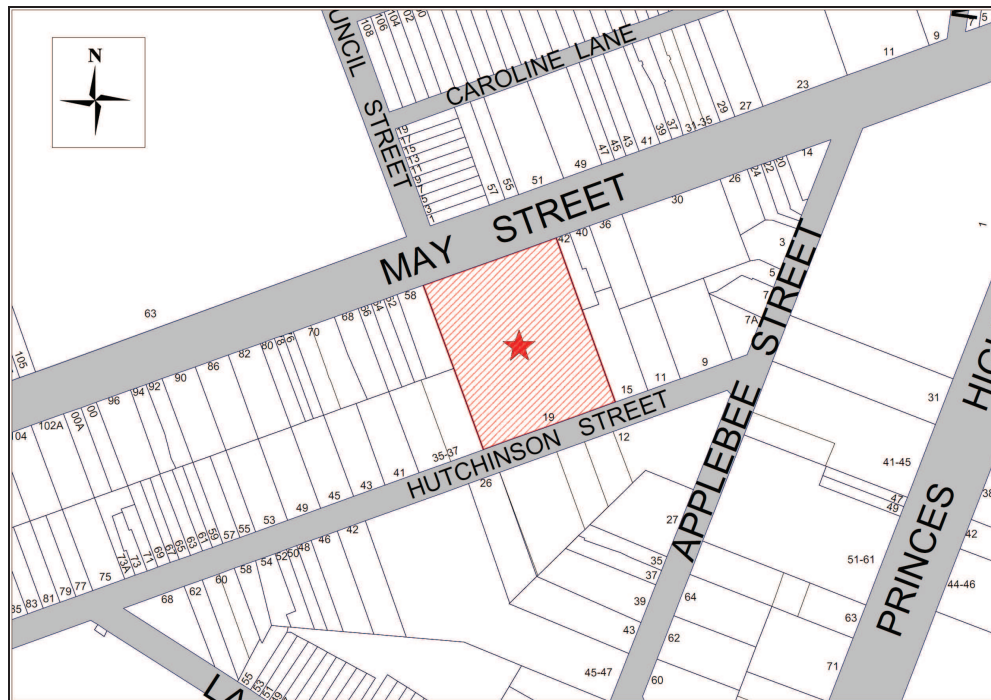
Location: 48 to 68 Hutchinson Street, St Peters

HoB control, 19 Hutchinson Street, St Peters

Submission L-HOB-1: The property at No. 19 Hutchinson Street, St Peters extends from Hutchinson Street to May Street. As the HoB has been based on the highest height allowed on any part of the property, with MDCP 2011 articulating required heights within that property, it gives the impression that the 17.0m height allowed under MLEP 2011 HoB Map is acceptable on the Hutchinson Street frontage. With the downgrading of the importance of DCPs under the recent commencement of amendments to Sections 74BA and 74C of the Environmental Planning and Assessment Act 1979, it is considered appropriate to place less emphasis on the DCP controls. Instead the HoB controls for the B7 Business Park zoned Hutchinson Street half of the property should be lowered to 14m (Code N) on the MLEP 2011 HoB Map, consistent with other B7-zoned properties in Hutchinson Street.

Assessment: It is agreed that to ensure an appropriate scaled development occurs for the B7 zone on the Hutchinson Street frontage, the B7 zoned Hutchinson Street half of the property should be lowered to 14m (Code N), consistent with other B7 zoned properties in Hutchinson Street.

Recommendation L-HOB-1: That the B7 Business Park zoned Hutchinson Street half of the property at No. 19 Hutchinson Street, St Peters be lowered to 14m (Code N) on the MLEP 2011 HOB Map.



Location: 19 Hutchinson Street, St Peters
Approx. site area - 3,031sqm

HoB controls, 9 to 13A Barwon Park Road, St Peters

Submission L-HOB-2:

The submitter is the owner/occupier of a dwelling house at 13 & 13A Barwon Park Road, St Peters. The submission raises issues in relation to MLEP 2011 and MDCP 2011 HoB controls that apply to adjacent sites at No's 9 & 11 Barwon Park Road. The submission has been prompted by a DA for a residential flat building development at 9 & 11 Barwon Park Road that has recently been considered by Council. The submitter is concerned that LEP/DCP controls allow an additional height increment at 9 & 11, located at the V-shaped corner of Crown Street and Barwon Park Road, St Peters. The submitter has questioned why Council has not allowed this additional height increment on his property, and why the development at No's 9 & 11 has been allowed to extend to the side property boundary.

Assessment:

Council officers have discussed these issues with the submitter and have provided verbal and written advice as follows. It is correct MLEP 2011 and MDCP 2011 HoB controls sometimes permit additional height on corner sites, as these sites usually have better access to light and views and the corners can emphasise the streetscape form. Corner sites can serve as 'gateway' or 'landmark' developments which contribute visually to the character of a neighbourhood, although this particular instance it was not intended to create such a development. Section 5.1.3.6 in MDCP 2011 discusses treatment of corners for commercial situations, and although these treatments do not strictly relate to residential developments, in making MLEP 2011, an additional height increment was allowed on 9 & 11 Barwon Park Road to emphasise this V-shaped corner. This is consistent with the building mass controls under the previous MDCP 41: *Barwon Park Triangle* that applied to the site. The added height increment can only be expressed on part of the block – towards the northern tip of the wedged-shaped allotment, i.e. the intersection of Crown Street and Barwon Park Road, with a reduction in height toward the interface to the south. Overall, the FSR would limit development on No's 9 & 11 Barwon Park Road to a predominantly two-storey form with possible minor third-storey element at the northern tip.

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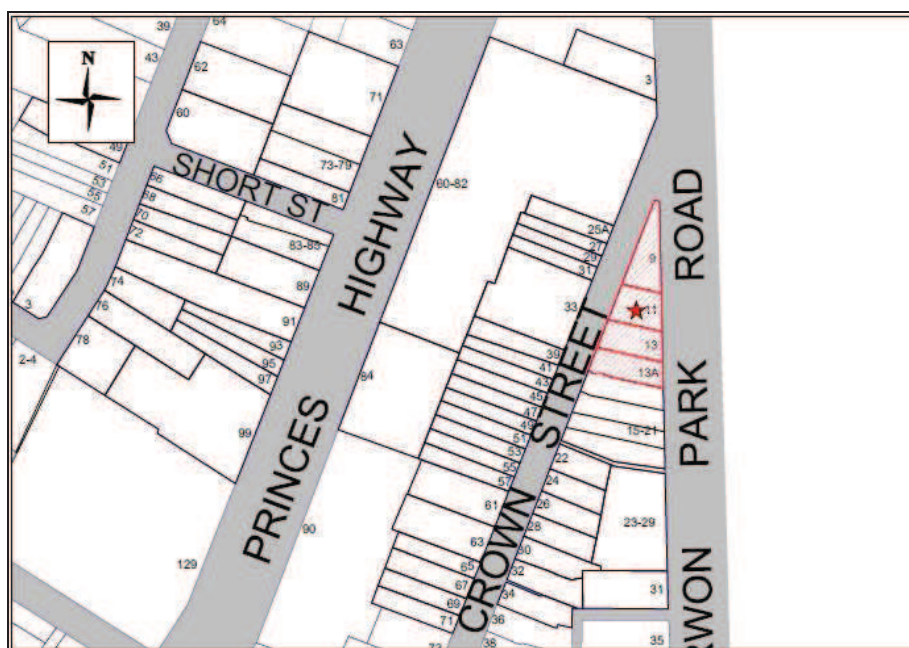
Although No. 11 Barwon Park Road is not a corner site, 9 & 11 were grouped together and considered as a single development site for the purpose of the height controls. It is common for zoning and building controls to extend across lot boundaries, usually to encourage lot consolidation to create a development of sufficient size to achieve desired design outcomes. In setting different height limits for No's 9 & 11 and for No's 13 & 13A and all properties along Crown Street with a 9.5m height control, Council has exercised its best judgment about the appropriateness of the controls given the particular characteristics of the sites, existing development and likely future development.

There is no formal policy that states that development of corner sites will be allowed to a higher level, and not all corner sites across the Marrickville Council area have been given increased height. The general methodology that was used when preparing MLEP 2011 was that R1-zoned properties with a 0.85:1 FSR would have a 14.0m height limit, or 11.0m for infill development of a more sensitive nature. If a lower (9.5m) height control was applied, it was usually coupled with a lower FSR of 0.6:1. The previous MLEP 2001 limited the Crown Street properties to 2 storeys with a 1:1 FSR. This was translated to MLEP 2011 as a 9.5m height coupled with a 0.85:1 FSR. This is equivalent to a 1:1 FSR under the old LEP, as the new LEP has a different definition of Gross Floor Area (GFA). The higher FSR, coupled with the 9.5m height limit is considered to be the optimum combination of controls for the urban form typology of this area.

With regard to building to boundaries, unless MDCP 2011 includes site-specific building controls for side boundaries, this is covered under Generic Provisions of 4.1.6.2 Building setbacks in MDCP 2011. Otherwise it is a matter for the *Building Code of Australia*. In the case of No's 9 to 13A Barwon Park Road, MLEP 2011 and MDCP 2011 do not include site-specific side boundary controls.

The Council officer's assessment has concluded that the MLEP 2011 and MDCP 2011 HoB controls for No.9 to 13A Barwon Park Road, St Peters are appropriate and should not be amended.

Recommendation L-HOB-2: That MLEP 2011 and MDCP 2011 HoB controls for 9 & 11 Barwon Park Road, St Peters not be amended.

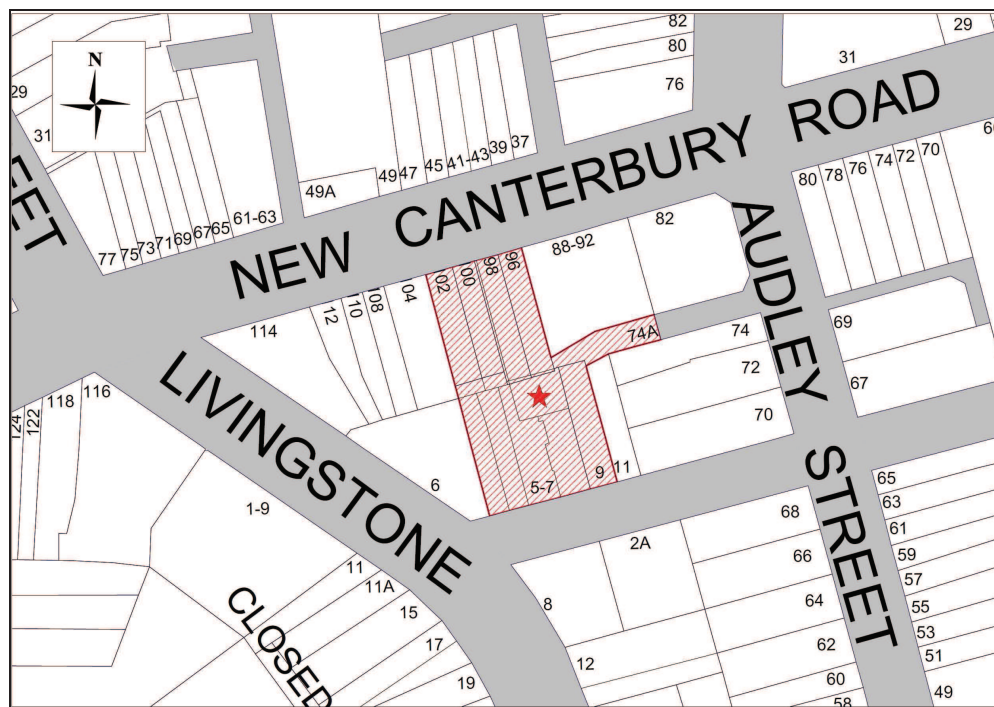


Location: No's 9 to 13A Barwon Park Road, St Peters
Approx. site area (all lots) - 756.7sqm

Submission L-LRA-2: A portion of land identified for Local Road on the MLEP 2011 Land Reservation Acquisition Map, affecting properties at No. 74A Audley Street, 96-102 New Canterbury Road and 5-9 Chester Street to facilitate a rear laneway, is already owned by Council, therefore these properties should be removed from the required Local Road acquisition affectation.

Assessment: It has been confirmed that some of these properties are already owned by Council and should therefore be removed from the required Local Road acquisition affectation.

Recommendation L-LRA-2: That the land to facilitate a rear laneway identified as Local Road on the MLEP 2011 Land Reservation Acquisition Map affecting properties at No. 74A Audley Street, 96-102 New Canterbury Road and 5-9 Chester Street, Petersham, that is already owned by Council, be removed from the required Local Road acquisition affectation.



Location: 74A Audley Street, 96-102 New Canterbury Road & 5-9 Chester Street, Petersham
Approx. site area (all lots) – 1,676sqm

HoB controls for architectural roof features

Submission L-5-1: The submission suggests that MLEP Clause 5.6 *Architectural Roof Features* be deleted. It is superfluous given that Council has resolved to accommodate roof features within a 3m envelope above the stated MLEP 2011 HoB control.

Assessment: MLEP 2011 Clause 5.6 *Architectural Roof Features* was intended to allow variations to HoB controls to accommodate roof features of visual interest on larger buildings. MLEP 2011 HoB controls allow an additional 3m to accommodate roofs, lifts overruns, plants and potentially to provide minor common rooms and roof access. Three metres is considered to be adequate to accommodate any type of architectural roof features for the Marrickville LGA. Given that Council has resolved to accommodate roof features within a 3m envelope above the stated MLEP 2011 HoB, this clause is not needed and should be deleted. If retained, it may assist in the exploitation of the Plan for the provision of an additional storey.

Recommendation L-5-1: That MLEP 2011 Clause 5.6 *Architectural Roof Features* be deleted as it is superfluous.

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Boarding house controls

Submission L-5-2: The issue of the amenity impacts of boarding houses in residential zones has been raised by Council staff, particularly in relation to the size of boarding houses.

Assessment:

State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 does not restrict the size of boarding houses. This can result in a boarding house in the R2 Low Density Zone with 20 or more residents next to a dwelling with three or four residents. There are potential amenity impacts from such a disparity in occupancy rates. For this reason, the size of boarding houses should be controlled in low density residential locations, and the larger boarding houses be confined to accessible areas. Within the recommendation below is the wording for an additional subclause to MLEP 2011 Clause 5.4 controls relating to miscellaneous permissible uses, designed to overcome the locational impacts of boarding houses.

A maximum of 12 residents is considered to be an appropriate maximum in the R2 Low Density Residential zone. Above this number, special fire safety measures are required and the building becomes less residential in character. The maximum of 19 is appropriate for the R1 General Residential and R3 Medium Density zones, as the occupancy rate is likely to be similar to residential flat buildings in these zones. Above this number, an onsite manager is required, which results in the boarding house becoming less residential in character. There is a greater residential density and level of activity in the high density residential and business centre zones, and a larger boarding house can be accommodated in these zones with less impact, if designed and managed appropriately.

The LEP amendments recommended below are supported by the provisions contained within the new MDCP 2011 Section 4.3 *Boarding Houses*, at **ATTACHMENT 4**.

Recommendation L-5-2: That MLEP 2011 Clause 5.4(10) include a limit on the size of boarding houses within the R2 Low Density Residential, R3 Medium Density Residential and R1 General Residential zone. This is to ensure that larger boarding houses are located in areas with reasonable access to transport and services. It is also to ensure that access to the boarding house does not compromise commercial uses at ground level within B1 Neighbourhood Centre, B2 Local Centre or B4 Mixed Use zones. The clause to be inserted is as follows:

“5.4 Controls relating to miscellaneous permissible uses

(10) Boarding Houses

If development for the purposes of a boarding house is permitted under this Plan,

(1) The capacity for total lodgers must not exceed:

- (a) 12 lodgers if the boarding house is within the R2 Zone,**
- (b) 19 lodgers if the boarding house is within the R1 or R3 zone,**

- (2) *A boarding house with a capacity of more than 20 residents must be located:*
 - (a) *Within 400m of an accessible train station and 200m of a bus with a regular accessible bus route - walking distance measured along the most direct route; or*
 - (b) *Within 400m of a town centre that has facilities and services (including support services), recreation and entertainment opportunities;*
 - (c) *The access to a boarding house that is within a mixed-use development within the B1, B2 or B3 zone must not exceed 20% of the floor area of the ground floor of the building."*

Objectives of MLEP cl.6.3 - Dwellings and residential flat buildings in Zone B7 Business Park

Submission L-6-1: The objective of MLEP 2011 Clause 6.13 *Dwellings and residential flat buildings in Zone B7 Business Park* does not relate to subclause (3).

Assessment: Clause 6.13 is as follows:

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

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

Issues have been identified between the objectives of this clause and on the B7 zone objectives, and the wording of subclause (3). The intent of this clause is to allow for live/work developments within the B7 Business Park zone to occur relating to creative industries. However, the wording of subclause (3) only allows this to occur when the creative industry is a business premises or an office premises. It has been noted that many creative industries are more closely aligned to light industrial uses – therefore it is necessary to add light industry to the range of uses at ground floor as part of a mixed-use development.

Recommendation L-6-1: That MLEP 2011 Clause 6.13 *Dwellings and residential flat buildings in Zone B7 Business Park* be amended to include light industry as a permitted use on the ground floor as part of a mixed-use development, as follows:

6.13 Dwellings and residential flat buildings in Zone B7 Business Park

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

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Recommendation L-6-1: That MLEP 2011 Clause 6.13 be re-drafted as follows:

6.13 Dwellings and residential flat buildings in Zone B7 Business Park

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

Boarding house controls

Submission L-6-2: Council has recently received several DAs and pre-DA applications for boarding houses with rooms located at the ground floor level in business zones. Unlike shoptop housing, where the residential components of such developments by definition have to be located above ground floor retail premises or business premises, there is no similar restriction for boarding houses. Under MLEP 2011, boarding houses are listed as 'permitted with consent' in B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed-use zones. Division 3 of *State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009* contains provisions relating to boarding houses. The Division applies to land in specific zones, including the above listed business zones (Clause 26). Clause 30(1) of the *Affordable Rental Housing SEPP* contains a number of standards that a consent authority is required to take into consideration for boarding house applications. The standards referred to in Clause 30(1) include: "(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use"

Assessment: As boarding houses are permissible with Council's consent in the respective MLEP 2011 business zones, Clause 30(1)(g) of the SEPP that "no part of the ground floor of the boarding house that fronts a street will be used for residential purposes" does not apply. A provision should be incorporated into MLEP 2011 to the effect that boarding house rooms in business zones are not permitted to be located at street level. This is similar to the provisions precluding sex services premises from being located at street level in Clause 6.14 of MLEP 2011. Boarding houses at ground level conflicts with the objectives of business zones, where the main intention is to use the ground floor for commercial and retail purposes, and to reinforce the business character of the centres. Further, it is difficult to protect residential amenity on the ground floor of a building in the business zones. Wording for this new clause is shown in the recommendation below.

Recommendation L-6-2: That MLEP 2011 Part 6: *Additional local provisions* include the following new clause:

"6.15 Location of boarding houses in business zones

- (1) *The objective of this clause is to control the location of boarding houses in business zones.*
- (2) *This clause applies to land in the following zones:*
 - (a) *Zone B1 Neighbourhood Centre,*
 - (b) *Zone B2 Local Centre,*
 - (c) *Zone B4 Mixed-use.*
- (3) *Development consent must not be granted for development for the purpose of a boarding house on land to which this clause applies if any part of the boarding house (excluding access, car parking and waste storage) is located at street level."*

MDCP 2011 amendments from prior Council resolutions**2.10 Parking**

Resolution (2e), 5 June 2012: That wherever possible, rates based on employee or customer numbers in MDCP 2011 Section 2.10 Parking Table 1 be converted to an equivalent rate based on floorspace.

Assessment: It is agreed that it would be preferable that, wherever possible, rates set out in MDCP 2011 *Parking* Table 1 be based on Gross Floor Area (GFA) of the proposed development. Estimates in customer and/or employee numbers attributed to a particular development may vary considerably and thus may result in an unsuitable number of car parking spaces being estimated for inclusion. It should be noted that these conversions will not result in substantial changes in parking rates, moreover it will result in a simplified, more streamlined approach to parking provision rate calculation.

Recommendation D-2.10-19: That those classifications of land use within MDCP 2011 Section 2.10 *Parking* Table 1 that have parking provision rates based on predicted employee and/or customer numbers be converted to an equivalent calculation based on Gross Floor Area (GFA). That these rates be placed on public exhibition as part of MDCP 2011 Amendment 2.

2.14 Unique Environmental Features

Resolution (2i), 5 June 2012: That the issue of MDCP 2011 Section 2.14 *Unique Environmental Features* including a note indicating that land outside the Thornley Street Scenic Protection Area be subject to the same controls as apply to land within this area (because of having 'unique environmental features') be subject to further investigation and appropriate resolutions to be submitted for Council's consideration later in 2012.

Assessment: It has been confirmed through discussions with relevant Council staff that areas outside the Thornley Street Scenic Protection Area that are found to have 'unique environmental features' would be subject to the general controls in the first part of the MDCP 2011 Section 2.14. Defining these areas would be based on a merit assessment, and they could include "lookouts, rocky outcrops, cliff faces, remnant bushland, steep slopes, natural watercourses or escarpments" according to the definition within MDCP Section 2.14. Areas within the Thornley Street Scenic Protection Area would be subject to the general controls as well as those which specifically apply to this area, as defined on a map attached to this section of the DCP. It would assist with interpretation of this section of the DCP to include an explanation similar to the one above at the beginning of the section. This is recommended below.

Recommendation D-2.14-2: That a note be included at the beginning of MDCP 2011 Section 2.14 *Unique Environmental Features* to explain that the general provisions in the first part of this section could apply to areas outside the Thornley Street Scenic Protection Area if deemed by merit assessment to have 'unique environmental features'.

2.16 Energy Efficiency

Resolution (2j), 5 June 2012: That the issue of whether to amend MDCP 2011 Section 2.16 *Energy Efficiency (for Non-BASIX Buildings)* to clarify the fact that 'non-BASIX building' controls apply to parts of buildings that may not be covered by BASIX be subject to further investigation. Further, that the control in MDCP 2011 Section 2.16.5 C5 concerning replacement hot water systems also be subject to further investigation. An appropriate resolution in relation to these matters to be submitted to Council later in 2012.

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Assessment: This submission is supported, as it is intended that this section of the DCP apply to the non-BASIX component(s) of mixed-use buildings, e.g. the ground floor retail component of a shoptop housing development, as well as purely non-BASIX buildings. This can be clarified by changing the title of Section 2.16 from *Energy Efficiency (non-BASIX buildings)* to *Energy Efficiency* and adding text into the first paragraph that states that this section applies to the non-BASIX component of mixed-use buildings.

Recommendation D-2.16-1: That the application of energy efficiency provisions to mixed-use buildings be clarified by changing the title of Section 2.16 from *Energy Efficiency (non-BASIX buildings)* to *Energy Efficiency* and by adding text into the first paragraph that states that this section applies to the non-BASIX component(s) of mixed-use buildings.

2.18 Landscaping & Open Spaces, with regard to boarding houses

Resolution (2k), 5 June 2012: That the issue of boarding house landscaping controls reflecting those of the Affordable Rental Housing SEPP and separate landscaping controls being included in MDCP 2011 for backpackers' accommodation be further investigated. Appropriate resolutions in relation to these latter two issues to be presented to Council for consideration later in 2012.

