PLANNING PROPOSAL TO AMEND
MARRICKVILLE LOCAL ENVIRONMENTAL PLAN (MLEP) 2011
(MLEP 2011 AMENDMENT NO. 2)

OCTOBER 2013

Introduction

This planning proposal seeks Gateway approval of the second round of MLEP 2011 amendments, known as MLEP 2011 Amendment No. 2. In 2012, Council considered the first round of MLEP 2011 amendments (Amendment No.1), and a final version of draft Amendment No.1 is awaiting approval and gazettal.

As was the case for Amendment 1, this second round of amendments addresses anomalies, improves communication and responds to a variety of submissions related to zoning, Height of Building (HoB) and Floor Space Ratio (FSR) controls on individual sites. Most of the submissions have been made by Council's Development Assessment staff, with others made by staff from other parts of Council and from landowners seeking altered zoning and/or development controls.

All amendments within this planning proposal were described and assessed within an officers' report to Council's 16 April 2013 meeting. At that meeting, Council resolved to adopt all of the report's recommendations, with the addition of a further resolution in relation to two sites. Item numbers below are as they appeared in the Council report and associated resolution, at **ATTACHMENTS Q & R**. In conjunction with the MLEP 2011 matters, Council also considered a number of MDCP 2011 amendment matters within the same report at its 16 April 2013 meeting. As was the case for Amendment 1, Amendment 2 DCP matters are being considered concurrently with LEP matters, although the latter do not require Ministerial approval.

MLEP 2011 Amendment 2 mapping amendments are shown as attachments to this planning proposal. Amendment 2 mapping changes are shown on the originally gazetted version of MLEP 2011. Following gazettal of Amendment 1, all maps created for this planning proposal will be updated to ensure the most current versions of MLEP 2011 maps are used.

List of abbreviations

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
Council - Marrickville Council
LGA - Local Government Area
MUS - Marrickville Urban Strategy
dSSS - Draft South Subregional Strategy
FSR – Floor Space Ratio
HoB - Height of Building
GFA – Gross Floor Area

HCA - Heritage Conservation Area
SEPP – State Environmental Planning Policy
s. – Section
cl. - Clause
m – metres
sqm – square metres

PART 1: OBJECTIVES OR INTENDED OUTCOMES

To make a number of amendments to Marrickville Local Environmental Plan (MLEP) 2011 addressing anomalies, communication and responding to submissions related to various matters including zoning, zone objectives, HoB controls and FSRs on individual sites.

PART 2: EXPLANATION OF PROVISIONS

1. Site Specific Amendments

i. Items L-Sch1-1 & L-Sch1-2 - Amendment to Marrickville LEP 2011 Schedule 1 *Additional permitted uses* to permit:

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

b. Car parking and loading on 6 Livingstone Road, Petersham, associated with a residential flat building or other permissible uses on 5-11 Chester Street, Petersham.

c. Car parking and loading on 5-11 Chester Street, Petersham, associated with a shoptop housing or other permissible uses on 6 Livingstone Road, Petersham, as shown below

22 Use of certain land at 5-11 Chester Street, Petersham, & 6 Livingstone Road, Petersham

(1) This clause applies to land at 5-11 Chester Street, Petersham (being Lots A and B, DP 438174, Lots 1, 2 and 3, DP 598422, Lot A, DP 110183 and Lot 3, DP 1091310 in Zone R4 High Density Residential) and 6 Livingstone Road, Petersham (being Lot 11, DP 1145054 in Zone B2 Local Centre).

(2) Development for the purpose of a car park is permitted with consent on all or part of 5-11 Chester Street, Petersham.

(3) Any development on 6 Livingstone Road, Petersham that is:

(a) proposed to be associated with and carried out in conjunction with a permissible development being carried out or proposed to be carried out on all or part of 5-11 Chester Street, Petersham; and

(b) otherwise permissible within the R4 zone is permissible with consent.

(4) Development on all or part of 5-11 Chester Street, Petersham that is:

(a) proposed to be associated with and carried out in conjunction with a permissible development being carried out or proposed to be carried out on 6 Livingstone Road, Petersham; and

(b) otherwise permissible within the B2 zone

is permissible with consent.

(5) Nothing in this clause is intended to limit the operation of clause 2.3.

ii. Item L-Sch1-3 - Amendment to Marrickville LEP 2011 Schedule 1 *Additional permitted uses* to allow boarding houses as a permissible use in the B6 Enterprise Corridor zone from 776 to 798 Parramatta Road, Lewisham, as shown below:

23 Use of certain land at 776-798 Parramatta Road, Lewisham

(1) This clause applies to land at 776-798 Parramatta Road, Lewisham, being Lots 16 and 17, DP 2357, Pt Lot 1, DP 1010446, Lot 1, DP 658435, Lot 1, DP 983757 and Lot 1, DP 74199 in Zone B6 Enterprise Corridor.

(2) Development for the purposes of a boarding house is permitted with consent.

iii. Item L-LZN-2 - Amendment to Marrickville LEP 2011 Land Zoning Map Sheet LZN_001 in accordance with the proposed zoning map shown in