Assessment: The Affordable Housing SEPP provides for a minimum of 20sqm of open space for any boarding house, and Council cannot override this with its own controls. MDCP 2011 Section 2.18 *Landscaping & Open Spaces* C17 and C18 require 45sqm of open space, which is inconsistent with the SEPP. Further, the requirement for 50% of open space to be impervious is inappropriate in the business zones. C17 and C18 also apply to backpackers' accommodation that is only permissible in Zone B2 Local Centre and Zone B4 Mixed Use zones, and to seniors housing, residential care facilities and hostels that are permissible in the residential B1, B2 and B4 zones. SEPP (Seniors Housing) 2004 provides controls on open space in seniors housing (25sqm per bed), so Council's controls may also be inconsistent with that SEPP. The amendment to C17 and C18 recommended below will rectify these anomalies.

The 20sqm boarding house provision in the Affordable Rental Housing SEPP is considered inadequate, particularly in residential zones, where it can lead to overdevelopment, and in large boarding houses where there may be more than 20 residents. The recommended open space requirements are based on residential and shoptop housing requirements, with the addition of an area of open space per person above 20 at capacity in any zone.

While the recommended landscape guidelines for boarding houses are still inconsistent with the SEPP, these will apply in areas of Marrickville where the SEPPs do not apply. In areas where the SEPPs do apply, the guidelines will have no effect until such time as Council obtains an exemption from the boarding house controls of the Affordable Rental Housing SEPP, or the SEPPs are amended or repealed.

Recommendation D-2.18-4: That MDCP 2011 Section 2.18 *Landscaping & Open Spaces* C17 and C18 be amended, as follows:

"C17 *Landscaped area (residential zones)*

- (i) *The entire front setback must be of a pervious landscape with the exception of driveways and pathways.*
- (ii) *The greater of 4m or a prevailing rear setback must be kept as pervious landscaped area.*
- (iii) *In addition to front setback, a minimum 45% of the site area is to be landscaped area at ground level.*
- (iv) *A minimum of 50% open space must be pervious landscape.*

C18 Communal open space (all zones)

- (i) Communal open space is to be a minimum 20m².
- (ii) Communal open space where the capacity is 20 – 29 is to be a minimum 20m² plus an extra 2.8m² per person.
- (iii) Communal open space where the capacity is 30+ is to be a minimum 48m² or 10% of open space on the site (whichever is the greater).
- (iv) Communal open space should be provided within rear setback (if one is required) and provide space for relaxation, outdoor dining and entertainment.
- (v) Communal open space is to have a minimum dimension of 3m.
- (vi) Communal open space is not to be located in the required front setback.
- (vii) Design communal open space so that it can accommodate outdoor furniture such as chairs, tables and shade structures.
- (viii) Communal open space may include drying area and smoking area. Provide adequate space and separation between different activities so that activities do not impinge on the effective use and enjoyment of the open space for recreation (for instance the open space should not be dominated by clotheslines, and non-smokers should be able to enjoy a smoke-free outdoor area).

NB Fully dimensioned indicative outdoor furniture layouts are to be provided with the development application

- (ix) Locate communal open space adjacent to, and connected to, the communal living area and/or kitchen/dining area if one is provided."

2.21 Recycling & Waste Management

Resolution (2m), 5 June 2012: that the issue of updating MDCP 2011 Section 2.21 *Recycling and Waste Management* C26 Table 3 regarding collection of organic waste and including more land uses be subject to further investigation, and an appropriate recommendation to be submitted for Council's consideration later in 2012.

Assessment:

MDCP 2011 Section 2.21 *Recycling and Waste* Table 3 lists generation rates of waste, recyclable material and organic material by volume for various land uses. Council staff have requested that the uses listed in Table 3 be updated to a greater number of uses, and that these uses be defined as per definitions in MLEP 2011. Staff also submit that the 'as per actual' term used in Table 3 is vague and should be replaced with a numerical requirement. Further, organic waste requirements should be removed and replaced with general information to encourage the processing of such waste. MDCP 2011 Table 3 has been adapted from the 2008 model *Waste Not DCP*, which itself was adapted from a 1996 policy developed by the Combined Sydney Regional Organisation of Councils, based on limited research.

The City of Melbourne has also used this document, and has added additional generation rate information. This appears to be the best source of information for generation rates. Anecdotal information has indicated that the actual volumes of waste generated for different types of premises varies widely, depending on the nature and intensity of use of the site. Currently organic waste generation rates are not available.

Given the status of waste management information as explained above, the following amendments are recommended. Firstly, it is recommended that MDCP 2011 Section 2.21 *Recycling and Waste* C26 be amended to require provision of recycling/waste containers that can accommodate the quantity of recycling/waste material for the type of land use. MDCP 2011 Section 2.21 Table 3 would be used as a guide (and labelled as such), and waste facilities would be justified in a Statement of Environmental Effects.

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Secondly, it is recommended that Table 3 be updated based on the City of Melbourne waste generation rates. Thirdly, it is recommended that land uses where waste generation information is not available should be deleted from the table, and a statement included that these uses are to have generation rates based on prior waste management experiences for identical or similar uses.

Fourthly, it is recommended that the Table 3 organic waste column incorporate a note that encourages the processing/recycling of organic waste, either on-site or through organic waste collection and links to relevant information on recycling be included, including information on the processing/recycling of food waste.

Recommendation D-2.21-2: That MDCP 2011 Section 2.21 *Recycling and Waste* C26 be amended to require the provision of recycling/waste containers that can accommodate the quantity of recycling/waste material required for the type of use specified, using Table 3 as a guide, justified in the Statement of Environmental Effects; that the Section 2.21 Table 3 heading be labelled as a guide; that Table 3 be updated based on the City of Melbourne generation rates; that land uses for which no waste generation rates are available be deleted and a statement be inserted that these land uses are to adopt waste generation rates based examples of identical or similar uses; that the Table 3 organic waste column incorporate a note to encourage the processing/recycling of organic waste, either on-site or through organic waste collection; and that links to information on recycling, including processing/recycling of organic waste be included.

Affordable Housing SEPP & new DCP Section 4.3 Boarding Houses

Resolution (2o), 5 June 2012: That Council staff liaise with the DP&I to discuss amendments to the Affordable Rental Housing SEPP 2009 that would be necessary to accommodate new controls in MDCP 2011 Section 4 *Residential Development* dealing with boarding houses in residential areas, as recommended in this report.

Submission: An exemption from the boarding house controls in the SEPP would be the most appropriate way to implement Council's own controls. Council staff discussed the issue with DP&I staff in March 2013. The recommended amendments to Clauses 5.4 and 6.15 of MLEP will provide the basis for further discussions. The recommended additional MDCP 2011 Section 4.3 *Boarding Houses* at **ATTACHMENT 4** are designed to work in conjunction with the SEPP. Further, MDCP 2011 controls have been discussed with relevant council staff and will be recommended to Council if negotiations with the DP&I progress toward an exemption from the boarding house provisions of the SEPP.

Recommendation 2.18-5: That Council staff liaise with the DP&I to discuss amendments to the Affordable Rental Housing SEPP 2009 that would be necessary to accommodate new controls in MDCP 2011 Section 4 *Residential Development* dealing with boarding houses in residential areas, at **ATTACHMENT 4**. Should these discussions progress, that further MDCP 2011 boarding house controls be recommended to Council at a later date.

Section 8 Heritage

Resolution: (2t), 5 June 2012: That any other inconsistencies in height and massing controls as are recommended to be corrected in MDCP 2011 Section 8.2 *Heritage Conservation Area* (HCA) *Directions & Controls* C8 and C9 to be investigated, with an appropriate recommendation on this matter submitted for Council's consideration later in 2012.

Assessment:

The rear massing controls within MDCP 2011 Section 5 *Commercial and Mixed-use Development* C12(i) and C13(i) relating to generic mixed-use developments specify a lower rear massing than the controls within MDCP 2011 Section 8 *Heritage* C8 and C9 for the King Street and Enmore Road HCA. The lower (Section 5) controls are appropriate to protect heritage and should be applied to Section 8. Further, given these controls apply to a HCA, it is not appropriate to include within Section 8 the two controls C12(ii) and C13(ii), as they allow the Part 8 massing controls to be exceeded. Notwithstanding, an applicant can justify a departure from the controls under MDCP 2011 Part 5.

The submission also states that within the MDCP 2011 King Street and Enmore Road HCA references, contributory buildings have been identified within the *King Street and Enmore Road Heritage and Urban Design Study*. The submission requests that these contributory buildings be included in MDCP Part 8 *Heritage*. As this study was undertaken around 15 years ago and covers only part of the HCA, it is not appropriate to include a map that would give the impression that the whole HCA was recently surveyed. An appropriate action is to make a scanned version of the document available on Council's website and include a reference to it within MDCP 2011 Section 8.4.2 *Contributory buildings* and within MDCP Section 9.37 *Strategic Context, Precinct 37 King Street and Enmore Road (Commercial Precinct)* when that section is drafted.

Finally, the submission requests that the contributory buildings map be included within each of the HCA parts of MDCP 2011 Section 8 *Heritage* and that all the commercial centres be surveyed to identify contributory buildings. This affects controls in MDCP 2011 Section 5 *Commercial and Mixed-use Development* and Section 9 *Strategic Context*. These contributory buildings maps serve a dual role – they show the buildings that contribute to the HCA and as well as the buildings that contribute to the streetscapes within their respective precincts.

It is planned to survey the additional centres (and parts of centres that have not yet been surveyed) that are not located within a HCA as part of the next Heritage Study review. As the three centres mapped all include HCAs, it is appropriate at this time to retain them within MDCP 2011 Part 8 *Heritage*, but within a separate section, given their dual role. When the contributory buildings mapping is completed, it would be appropriate to include appropriate cross-references to the maps within the MDCP 2011 Part 9 *Strategic Context* precinct statements.

Recommendation D-5.1-5: That MDCP 2011 Section 8 *Heritage* C8 and C9 relating to the King Street and Enmore Road HCA be amended to be consistent with Section 5 *Commercial & Mixed-use Development* C12(i) and C13(i). That the *King Street and Enmore Road Heritage and Urban Design Study* document be scanned and made available on Council's website, and a reference to this document be included in the HCA section of MDCP 2011 Section 8 *Heritage*, Part 8.4.2 *Contributory buildings* and MDCP 2011 Part 9.37 *Precinct 37: King Street and Enmore Road*. That contributory buildings be mapped for the other commercial centres, and parts of centres that have not yet been surveyed, as part of the next Heritage Study review. That the findings of the Heritage Study review be considered in a future amendment to MLEP 2011 and MDCP 2011.

New Section 2.25 Stormwater Management

Resolution (2x), 5 June 2012: that MDCP 2011 stormwater provisions be prepared based on the existing *Stormwater Detention Code*, and draft provisions be submitted for Council's consideration later in 2012.

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Assessment: In accordance with this resolution, a new MDCP 2011 Section 2.25 *Stormwater Management* has been drafted, based on the existing *Stormwater Detention Code*. This is at **ATTACHMENT 3**. This new section relates to stormwater drainage for all development types, and would be read in conjunction with MDCP 2011 Sections 2.17 *Water Sensitive Urban Design* and 2.22 *Flood Management*. It also references to Council's *Stormwater and On-site Detention Guidelines* and AS/NZS 3500.3.2:1998 *Stormwater Drainage – Acceptable Solutions*.

Recommendation D-O-2: That a new MDCP 2011 Section 2.25 *Stormwater Management*, at **ATTACHMENT 3**, be added to MDCP 2011.

New Section 4.3 Boarding Houses

Resolution (2ai), 5 June 2012: that a new Section 4.3 *Boarding Houses* be included in MDCP 2011 Part 4 *Residential Development* be prepared and exhibited. That Council liaise with the DP&I to advocate appropriate amendments to *SEPP (Affordable Rental Housing) 2009*.

Assessment: In accordance with this resolution, a new MDCP 2011 Section 4.3 *Boarding Houses* has been drafted, at **ATTACHMENT 4**.

Recommendation D-4-1: That the new MDCP 2011 Section 4.3 *Boarding Houses*, at **ATTACHMENT 4** be placed on public exhibition as part of MDCP 2011 Amendment 2.

New Section 7.1 Childcare Centres

Resolution (2y), 5 June 2012: That MDCP 2011 childcare facility development provisions be prepared and presented to Council for adoption later in 2012.

Assessment:

The 'child care centres' section of MDCP 2011 is identified as a Stage 2 section of the DCP, to become Section 7.1 *Child Care Centres*, under Part 7 *Miscellaneous Development*. Child care centres have been permitted in most MLEP 2011 zones to meet high levels of demand. Childcare centres can have negative impacts on neighbours if not appropriately located, designed and managed, with the most common impacts, registered through objections, being traffic/parking and noise from children. Further, certain locations, such as a busy road or within industrial areas, can result in negative impacts on the centre's occupants from noise, air pollution and soil contaminants. These impacts need to be considered and managed to ensure the health, safety and well-being of the children and carers. It is suggested that the child care centres section of MDCP 2011 be completed as part of MDCP 2011 Amendment 2.

Under MLEP 2011, child care centres are permitted with consent in the following zones: R1 General Residential; R2 Low Density Residential; R3 Medium Density Residential; R4 High Density Residential; B1 Neighbourhood Centre; B2 Local Centre; B4 Mixed-use Centre; B5 Business Development; B7 Business Park; IN2 Light Industrial; and RE2 Private Recreation. From 1 January 2012 most education and care services for children, called 'children's services', became regulated under a scheme known as the National Quality Framework. The framework provides guidelines and performance standards for the quality of education and care in children's centres, and the standards of space and design that need to be complied with under the *Education and Care Services National Law 2011 and Regulation 2011*.

The National Quality framework does not cover the planning aspects of child care centres, and the recommended MDCP 2011 controls are in addition to the National Quality Framework. They indicate how a children's centre should fit in with the context and surrounding land uses and do not replicate the standards in the National Quality Framework. An additional section to MDCP 2011 at **ATTACHMENT 5** is proposed to provide regulation over the impacts of childcare centres on the neighbourhood, and to ensure consideration of the impacts of the location on the occupants of the child care centre.

Recommendation D-O-4: That a new Section 7.1 *Child Care Centres* at **ATTACHMENT 5** be included in MDCP 2011 as part of Amendment 2.

Guidelines and Section 1 Statutory Information

Resolution (3d), 5 June 2012: That MDCP 2011 Section 1.1.8 *Non-legal parts of this DCP* be amended to delete the statement that DCP amendments are for guidance and information only, and explain the various roles of the appendices in MDCP 2011. That this amended section be presented to Council for adoption later in 2012.

Assessment: MDCP 2011 Section 1 *Statutory Information* Part 1.1.8.1 states that "All information provided in the 'Development Application Guidelines' section of this DCP is for guidance only and does not form part of the adopted DCP." While this is the case for most of MDCP 2011 Part A *Development Application Guidelines*, it is not the case for Part A Section A.1 *The Consultation and Notification Process*. This is because Section 79A(2) of the EP&A Act requires a DCP to provide for notification/advertising of DAs. This section is therefore required to be moved to an adopted or legal part of the DCP. In addition, MDCP 2011 Section 1.1.8.3 states that "Appendices provided at the end of several sections of this DCP are provided for guidance and information only and do not form part of the adopted DCP", which is not always the case. It is recommended below that the consultation/notification sections of MDCP 2011 Section A be moved into Section 1.

It is evident that Section 1 *Statutory Information* Parts 1.1.1 to 1.1.6 relate to statutory information, whilst the remaining text, apart from the objectives within Section 1.1.9, are essentially an introduction, explaining the purpose, structure and application of the DCP. Therefore these sections are most appropriately located within the Part A guidelines. The objectives within MDCP 2011 Part 1.1.9 should also be retained within Section 1, as they provide the overarching objectives of the DCP, which can guide future DCP amendments and can be considered when assessing DAs.

It is recommended below that MDCP 2011 Section 1 *Statutory Information* be given a new, more general name, and that 3 parts be created within Part 1: *Statutory Information*; *General Objectives of the DCP*; and *Consultation & Notification*. Text edits would also need to be made to account for the altered structure. It is also recommended that MDCP Part 1.1.8.3 *Appendices* be edited to state that appendices are 'sometimes' provided for guidance, and where this is the case this will be made clear in the appendices themselves.

Recommendation D-1-4: That MDCP Section 1 *Statutory Information* be given a broader title, and Part 1.1.8.3 *Appendices* be amended to state that appendices are 'sometimes' provided for guidance and to add that where this is the case, it will be made clear in the appendices themselves. That MDCP 2011 Section A *DA Guidelines* Part A.1 *The Consultation & notification process* be moved into MDCP 2011 Section 1. That, apart from the objectives of the DCP, the remaining text within MDCP 2011 Section 1 be relocated into the *Guidelines*. That 3 sections within MDCP 2011 Section 1 be created: *Statutory Information*; *General Objectives of the DCP*; and *Consultation & Notification*. That all necessary text edits be made in relation cross references to the restructured Section 1.

9.25 Barwon Park & Stage 2 precinct statements

Resolution (4b), 5 June 2012: That the precinct statement for *Planning Precinct No.26: Barwon Park* be prepared and submitted to Council for consideration later in 2012. That a works program for the completion of the remaining precinct statements be presented to Council as a separate report later in 2012.

Assessment:

The drafting of MLEP 2011 and MDCP 2011 involved a number of supporting strategic projects, such as the development of precinct plans for the entire LGA, with associated planning controls and character statements. Planning precinct boundaries were generally determined by identifying similar built form characteristics, for example commercial centres or industrial precincts, resulting in the identification of 47 planning precincts. Each precinct was surveyed and relevant information recorded, including an assessment of the existing character of the precinct, aims and objectives for the future of the precinct, and the identification of precinct and site-specific planning controls. HCAs within each precinct were also recorded, with relevant planning controls referenced from MDCP 2011 Section 8 *Heritage*.

Thirteen planning precincts were completed when MLEP 2011 and MDCP 2011 came into force in December 2011. These 'Stage 1' precincts were those containing masterplanned sites or identified by the village centres study for increased development. It was intended that any changes in zoning and land use permissibility within these areas be actioned through the MLEP 2011, and the precinct statements would provide supporting planning controls. The remainder of the precincts were identified as having a lower priority and were therefore deferred for later completion due to the need to finalise the LEP as expediently as possible.

Since MLEP 2011 and MDCP 2011 came into force, work has continued on the remaining 34 'Stage 2' precinct statements. Drafts of all of these Stage 2 statements have now been completed and are part of this round of MDCP 2011 amendments. This is a large volume of work, and it is for this reason they have not been included with this report. They will however be available for viewing as part of the public exhibition of MDCP 2011 Amendment 2.

Since work on the planning precincts commenced, some precincts have been identified as priorities for completion. Under previous DCP controls, the Warne Place and Barwon Park Triangle precincts were subject to site-specific DCPs, but these were repealed when MDCP 2011 came into force and these sites currently have no DCP controls. Whilst it is important that controls be developed, the urgency has been reduced by the fact that both sites are either already developed or in the process of being developed. Further, as result of the proposed development at West Street, Petersham, it has been necessary to include additional site-specific controls within the completed statement for *Petersham North* (Precinct 2). It has also been necessary to amend the Stage 1 precinct statements to ensure they are all consistent. This has involved the introduction of relevant heritage controls and biodiversity information. The amendments to the Stage 1 statements will also be exhibited as part of the MDCP 2011 Amendment 2.

Recommendation D-9.26-1: That completed drafts of all of the remaining 34 Stage 2 precinct statements be exhibited as part of MDCP 2011 Amendment 2. That any necessary amendments be made to Part 9 *Strategic Context* of MDCP 2011 to reference the Stage 2 precinct statements. That the additional biodiversity and heritage information included in selected Stage 1 precinct statements be place on public exhibition as part of MDCP 2011 Amendment 2.

2.20 Tree Management

Resolution, 20 November 2012: Any amendments to MDCP 2011 Section 2.20 *Tree Management* that may arise from Council's consideration of tree management processes.

Assessment: The intention of this resolution was to ensure that Council's tree management staff were given the opportunity to suggest further amendments to MDCP 2011 Section 2.20 *Tree Management* to ensure correct procedures were outlined in the DCP and to generally improve communication concerning tree management processes. Council's tree management staff have responded by stating that the overall content of MDCP 2011 Section 2.20 is complete and correct. However, there remain some relatively minor issues with terminology, clause numbering and layout. Correction of these issues would make the document easier to understand, particularly for the general public, and would ensure correct arboricultural terminology is used. In addition, additional information needs to be added to clarify procedures. This includes requirements for engineers' reports, requirements for compensatory planting, more information explaining Council's tree assessment process, and clarification of some of the tree management objectives for development sites.

Recommendation D-2.20-1: That MDCP 2011 Section 2.20 *Tree Management* be amended to correct terminology, correct clause numbering and improve layout. Further, that additional information be added to clarify requirements for engineers' reports, clarify requirements for compensatory planting, explain Council's tree assessment process and improve some of the tree management objectives for development sites.

2.10 Parking

Resolution, 20 November 2012: Investigate the use of Section 149 Certificates to convey information about availability of onsite parking.

Assessment: An insertion to MDCP 2011 Section 2.10 *Parking* was previously made, stating that developers must inform residents that they will not be eligible for residential parking permits, should residential parking schemes be in place. Whilst welcomed, it was suggested during a previous round of amendments that it could be made clearer that this clause will be in place and it was suggested that a notification of this could be placed on Section 149 Certificates for new apartments informing prospective owners of this. Given that the application of this clause is likely to become more prevalent as the areas in which residential parking schemes would apply, it would be prudent for this clause to be well communicated. As such it is recommended that a notification of the clause be added to the text of any relevant Section 149(5) Certificate.

Recommendation D-2.10-19: That a note be added to the text of any relevant Section 149(5) Certificate to advise applicants of the on-street parking eligibility restrictions that may apply to a property.

DCP height of building controls

Resolution, Item Without Notice 12 February 2013: In light of Council's decision not to reduce the height of buildings (HoB) in Marrickville Local Environmental Plan 2011 (Item 7 CM1112), Council's Planning Services Section to prepare a report for Council's consideration concerning any necessary amendments required to be made to the controls and guidelines relating to building height and form (storeys) in Marrickville Development Control Plan 2011 to ensure that such controls and guidelines are consistent with the HOB Maps under Marrickville Local Environmental Plan 2011.

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Assessment: Council officers reiterate the prior recommendation that MLEP 2011 building heights be reduced by 2.5m to account for the 2012 Land & Environment Court interpretation of Council's DCP controls that allows buildings to be constructed one storey higher than was intended. This is detailed in the Item 7 report to Council's 20 November 2012 meeting, entitled *Amendment to Height Controls in MLEP 2011 and MDCP 2011*. Council officers will action the above resolution, but due to the extent of changes needed throughout MDCP 2011, this will need to be deferred to a future round of DCP amendments, and the resource implications of this action will need to be assessed and reported to Council prior to action commencing. The changes that will need to be made are predominantly to graphics and illustrations. Extensive consultation would also be required given that the change alters previously expressed Council policy.

Recommendation D-O-10: That Council's resolution (Item Without Notice) from Council's 12 February 2013 meeting of the Development Assessment Committee regarding LEP/DCP building height controls (20 November 2012, Item 7 CM111(2)) be deferred to a future round of DCP amendments. Further, that the resource implications of these amendments be separately reported to Council prior to action commencing.

DCP amendments from recent submissions

Guides reference to variation of development standard

Submission D-G4-1: In the Guidelines Section of MDCP 2011 Part A.4 *Development Application Assessment Process*, the 'NB' paragraph refers to the variation of a development standard as a 'SEPP 1 Objection' rather than the correct procedure of a 'Clause 4.6 variation' of MLEP 2011.

Assessment: MLEP 2011 refers to 'SEPP 1 Objections' as *Clause 4.6 Exemptions to Development Standards* (Clause 4.6 variation). It is agreed that Part A.4 of the *Development Application Guidelines* section will need to be amended to reflect the current requirements for requesting a variation to any development standard. This will require changes the wording from a 'SEPP 1 Objection' to a 'Clause 4.6 variation' within MLEP 2011.

Recommendation D-G4- 1: That reference to 'SEPP 1 Objection' in MDCP 2011 Part A.4 *Development Application Assessment Process* be replaced by reference to a 'MLEP 2011 Clause 4.6 variation'.

2.7 Solar Access & Overshadowing

Submission D-2.7-1: Staff have suggested the wording of MDCP 2011 Section 2.7 *Solar Access & Overshadowing* Part 2.7.2 *Shadow diagrams* and 2.7.3 *Solar access for surrounding buildings* could be improved to more clearly explain how to prepare shadow diagrams and how this will be assessed by Council.

Assessment: It is agreed these two sections of MDCP 2011 could be improved as requested.

Recommendation D2.7-1: That the wording of MDCP 2011 Section 2.7 *Solar Access & Overshadowing* Part 2.7.2 *Shadow diagrams* and 2.7.3 *Solar access for surrounding buildings* could be improved to more clearly explain how to prepare shadow diagrams and how this will be assessed by Council.

2.7 Solar Access & Overshadowing

Submission D-2.7-2: In MDCP 2011 Section 2.7 *Solar Access & Overshadowing* Part 2.7.2 *Shadow diagrams* there should be a definition of 'window', as was the case for the former DCP 35 *Urban Housing*.

Assessment: It is agreed that it would be useful to have a definition of 'window' within MDCP 2011 Part 2.7.2. This definition would be similar to that within Council's former DCP 35 *Urban Housing*.

Recommendation D-2.7-2: That a definition of 'window' be included within MDCP 2011 Section 2.7 *Solar Access & Overshadowing* Part 2.7.2 *Shadow diagrams*, similar to the definition within Council's former DCP 35 *Urban Housing*.

2.10 Parking

Submission D-2.10-4: The table appearing just before MDCP 2011 Section 2.10 *Parking* Part 2.10.4 should include a reference to AS2890.6:2009 *Off-street parking for people with disabilities*.

Assessment: The table at the close of MDCP 2011 Part 2.10.3 includes relevant Australian Standards that are to be referred to with regard to car parking design. The Standard mentioned above would complement those already included and should be included to enable as thorough an assessment as possible to be made with regard to car parking design.

Recommendation D-2.10-4: That a reference to Australian Standard AS2890.6:2009 *Off-street parking for people with disabilities* be inserted into the last table within MDCP 2011 Section 2.10 *Parking* Part 2.10.3, alongside those Standards already listed.

2.10 Parking

Submission D-2.10-6: Within MDCP Section 2.10 *Parking*, there are a few instances where the DCP refers to MLEP 2011, but doubles up on the 2011: "*MLEP 20112011*".

Assessment: These are editorial errors and should be amended accordingly.

Recommendation D-2.10-6: That any instances within MDCP 2011 Section 2.10 *Parking* of duplication of 2011 - "*MLEP 20112011*" - be amended to read "*MLEP 2011*".

2.10 Parking

Submission D-2.10-7: Within MDCP 2011 Section 2.10 *Parking*, there does not appear to be any parking rates for 'entertainment facilities', where under DCP 19 it fell under the definition of 'place of assembly'.

Assessment: The parking provision table within MDCP 2011 Section 2.10 *Parking* includes rates for a range of land uses, including 'night club premises', 'recreation facilities' and 'restaurant premises'. Although providing a parking rate provision for every land use would be onerous and unnecessary, it is agreed in this instance that including a rate for 'entertainment facilities' is appropriate.

Recommendation D-2.10-7: That an additional parking provision rate be developed for 'entertainment facilities' and be inserted into the car parking provision table (Table 1) within MDCP 2011 Section 2.10 *Parking*.

2.10 Parking

Submission D-2.10-14 : MDCP 2011 Section 2.10 *Parking* C2(ix) is inconsistent with the car parking requirements for shoptop housing developments with 6 or less dwellings in Table 1. The section of the table relating to such developments does not require the provision of visitor parking in all three car parking areas whereas Control C2(ix) refers only to Parking Area 1. It is suggested that either Control C2(ix) be deleted, or alternatively the words "Parking Area 1" be deleted from the control.

Assessment: MDCP 2011 Section 2.10 *Parking* C2(ix) reaffirms that visitor car parking is not required for apartment dwellings of 6 units or less in Commercial Centres due to space constraints involved with small-lot developments. This applies to shoptop housing developments with 6 or less units in any Parking Area, and also applies to residential flat buildings within Parking Area 1. To avoid confusion it is suggested that this control be reworded as follows: *"Visitor car parking is not required for residential flat building developments in commercial centres (Parking Area 1), nor is visitor car parking required for shoptop housing developments with six or less units in any Parking Area. This is due to space constraints involved with small-lot developments."*

Recommendation D-2.10-14: That MDCP 2011 Section 2.10 *Parking* C2(ix) be amended to read as follows: *"Visitor car parking is not required for residential flat building developments in commercial centres (Parking Area 1), nor is visitor car parking required for shoptop housing developments with six or less units in any Parking Area. This is due to space constraints involved with small-lot developments."*

2.10 Parking

Submission D-2.10-16: This submission refers to various parts of MDCP 2011 Section 2.10 *Parking*, as follows: (i) consider setting a lower rate for large shoptop units than for residential flat building units across the board; (ii) insert more land uses (uses TBA) into Table 1 *Onsite Car Parking Requirements*; (iii) insert into Table 1 a parking provision rate for 'drive-in / take-away food shops' in recognition of the nature of these uses; (iv) align the land use definitions in Table 6 *Vehicle Service & Delivery Areas* with Table 1; (v) align 'boarding house' provision rates and definitions in Table 1 with those in the affordable housing SEPP; (vi) include a provision in Table 1 for mobility and motorcycle parking for non-residential uses to be provided as a percentage of total spaces; (vii) reduce the bicycle parking provision rate for boarding houses and backpackers' accommodation from 1 per 2 rooms to 1 per 5 rooms to align with affordable housing SEPP.

Assessment:

Point (i): In the previous round of amendments to MDCP 2011 it was suggested and subsequently approved that the parking provision rate for shoptop residential developments of seven or more units be merged with that for residential flat buildings, given that both land uses stipulated identical rates. This has been further considered, and it is recommended that the rate for shoptop residential developments of 7 or more units remain the same as for residential flat buildings;

Point (ii): Whilst listing every land use in Table 1 may not be necessary, there is scope for inserting additional land uses for which DAs are regularly received. It is advised that this amendment be deferred to a later MDCP 2011 amendment to allow time to assess which land uses should be included and an appropriate parking level determined;

Point (iii): The inclusion of a rate for 'drive-in/take-away food shops' within MDCP 2011 Section 2.10 Table 1 is acceptable and should be included at an appropriate rate in accordance with other similar use types already set out in Table 1;

Point (iv): It is agreed aligning the land use definitions in MDCP 2011 Section 2.10 Table 6 *Vehicle Service & Delivery Areas* with the definitions in Table 1 *Parking Provision Rates* would assist with interpretation of Table 6, but it is not known at this stage if these definitions can be aligned. It is therefore recommended below that this matter be further investigated and considered in a future MLEP 2011 amendment.

Point (v): Parking Provision Rates in accordance with the affordable housing SEPP are due to be considered in the subsequent round of amendments to the LEP/DCP, and as such it would be appropriate for this matter to be addressed simultaneously to ensure a consistent approach to parking with regard to the affordable housing SEPP.

Point (vi): Motorcycle parking provision rates are set out within MDCP 2011 Section 2.10 *Parking* C19, stipulating that this shall be provided at a rate of 5% of the car parking required under Table 1. Mobility parking rates are due to be reviewed in the subsequent round of amendments to the MDCP and as such it would be appropriate for this matter to be addressed at that stage in the interests of consistency.

Point (vii): Parking provision rates in accordance with the affordable housing SEPP, including that for bicycles, are due to be considered in the subsequent round of amendments to the MDCP, and as such it would be appropriate for this matter to be addressed simultaneously to ensure a consistent approach to bicycle parking with regard to the affordable housing SEPP.

Recommendation D-2.10-16: That the following MDCP 2011 Section 2.10 *Parking* matters be implemented: (i) that no change be made to the parking requirements for shoptop residential developments of 7 units or more; (ii) that parking rates for additional land uses be deferred to a subsequent round of MDCP amendments to enable an appropriate list of land uses to be assessed for inclusion into Table 1; (iii) that an appropriate parking provision rate be developed for 'drive-in / take-away food shops', and this be inserted into DCP 2.10 Table 1; (iv) that alignment of the land use definitions in MDCP 2011 Section 2.10 Table 6 *Vehicle Service & Delivery Areas* with the definitions in Table 1 *Parking Provision Rates* be further investigated and considered in a future MDCP 2011 amendment; (v) that the matter of affordable housing parking rates be deferred to a subsequent round of MDCP 2011 amendments in the interests of consistency with the affordable housing SEPP; (vi) that the matter of motorcycle parking provision rates be deferred to a subsequent round of MDCP amendments in the interests of consistency; and (vii) that the matter of boarding house bicycle parking rates be deferred to a subsequent round of MDCP amendments in the interests of consistency with regard to the affordable housing SEPP.

2.10 Parking

Submission D-2.10-17: On the Parking Areas map within MDCP 2011 Section 2.10 *Parking*, the property No. 94 Audley Street, Petersham (former Commonwealth Bank) is partly in Parking Area 1 and partly in Parking Area 2. It is considered that the entire property should be in Parking Area 1.

Assessment: Petersham, as a local commercial centre with good access to public transport, is thus designated as being predominantly in Parking Area 1. It would therefore be reasonable at this time to amend the boundary of the Parking Areas within Petersham to ensure that the property at 94 Audley Street is entirely within Parking Area 1.

Recommendation D-2.10-17: That the boundary of Parking Area 1 on the Parking Areas Map in MDCP 2011 Section 2.10 *Parking* be amended so that the property at No. 94 Audley Street be entirely within Parking Area 1.

2.10 Parking

Submission D-2.10-18: MDCP 2011 Part 2.10 *Parking* should include a section relating to merit assessment of car parking requirements where the land use is not specifically covered in the DCP. This should be in the form of a control that such applications will be assessed on merit with reference to any specific car parking requirements under the RTA (now RMS) *Guide to Traffic Generating Developments*.

Assessment: It would be onerous and unnecessary to include car parking requirements for every land use type, although it is appropriate that uses be included that arise more regularly. For uses that do not fall under one of the categories stated in MDCP Section 2 *Parking* Table 1, a merit assessment of car parking requirements based on those requirements under the RTA *Guide to Traffic Generating Developments* would be appropriate. Given the generality of RTA Guidelines for the whole state and the need to apply some constraint to car parking in the interests of sustainable transport planning, it is recommended that an appropriate merit system be adopted for the Marrickville LGA, such as: a reduction of RTA car parking requirements by 10% for developments in Parking Area 3; by 20% for developments in Parking Area 2; by 30% for developments in Parking Area 3. It should be noted that this approach would not apply to any land use that is currently, or in the future, listed within MDCP 2011 Section 2.10 Table 1.

Recommendation D-2.10-18: That an appropriate merit assessment of car parking requirements, where the land use is not specifically covered in MDCP Section 2.10 *Parking* Table 1, be developed in accordance with specific car parking requirements under the RTA *Guide to Traffic Generating Developments* with appropriate adjustments to reflect the specific conditions of the LGA.

2.12 Signs & Advertising Structures

Submission D-2.12-1: MDCP 2011 Section 2.12 *Signs & Advertising Structures* C17 is entitled *Shops, commercial or industrial premises in a residential zone*, but there are no controls for commercial premises, which is specifically defined in MLEP 2011. A number of other uses which do not fall under the definition of commercial premises are permissible in residential zones - as such they would not be covered under Control C17 as it is currently drafted. Examples of such uses are bed and breakfast accommodation, health consulting rooms and child care centres in the R2 zone. Similar issues may arise in the higher density residential zones which permit a range of non-residential type uses.

Assessment: MDCP 2011 Section 2.12 *Signs & Advertising Structures* C17 states:

"C17 Shops, commercial or industrial premises in a residential zone

In the case of a shop, a shop and dwelling or an industry, only one sign and/or one under awning sign may be displayed on the premises. The total permissible area of the sign, excluding under awning sign, must not exceed 1m² for every 20m of street frontage. For corner blocks, the frontage is to the street to which the property is rated and the area is calculated by including all faces of the sign."

C17 does not address uses other than shops or industrial premises which are permissible in the residential zones and may require signage. Under MLEP 2011, residential zones permit a number of uses which are not commercial or industrial premises by definition, but have a commercial function and therefore would require signage, e.g. bed and breakfast accommodation, child care centres and the non residential component of shoptop housing developments. The current drafting of C17 in MDCP 2011 Part 2.12.4.1 *Signs in residential zones* does not apply to these other uses. Also related is Part 2.12.4.5 *Mixed-use buildings* C23 which does not specify which zone it applies to. A mixed-use building is defined as 'mixed-use development' – "a building or place comprising 2 or more different land uses."

C23 states “Advertising signs and structures are not permitted above the awning on mixed-use buildings unless they relate to the activities conducted above ground floor level. Where the use is predominantly residential, advertising signs or structures above the awning are not permitted with the exception of building name or street number sign.” An additional control is needed for shoptop housing to the effect of “Advertising signs and structures are not permitted above the awning on a shoptop housing development.”

Recommendation D-2.12-1: That MDCP 2011 Section 2.12 Signs & Advertising Structures C17 be amended to include all activities permissible in residential zones which may require signage, as follows:

“C17 Non residential premises and shoptop housing in a residential zone

In the case of non-residential premises and shoptop housing in a residential zone, only one sign and/or one under awning sign may be displayed per premises. The total permissible area of the sign, excluding under awning sign, must not exceed 1sqm for every 20m of street frontage. For corner blocks, the frontage is to the street to which the property is rated and the area is calculated by including all faces of the sign. Advertising signs and structures are not permitted above the awning on a shop top housing development.”

2.12 Signs & Advertising Structures

Submission D-2.12-3: Council staff are concerned about the issue of trailers being permanently parked (usually chained to poles) for the purpose of advertising, be it advertising a business or providing directional signage associated with a business. At present, there are no specific planning controls which address this issue. Council is not in support of this type of advertising as it reduces parking and adds to visual clutter. It is not considered appropriate where: the primary purpose of the trailer is to advertise a business; the trailer is parked in the same location for a period exceeding 24hours; the trailer is chained to a telegraph pole or the like; and the trailer is not connected to a registered vehicle. Notwithstanding, parking restrictions take precedence and must be adhered to at all times.

Assessment:

The Standard Instrument contains a set definitions for ‘advertising structures’. ‘Advertising structures’ are defined as: “a structure used or to be used principally for the display of an advertisement. This is a type of signage”. Signage is defined as “any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities”.

Roads in the LGA are shown on the MLEP 2011 zoning map, and in most instances the zone assigned to streets accords with the zoning of the surrounding properties. In most instances, the zoning is residential (R1 to R4). The land use tables within the MLEP 2011 also apply to roads, and unattached trailers used predominantly for advertising can be defined as ‘advertising structures’. These are prohibited in all residential zones, so Council can act to remove them.

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Note that 'advertising structures' are also prohibited in the SP1 Special Activities, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation, W1 Natural Waterways and W2 Recreational Waterways zones. 'Advertising structures' are permissible with consent within B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial and IN1 Light Industrial zones. In these latter zones, development consent would be required, along with the landowner's consent, for an advertising trailer. Council is the owner of local roads and is generally responsible for State roads. Therefore, Council has the ability to control this use through its power to approve or refuse a DA, or by approving or refusing consent to lodge the DA as landowner. It is recommended below that Council develop a policy position in relation to 'advertising structures' in the B1 Neighbourhood Centre; B2 Local Centre; B4 Mixed; B5 Business Development; B6 Enterprise Corridor; B7 Business Park, IN1 General Industrial and IN2 Light Industrial zones. This policy position can be developed as part of the development of the *Public Domain Study*, and appropriate controls can be included in MDCP 2011 if necessary as part of a later amendment.

Recommendation D-2.12-3: That Council determine, as part of the development of the *Public Domain Study*, a policy position in relation to 'advertising structures' in the following zones: B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed-use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial; and IN2 Light Industrial. Should Council support 'advertising structures' in the abovementioned zones, that appropriate planning control be developed for inclusion within the MDCP 2011 as part of a later amendment.

2.13 Biodiversity

Submission D-2.13-1: MDCP 2011 Section 2.13 *Biodiversity* C2 requires development on land within Habitat Corridors shown on the Natural Resources/Biodiversity Map in Appendix 3 to incorporate native vegetation as part of any landscaping works. The control refers to a detailed list of native vegetation, which is provided in MDCP 2011 Section 2.18 *Landscaping and Open Spaces*. The submitter would like the control to be more specific about land area, how many trees are required, location of trees, understorey/ground species etc.

Assessment: The intent of this control is to emphasise the planting of native vegetation for required landscaping within wildlife habitat corridors, not to provide detailed information on landscaping. Such detailed information is within MDCP 2011 Section 2.18 *Landscaping and Open Spaces*, and the control refers to this. The specifics of how trees, shrubs and groundcover are arranged would be location-specific and would need to be assessed on a case-by-case basis, as is the situation for any landscaped area. Development Assessment staff would refer development applications for large developments within wildlife habitat corridors to Council's Biodiversity Co-ordinator for input as required. It is therefore recommended below that no changes be made to this control.

Recommendation D-2.13-1: That MDCP 2011 Section 2.13 *Biodiversity* C2, which requires land within Habitat Corridors to incorporate native vegetation as part of any landscaping works, not be amended.

2.13 Biodiversity

Submission D-2.13-2: In MDCP 2011 Section 2.13 *Biodiversity*, the Contents page does not refer to Appendix 3. In addition, Appendix 3 does not have a cover page, unlike Appendix 1 for example, which does have a cover page.

Assessment: It is agreed that MDCP 2011 be reviewed to ensure that all the Appendices are referenced in the contents pages, and all have cover pages.

Recommendation D-2.13-2: That MDCP 2011 be reviewed to ensure that all the Appendices are referenced in the contents pages and they all have cover pages.

2.17 Water Sensitive Urban Design (WSUD)

Submission D-2.17-1: That additional Water Sensitive Urban Design (WSUD) provisions be added into DCP Section 2.17 *Water Sensitive Urban Design* to capture additional uses - childcare, aged care, other community services and education uses. That miscellaneous minor edits be made to this section of the DCP to update information and improve communication.

Assessment: This Council staff submission is supported. It is appropriate that these additional uses for medium to large developments be subject to appropriate WSUD provisions within this section of the DCP. The subdivision of these additional uses into medium (i.e. new or additional GFA of >700sqm and <2,000sqm) and large (i.e. new or additional GFA of >2,000sqm) is appropriate to ensure the controls match the scale of development. The minor amendments suggested to other parts of MDCP 2011 Section 2.17 to refer to these new uses and to update information and improve communication are also supported.

Recommendation D-2.17-1: That MDCP 2011 Section 2.17 *Water Sensitive Urban Design* include a new development type - “childcare, aged care, other community services and educational development” and be subject to appropriate water conservation and stormwater quality targets and information requirements. Further, that that this development type be divided into two categories according to size, with each subject to different requirements – “development involving new or additional GFA of >700sqm and <2,000sqm” and – “development involving new or additional GFA of >2,000sqm”. That minor amendments be made to other parts of MDCP 2011 Section 2.17 to refer to these new uses and to update information and improve communication.

2.18 Landscaping & Open Space

Submission D-2.18-2: MDCP 2011 needs a definition of ‘private open space’, and it should specify whether or not this includes pools, clothes drying areas and parking areas. The definition must make it clear that private open space must generally be the rear yard of a house, although this is inferred by a note and in Figure 1 of MDCP 2011 Part 2.18.11. In addition, Council sometimes allows an open carport to be used as a dual-use parking and open space area for small sites. This could be incorporated into the definition of open space. It is suggested that definitions for ‘landscaped area’, ‘common open space’, ‘public domain’ and ‘private domain’ also be included.

Assessment: Currently there is no definitions list in MDCP 2011, but there are some definitions spread throughout the DCP located near relevant controls that require these definitions. It is proposed to relocate all these definitions into a single definitions section located within MDCP 2011 Part 1, and to add additional definitions that are critical to applying the DCP controls, including definitions suggested in the submission. Additional required definitions could be added to the definition section in future amendments to MDCP 2011.

Recommendation D-2.18-2: That all the existing definitions within MDCP 2011 be relocated into a definitions section located within Part 1 of the DCP, and additional definitions critical to applying the DCP controls be added. This includes definitions for ‘landscaped area’, ‘common open space’, ‘public domain’ and ‘private domain’.

2.21 Recycling & Waste Management

Submission D-2.21-3: In MDCP 2011 Section 2.21 *Recycling & Waste Management* C12, the reference in C12 to C3 should be changed to C4.

Assessment: It is agreed that this minor anomaly be corrected.

Recommendation D-2.21-3: That the C3 reference within control C12 in MDCP 2011 Section 2.21 *Recycling & Waste Management* be changed to C4.

2.21 Recycling & Waste Management

Submissions D-2.21-4 & D-2.21-5: Council's Waste Services staff have raised concerns about MDCP Section 2.21 *Recycling & Waste Management*, which recommends 360 litre bins for residential flat buildings. Council currently does not supply or service 360 litre bins, but these bins could be used by waste contractors. Staff have submitted that waste facility areas be designed to accommodate larger bins, such as 660 litre bins, on the site in such a way as they can be accessed on the site by Council's waste services vehicles. MDCP 2011 should also include a requirement that waste collection areas not be removed, for landscaping or other purposes, which may result in bins being stored on the street. Staff have also submitted that the DCP controls should clearly state that green waste bins are optional.

Assessment: Some of these matters have been addressed in LEP/DCP Amendment 1. It is recommended below that Section 2.21 *Recycling & Waste Management* be amended to address any remaining issues, including amendments to Table 2 under C4 regarding the size of bins and inclusion of a statement that green waste bins are optional. Further, it is recommended that DCP provisions be included to ensure that areas are provided on-site to accommodate the storage, transfer and emptying of larger bins, in consultation with Council's waste services. With regard to the issue of on-site collection areas being removed, this is a compliance issue and not a matter MDCP 2011 can address.

Recommendation D-2.21-4 & D-2.21-5: That MDCP 2011 Section 2.21 *Recycling & Waste Management* be amended to address all remaining issues raised by Council's Waste Services staff. This includes amending Table 2 under C4 regarding the size of bins and including a statement that green waste bins are optional. It also includes insertion of provisions into the Section 2.21 appendices to ensure there is space on-site to accommodate the storage, transfer and emptying of larger bins, in consultation with Council's waste services staff.

2.24 Contaminated Land

Submission D-2.24-1: MDCP 2011 Section 2.24 Contaminated Land C31 states that capping of contaminants is not supported. This control should be amended to allow for capping as an option wherever other feasible options are not available. Further, a requirement should be added to C31 which makes capping a trigger for Category 1 remediation, which (appropriately) requires a DA.

Assessment: This matter has been further discussed with Council staff experienced in capping contaminated sites. Staff have indicated that for some sites, capping is the only feasible option, and there are a number of examples demonstrating that capping can be undertaken with satisfactory results in terms of secure containment of contaminants. Staff have also supported the proposal to include a requirement in C31 to require a DA for capping to ensure this is undertaken in the best possible way. This submission is supported, and it recommended below that the C31 be reworded.

The current wording of C31 is as follows (underlining indicates text that has been added or deleted): “C31 - *Containment/capping of contaminated soil: Contaminated soil, containing concentrations of contaminants above the soil investigation levels for urban development sites in NSW (for the range of land uses permissible on the subject site) must not be encapsulated or capped on the site. For example, a site zoned commercial/industrial must not encapsulate or cap soil containing concentrations of contaminants above the ‘commercial or industrial NEHF F health-based investigation levels’.”*

The proposed wording is as follows (underlining indicates text that has been added or deleted): “C31 - *Containment/capping of contaminated soil: Contaminated soil, containing concentrations of contaminants above the soil investigation levels for urban development sites in NSW (for the range of land uses permissible on the subject site) should generally not be encapsulated or capped on the site, unless it can be demonstrated that no alternative feasible options are available and that capping will result in full and permanent containment of contaminants. Capping shall be classified as Category 1 remediation work, which requires development consent and is subject to Category 1 processes outlined in this section of MDCP 2011.”*

Recommendation D-2.24-1: That MDCP 2011 Section 2.24 *Contaminated Land* C31 be amended to allow the option of capping of contaminants, provided it can be demonstrated that no feasible alternatives are available and the capping will result in full and permanent containment of contaminants.

2.24 Contaminated Land

Submission D-2.24-2: In MDCP 2011 2.24 *Contaminated Land*, the note with Clause 2.24.10.2 in relation to Category 2 remediation works states “NB If the following development controls (C14, C15 and controls at section 2.24.11 of this DCP) cannot be complied with, the remediation work is Category 1 and requires development consent.” C14 and C15 relate to notification requirements for Category 2 remediation works. Those are matters that only come into play after it has been determined that proposed remediation works are Category 2. Failure to provide notice in the prescribed manner should only constitute a breach under the Act, not be a matter that changes Category 2 to Category 1 work. The reference to C14 and C15 in the note should be deleted. The wording of the note is also inconsistent with the wording in Clause 2.24.11, in that the second paragraph in that clause states: “Category 2 remediation work that does not comply with the site management controls outlined in section 2.24.11 will be classified as Category 1 remediation work and will require consent.”

Assessment: It is agreed that breach of the procedures outlined in C14 and C15 should not be the trigger for remediation works to be changed from Category 2 to Category 1. Further, the reference within this note to non-compliance with controls within Section 2.24.11 being the trigger is already written in the second paragraph of Section 2.24.11. Therefore, the note is not necessary and can be deleted.

Recommendation D-2.24-2: That MDCP 2011 Section 2.24 *Contaminated Land*, part 2.24.10.2 *Category 2 remediation work* be amended by deleting the note at the end of that part, which states: “NB: If the following development controls (C14, C15 and controls at Section 2.24.11 of this DCP) cannot be complied with, the remediation work is Category 1 and requires development consent.”

2.24 Contaminated Land

Submission D-2.24-3: As stated above, the second paragraph in MDCP 2011 2.24 *Contaminated Land* Part 2.24.11 *Development controls for remediation works* states: “Category 2 remediation work that does not comply with the site management controls outlined in section 2.24.11 will be classified as Category 1 remediation work and will require consent.” Most of the matters listed are more akin to conditions than controls, with the possible exception of the last two controls. The note confirms this: “NB Council must ensure that suitable conditions, to the effect of following controls, are imposed on any consent granted for a Category 1 remediation work.”. As per the above submission in relation to Clause 2.24.10.2, a breach of a condition should not be a matter that changes Category 2 to Category 1 work. Further, using the first control as an example, the note to Clause 2.24.11 requires Council to ensure that for Category 1 work a suitable condition of consent is imposed restricting the hours of remediation work to only be carried out between the hours referred to in C16. The imposition of such a condition may result in Category 2 remediation work becoming Category 1. In light of the matters raised, the provisions of Clause 2.24.11 should be amended.

Assessment: It is acknowledged that the working hours specified in C16 within part 2.24.11 *Development controls for remediation works* could be a trigger for Category 2 works becoming Category 1 if work was undertaken outside those hours. It is not however agreed that the working hours controls should be deleted, as there is a need to ensure that Category 2 works are undertaken within acceptable hours. A suitable amendment would be to make the working hours in C16 consistent with standard working hours generally applied to most of Council's development consents. The C16 working hours control states: “Hours of operation: All remediation work must be conducted between the hours of 7:00am and 6:00pm Mondays to Fridays and between the hours of 8:00am and 1:00pm on Saturdays. No work is permitted on Sundays or Public Holidays. This would be replaced with Council's ‘standard’ working hours: “Hours of operation: All remediation work would be conducted between the hours of 7:00am to 5:30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above, no work being carried out on any Saturday that falls adjacent to a Public Holiday.”

Recommendation D-2.24-3: That MDCP Section 2.24 *Contaminated Land* C16 be amended to replace the stated hours for contamination remediation works to Council's standard working hours, as is generally applied to all development consents.

4.1 Low Density Residential

Submission D-4.1-10: MDCP 2011 Section 4.1 *Low Density Residential* Part 4.1.13.4 refers to *Doors and windows*. C80 mentions windows but not doors, despite ‘doors’ being mentioned in the heading.

Assessment: It is agreed that C80 should also refer to doors as well as windows.

Recommendation D-4.1-10: That MDCP 2011 Section 4.1 *Low Density Residential* Part 4.1.13.4 *Doors and windows* C80 refer to doors as well as window, consistent with the title of this control.

4.1 Low Density Residential

Submission D-4.1-11: Throughout MDCP 2011 Section 4.1 *Low Density Residential Development* there are many references to ‘period dwellings’ and ‘period buildings’. It is not known if these two terms are referring to the same thing. If they are different, they should be defined accordingly and their use should be consistent. A review of the whole of MDCP 2011 should be undertaken to ensure use of these terms is consistent and correct. A definition of ‘contemporary building’ should also be included.

Assessment: The submitter is correct in pointing out inconsistent use of these two terms. This is most evident in the following MDCP 2011 headings: 4.1.11 *Residential period buildings*; 4.1.11.1 *Definitions for period buildings*; 4.1.12 *Additional controls for period dwellings*; and 4.1.13 *Details, materials and colour schemes for period buildings*. Below it is recommended that all references to, and definitions of, 'period dwellings' be replaced with 'residential period buildings'. It is also agreed that a definition of 'contemporary building' should be included, and that these definitions be included in a newly-created definitions section of MDCP 2011.

Recommendation D-4.1-11: That within MDCP 2011 Section 4.1 *Low Density Residential Development* and other parts of the DCP all references to, and definitions of, 'period dwellings' be replaced with 'residential period buildings' and a definition of 'contemporary building' be included. Further, that these definitions be included in a definitions section of MDCP 2011.

Section 5 Commercial & Mixed-use Development

Submission D-5.1-10: Various amendments are required to MDCP 2011 *Commercial & Mixed-use Development*. C11 in Part 5.1.3.5 should be amended by adding "or laneway" after "a minor street" to situations where a minimum 3m setback is required to secondary street frontages. The objectives in Part 5.1.3.6 should be amended or expanded to included corners, landmarks and gateways, not just corners as currently exists. In C41 in Part 5.1.4.2 "or ramps" should be deleted, as it was inadvertently included. C45(i) in Part 5.1.4.2 should be amended by replacing 'side' with 'secondary frontage'. The latter term is more appropriate, as side boundaries also refer to those adjoining another property.

Assessment: These minor changes proposed to improve the design controls and objectives to ensure appropriate massing and activation of developments in commercial centres, are supported.

Recommendation D-5.1-10: That MDCP 2011 Section 5 *Commercial & Mixed-use Development* be amended by: amending C11 in Section 5.1.3.5 by adding 'or laneway' after 'a minor street'; amending the objectives in Part 5.1.3.6 to include corners, landmarks and gateways, not just corners as currently exists; amending C41 in Part 5.1.4.2 to delete 'or ramps'; and amending C45(i) in Part 5.1.4.2 by replacing 'side' with 'secondary frontage'.

Part 8.1.8 Heritage, minor works

Submission D-8-5:

In part 8.1.8.1 - *Other works – Council notification as minor work not required*, the last paragraph states:

"Works which may be misconstrued as being of a minor nature which would require development consent include:

- i. Removing asbestos-based materials*
- ii. Removing lead paint; and*
- iii. Painting or rendering unpainted exterior surfaces."*

The first two points can be deleted, as neither necessitate a requirement for development consent – they just need to be carried out by a licensed person in accordance with the requirements of the *Occupational Health and Safety Regulation 2001*. Further, the third point "iii. *Painting or rendering unpainted exterior surfaces*" can be moved to MDCP Part 8.1.8 *Minor works*, as works of this nature are 'minor works' and do not require a DA.

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Recommendation D-8-5: That in MDCP 2011 Section 8 *Heritage* Part 8.1.8.1 *Other works – Council notification as minor work not required*, the following points (i) and (ii) be deleted: “*Removing asbestos-based materials; and removing lead paint*”. Further, that the third point (iii) in Part 8.1.8.1 “*Painting or rendering unpainted exterior surfaces*” be deleted from this section and moved to Part 8.1.8 *Minor works*.

8.4 Controls for Heritage Retail Streetscapes

Submission D-8-6: In MDCP 2011 Section 8.4 *Controls for Heritage Retail Streetscapes*, the contributory buildings map for Petersham indicates that the rear of No. 94 Audley Street is a heritage item. The property is not a heritage item, so the map should be amended to delete the heritage reference to the property.

Assessment: It is correct that this property is not a heritage item, as it was removed from the MLEP 2011 list of heritage items in MLEP 2011 Amendment 1. It is therefore recommended below that this property be removed as a heritage item on the contributory buildings map.

Recommendation D-8-6: That the contributory buildings map within MDCP 2011 Section 8.4 *Controls for Heritage Retail Streetscapes* be amended to delete reference to the rear of No. 94 Audley Street, Petersham as a heritage item.

Part 9 Strategic Context ‘desired future character’ statements

Submission D-9-2: All the precinct statements within MDCP 2011 Part 9 *Strategic Context* include ‘desired future character’ statements, but the way they are worded do not appear to describe the future character of the area. Rather, they are a list of objectives. It is suggested they be reworded to more clearly articulate the desired future of the precincts.

Assessment: The intent of the ‘desired future character’ statements in MDCP 2011 Part 9 *Strategic Context* is to establish a set of objectives for future landuse outcomes in each precinct. Some of the objectives are applicable to the majority of precincts, whilst others are precinct-specific. The ‘desired future character’ items act as a broad ‘head of consideration’. They should be used in conjunction with any of the precinct-specific or site-specific controls within MDCP 2011 Section 9. Whilst it is agreed that the ‘desired future character’ section of the planning precinct statements present as a list of objectives for each planning precinct, they are considered to be effective in their current form and amending them is not warranted.

Recommendation D-9-2: That no amendments be made to the existing ‘desired future character’ statements within MDCP 2011 Section 9 *Strategic Context*.

Consideration of GreenWay in Section 9 Strategic Context

Submission D-9-3:

The Greenway Place Manager has made a submission, seeking to improve consideration of the GreenWay in relevant MDCP 2011 Part 9 precinct statements. Relevant Stage 1 precincts are Nos. 1, 45, 5, 11 and 22, while relevant stage 2 precincts are Nos. 35, 10, 17 and 28.

The submitter suggests more explicit references to the existing GreenWay strategies and plans, e.g. bush regeneration, public art, active transport, a greater emphasis on mixed-use developments, improved access, urban design excellence and urban consolidation opportunities presented by the establishment of new light rail stops. The precinct statements could highlight the need to activate areas in the vicinity of the light rail stops and the GreenWay to maximise pedestrian safety, comfort and security during the day and at night. There are also opportunities to incorporate sustainability best practice within the precinct statements e.g. WSUD, improved consideration of embodied carbon issues and ways to achieve less car dependent living.

The precinct statements could also acknowledge the importance of working with public and private stakeholders, such as Transport for NSW and landowners, to activate the precincts through a variety of on-going place making/place management activities and create opportunities to connect sections of the Greenway shared use path through redevelopment.

The submission includes information on the planning of Jack Shanahan Park, which is useful for refinements to Precinct No. 22 *Dulwich Hill Station South*. It includes proposed access arrangements through Jack Shanahan Park to the new light rail stop.

Assessment: GreenWay-relevant Stage 1 precinct statements include desired future character objectives and precinct-specific planning controls related to the GreenWay. As part of Amendment 2, there is scope to make further incremental changes to the Stage 1 precincts to improve their consideration of the GreenWay. As Stage 2 planning precincts are being completed as part of Amendment 2, additional GreenWay related objectives/provisions can be included. It is recommended that Council officers review the information provided by the Greenway Place Manager for inclusion within relevant Stage 1 and 2 precinct statements. In making this recommendation, it is noted that the DCP is primarily concerned with development controls for private land, whilst the GreenWay relates to public land. Therefore, the *Public Domain Study* is also an appropriate policy for consideration of the GreenWay.

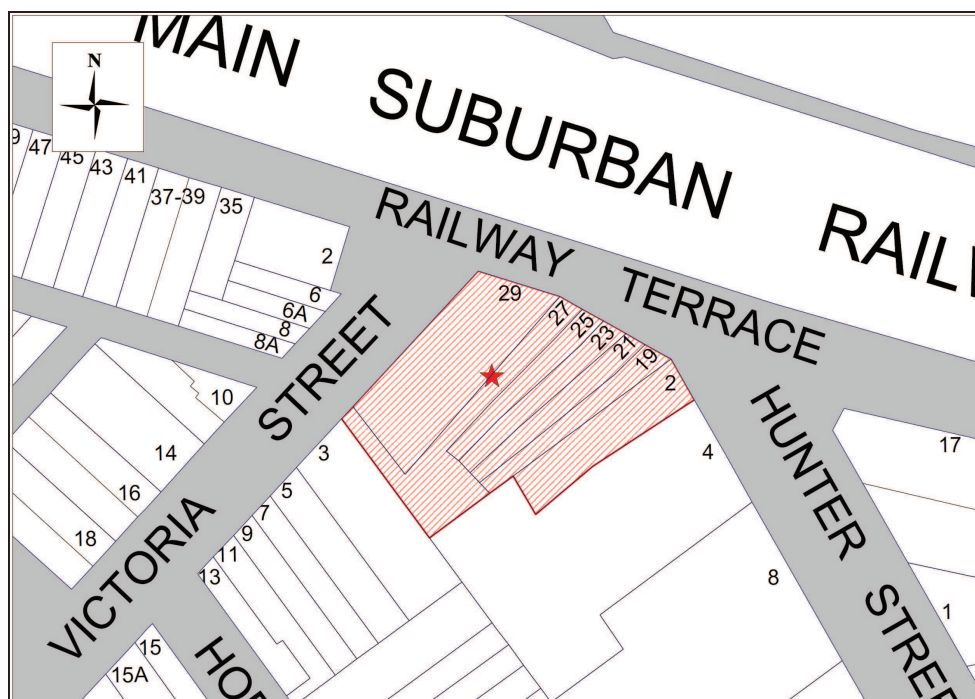
Recommendation D-9-3: That the information provided by the Greenway Place Manager be reviewed with a view to improving consideration of the GreenWay within all relevant Stage 1 precinct statements within MDCP 2011 Part 9 *Strategic Context*. That consideration of the GreenWay be considered as part of the development of Council's *Public Domain Study*.

9.5 Lewisham South Precinct

Submission D-9.5-1: In MDCP 2011 Section 9.5 *Lewisham South*, the Masterplan Area MA5.1 for Nos. 2 Hunter Street and 19 to 29 Railway Terrace requires a 3m set back from the existing front boundary for a shoptop housing building front and for residential flat building front fencing. However, the masterplan does not clearly delineate the front 3m to be dedicated as a widened footpath. This should be marked as such and coloured blue on the masterplan, indicating land dedication as part of a development.

Assessment: The intention of the repositioning of the building envelope under this masterplan was to ensure residents of a residential redevelopment would have satisfactory amenity by widening the narrow footpath in front of these properties and setting buildings back from as a buffer from traffic noise on Railway Terrace. If the footpath is to be widened it should be dedicated to Council, and marked on the Masterplan Area MA5.1.

Recommendation D-9.5-1: That MDCP 2011 Section 9.5 *Lewisham South* Masterplan Area MA5.1 be amended to require the front 3m of No. 2 Hunter Street and No's 19 to 29 Railway Terrace, Lewisham, to be dedicated as a widened footpath.



Location: 2 Hunter Street & 19 to 29 Railway Terrace
Approx. site area (all lots) – 879 sqm

9.14 Camdenville Precinct

Submission D-9.14-2: Objective 1 in MDCP 2011 Part 9.14.5.1 *Site specific planning controls for 32–60 Alice Street, Newtown - Masterplan Area (MA 14.1)* refers to the property in question as No. 30 Alice Street, when it should be 32–60 Alice Street.

Assessment: It is agreed that this property address be corrected.

Recommendation D-9.14-2: That Objective 1 of MDCP 2011 Part 9.14.5.1 *Site specific planning controls for 32–60 Alice Street, Newtown - Masterplan Area (MA 14.1)* be amended to refer to 32–60 Alice Street (not No. 30 Alice Street).

9.25 St Peters Triangle Precinct

Submission D-9.25-3:

This submission raises a number of issues in relation to MDCP 2011 9.25 *St Peters Triangle (Precinct 25)*, mostly in relation to Part 9.25.9 *Site Amalgamation*. MDCP 2011 Figure 25.4 includes in its legend a heading *Amalgamation permitted but not required* that should be reworded to *Amalgamation preferred but not required*. No's 58 to 68 Hutchinson Street, zoned R1 General Residential, should be shown as an amalgamation site. However, as a DA was submitted to develop No's 60 to 68 Hutchinson Street for the purposes of a residential flat building, if that site is developed separately from No. 58 Hutchinson Street, it would be best to rezone No. 58 Hutchinson Street B7 Business Park so that it is not isolated.

The pocket park on the corner of May and Applebee Streets, zoned RE1 Public Recreation, should be excluded from the area indicated as (reworded) *"Amalgamation permitted but not required"*. Issues also arise for those sites required to be amalgamated which have different zonings applying to properties in the *"indicative minimum site amalgamation"* areas. There could be problems over access across B7-zoned properties fronting Applebee Street in reaching B6-zoned land uses fronting the Princes Highway, which are prohibited in the B7 zone.

R1-zoned properties on the northern side of Hutchinson Street, i.e. No's 73A and 75 Hutchinson Street, should form part of land required to be amalgamated with the adjacent land fronting May Street. MDCP 2011 C14 should be reworded to clarify the control. Suggested wording is *"In order to achieve the maximum built form controls contained in MLEP 2011, properties identified as part of a "indicative minimum site amalgamation in Figure 25.4 must be consolidated with all the other properties that form part of that indicative minimum site amalgamation"*.

Assessment:

Most of the issues raised are appropriate to be amended as proposed. With regard to No's 58 to 68 Hutchinson Street, a review of the *St Peters Triangle Masterplan*, upon which the precinct controls for St Peters Triangle (Precinct 25) were based, reveals there were differing approaches to applying controls to No. 58 Hutchinson Street. The masterplan principles show the site as part of residential development, but the land use diagram shows it as part of the live/work area which was translated to a B7 Business Park zoning.

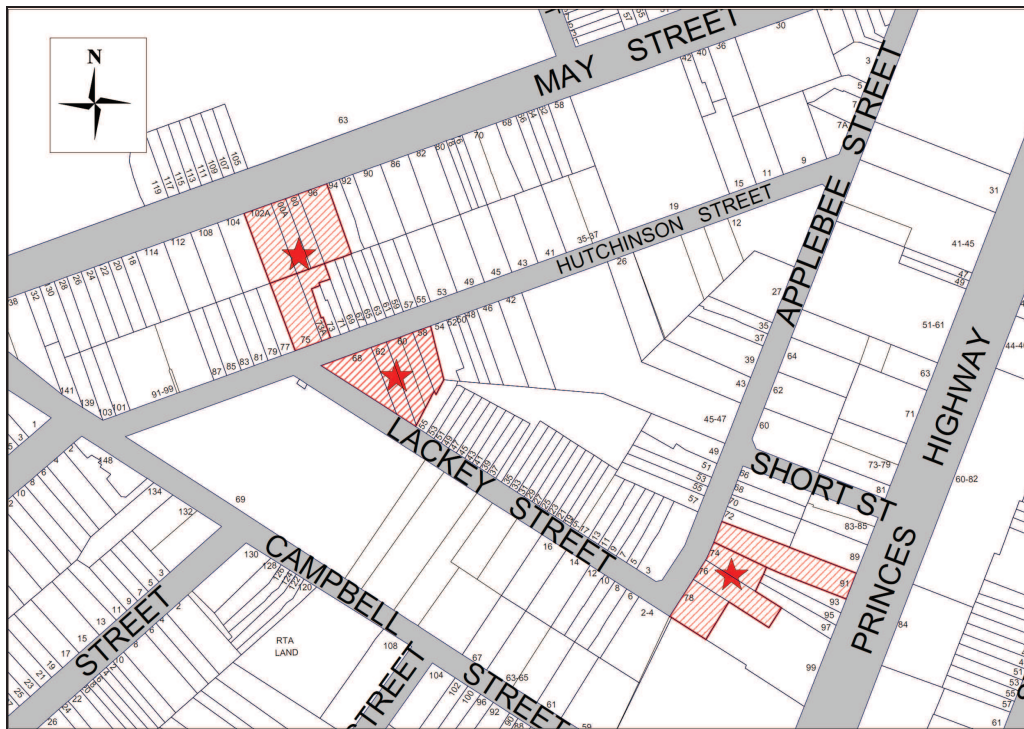
As only No's 60 to 68 Hutchinson Street are proposed to be redeveloped, it is appropriate to rezone No. 58 Hutchinson Street from R1 General Residential to B7 Business Park to enable this property to redevelop with adjoining B7-zoned properties. The FSR and HOB do not need to be adjusted as they are already the same as adjoining B7-zoned properties. With regard to properties zoned B6 Enterprise Corridor on the Princes Highway and zoned B7 on Applebee Street, most key land uses are permissible in both zones, including residential flat buildings and shoptop housing. However, certain key land uses, such as pubs, restaurants, bulky goods premises, function centre, sex services premises, vehicle body repair workshops, are prohibited in the B7 zone. This would restrict access from the B7 to the B6 zone.

If access is required across a prohibited use, it is appropriate for this to be assessed at the DA stage and a MLEP 2011 Schedule 1 amendment made to enable this. A more significant concern is that properties at No's 74 to 78 Applebee Street and the rear part of No. 91 Princes Highway that are zoned B6 and not located within the Key Sites Map area G, as they do not allow residential flat buildings or shoptop housing. This would prohibit live/work type uses from occurring, would cause access problems as discussed above and would allow B6 uses that are considered inappropriate to front Applebee Street. The *St Peters Triangle Masterplan* had intended to encourage live/work uses along the length of Applebee Street.

A more consistent approach is for the properties fronting Applebee Street and the rear part of Princes Highway properties to be zoned B, generally consistent with the western edge of the Key Sites Map, Code G. It is recommended the Key Sites Map boundary (and B7 zone boundary) be amended to extend through No. 76 Applebee Street between the south-eastern corner of No. 74 Applebee Street to the north-eastern corner of No. 78 Applebee Street, to ensure there is sufficient land area for future land uses in the different zones.

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Recommendation D-9.25-3: That the legend heading in the Figure 25.4 be reworded from “Amalgamation permitted but not required” to “Amalgamation preferred but not required”. That No. 58 Hutchinson Street, St Peters be rezoned from R1 General Residential to B7 Business Park. That the pocket park on the corner of May Street and Applebee Street, zoned RE1 Public Recreation, be excluded from the area indicated as (reworded) “Amalgamation permitted but not required”. That No’s 73A and 75 Hutchinson Street, St Peters be indicated as requiring amalgamation in combination with the adjacent No’s 96 to 102A May Street, St Peters. That No’s 74 to 78 Applebee Street and the rear part of No. 91 Princes Highway be rezoned from B6 Enterprise Corridor to B7 Business Park to a line consistent with the western edge shown on the MLEP 2011 Key Sites Map, Code G. This amends the Key Sites Map to cut through No. 76 Applebee Street between the south-eastern corner of No. 74 Applebee Street to the north-eastern corner of No. 78 Applebee Street, St Peters. That MDCP 2011 Section 9.25 *St Peters Triangle* C14 should be reworded to “In order to achieve the maximum built form controls contained in MLEP 2011, properties identified as part of an indicative minimum site amalgamation in Figure 25.4 must be consolidated with all the other properties that form part of that indicative minimum site amalgamation”.



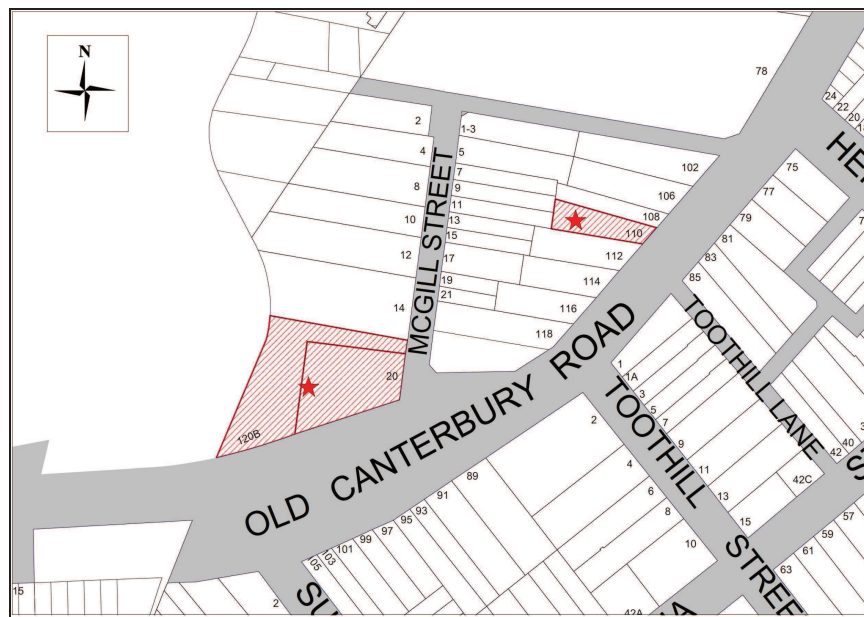
Location: 58-68 Hutchinson Street, 73A & 75 Hutchinson Street,
96 to 102A May Street, 74-78 Applebee Street and 91 Princes Highway, St Peters
Approx. site area (all lots) - 4,441sqm

9.45 McGill Street Precinct

Submission D-9.45-1: The land use diagram in MDCP 2011 Section 9.45 *McGill Street* Figure 45.4 *Future land use* indicates for No. 20 McGill Street and No. 120B Old Canterbury Road: “mixed-use – with ground floor commercial uses (and limited types of retail) and residential above”. The restriction that retailing of any kind is not permitted conflicts with the first objective of the zone which “enables a mix of business and warehouse uses and bulky goods premises that require a large floor area”. It is also at odds with the uses permitted with consent within the zone. Some retail premises, such as bulky goods premises, garden centres, hardware and building supplies, landscaping material supplies, markets and vehicle sales or hire premises, are permitted with consent under the zoning table for the zone.

Assessment: The legend in MDCP 2011 Section 9.45 *McGill Street* Figure 45.4 *Future land use* relating to the blue colour is incorrect in relation to the corresponding B5 Business Development zoning under MLEP 2011, as some retail premises are permitted. It is also noted that the blue shaded area does not completely correspond with the B5 zoning, with No. 110 Old Canterbury Road being coloured blue instead of the correct dark brown. Figure 45.4 should be amended to state “mixed-use – with ground floor commercial uses (and limited types of retail) and residential above”, and No. 110 Old Canterbury Road should be coloured dark brown instead of blue.

Recommendation D-9.45-1: That the legend in MDCP 2011 Section 9.45 *McGill Street* Figure 45.4 *Future land use* relating to the blue colour be amended to read “mixed-use – with ground floor commercial uses (and limited types of retail) and residential above”, and No. 110 Old Canterbury Road be coloured dark brown instead of blue, to correspond to the B5 Business Development zoning.



Location: 20 Mc Gill Street and 110 & 120B Old Canterbury Road, Lewisham
Approx. site area (all lots) - 2,436sqm

Design guidelines

Submission D-O-9: Certain sections of MDCP 2011 include ‘design guidelines’, which creates an additional layer of information. If they are not controls it is difficult to enforce them, and it is not clear if they are to serve as guidance for applicants. If it is the case that they are guidance only, it is suggested that they should be distinctly formatted to differentiate them from what is required, i.e. a control. This is different to suggestions that may be given on how to meet the control, i.e. design guidelines. Perhaps this information could be placed within a distinctive text box. An example of where this occurs is MDCP 2011 Part 6: *Industrial Development*, and also in Part 5 *Commercial & Mixed-use Development*, in relation to building typologies.

Assessment: The intention of these design guidelines is that they are not MDCP 2011 controls, but they instead provide design and DA-assessment guidance. To make this clear, it is recommended below that the DCP’s introductory material, currently located within Part 1 *Statutory Information*, be relocated to the *Guidelines* section, and a note at the beginning of any ‘design guidance’ be provided throughout the DCP. This should make it clear that any design guidelines are provided only to assist the design/assessment of a development and do not form part of the adopted DCP.

Recommendation D-O-9: That design guidance in the MDCP 2011 introductory material and throughout the DCP include a note where appropriate stating that design guidance is intended to assist the design/assessment of developments, but does not form part of the adopted DCP.

CONCLUSION

In this report, the second round of proposed amendments to MLEP 2011 and MDCP 2011 have been detailed and evaluated. Most of the amendments have been suggested by staff from Council's Assessments and Environment sections to clarify and/or improve the effectiveness of the LEP and DCP, whilst a small number relate to requests by landowners to rezone specific sites. Each suggested amendment has been evaluated and an appropriate recommendation made. Most of the recommendations result in amendments that can be made in the immediate-term and placed on public exhibition. A small number have been deferred for consideration at a later time due to the need for further evaluation, or have resulted in a recommendation not to amend the LEP or DCP.

FINANCIAL IMPLICATIONS

Nil. As these LEP/DCP amendments apply to development on private land, they are not expected to affect Council properties or other parts of Council's operations in a way that would have financial implications for Council.

OTHER STAFF COMMENTS

As these LEP/DCP amendments apply to development on private land, they are largely relevant to staff from Council's Assessments and Environment sections. Most of the amendments proposed have responded to submissions made by staff from these sections, and the authors of this report have consulted with co-ordinators and managers from these sections in finalising this report. Further, Planning Services staff have consulted other relevant staff on an issue-by-issue basis in assessing LEP/DCP amendment issues and drafting recommendations to Council. Further broadscale consultation with other sections of Council is not necessary.

PUBLIC CONSULTATION

Broadscale public consultation at this initial stage of the LEP/DCP amendment process is not necessary, nor is it mandatory under the EP&A Act. Council has written to all parties who would be directly affected by, or have a particular interest in, any of these amendments to inform them of Council's consideration of this report. As with all Council reports, any person can view this report before the meeting and can make a presentation to Council at the meeting. All amendments in this report which are adopted by Council will be placed on public exhibition as required by the EP&A Act. At that stage, the community and stakeholders will be notified by various means, including newspaper notices, and will be encouraged to make submissions. These submissions will be assessed in a further report to Council.

RECOMMENDATION

THAT Council:

1. receives and notes this report;
2. resolves to prepare a Planning Proposal to amend MLEP 2011 and submits this Proposal to the DP&I through the Gateway process that incorporates the following matters:
 - **Recommendation L-2-1:** That the third and fourth MLEP 2011 R2 Low Density Residential zone objectives be amended and a fifth objective added, as follows:
 - *“To provide for multi dwelling housing and residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings;*
 - *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and*
 - *To provide for retail premises in existing buildings designed and constructed for commercial purposes.”*
 - **Recommendation L-2-2:** That the fourth and fifth MLEP 2011 R3 Medium Density Residential zone objectives be amended, and a sixth objective, to read as follows:
 - *“To provide for residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings ;*
 - *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and*
 - *To provide for retail premises in existing buildings designed and constructed for commercial purposes.”*
 - **Recommendation L-2-3:** That the fourth and fifth MLEP 2011 R4 High Density Residential zone objectives be amended, to read as follows:
 - *“To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes; and*
 - *To provide for retail premises in existing buildings designed and constructed for commercial purposes.”*
 - **Recommendation L-5-1:** That MLEP 2011 Clause 5.6 *Architectural Roof Features* be deleted as it is superfluous.
 - **Recommendation L-5-2:** That MLEP 2011 Clause 5.4(10) include a limit on the size of boarding houses within the R2 Low Density Residential, R3 Medium Density Residential and R1 General Residential zone. This is to ensure that larger boarding houses are located in areas with reasonable access to transport and services. It is also to ensure that access to the boarding house does not compromise commercial uses at ground level within B1 Neighbourhood Centre, B2 Local Centre or B4 Mixed Use zones. The clause to be inserted is as follows:
 - “5.4 Controls relating to miscellaneous permissible uses
 - (10) Boarding Houses
 - If development for the purposes of a boarding house is permitted under this Plan,*

- (1) The capacity for total lodgers must not exceed:
 - (a) 12 lodgers if the boarding house is within the R2 Zone,
 - (b) 19 lodgers if the boarding house is within the R1 or R3 zone,
 - (2) A boarding house with a capacity of more than 20 residents must be located:
 - (a) Within 400m of an accessible train station and 200m of a bus with a regular accessible bus route - walking distance measured along the most direct route; or
 - (b) Within 400m of a town centre that has facilities and services (including support services), recreation and entertainment opportunities;
 - (3) The access to a boarding house that is within a mixed-use development within the B1, B2 or B3 zone must not exceed 20% of the floor area of the ground floor of the building."
- **Recommendation L-6-1:** That MLEP 2011 Clause 6.13 *Dwellings and residential flat buildings in Zone B7 Business Park* be amended to include light industry as a permitted use on the ground floor as part of a mixed-use development, as follows:

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

 - (1) The objective of this clause is to provide for limited residential development for small scale live/work enterprises, to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones.
 - (2) This clause applies to land in Zone B7 Business Park.
 - (3) Development consent must not be granted to development for the purposes of a dwelling or a residential flat building on land to which this clause applies unless the consent authority is satisfied that the development is part of a mixed-use development that includes business premises or office premises or light industry on the ground floor."
 - **Recommendation L-6-2:** That MLEP 2011 Part 6: *Additional local provisions* include the following new clause:

"6.15 *Location of boarding houses in business zones*

 - (1) The objective of this clause is to control the location of boarding houses in business zones.
 - (2) This clause applies to land in the following zones:
 - (a) Zone B1 Neighbourhood Centre,
 - (b) Zone B2 Local Centre,
 - (c) Zone B4 Mixed-use.
 - (3) Development consent must not be granted for development for the purpose of a boarding house on land to which this clause applies if any part of the boarding house (excluding access, car parking and waste storage) is located at street level."
 - **Recommendation L-6-3:** That MLEP 2011 Clause 6.10 be amended to read as follows:
 1. "The objective of this clause is to permit office premises, shops, restaurants or cafes or take away food and drink premises in Residential Zones where the development relates to the reuse of an existing building that was designed and constructed as a shop.

2. *This clause applies to land in the following zones:*
 - e) *Zone R1 General Residential,*
 - f) *Zone R2 Low Density Residential,*
 - g) *Zone R3 Medium Density Residential,*
 - h) *Zone R4 High Density Residential.*
 3. *Development consent must not be granted to development for the purpose of the use of an existing building that was designed and constructed as a shop for the purpose of office premises, shops, restaurants or cafes or take away food and drink premises on land to which this clause applies unless:*
 - c) *The development relates to a building that was designed and constructed for the purpose of a shop and was and was erected before the commencement of this Plan, and*
 - d) *The consent authority has considered the following:*
 - (iv) *The impact of the development on the amenity of the surrounding locality,*
 - (v) *The suitability of the building for adaptive reuse,*
 - (vi) *The degree of modification of the footprint and façade of the building.”*
- **Recommendation L-6-4:** That MLEP 2011 Clause 6.5 (3) (c) be amended to replace “*must be satisfied the development will meet the indoor sound levels shown in Table 3.3... .. in AS 2021- 2000*” with “*must consider indoor sound levels shown in Table 3.3... .. in AS 2021-2000*”. This will allow Council to exercise discretion in the application of noise insulation requirements so that home extensions are excluded from these requirements. Should the DP&I not approve this MLEP 2011 amendment, that Council develop MDCP 2011 criteria for developments to be excluded from noise attenuation requirements, and these criteria be subject to advice from Council’s Legal Counsel and the DP&I.
 - **Recommendation L-6-5:** That the objective in 6.13(1) be reworded to relate to the objective of the clause, being to limit how residential development is provided and 6.13(3) be amended to allow other permissible land uses on the street level as part of a mixed-use development, by replacing “*includes business premises or office premises on the ground floor*” with wording to the effect of not containing residential accommodation at the street level. This would still permit a minor area of the street level and minor part of the street front for entry access, waste storage, car parking or access to a basement car park.
 - **Recommendation L-6-6:** That MLEP 2011 Clause 6.11 *Use of Dwelling Houses in Business and Industrial Zones* be re-worded as follows:
 - “(1) *The objective of this clause is to provide for the use of purpose built dwelling houses in business and industrial zones, for residential purposes, under particular circumstances.*
 - (2) *This clause applies to a building in existence on land zoned B1 Neighbourhood Centre, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial or IN2 Light Industrial on the appointed day, being a building that was designed and constructed as a dwelling house and in respect of which the existing use provisions of the Act have ceased to apply.*
 - (3) *Before determining a development application for the use of a building to which this clause applies, the consent authority must be satisfied that the building offers satisfactory residential amenity and can be used as a dwelling house without the need for significant structural alterations.”*

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- **Recommendation L-Sch1-1 & L-Sch1-2:** That a provision be included in MLEP 2011 Schedule 1 to make car parking a permissible use for No's 5 to 11 Chester Street, Petersham. That a provision be included in Schedule 1 of MLEP 2011 to permit a car park and loading use on No. 6 Livingstone Road, Petersham associated with a residential flat building or other appropriate uses permissible on Nos. 5-11 Chester Street. That a provision be included in Schedule 1 of MLEP 2011 to permit car park and loading use on No's 5 to 11 Chester Street, Petersham associated with a shoptop housing or other appropriate uses permissible on No. 6 Livingstone Road, Petersham.
- **Recommendation L-Sch1-3:** That MLEP 2011 be amended to allow boarding houses as a permissible use in the B6 Enterprise Corridor zone from 776 to 798 Parramatta Road, Lewisham.
- **Recommendation L-Sch5-2:** That:
 - (a) Schedule 5 of MLEP 2011 be amended to include Hoskins Park as a Heritage Item, and this be shown on the MLEP 2011 Heritage Map. A draft Heritage Inventory Sheet for the Hoskins Park heritage at **ATTACHMENT 1** be publicly exhibited as part of MLEP 2011 Amendment 2. The Inventory Sheet will detail the reasons for the heritage listing and will include future management recommendations.
 - (b) Schedule 5 of MLEP 2011 be amended to include Hoskins Park and its environs as a HCA, to be known as *Hoskins Park (Dulwich Hill) Heritage Conservation Area*, being of local heritage significance and shown on the MLEP 2011 Heritage Map as HCA C36. Mapping is to adopt the boundaries indicated in the Tanner Architects Pty Ltd *Heritage Assessment Report of Hoskins Park & Environs*.
 - (c) New planning controls for the draft Hoskins Park & environs HCA to be included in MDCP 2011, consistent with the approach taken for other HCAs in the LGA. The draft DCP chapter at **ATTACHMENT 2** be publicly exhibited as part of MDCP 2011 Amendment 2.
 - (d) Other minor amendments be made to MDCP 2011 Section 8 *Heritage* to make reference to the Hoskins Park HCA. Update the HCA map within MDCP 2011 Part 8.6.1.2 and place on publicly exhibition with MDCP 2011 Amendment 2. Make any minor amendments necessary to the MDCP 2011 to reference the proposed new Hoskins Park HCA. All persons who made submission in relation to the proposed Hoskins Park HCA be notified of the public exhibition of MLEP 2011 and MDCP 2011 Amendment 2.
- **Recommendation L-Sch5-4:** That MLEP 2011 Heritage Map Sheet HER_002 be amended to change the current label of I112 to I12 to correctly reflect the Item Number of the Dibble Avenue Waterhole within Schedule 5 of the MLEP 2011. Further, it is recommended that the mapped boundaries of the Dibble Avenue Waterhole be extended to include the rear portion of properties at No's 27, 29, 33, 35 & 37 Riverside Crescent, Marrickville, and a 10m buffer be added around the entire mapped area, as shown on the map at **ATTACHMENT 6**. Further, that MLEP 2011 Schedule 5 be amended to identify the Dibble Avenue Waterhole heritage item within the suburb of 'Marrickville', to show the correct location of the Item.
- **Recommendation L-LZN-2:** That MLEP 2011 be amended to rezone No. 2 Hunter Street and No's 19 to 25 Railway Terrace from B1 Neighbourhood Centre to R4 High Density Residential.

- **Recommendation L-LZN-4:** That the MLEP 2011 Land Zoning Map and Land Reservation Acquisition Map be amended to correct anomalies identified with regard the zoning of identified properties, which should then be reflected on the MLEP 2011 Land Reservation Acquisition Map to correct any related anomalies.
 - **Recommendation L-LZN-7:** That all lots on the eastern side of Bridge Road, Stanmore (i.e. No's 5 to 43 Bridge Road) be rezoned from IN2 Light Industrial to B5 Business Development and the FSR be increased from 0.85:1 to 2:1. This is contingent upon a study being prepared by the submitter and placed on public exhibition with MLEP 2011 Amendment 2 that assesses built form, traffic and other key impacts associated with the proposed zoning and FSR changes. The final zoning and FSR will depend on the outcomes of this study. Should the study not be exhibited with MLEP 2011 Amendment 2, this proposal is to be considered in a subsequent round of MLEP 2011 amendments.
 - **Recommendation L-FSR-1:** That an S5 Code label (FSR 1.8:1) be shown on the MLEP 2011 FSR map for No's 48 to 68 Hutchinson Street, St Peters.
 - **Recommendation L-HOB-1:** That the B7 Business Park zoned Hutchinson Street half of the property at No. 19 Hutchinson Street, St Peters be lowered to 14m (Code N) on the MLEP 2011 HOB Map.
 - **Recommendation L-LRA-2:** That the land to facilitate a rear laneway identified as Local Road on the MLEP 2011 Land Reservation Acquisition Map affecting properties at No. 74A Audley Street, 96-102 New Canterbury Road and 5-9 Chester Street, Petersham, that is already owned by Council, be removed from the required Local Road acquisition affectation.
 - **Recommendation L-FLO-1:** That MLEP 2011 be amended to be consistent with the updated flood studies and associated maps, and these be placed on public exhibition as part of MLEP 2011 and MDCP 2011 Amendment 2.
3. **resolves to prepare and publicly exhibit a draft MDCP 2011 amendment that incorporates the following matters:**
- **Recommendation D-G4- 1:** That reference to 'SEPP 1 Objection' in MDCP 2011 Part A.4 *Development Application Assessment Process* be replaced by reference to a 'MLEP 2011 Clause 4.6 variation'.
 - **Recommendation D-1-4:** That MDCP Section 1 *Statutory Information* be given a broader title, and Part 1.1.8.3 *Appendices* be amended to state that appendices are 'sometimes' provided for guidance and to add that where this is the case, it will be made clear in the appendices themselves. That MDCP 2011 Section A *DA Guidelines* Part A.1 *The Consultation & notification process* be moved into MDCP 2011 Section 1. That, apart from the objectives of the DCP, the remaining text within MDCP 2011 Section 1 be relocated into the *Guidelines*. That 3 sections within MDCP 2011 Section 1 be created: *Statutory Information*; *General Objectives of the DCP*; and *Consultation & Notification*. That all necessary text edits be made in relation cross references to the restructured Section 1.
 - **Recommendation D2.7-1:** That the wording of MDCP 2011 Section 2.7 *Solar Access & Overshadowing* Part 2.7.2 *Shadow diagrams* and 2.7.3 *Solar access for surrounding buildings* could be improved to more clearly explain how to prepare shadow diagrams and how this will be assessed by Council.

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- **Recommendation D-2.7-2:** That a definition of 'window' be included within MDCP 2011 Section 2.7 *Solar Access & Overshadowing* Part 2.7.2 *Shadow diagrams*, similar to the definition within Council's former DCP 35 *Urban Housing*.
- **Recommendation D-2.10-4:** That a reference to Australian Standard AS2890.6:2009 *Off-street parking for people with disabilities* be inserted into the last table within MDCP 2011 Section 2.10 *Parking* Part 2.10.3, alongside those Standards already listed.
- **Recommendation D-2.10-6:** That any instances within MDCP 2011 Section 2.10 *Parking* of duplication of 2011 - "MLEP 20112011" - be amended to read "MLEP 2011".
- **Recommendation D-2.10-7:** That an additional parking provision rate be developed for 'entertainment facilities' and be inserted into the car parking provision table (Table 1) within MDCP 2011 Section 2.10 *Parking*.
- **Recommendation D-2.10-14:** That MDCP 2011 Section 2.10 *Parking* C2(ix) be amended to read as follows: "Visitor car parking is not required for residential flat building developments in commercial centres (Parking Area 1), nor is visitor car parking required for shoptop housing developments with six or less units in any Parking Area. This is due to space constraints involved with small-lot developments."
- **Recommendation D-2.10-16:** That the following MDCP 2011 Section 2.10 *Parking* matters be implemented: (i) that no change be made to the parking requirements for shoptop residential developments of 7 units or more; (ii) that parking rates for additional land uses be deferred to a subsequent round of MDCP amendments to enable an appropriate list of land uses to be assessed for inclusion into Table 1; (iii) that an appropriate parking provision rate be developed for 'drive-in / take-away food shops', and this be inserted into DCP 2.10 Table 1; (iv) that alignment of the land use definitions in MDCP 2011 Section 2.10 Table 6 *Vehicle Service & Delivery Areas* with the definitions in Table 1 *Parking Provision Rates* be further investigated and considered in a future MDCP 2011 amendment; (v) that the matter of affordable housing parking rates be deferred to a subsequent round of MDCP 2011 amendments in the interests of consistency with the affordable housing SEPP; (vi) that the matter of motorcycle parking provision rates be deferred to a subsequent round of MDCP amendments in the interests of consistency; and (vii) that the matter of boarding house bicycle parking rates be deferred to a subsequent round of MDCP amendments in the interests of consistency with regard to the affordable housing SEPP.
- **Recommendation D-2.10-17:** That the boundary of Parking Area 1 on the Parking Areas Map in MDCP 2011 Section 2.10 *Parking* be amended so that the property at No. 94 Audley Street be entirely within Parking Area 1.
- **Recommendation D-2.10-18:** That an appropriate merit assessment of car parking requirements, where the land use is not specifically covered in MDCP Section 2.10 *Parking* Table 1, be developed in accordance with specific car parking requirements under the RTA *Guide to Traffic Generating Developments* with appropriate adjustments to reflect the specific conditions of the LGA.
- **Recommendation D-2.10-19:** That those classifications of land use within MDCP 2011 Section 2.10 *Parking* Table 1 that have parking provision rates based on predicted employee and/or customer numbers be converted to an equivalent calculation based on Gross Floor Area (GFA). That these rates be placed on public exhibition as part of MDCP 2011 Amendment 2.

- **Recommendation D-2.12-1:** That MDCP 2011 Section 2.12 *Signs & Advertising Structures* C17 be amended to include all activities permissible in residential zones which may require signage, as follows:

“C17 Non residential premises and shoptop housing in a residential zone

In the case of non-residential premises and shoptop housing in a residential zone, only one sign and/or one under awning sign may be displayed per premises. The total permissible area of the sign, excluding under awning sign, must not exceed 1sqm for every 20m of street frontage. For corner blocks, the frontage is to the street to which the property is rated and the area is calculated by including all faces of the sign. Advertising signs and structures are not permitted above the awning on a shop top housing development.”

- **Recommendation D-2.12-3:** That Council determine, as part of the development of the *Public Domain Study*, a policy position in relation to ‘advertising structures’ on the road reserve in the following zones: B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed-use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial; and IN2 Light Industrial. Should Council support ‘advertising structures’ in the abovementioned zones, that appropriate planning control be developed for inclusion within the MDCP 2011 as part of a later amendment.
- **Recommendation D-2.13-2:** That MDCP 2011 be reviewed to ensure that all the Appendices are referenced in the contents pages and they all have cover pages.
- **Recommendation D-2.14-2:** That a note be included at the beginning of MDCP 2011 Section 2.14 *Unique Environmental Features* to explain that the general provisions in the first part of this section could apply to areas outside the Thornley Street Scenic Protection Area if deemed by merit assessment to have ‘unique environmental features’.
- **Recommendation D-2.16-1:** That the application of energy efficiency provisions to mixed-use buildings be clarified by changing the title of Section 2.16 from *Energy Efficiency (non-BASIX buildings)* to *Energy Efficiency* and by adding text into the first paragraph that states that this section applies to the non-BASIX component(s) of mixed-use buildings.
- **Recommendation D-2.17-1:** That MDCP 2011 Section 2.17 *Water Sensitive Urban Design* include a new development type - “childcare, aged care, other community services and educational development” and be subject to appropriate water conservation and stormwater quality targets and information requirements. Further, that that this development type be divided into two categories according to size, with each subject to different requirements – “development involving new or additional GFA of >700sqm and <2,000sqm” and – “development involving new or additional GFA of >2,000sqm”. That minor amendments be made to other parts of MDCP 2011 Section 2.17 to refer to these new uses and to update information and improve communication.
- **Recommendation D-2.18-2:** That all the existing definitions within MDCP 2011 be relocated into a definitions section located within Part 1 of the DCP, and additional definitions critical to applying the DCP controls be added. This includes definitions for ‘landscaped area’, ‘common open space’, ‘public domain’ and ‘private domain’.
- **Recommendation D-2.18-4:** That MDCP 2011 Section 2.18 *Landscaping & Open Spaces* C17 and C18 be amended, as follows:

“C17 Landscaped area (residential zones)

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- i. *The entire front setback must be of a pervious landscape with the exception of driveways and pathways.*
- ii. *The greater of 4m or a prevailing rear setback must be kept as pervious landscaped area.*
- iii. *In addition to front setback, a minimum 45% of the site area is to be landscaped area at ground level.*
- iv. *A minimum of 50% open space must be pervious landscape.*

C18 Communal open space (all zones)

- i. *Communal open space is to be a minimum 20m².*
- ii. *Communal open space where the capacity is 20 – 29 is to be a minimum 20m² plus an extra 2.8m² per person.*
- iii. *Communal open space where the capacity is 30+ is to be a minimum 48m² or 10% of open space on the site (whichever is the greater).*
- iv. *Communal open space should be provided within rear setback (if one is required) and provide space for relaxation, outdoor dining and entertainment.*
- v. *Communal open space is to have a minimum dimension of 3m.*
- vi. *Communal open space is not to be located in the required front setback.*
- vii. *Design communal open space so that it can accommodate outdoor furniture such as chairs, tables and shade structures.*
- viii. *Communal open space may include drying area and smoking area. Provide adequate space and separation between different activities so that activities do not impinge on the effective use and enjoyment of the open space for recreation (for instance the open space should not be dominated by clotheslines, and non-smokers should be able to enjoy a smoke-free outdoor area.*

NB *Fully dimensioned indicative outdoor furniture layouts are to be provided with the development application*

- ix. *Locate communal open space adjacent to, and connected to, the communal living area and/or kitchen/dining area if one is provided."*

- **Recommendation D-2.20-1:** That MDCP 2011 Section 2.20 *Tree Management* be amended to: correct terminology, correct clause numbering and improve layout. Further, that additional information be added to: clarify requirements for engineers' reports, clarify requirements for compensatory planting, explain Council's tree assessment process and improve some of the tree management objectives for development sites.
- **Recommendation D-2.21-2:** That MDCP 2011 Section 2.21 *Recycling and Waste* C26 be amended to require provision recycling/waste containers that can accommodate the quantity of recycling/waste material required for the type of use specified, using Table 3 as a guide, justified in the Statement of Environmental Effects; that the Section 2.21 Table 3 heading be labelled as a guide; that Table 3 be updated based on the City of Melbourne generation rates; that land uses for which no waste generation rates are available be deleted and a statement be inserted that these land uses are to adopt waste generation rates based examples of identical or similar uses; that the Table 3 organic waste column incorporate a note to encourage the processing/recycling of organic waste, either on-site or through organic waste collection; and that links to information on recycling, including processing/recycling of organic waste be included.
- **Recommendation D-2.21-3:** That the C3 reference within control C12 in MDCP 2011 Section 2.21 *Recycling & Waste Management* be changed to C4.

- **Recommendation D-2.21-4 & D-2.21-5:** That MDCP 2011 Section 2.21 *Recycling & Waste Management* be amended to address all remaining issues raised by Council's Waste Services staff. This includes amending Table 2 under C4 regarding the size of bins and including a statement that green waste bins are optional. It also includes insertion of provisions into the Section 2.21 appendices to ensure there is space on-site to accommodate the storage, transfer and emptying of larger bins, in consultation with Council's waste services staff.
- **Recommendation D-2.24-1:** That MDCP 2011 Section 2.24 *Contaminated Land* C31 be amended to allow the option of capping of contaminants, provided it can be demonstrated that no feasible alternatives are available and the capping will result in full and permanent containment of contaminants.
- **Recommendation D-2.24-2:** That MDCP 2011 Section 2.24 *Contaminated Land*, part 2.24.10.2 *Category 2 remediation work* be amended by deleting the note at the end of that part, which states: "NB: If the following development controls (C14, C15 and controls at Section 2.24.11 of this DCP) cannot be complied with, the remediation work is Category 1 and requires development consent."
- **Recommendation D-2.24-3:** That MDCP Section 2.24 *Contaminated Land* C16 be amended to replace the stated hours for contamination remediation works to Council's standard working hours, as is generally applied to all development consents.
- **Recommendation D-4-1:** That the new MDCP 2011 Section 4.3 *Boarding Houses*, at **ATTACHMENT 4** be placed on public exhibition as part of MDCP 2011 Amendment 2.
- **Recommendation D-4.1-10:** That MDCP 2011 Section 4.1 *Low Density Residential* Part 4.1.13.4 *Doors and windows* C80 refer to doors as well as window, consistent with the title of this control.
- **Recommendation D-4.1-11:** That all references to, and definitions of, 'period dwellings' be within MDCP 2011 be replaced with 'residential period buildings'.
- **Recommendation D-5.1-5:** That MDCP 2011 Section 8 *Heritage* C8 and C9 relating to the King Street and Enmore Road HCA be amended to be consistent with Section 5 *Commercial & Mixed-use Development* C12(i) and C13(i). That the *King Street and Enmore Road Heritage and Urban Design Study* document be scanned and made available on Council's website, and a reference to this document be included in the HCA section of MDCP 2011 Section 8 *Heritage*, Part 8.4.2 *Contributory buildings* and MDCP 2011 Part 9.37 *Precinct 37: King Street and Enmore Road*. That contributory buildings be mapped for the other commercial centres, and parts of centres that have not yet been surveyed, as part of the next Heritage Study review. That the findings of the Heritage Study review be considered in a future amendment to MLEP 2011 and MDCP 2011.
- **Recommendation D-5.1-10:** That MDCP 2011 Section 5 *Commercial & Mixed-use Development* be amended by: amending C11 in Section 5.1.3.5 by adding 'or laneway' after 'a minor street'; amending the objectives in Part 5.1.3.6 to include corners, landmarks and gateways, not just corners as currently exists; amending C41 in Part 5.1.4.2 to delete 'or ramps'; and amending C45(i) in Part 5.1.4.2 by replacing 'side' with 'secondary frontage'.

- **Recommendation D-8-5:** That in MDCP 2011 Section 8 *Heritage* Part 8.1.8.1 *Other works* – *Council notification as minor work not required*, the following points (i) and (ii) be deleted: “*Removing asbestos-based materials; and removing lead paint*”. Further, that the third point (iii) in Part 8.1.8.1 “*Painting or rendering unpainted exterior surfaces*” be deleted from this section and moved to Part 8.1.8 *Minor works*.
- **Recommendation D-8-6:** That the contributory buildings map within MDCP 2011 Section 8.4 *Controls for Heritage Retail Streetscapes* be amended to delete reference to the rear of No. 94 Audley Street, Petersham as a heritage item.
- **Recommendation D-9-3:** That the information provided by the Greenway Place Manager be reviewed with a view to improving consideration of the GreenWay within all relevant Stage 1 precinct statements within MDCP 2011 Part 9 *Strategic Context*. That consideration of the GreenWay be considered as part of the development of Council’s *Public Domain Study*.
- **Recommendation D-9.5-1:** That MDCP 2011 Section 9.5 *Lewisham South Masterplan* Area MA5.1 be amended to require the front 3m of No. 2 Hunter Street and No’s 19 to 29 Railway Terrace, Lewisham, to be dedicated as a widened footpath.
- **Recommendation D-9.14-2:** That Objective 1 of MDCP 2011 Part 9.14.5.1 *Site specific planning controls for 32–60 Alice Street, Newtown - Masterplan Area (MA 14.1)* be amended to refer to 32–60 Alice Street (not No. 30 Alice Street).
- **Recommendation D-9.25-3:** That the legend heading in the Figure 25.4 be reworded from “*Amalgamation permitted but not required*” to “*Amalgamation preferred but not required*”. That No. 58 Hutchinson Street, St Peters be rezoned from R1 General Residential to B7 Business Park. That that the pocket park on the corner of May Street and Applebee Street, zoned RE1 Public Recreation, be excluded from the area indicated as (reworded) “*Amalgamation permitted but not required*”. That No’s 73A and 75 Hutchinson Street, St Peters be indicated as requiring amalgamation in combination with the adjacent No’s 96 to 102A May Street, St Peters. That No’s 74 to 78 Applebee Street and the rear part of No. 91 Princes Highway be rezoned from B6 Enterprise Corridor to B7 Business Park to a line consistent with the western edge shown on the MLEP 2011 Key Sites Map, Code G. This amends the Key Sites Map to cut through No. 76 Applebee Street between the south-eastern corner of No. 74 Applebee Street to the north-eastern corner of No. 78 Applebee Street, St Peters. That MDCP 2011 Section 9.25 *St Peters Triangle* C14 should be reworded to “*In order to achieve the maximum built form controls contained in MLEP 2011, properties identified as part of an indicative minimum site amalgamation in Figure 25.4 must be consolidated with all the other properties that form part of that indicative minimum site amalgamation*”.
- **Recommendation D-9.26-1:** That completed drafts of all of the remaining 34 Stage 2 precinct statements be exhibited as part of MDCP 2011 Amendment 2. That any necessary amendments be made to Part 9 *Strategic Context* of MDCP 2011 to reference the Stage 2 precinct statements. That the additional biodiversity and heritage information included in selected Stage 1 precinct statements be place on public exhibition as part of MDCP 2011 Amendment 2.
- **Recommendation D-9.45-1:** That the legend in MDCP 2011 Section 9.45 *McGill Street* Figure 45.4 *Future land use* relating to the blue colour be amended to read “*mixed-use – with ground floor commercial uses (and limited types of retail) and residential above*”, and No. 110 Old Canterbury Road be coloured dark brown instead of blue, to correspond to the B5 Business Development zoning.

- **Recommendation D-FLO-1:** That MDCP 2011 be amended to be consistent with the updated flood studies and associated maps, and these be placed on public exhibition as part of MLEP 2011 and MDCP 2011 Amendment 2.
 - **Recommendation D-O-2:** That a new MDCP 2011 Section 2.25 *Stormwater Management*, at **ATTACHMENT 3**, be added to MDCP 2011.
 - **Recommendation D-O-4:** That a new Section 7.1 *Child Care Centres* at **ATTACHMENT 5** be included in MDCP 2011 as part of Amendment 2.
 - **Recommendation D-O-9:** That design guidance in the MDCP 2011 introductory material and throughout the DCP include a note where appropriate stating that design guidance is intended to assist the design/assessment of developments, but does not form part of the adopted DCP.
 - **Recommendation D-O-11:** That typographical, cross-referencing and grammatical corrections be made to MDCP 2011 as they are identified.
4. **resolves that Council officers act on or investigate the following MLEP 2011 and MDCP 2011 matters and where appropriate report back to Council:**
- **Recommendation L-Sch2-1:** That the issue of that some 'events' being made exempt development in MLEP 2011 subject to a standard set of conditions be deferred for a latter amendment after the *Public Domain Study* project has investigated appropriate policies and controls relating to events.
 - **Recommendation D-O-10:** That Council's resolution (Item Without Notice) from Council's 12 February 2013 meeting of the Development Assessment Committee regarding LEP/DCP building height controls (20 November 2012, Item 7 CM111(2)) be deferred to a future round of DCP amendments. Further, that the resource implications of these amendments be separately reported to Council prior to action commencing.
5. **takes action through other policies/processes on the following MDCP 2011 amendment matters:**
- **Recommendation D-2.10-19:** That a note be added to the text of any relevant Section 149(5) Certificate to advise applicants of the on-street parking eligibility restrictions that may apply to a property.
 - **Recommendation D-2.18-5:** That Council staff liaise with the DP&I to discuss amendments to the Affordable Rental Housing SEPP 2009 that would be necessary to accommodate new controls in MDCP 2011 Section 4 *Residential Development* dealing with boarding houses in residential areas. Should these discussions progress, that further MDCP 2011 boarding house controls be recommended to Council at a later date.

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6. takes no action on the following MLEP 2011 and MDCP 2011 matters:

- **Recommendation L-HOB-2:** That MLEP 2011 and MDCP 2011 HoB controls for 9 & 11 Barwon Park Road, St Peters not be amended.
- **Recommendation D-2.13-1:** That MDCP 2011 Section 2.13 *Biodiversity* C2, which requires land within Habitat Corridors to incorporate native vegetation as part of any landscaping works, not be amended.
- **Recommendation D-9-2:** That no amendments be made to the existing 'desired future character' statements within MDCP 2011 Section 9 *Strategic Context*.

Marcus Rowan
Manager, Planning Services

ATTACHMENTS

1. Heritage Inventory Sheet for Hoskins Park Heritage Item
2. Draft of Proposed New MDCP 2011 Part 8.2.38: Hoskins Park HCA
3. Draft of Proposed New MDCP 2011 Section 2.25: Stormwater Management
4. Draft of Proposed New MDCP 2011 Section 4.3: Boarding Houses
5. Draft of Proposed New MDCP 2011 Section 7.1: Child Care Centres
6. Map Showing Proposed Boundary of Dibble Avenue Waterhole, Marrickville

Marrickville Heritage Inventory		SFI Number 2030342
State Heritage Inventory		Study Number 2030342
Item Name: Hoskins Park		
Location: Davis and Pigott Street, Dulwich Hill [Marrickville]		
Address: Davis and Pigott Street	Planning: Sydney South	
Suburb / Nearest Town: Dulwich Hill 2203	Historic Region: Sydney	
Local Govt Area: Marrickville	Parish:	
State: NSW	County:	
Other/Former Names:		
Area/Group/Complex:	Group ID:	
Aboriginal Area:		
Curtilage/Boundary:		
Item Type: Landscape	Group: Parks, Gardens and	Category: Urban Park
Owner: Local Government		
Admin Codes:	Code 2:	Code 3: proposed 2001
Current Use: Park / Recreation area.		
Former Uses:		
Assessed Significance: Local	Endorsed Significance:	
Statement of Significance:	Hoskins Park has heritage significance for a number of reasons. It was one of several parks under the control of Petersham Municipality (and subsequently came under the controls of the Marrickville Municipality in 1949). It is representative of these parks, sharing several features from the interwar period with them, and demonstrates the consistent approach that a particular local government instrumentality took to the design of residential amenity in the first half of the twentieth century. Its naming, after a mayor, reflects what may be a relatively common local government practice during the first half of the twentieth century. Hoskins Park and its setting provide evidence of early twentieth century urban consolidation in Dulwich Hill, both by the provision of parks and by the consistent residential development on Davis and Pigott Streets. The character of the park derives from a combination of several features including site configuration and topography, mature trees and landscaping, and smaller detail elements, along with its important visual relationship with late nineteenth and early twentieth century housing along Davis and Pigott Streets.	
Historical Notes or Provenance:	The site of Hoskins Park consists of land from two early grants – part of 8 hectares originally granted to Sarah Bellamy on 13 December 1794 and part of 10 hectares originally granted to John Hammond on 14 March 1795. The site is also part of the Virginia Waters Estate. The Estate is understood to have been first offered for sale at the end of 1856. About 32 acres of land, including what was identified as Lot 3 Section 2 of the subdivision, was acquired by Peter Tancred, a Newtown butcher, on 9 April 1864. Lot 3 contained 1.6 hectares. At the beginning of 1882, Davis applied to bring the land, which was bounded by Davis, Gambling Streets and Denison Road, onto Torrens Title. The alignment of the eponymous Davis Street was proclaimed in February	
Date: 15/03/2013 State Heritage Inventory Full Report with Images Page 1 This report was produced using the Heritage Database Software provided by the Heritage Branch, NSW Department of Planning.		

Marrickville Heritage Inventory**State Heritage Inventory**

SHI Number

2030342

Study Number

2030342Item Name: **Hoskins Park**Location: **Davis and Pigott Street, Dulwich Hill [Marrickville]**

1888. Pigott Street is likely to commemorate Petersham's first mayor, William Hilson Pigott. By the beginning of the 1890s, the northern side of Davis Street and the western side of Denison Road between Davis and Pigott Streets had been developed. There does not appear to have been any development along Davis Street or Pigott Street to the west of Denison Road.

Early 1890s development along Pigott Street and Denison Road, Dulwich Hill.

The property was ultimately inherited by Alfred Australia Davis of Petersham in 1911. On 30 October 1911 Davis conveyed the title to its western section, around half a hectare in extent, to the Commissioner for Railway and Tramways. The land is understood to have been acquired in association with the construction of the goods line from Wardell Road to Glebe and Darling Islands, which at that point was to follow the line of Long Cove Creek. Part of the land was utilised for a diversion of Davis Street so that it could traverse the railway line. The remainder of the land was evidently surplus to the needs of the Commissioner and was conveyed to the Crown on 12 December 1913. The resulting Certificate of Title includes it and over 0.8 hectares of land on Constitution Road, understood to be the basis of Lewisham Park (later Johnson Park). The Davis Street bridge was complete and ready for traffic at the beginning of October 1914.

Both areas of land were subsequently proclaimed as parkland on 6 January 1915. Hoskins Park had already been named.

At this time there were four other parks in the Municipality of Petersham: Petersham Park, which was proclaimed on 30 September 1887 then subsequently proclaimed again 4 April 1906; South Annandale Park (now Weekly Park, proclaimed on 14 August 1910); South Kingston Park (now Maundrell Park, purchased by Council in April 1912); and Crammond Park (purchased by Council in July 1914). It has not been ascertained why the new park at Dulwich Hill was named after Tom James Hoskins, who was then mayor of Petersham, but the concurrently acquired Crammond Park has been named in honour of his predecessor, Mayor Charles Crammond.

Tom James Hoskins: was born in Stratton on the Fosse in Somerset, England, on 13 March 1864, son of master mason William Hoskins and his wife Sophia. Hoskins arrived in Australia as a young man and worked as a wheelwright before establishing a coach-building business at Dulwich Hill. During the 1920s he operated a motor bus company in association with his sons. The company was known as Hoskins Bros., and its routes included a Central-Petersham-Canterbury-Lakemba service.

Tom Hoskins served as an alderman on Petersham Council between 1903 and 1917. He was mayor between 1910 and 1912, and from 1915 to 1916. Hoskins also enjoyed success in state parliament. He was the Member of the Legislative Assembly for Dulwich Hill from 1913 to 1920 and Member for Western Suburbs from 1920 until 1927. Hoskins was a member of the NSW Liberal Party then a member of the Nationalist Association after the Liberal merged with the Nationalist Labor Party in 1917. He served as Parliament Whip from 1917 to 1921. Hoskins unsuccessfully stood as an Independent National candidate at the state election of 1927.

Apart from his political career, Hoskins was president of the Master Coachbuilders and Wheelwrights Association of NSW, and director of Marrickville Hospital for 25 years. In addition to this he was a councillor of the Royal Agricultural Society from 1901 to 1934 and its vice president between 1918 and 1934. He also found time to serve as President of the Leichhardt Rowing Club and was a member of the Protestant Federation. Tom Hoskins died in Marrickville on 16 July 1934.

Hoskins Park: In comparison with the large parks in the municipality, which were the subject

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of ongoing upgrading and improvement works, initially little seems to have been done to Hoskins Park. However, during 1921 asphalted paths were laid and more substantial works were carried out during 1925: "the beautification of several smaller Parks has received continued attention during the year and a very marked improvement has been effected in each of them by the erection of dwarf stone walls to replace the old wooden fences, the stone used being old gutter stones from Stanmore-New Canterbury Road.

An aerial photograph from 1943 shows that the present form of Hoskins Park was basically in place, although it was relatively open in character. The park was roughly bisected by a diagonal path. Another path ran across the eastern side of the park. Rows of trees defined its Pigott Street and eastern site boundaries while immature planting defined the diagonal path and Davis Street boundary. What appears to be lush planting was located at the north western corner of the Park, adjacent to what may have been a children's playground. Development along Davis and Pigott Street has taken place during the intervening years and only one allotment near Hoskins Park remained undeveloped in Pigott Street.

Themes:	National Theme	State Theme	Local Theme
4. Settlement		Towns, suburbs and village	(none)

Designer:

Maker / Builder:

Year Started:	1915	Year Completed:	1930	Circa:	Yes
---------------	------	-----------------	------	--------	-----

Physical Description: Hoskins Park is located in the middle of an established residential area, bounded by Davis and Pigott Street to the north and south respectively, by the former Wardell Road-Darling-Island goods line to the west and by residential allotments to the east. The Waratah Mills development rises beyond the railway to the west. The Park is approximately 550m² and provides a combination of passive and active recreational facilities.

Hoskins Park has an irregular lot configuration due to the sweeping curve of Davis Street as it approaches the bridge over the railway line and topography that falls towards the railway line and from Davis Street. Davis Street's topography resulted from the construction of the road bridge in 1914.

The Park includes grassed areas and mature plantings, including Brushbox and a variety of palms, which are characteristic of interwar plantings and enhance the character of the locality. The Park is traversed by a diagonal path that bisects it into two sections and a path adjacent to the eastern boundary.

A lavatory block is located on the eastern edge of the park and is understood to have been constructed after World War II as evidenced from its forms and utilitarian character. It is currently not open to the public. Other features include seating and a recently upgraded children's playground area.

It is likely that Hoskins Park benefitted from a loan program adopted by the then Petersham Council in 1929 which included provisions for the "beautification and improvement of the various parks..." Hoskins Park has retained a number of features from the interwar period

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including:

- Entry pergolas: one at the south west corner of the site on Pigott Street and two on Davis Street. The timber joists are supported off pre-cast concrete Tuscan order columns, one of the latter has had two columns and timber rafters removed, although column bases have been left in place;
- The name of the Park incorporated into paving beneath the Pigott Street pergola and the stone nameplate on Davis Street, adjacent to the western pergola;
- Sandstone edging, garden bed retaining walls and steps in the northwestern corner of the Park;
- Coursed concrete paving forming the two footpaths.

Hoskins Park was upgraded several years ago to enhance and consolidate the existing landscaping, provision of picnic tables, seating and other use amenities including an upgraded children's playground. Other recent minor alterations include relocation of the existing entry plaque on Davis Street, signage on the three entry pergolas, additional seating and concrete edging in the western section of the Park.

Physical Condition: It is considered that Hoskins Park provides a high level of amenity to users through the provision of passive and recreational park facilities. Established plantings, sandstone edging and retaining walls; and stone nameplate greatly add to the character of the Park and reflect its history and development. Recently upgrades, such as the provision of a children's playground, have added to the appeal of the Park. The toilet block building is not currently open to the public and appears to be in poor condition.

Modification Dates: Upgrades to Hoskins Park were commenced in 2005 including demolition of park fixtures and removal of unsafe trees; construction of new playground area including play equipment, fencing and rubber surfacing; replacement of damaged footpath sections and construction of new path connections; refurbishment of existing pergola structures;

- installation of handrails to existing stone stairs;
- new furniture, lighting and bubbler; and
- landscaping including advanced tree planting, low growing planting to garden areas, removal of existing grassed mounds and turfing.

Recommended Management: Hoskins Park should be managed in accordance with the current Plan of Management. The Plan of Management should be periodically updated.

Management:**Further Comments:**

Criteria a) Hoskins Park has historical significance as one of a number of contemporary parks that came under the control of Petersham Municipality during the second decade of the twentieth century and subsequently came under the control of Marrickville Municipality in 1949. Hoskins Park and its setting provide evidence of early twentieth century urban consolidation in Dulwich Hill, both with the provision of parks and development on the land to the east of the Park (which was formerly on the same title) and along the western side of Pigott Street. The Park was one of the first in the Municipality of Petersham to be named after a mayor, a practice that subsequently became common in both Petersham and Marrickville municipalities.

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Criteria c) Although it has been subject to some modification, Hoskins Park is still clearly identifiable as an interwar era park and shares features in common with other parks under the control of Petersham Municipality, such as pergolas, configuration of paths, names in paving and stone edged planter beds. The Park maintains an important visual relationship with late nineteenth and early twentieth century residential development along Pigott and Davis Streets and enhances their setting. The physical character of the Park is attractive, deriving from a combination of site configuration and topography, mature trees and landscaping.

Criteria d)**Criteria e)****Criteria f)**

Criteria g) Hoskins Park is representative of the parks that were formerly under the jurisdiction of Petersham Council. It shares several features from the interwar period in common with these parks. It is this important within the context of this group of parks and demonstrates the consistent approach that a local government instrumentality took to the design of facilities to improve residential amenity of suburbs in the first half of the twentieth century.

Integrity / Intactness: The park is relatively intact and retains its integrity

References:	Author	Title		Year
	Marrickville Council	Hoskins Park Plan of Management (adopted Feb 2001)		2001
Studies:	Author	Title	Number	Year
	Tropman & Tropman Architects	Marrickville Heritage Study Review	2030342	1997
	Tanner Architects	Hoskins Park, Davis Street, Dulwich Hill: Heritage Assessment		2011
	Tanner Architects	Hoskins Park, Davis Street, Dulwich Hill: Heritage Assessment		2011
	Tanner Architects	Hoskins Park, Davis Street, Dulwich Hill: Heritage Assessment		2011

Parcels:**Latitude:****Longitude:****Location validity:****Spatial Accuracy:****Map Name:****Map Scale:****AMG Zone:****Easting:****Northing:****Listings:****Name:****Title:****Number:****Date:**

Local Environmental Plan

Marrickville LEP 2011

Heritage study

Period:**State Heritage Inventory**

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Construction Date:

Sources:

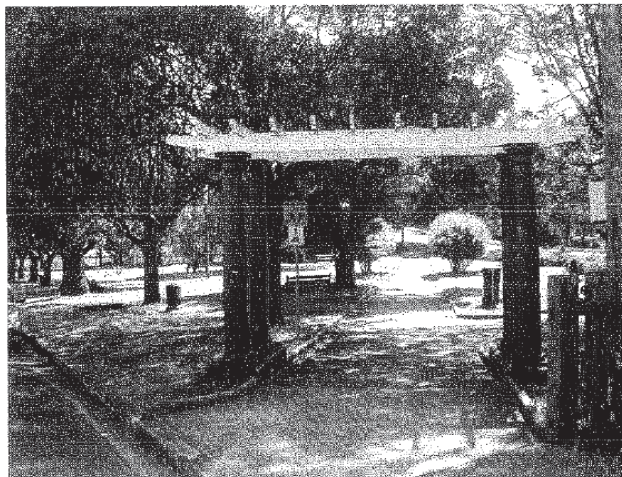
Other Listing:

Map Reference:

Other Listings:

Data Entry: Date First Entered: 23/04/1999 Date Updated: 15/03/2013 Status: Partial

Image:



Caption: Hoskins Park

Copyright: Marrickville Council

Image by: Marrickville Council

Image Date: 09/09/2003

Image Number:

Image Path:

Image File: 2030342b2.jpg

Thumb Nail Path:

Date: 15/03/2013

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8.2.38 Hoskins Park (Dulwich Hill) - HCA 36

Section 8.2.38 of the DCP applies to the Hoskins Park (Dulwich Hill) Heritage Conservation Area (HCA 36) (Figure 1).

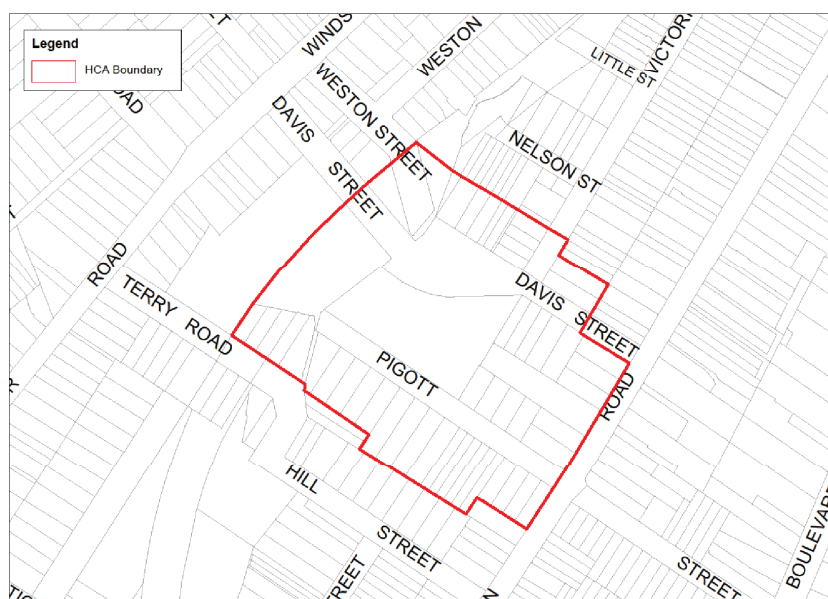


Figure 1: Hoskins Park (Dulwich Hill) Heritage Conservation Area – HCA 36

8.2.38.1 Statement of heritage significance

The area comprising the Hoskins Park HCA was developed during the late nineteenth and early twentieth centuries. It is largely the result of the construction of the Wardell Road-Darling Island Railway Line and the formation of Hoskins Park which was put onto separate title in 1911. The unusual configuration of Davis Street reflects the construction of the Wardell Road-Darling Island Railway Line and provides evidence of its impacts on the physical fabric of the Marrickville Local Government Area.

Hoskins Park HCA is of historical significance as an area providing evidence of early twentieth century urban consolidation in Dulwich Hill, both by the provision of public parks and by the consistent residential development on Davis and Pigott Streets. The character of Hoskins Park derives from a combination of several features including site configuration and topography, mature trees and landscaping, and smaller detail elements from the 1920s, along with its important visual relationship with late nineteenth and early twentieth century housing along Davis and Pigott Streets.

The aesthetic significance of the Hoskins Park HCA is due to the physical character of Hoskins Park along with the inter-relationship of the park and residential development around it. The aesthetic quality of the HCA is reinforced by the retention of original setbacks, garden spaces and street planting along Davis and Pigott Streets. The HCA has retained the early pattern of subdivision and contains Victorian dwellings along with late Federation and Inter War era bungalow style houses that reflect the different periods of residential development and subdivision in the locality. Although some



individual buildings have been unsympathetically modified, the overall form of most houses is intact and contributes to the character of the streetscape.

Hoskins Park is representative of the parks initiated by the Municipality of Petersham in the early part of the 20th century and shares several features with other parks from the interwar period also managed by the Municipality of Petersham.

8.2.38.2 Summary of core heritage values and elements

- i. The principles of the growing Australian suburban ideal in the post Federation period are expressed through the HCA's patterns of subdivision, architectural form and finely grained detailing of the original Federation and Inter War bungalows, and their relationship to Hoskins Park.
- ii. Hoskins Park HCA demonstrates the development of the local area, including the physical impacts of the Wardell Road-Darling Island goods line which impacted on the resultant shape of Hoskins Park and the resultant alignment of Davis Street.
- iii. The low density suburban character of the streetscapes surrounding Hoskins Park is due to predominantly consistent setbacks and single storey built forms.
- iv. Setbacks from the street alignment are consistent and sufficient to allow a small front garden to be planted.
- v. The residential character is demonstrated through the consistency of the bungalow typology (Federation and Inter War Californian) and predominantly modest scale Victorian cottages.
- vi. Residential development on the northern side of Davis Street is predominantly 19th century in character, though on the southern side they were constructed in the early twentieth century on residual land between Hoskins Park and Denison Street.
- vii. Houses on the northern side of Pigott Street were also constructed in the early 20th century, though those on the southern side were constructed between circa 1910 and 1935.
- viii. Houses demonstrate strong streetscape qualities through cohesiveness of built form, scale, rhythm and materials, despite some unsympathetic modifications.
- ix. High quality detailing remains to some front elevations of intact and substantially intact houses, appropriate to the period and style of dwellings.
- x. Roof forms are mostly appropriate to the typology and period of construction.
- xi. Building heights are mostly appropriate to the typology and period of construction.
- xii. Detailing and finishes are mostly appropriate to the typology and period of construction.
- xiii. Low fences are constructed of face-brick, with some rendered and painted. Several wooden picket fences also exist.
- xiv. The mature tree planting of Hoskins Park contribute to the amenity of the HCA, particularly those located on the southern edge of the park along Pigott Street..
- xv. The Hoskins Park HCA maintains a strong visual link to the former Waratah Flour Mills site, now a residential development located on the western edge of the park with the railway line separating the park from the former mill buildings.

8.2.38.3 Specific elements

The HCA contains many details or fine-grained elements on buildings of different styles and types that contribute to the HCA's integrity and heritage significance. The



elements are not found on all buildings but must be retained in new development where present.

8.2.38.4 Subdivision and public domain elements

- i. Street layout, including remnant sandstone kerb and guttering;
- ii. Setbacks from the street alignment consistent and sufficient to allow a small front garden to be planted; and
- iii. Low density suburban character of streetscape due to street widths, wide verges, setbacks and predominantly single storey built forms.

8.2.38.5 Elements that contribute to the consistency of the streetscape (visible from the public domain)

- i. Residential character demonstrated through the consistency of the bungalow typology (Federation and Californian (Sydney) variants);
- ii. Building typologies that reinforce the suburban grain:
 - a. Houses demonstrate strong streetscape qualities through cohesiveness of built form, scale, rhythm and materials;
 - b. High quality detailing to front elevation of intact and substantially intact houses is appropriate to the period and style of the dwelling; and
 - c. Increasing simplification of scale and detailing occurs towards rear – including window size, bulk and visual prominence in view from street;
- iii. Roof forms appropriate to typology and period of construction:
 - a. Slate roofs;
 - b. Primary plane of roofs parallel to the street (Federation);
 - c. Primary plane of roofs parallel to the side boundary with prominent multi-gable elevation to street;
 - d. Roof forms of groups or runs of buildings demonstrating consistent pitch and rhythm;
 - e. Lack of major alterations to roof form and volumes; and
 - f. Original chimneys that contribute to the quality and visual interest of roofscapes;
- iv. Intact or substantially intact built elements:
 - a. Consistency of form and detailing to intact and substantially intact original dwellings and streetscapes; and
 - b. Any additions visible from the public domain of a minor scale respect original built form and are unobtrusive in the context of the streetscape;
- v. Building heights appropriate to typology and period of construction;
- vi. Detailing and finishes appropriate to typology and period of construction:
 - a. Window openings appropriate for architectural type;
 - b. Timber framed windows;
 - c. Complex timber framed windows to main bay of front elevation (Federation);
 - d. Groups of timber casement windows to front elevation and main room visible on side elevation (Californian/Sydney);
 - e. Paired double-hung timber sash windows (Inter War); and
 - f. Use of appropriate colour schemes for detailing;
- vii. Fences appropriate to typology and period of construction;



- a. Original low face-brick (not rendered or painted) walls.

8.2.38.6 Applicable conservation controls

The core period of heritage significance is 1880-1935. Any buildings or significant elements of the fabric from this or any earlier period must be retained and maintained.

Relevant heritage conservation area DCP section:

- Residential detached and semi-detached streetscapes (Type A). See Section 8.3.

Primary relevant historic architectural style. See Section 8.5 (note: other styles will exist for some buildings in the area):

- Federation styles; and
- Inter War styles (in particular California bungalow).

Additional area-specific controls:

- Nil

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2.25 Stormwater Management

This section relates to stormwater drainage for all development types.

The flow of stormwater from developments needs to be managed so as to negate or reduce to an acceptable frequency the possibility of flooding buildings and/or the danger to life at any location, through the storage of stormwater where appropriate in developments and the control of major development drainage systems.

This section of the DCP should be read in conjunction with the Marrickville Council Stormwater and On-site Detention Guidelines (The Guidelines) and Sections 2.17 Water Sensitive Urban Design and 2.22 Flood Management of the DCP. Applicants are also advised to refer to AS/NZS 3500.3.2:1998 Stormwater drainage – acceptable solutions.

2.25.1 Objectives

- O1 To protect the urban environment from the effects of otherwise uncontrolled surface stormwater flows resulting from infrequent (and lesser) storm events.
- O2 To minimise or negate disruption and/or danger to both pedestrian and vehicular traffic that may be caused by otherwise uncontrolled surface stormwater flows resulting from frequent storm events.
- O3 To protect the quality of receiving waters, adjacent and downstream land-use and the rights of adjacent and downstream landowners.

2.25.2 Application of Controls

CODE REQUIREMENT	LANDUSE				
	Single Residential Dwellings	Multi-Dwelling Housing, Residential Flat Buildings	Commercial Industrial Institutional (Community facilities, educational establishments, hospitals etc)	Drainage Works Only	Paving
On Site Detention	Yes (3,6)	Yes	Yes	No	(1)
Gravity Pipe System Required	Yes (4)	Yes	Yes	Yes	Yes
Pump System Permitted	No (4)	No	No	No	No
Drainage Easement over downstream property (2)	If site doesn't drain to street (4)	If site doesn't drain to street	If site doesn't drain to street	(1)	(1)
Qualified Engineer required to prepare drainage design	Yes (3,6)	Yes	Yes	Yes	(1)
Sediment Control Plan Required.	Yes (1)	Yes(7)	Yes(7)	Yes	Yes
Positive Covenant Required (i.e.s.88E(3) Instrument)	No (5)	Yes	Yes	No	No

1. Depends on the details of the development.
2. Alternatively, the applicant may construct a pipeline within the road reserve until a connection point with Council's system is reached that allows gravity drainage.
3. Except for cases where increased roof & paved areas are less than 40m².
4. Except where genuine attempts to acquire an easement at reasonable costs have failed. Documentary evidence of these attempts will be required.
5. Unless in a landscaped area.
6. Where OSD is required and the increased roof and paved areas is less than 80m² Council's standard OSD design from Supplement 6 of The Guidelines can be adopted.
7. Sediment Control Plans are to be prepared by an Engineer.

2.25.3 Controls**2.25.3.1 Stormwater Drainage Concept Plans (SDCP)**

- C1 A Stormwater Drainage Concept Plan (SDCP) is to be submitted with any Development Application, demonstrating the feasibility of the proposed drainage systems within the site and connection to Council's system. This plan shall include existing and proposed ground and floor levels, show surface flow path treatment, any easements required, on-site detention storages as well as details and sizes of internal piped systems. All levels shown on the plan shall be to Australian Height Datum (AHD). Detailed design plans and calculations will be required to be submitted before the issue of a Construction Certificate.
- C2 Where easements are necessary over any adjoining or downstream property to achieve gravity drainage, a written agreement from the adjoining owners is to be submitted with the SDCP.

2.25.3.2 Adverse Impact and Controlling Site Runoff

- C3 Development activities must not cause an adverse impact on adjoining or any other properties. This includes preserving surface flow paths and not increasing water levels.
- C4 Site discharges will need to be restricted to pre-development discharges using On-site Stormwater Detention.

2.25.3.3 On-site Detention (OSD) of Stormwater

OSD of stormwater is required to limit discharges from developments to pre-development conditions. Council's OSD requirements have been formulated to ensure there is no increase in discharges adjacent to the site or elsewhere in the catchment for virtually all rainfall events through to 100 years ARI. For developments greater than 1000m² in site area, allowable discharges will be limited to the equivalent fully pervious discharges for the site area.

- C5 OSD will be required for all developments except for:
- extensions where the proposed extended roof or paved area is less than 40m².
 - sites that discharge directly to the Cooks River or into a major Sydney Water Corporation controlled trunk drainage system.
- C6 All OSD systems will require full hydraulic design in accordance with the details in Supplement 2 of The Guidelines, except for single residential dwellings where:-
- the building works are an extension of an existing house/garage, and
 - the total proposed extended roof and paved area is less than 80m².

In these exceptions the OSD required can be constructed in accordance with Council's default design (refer to The Guidelines) without requiring a full design.

- C7 The Stormwater Drainage Concept Plan (SDCP) is to outline the OSD proposed. A detailed design will be required before the issue of a Construction Certificate.
- C8 Storage outflows are to be controlled to ensure the full range of ARI protection occurs. This will require the OSD to incorporate a range of storage-discharge values for various ARIs.
- C9 Storages should not be located in overland flow paths which convey catchment flows through the site. Storages are to be in common areas (rather than privately controlled areas such as courtyards) for developments with multiple dwellings or units.

2.25.3.4 Surface Flow Paths

- C10 Surface flow paths are an integral part of the drainage system. They are to be preserved, or alternatives provided, wherever they pass through or affect the development site. Site discharges are not to be concentrated to a degree greater than that which naturally occurs.
- C11 Redirection of flows including to other sub catchments is not permitted unless appropriate counter measures are undertaken.
- C12 Flows to the receiving system or sub-catchment are not to be increased.
- C13 Flow paths are to be retained within easements.

2.25.3.5 Gravity Drainage

- C14 All stormwater drainage connecting to Council's drainage systems is to be by gravity means. Mechanical means (i.e. pumps) for disposal of stormwater runoff will generally not be permitted (refer to checklist in 2.25.2). Subsoil and basement seepage systems where separate from the stormwater drainage may be exempted from this requirement.
- C15 The acquisition of an easement over any intervening downstream properties (at the developers cost) will normally be required for sites that do not drain to:
 - the street,
 - council land containing a drainage line, or
 - an existing council pipeline within the development site.
- C16 Written consent for the piping and acquisition of an easement is to be obtained from adjoining owners and provided to Council with the development application. In such cases a transfer granting easement or a linen plan and section 88B (of the Conveyancing Act 1919) instrument must be registered with NSW Government Land and Property Information prior to the operation of any consent.
- C17 Exception to acquiring an easement may be given at the discretion of Council's Director, , Planning and Environmental Services for sites that do not drain to the street, only where extensions to an existing residential building or replacement of an existing dwelling is

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proposed, and genuine attempts at acquiring a downstream easement have failed. Written documentation of these attempts, including reasonable financial consideration, must be included in any application for exception. If an exception is granted a pump/sump system may be provided.

- C18 For minor extensions (i.e. less than 25m²) to existing single residential dwellings, connections may be made direct to the existing site drainage system where one exists.

2.25.3.6 Relationship to Other Properties

- C19 Where surface runoff from adjoining properties flows onto the development site, such flows are to be catered for within the development. Obstructions that cause damming and backwater effects on upstream properties will not be permitted. Similarly, surface runoff from the site that is conveyed through the site is not to be concentrated onto downstream properties, or diverted from existing discharge points unless into Council's drainage system. Diverting flows from one catchment to another will not normally be permitted.

2.25.3.7 Easements

- C20 For sites that have existing Council pipelines through them that are not covered by an easement, or where an existing pipeline is not within the easement, Council will require the creation of an easement in favour of itself over the pipeline. The easement width is to be the pipe, box, or channel section width plus 1.5m, with an overall minimum width of 2.5m.
- C21 Site drainage systems will require inter-allotment easements over downstream properties where the drainage traverses any other private property to connect to Council's drainage system. These easements are to be a minimum of 0.9m wide.

2.25.3.8 Flood Study/Drainage System Analysis

- C22 In situations where flooding problems have occurred, or there is a risk of such occurrence, a flood study or drainage system analysis of the catchment containing the development site will be required. Where such a study is to be carried out, the calculation methods required to demonstrate satisfactory treatment of the development will generally need to be in accordance with current practice as outlined in Australian Rainfall & Runoff (1998), and subject to the satisfaction of Council's Director, Planning and Environmental Services.

2.25.3.9 Standards

- C23 Pipe systems draining the development site are to be designed to a minimum ARI standard shown in the table below, with suitable treatment of all surface flows to a 100yr ARI standard. All pipe and surface flows to the 100yr ARI standard are to be routed through any OSD required.

- C24 Developments with higher potential damage risks from surface flows will require higher design standards. Where surface flow paths are not available, the pipe standard will rise to 100yr ARI.
- C25 Where the site or buildings are at or below the level of a downstream road or embankment, Probable Maximum Flood events are to be considered. OSD will require all ARIs to be examined to ensure no adverse effects for any size storm.

PIPED SYSTEMS- ARI STANDARDS	
Development Case	ARI
Residential Low & Medium Density	10yrs
Residential High Density	20yrs
Commercial/Industrial	20yrs
Heavy Industry	50yrs
Hospital & Emergency Services	100yrs
OSD Range	2 to 100yrs

2.25.3.10 Safety and Consideration of Failure

- C26 Open drainage system components are to be designed to meet relevant safety criteria. Storage basins are to have battered slopes for egress, maximum ponding depths, and appropriate signage and fencing. Specific reference is made to Figures G1 and G2, Appendix G of the Floodplain Development Manual 2001 for velocity and depth limits, and to Supplement 2 of The Guidelines for the design of OSD storages.
- C27 The possibility of failure of components of the system must be considered, and provision made for the safe conveyance of flows should failure occur. For OSD basins emergency spillways must be provided. The potential for obstructions to overland flow paths is to be minimised.

2.25.3.11 Visual Impact

- C28 All drainage structures and measures are to be designed to be visually unobtrusive and sympathetic with the development. This requirement is necessary to ensure future occupants do not adjust or remove facilities for aesthetic reasons without understanding the functional impact of such actions.

2.25.3.12 Restrictions As To User - Positive Covenants

- C29 The potential for modification or adjustment to OSD storages and/or surface flow paths through the property is significant enough to warrant extra protection. Future owners of properties also

need to be aware of their presence and purpose. Consequently, a Restriction As To User - Positive Covenant may be required on the property title as part of the development.

- C30 The restriction is created as a Positive Covenant using Form 55A for an Instrument Pursuant To Section 88E(3) of the Conveyancing Act, 1919. The Instrument is to ensure the continued functioning and maintenance of the items detailed in the consent condition.
- C31 Positive Covenants for OSD will be required for all development types except for single residential dwellings.

2.25.3.13 Structures Over or Near Drainage Lines and Easements

- C32 New buildings and structures will not be permitted over drainage lines or within easements. Paving over any drainage line or easement is acceptable, but will require appropriate jointing at the easement boundary, and to be in a material approved by Council's Director, Planning and Environmental Services.
- C33 Clearances to easement boundaries are required to prevent structural loads on drainage structures or encroachment within the angle of repose of the soil. Piering is an acceptable technique to achieve this.
- C34 If there is an existing structure over the drainage line or easement within the site that is part of the application, then an access pit is required to be provided upstream and downstream of the structure.

2.25.3.14 Freeboard

- C35 Freeboard for floor levels above top water level (TWL) of OSD storages is required for buildings near OSD storages, of at least 0.2m above the maximum spillway operating level for habitable areas.
- C36 A building floor level freeboard of 0.3m to 0.5m will be required against channel or mainstream flows, or in areas where significant overland flow occurs. In all other circumstances a minimum freeboard of 0.3m is required above surrounding finished ground levels.

2.25.4 Definitions

Australian Rainfall & Runoff (AR&R)

A technical publication from the Institution of Engineers Australia providing guidance on current drainage design practice.

Average Recurrence Interval (ARI)

A statistical likelihood of a storm event of at least a designated average rainfall intensity occurring. The probability is a long term average, and not a period between events (e.g. 10 years ARI indicates 10 events over 100 years).

Engineer

A qualified civil or hydraulic engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER).

Hydrology & Hydraulic

Hydrology is the estimation of the runoff and flow rates of rainfall once on the ground. The term hydraulic refers to calculating the capacity or characteristics of flow control devices and conduits (pipes).

On-site Detention (OSD)

Restricting the outflow of stormwater runoff from a site by draining collected surface flows from paved and roof areas through a storage with an outflow control device.

Probable Maximum Flood (PMF)

Is calculated to be the maximum flood likely to occur.

Single Residential Dwellings

For the purposes of this section, single residential dwellings include dwellings, secondary dwellings, semi-detached dwellings and attached dwellings as defined MLEP 2011.

Stormwater Drainage Concept Plan (SDCP)

A site plan of a development demonstrating the feasibility of the proposed drainage systems within the site and connection to Council's system. This plan shall include existing and proposed ground and floor levels, show surface flow path treatment, any easements required, on-site detention storages as well as details and sizes of internal piped systems. All levels shown on the plan shall be to Australian Height Datum (AHD).

4.3 Boarding houses

Both state and local government have recognised the vital role that privately owned and operated boarding houses play in the provision of accommodation for very low-income households. However, it is recognised that there is a need to upgrade the quality of boarding house accommodation, improve the amenity available to boarding house residents, and reduce impacts on the community, while retaining the supply of boarding house accommodation.

4.3.1 Objectives

- 01 To maintain the supply of affordable accommodation for people on very low income
- 02 To increase the supply of affordable accommodation for people on low to moderate income
- 03 To achieve an acceptable level of internal and external amenity for people living in boarding houses
- 04 To ensure the safety, security, health and wellbeing of boarding house residents and the local community through appropriate location, design and management of boarding houses
- 05 To avoid any adverse impacts associated with boarding houses on nearby residents and the wider locality

4.3.2 Application

State Environmental Planning Policy (Affordable Rental Housing) 2009 is the principle legislation that permits boarding houses. The SEPP provides standards for boarding houses, a number of which (when complied with) can't be used to refuse a boarding house.

Under MLEP boarding houses are also permitted with consent in the following zones: R1 General Residential; R2 Low Density Residential; R3 Medium Density Residential; R4 High Density Residential; B1 Neighbourhood Centre; B2 Local Centre; B4 Mixed Use Centre.

The SEPP overrides the MDCP with the exception of areas of the R2 Zone that are not defined as accessible and in very rare occasions such as the use of the heritage incentives clause in an industrial zone.

The MDCP controls in Section 4.3 are in addition to the SEPP and indicate how a boarding house should fit in with the context and surrounding land.

NB *in accordance with A.2.6 a Plan of Management is required for a boarding house – refer to Council's POM Template*

4.3.3 Planning context

Council's strategic direction is to achieve boarding houses that support the desirable physical and social characteristics of the Marrickville LGA by:

1. Conserving the physical character where relatively intact and of good quality;
2. Maintaining the traditionally diverse population and housing mix; and
3. Ensuring new development is in context with surrounding development and has minimum adverse impact on environmental quality or residential amenity.

NB *Refer to Section 2.1 Urban Design (for principles of urban design and other guidelines).*

NB *Development applications for boarding houses in the residential zones will generally be assessed in accordance with Section 4.1.4 to 4.1.9 and Section 4.2.4 – 4.2.10 of the DCP in addition to Section 4.3 as relevant to the type of residential building and surrounding development.*

NB

NB *Boarding houses will also be assessed on merit in addition to Section 4 guidelines, particularly where the surrounding development is not typical of the zone.*

NB *Development applications for boarding houses in the B1 Neighbourhood Centre Zone; B2 Local Centre Zone and B4 Mixed Use Centre Zone will be assessed in accordance with Section 5.*

- NB** Minimum access requirements for boarding houses are provided in Section 2.5.10.
- NB** Solar access requirements for boarding houses are detailed in Section 2.7.5.2
- NB** Car parking requirements for boarding houses are detailed Table 1 in Section 2.5.10 Parking. Parking provision rates for boarding houses are lower than for residential flat buildings to reflect an expected lower car ownership rate and to facilitate housing affordability. As is the case for all types of parking, parking rates for boarding houses are most constrained in Parking Area 1 (most of Camperdown, Newtown and Enmore area, major commercial strips and around railway stations) and least constrained in Parking Area 3 (outlying areas). For a definition and map of Parking Areas, refer to DCP Section 2.10 Parking.
- NB** Refer to Section 2.16.3 for energy efficient guidelines.
- NB** Open space requirements for boarding houses are detailed in Section 2.18.11.4A
- NB** Where a boarding house is on the site of a heritage item or within a heritage conservation area applicants will also need to comply with Part 8 of the DCP for relevant heritage planning controls.
- NB** Where a boarding house is within an identified precinct applicants will need to comply with Part 9 of the DCP for relevant precinct controls.

Controls

Character and amenity of the local area

- C1** The design of the proposed boarding house is to be compatible with the character of the local area, and ensure there are no negative impacts on the amenity of the local area. The Planning Context identifies what matters will be considered in the assessment of a boarding house, in addition to the following, to achieve compatibility with the character of the local area and minimise negative impact on amenity.

Boarding house capacity

- C2** Resident numbers will be calculated on the minimum room size. A room that is at least 12m² and no more than 16m² will be considered as a one-person room. Any room that is over 16m² will be considered as a two-person room.

Location

- NB** There is limitation on the use of the ground level of a building in the business centres for the purpose of a boarding house – refer to clause 6.15 and 5.4.10 of MLEP 2011.
- NB** An audit of the site and its surrounds outlining the services available to the site is required to be submitted with the development application. The audit must demonstrate the accessibility of the services identified, including an analysis of matters such as the physical condition of footpaths on access paths, access ramps into shops and other premises, and level of service at bus stops.

Management

- C3** An on-site manager is required for any boarding house with 20 to 39 residents at capacity.
- C4** Two on-site managers are required for any boarding house with 40 to 79 residents at capacity.
- C5** For boarding houses with capacity for more than 80 residents the number of on-site managers required will be at the rate of one for every 40 residents, at capacity.
- C6** A manager's residence with minimum area of 16m² is to be provided for each required on-site manager, and each manager's residence is to have an adjacent area of open space that is at least 8m² with a minimum dimension of 2.5m.
- C7** If more than one manager is required the manager's residences and offices are to be located in different parts of the boarding house, so that there is an even distribution of managers throughout the boarding house.

Boarding rooms

- O6 Boarding house rooms are adequate in size, configuration and facilities provided to accommodate residents' needs and provide a reasonable level of privacy and comfort.
- C8 Adequate bathroom and kitchen facilities are to be provided for the all lodgers.

Table 1: Minimum requirements for boarding house rooms and facilities

Room type and facility	Minimum Requirement
C7 Minimum area 1 person room	12m ²
C8 Minimum area 2 person room	16m ²
C9 Maximum room size	25m ²
C10 Calculation of room size	All room sizes exclude kitchenette, bathroom and corridors The area of the kitchenette includes a 1m strip adjacent to, and for the length of, the kitchen bench in the calculation NB corridors are not useable space and are not included in the room size calculation
C11 Minimum room ceiling height	2700mm
C12 Occupation of share rooms – per room	Maximum of two adults
C13 – Fit out room only <i>NB Fully dimensioned indicative room layouts are to be provided with the development application</i>	Rooms must be able to accommodate: • Bed/s for the potential number of occupants, • Enclosed and open storage for clothes, linen and personal items, • At least one easy chair and a desk with chair, • Plus safe and convenient circulation space. Tailor the amount of storage and the number of chairs to suit the potential number of occupants
C14 – Area of self contained facilities	Maximum of 5m ² for a kitchenette A kitchenette is not to be located along the wall of a corridor Minimum 3m ² and maximum 4m ² for en-suite bathroom NB Kitchenette contains a sink, area for cooking, such as a hotplate or microwave, and preparation space NB Maximum areas may be relaxed in accessible rooms to allow for required circulation space
C15 – Energy efficiency & internal climate	All habitable rooms are to have access to natural ventilation through an external window Natural light is to be available from an external window or from a light well – not from a skylight Light and air from an internal courtyard is acceptable if the courtyard is an adequate size Refer to Section 2.16 for energy requirements
C16 –Private open space <i>NB private open space is not a requirement but may be provided in a courtyard or balcony that adjoins a room</i>	Maximum area 6m ² Minimum dimension 2m

Communal rooms and facilities

- O7 Communal areas are designed to facilitate effective communal living and social cohesion.
- O8 Boarding house residents have access to a variety of spaces that provide relief from the confined space of their room.
- C17 A boarding house with five or more residents at capacity is to have at least one communal room that is either a kitchen/dining area or a communal lounge and is a minimum 12m².
- C18 The communal room is available to residents 24 hours a day every day.
- C19 The communal room accommodates at least 50% of residents at capacity (as a guide 2m² per resident).

- C20 At least one communal room in the boarding house will receive at least 3 hours of sunlight between the hours of 9 am and 3 pm mid-winter.
- C21 Provide a smaller, more intimate communal room on each floor in a multi-storey boarding house that has a capacity of more than 5 residents and multiple floors.
- C22 Communal facilities, such as laundry, kitchen and bathroom may be provided in a boarding house.
- C23 Communal rooms are purpose designed and not just left over space or in corridors.
- NB** *Fully dimensioned indicative communal room layouts are to be provided with the development application and demonstrate adequate circulation space around the furnishings and fittings that will potentially be provided in the room*

Communal Laundry

- C24 If a communal laundry is provided it must be located adjacent to, and have direct access to, a drying area.
- NB** *Refer to Section 2.16 for energy efficient appliance requirements.*

Communal open space

- C25 Provide a minimum area of 20m² open space on site for the use of lodgers.
- C26 Communal open space is not to be located in a required front setback.
- C27 In residential zones the entire front setback is to be kept as pervious landscape, with the exception of driveways and pathways.
- C28 Communal open space is to have a minimum dimension of 3m.
- C29 Design communal open space so that it can accommodate outdoor furniture such as chairs, tables and shade structures.
- C30 Communal open space may include drying area and smoking area. However, adequate space and separation between different activities is to be provided, so that the use of the open space does not impinge on the effective use and enjoyment of the open space for recreation (for instance the open space should not be dominated by clotheslines, and non-smokers should be able to enjoy a smoke-free outdoor area).
- NB** *Fully dimensioned indicative outdoor furniture layouts are to be provided with the development application*
- C31 Locate communal open space adjacent to, and connected to, the communal living area and/or kitchen/dining area.
- C32 Design communal open space to take advantage of the orientation of the site (including required solar access, outlook and any natural features of the site).
- C34 Locate and landscape communal open space to ensure privacy of residents of the boarding house and residents of adjoining properties is protected.
- C35 At least one area of communal open space has a minimum 3 hours direct sunlight between the hours of 9am and 3pm midwinter.

7.1: Child Care Centres

7.1.1 Objectives

- 01 To accommodate the demand for children's education and care in Marrickville, particularly where there is a geographical or aged related undersupply.
- 02 A range of children's services that are safe, provide good quality education and care, and accommodate children with special needs and those from culturally and linguistically diverse communities.
- 03 Child care centres are compatible with the context, particularly the residential context, in terms of built form, building design and the amount of landscaped area provided.
- 04 Enhance the amenity of neighbours and avoid detrimental impact from the operation of children's centres.
- 05 Child care centres have adequate, convenient and safe parking.

7.1.2 Application

Under MLEP child care centres are permitted with consent in the following zones: R1 General Residential; R2 Low Density Residential; R3 Medium Density Residential; R4 High Density Residential; B1 Neighbourhood Centre; B2 Local Centre; B4 Mixed Use Centre; B5 Business Development; B7 Business Park; IN2 Light Industrial; RE2 Private Recreation.

For the purpose of the MDCP, child care centres provide education and care (whether on an occasional or long day care basis) for 0 - 6 year old children not attending a school.

This section does not apply to family day care or a home based children's care (in a home that provides care for fewer than five children), or to a regular child minding service provided in connection with a recreational or commercial facility (such as a gymnasium).

National Quality Framework

From 1 January 2012 most education and care services for children (called children's services) are regulated under the National Quality Framework. The framework provides guidelines and performance standards for the quality of education and care in children's centres, and the standards of space and design that need to be complied with under the *Education and Care Services National Law 2011 and Regulation 2011*. The MDCP controls are in addition to the National Quality Framework and indicate how a children's centre should fit in with the context and surrounding land uses.

Compliance with licensing requirements

Before submitting a development application applicants are required to refer to the National Quality Framework to determine the requirements for licensing, so that these can be incorporated into the design of the children's centre. Applicants are required to lodge a statement with the development application that the proposal will comply with the *Education and Care Services National Law 2011 and Regulation 2011*, and the National Quality Standard.

7.1.3 Planning context

Council's strategic direction is to achieve child care centres that support the desirable physical and social characteristics of the Marrickville LGA by:

- 1. Conserving the physical character where relatively intact and of good quality;
- 2. Maintaining the traditionally diverse population and housing mix; and

3. Ensuring new development is in context with surrounding development and has minimum adverse impact on environmental quality or residential amenity.
- NB** Refer to Section 2.1 (Urban Design) for principles of urban design and other guidelines).
- NB** Development applications for child care centres in the R2 Low Density Residential Zone will be assessed in accordance with section 4.1.4 to 4.1.9 of the DCP in addition to Section 7.1.
- NB** Development applications for children's centres in the R1, R3, R4 and RE2 Zones will be assessed in accordance with section 4.2.4 to 4.2.10 in addition to Section 7.1.
- NB** Development applications for children's centres in the B1 Neighbourhood Centre Zone; B2 Local Centre Zone; B4 Mixed Use Centre Zone; B5 Business Development Zone; B7 Business Park will be assessed in accordance with Section 5 in addition to Section 7.1.
- NB** Development applications for children's centres in the IN2 Zone will be assessed in accordance with Section 6 in addition to Section 7.1.
- NB** Minimum access requirements for children's centres are detailed in Section 2.5.10.
- NB** Acoustic and visual privacy requirements for children's centres are detailed in Section 2.6
- NB** Car parking requirements for children's centres are detailed in Section 2.10.
- NB** Where a children's centre is on the site of a heritage item or within a heritage conservation area applicants will also need to comply with Part 8 of the DCP for relevant heritage planning controls.
- NB** Where a children's centre is within an identified precinct applicants will need to comply with Part 9 of the DCP for relevant precinct controls.

Controls

Minimum requirements

- C1 Children's centres in two storey, or more, buildings must have at least one lift access to all floors, including to any basement parking.
- C2 Locate any lift adjacent to the entry (or main entry if more than one) and adjacent to drop off area and parking that parents will use.

Access for children and their parents

- C3 Locate the main entry and sign on area as close as is possible to the drop off area or parking that parents will use

Residential zones

- C4 The premises should remain residential in external appearance and finishes and be consistent with the nearby residential streetscape and landscape
- C5 Children's centres in a residential zone will be assessed for impact on residential amenity
- C6 Children's centres in a residential zone will only be acceptable where adverse impacts on the amenity of residents in the neighbourhood can be avoided or minimised to an acceptable level.
- C7 Potential impacts to be considered include, but are not limited to, traffic generation and parking demand, loss of privacy or solar access, and noise.

Safety and wellbeing

- C8 Do not locate a child care centre on state road
- C9 Lodge supporting documentation (prepared by a suitably qualified person) with the application to demonstrate there will not be negative impact on the health and wellbeing of children and staff of the child care centre in relation to:
 - Air quality
 - Soil quality
 - Lead and other metals
 - Dust, fumes and chemicals
 - Traffic
 - Nearby land uses (such as industrial, telecommunications, sex services premises).

Aircraft noise

- C10 Do not locate a child care centre within 25 ANEF or greater.
- C11 Where appropriate provide noise attenuation in accordance with the Association of Australian Acoustical Consultants document *Guideline for Child Care Centre Acoustic Assessment* (September 2010). The following maximum noise levels are appropriate:

Road, Rail Traffic and Industry

- The noise level $L_{eq,1\text{ hr}}$ from road, rail traffic or industry at any location within the outdoor play or activity area during the hours when the centre is operating shall not exceed 55 dB(A),
- The noise level $L_{eq,1\text{ hr}}$ from road, rail traffic or industry at any location within the indoor play or sleeping areas of the Centre during the hours when the centre is operating shall not exceed 40dB(A),

Aircraft

- The $L_{max,slow}$ noise level from aircraft at any location within the indoor play or sleeping areas of the centre during the hours when the centre is operating shall not exceed 50 dB(A) in accordance with AS2021.

Clustering

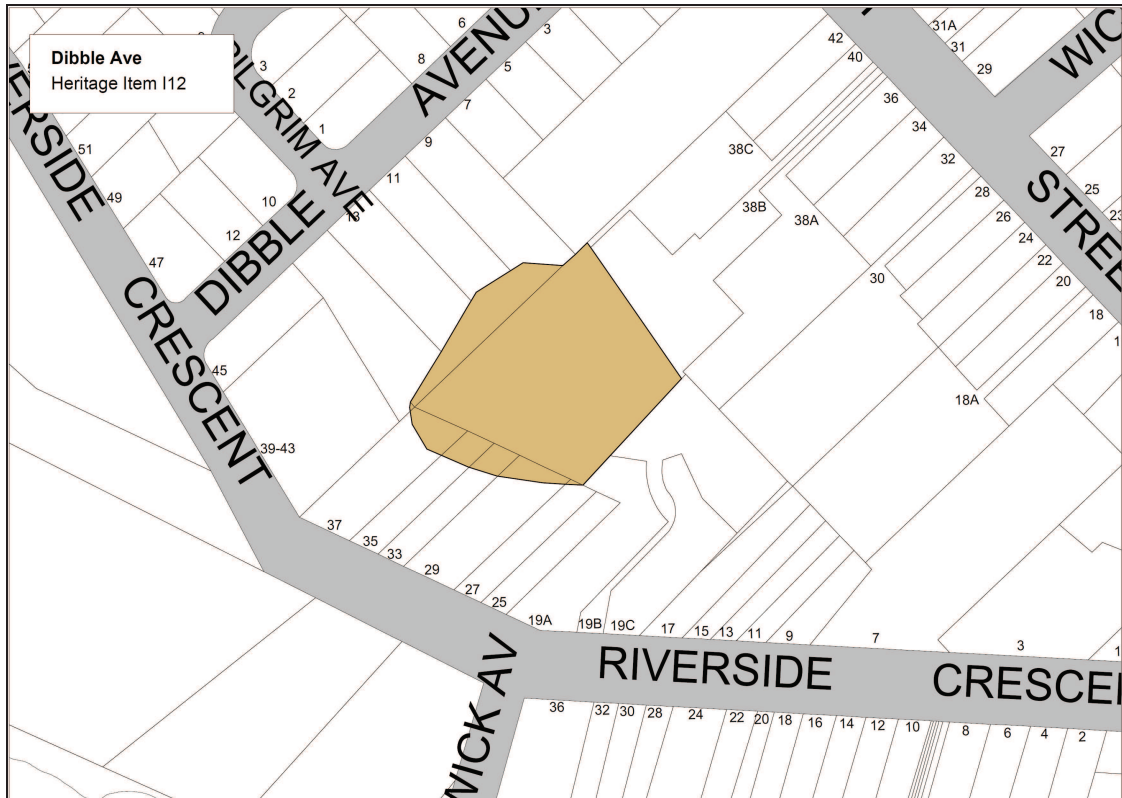
- C12 If within 200m of another children's centre demonstrate:
- The concentration will not have an adverse impact with respect to noise, loss of privacy, traffic generation and on street parking, and
 - The need for additional children's places in the location, supported by demographic and statistical analysis.

Open space

- C13 Take advantage of existing site conditions, identifying both desirable and undesirable elements, and emphasise the natural or garden environment.
- C14 Ensure that the external areas are free from lead contamination.
- C15 Do not locate between the front alignment of the building and the street, or in a side set back.

Visual and acoustic privacy

- C16 Lodge an acoustic report (prepared by a suitably qualified acoustic consultant) with the application that demonstrates:
- That noise from any source will not adversely impact on the occupants of the child care centre, and
 - That noise generated by the child care centre will not impact on occupiers of nearby premises or land.
- C17 Incorporate measures to minimise noise impacts on neighbouring properties, such as:
- Orientating the facility with regard to neighbouring property layout, including locating playgrounds and playroom windows and doorways away from neighbouring bedrooms
 - Using double-glazing where necessary
 - Fencing that minimises noise transmission and loss of privacy (such as lapped and capped timber fencing, cement block, brick).
- C18 Do not increase building bulk or detrimentally affect building appearance through use of privacy screens or other impact reduction measures.



Proposed mapped boundary of Dibble Avenue Waterhole, Marrickville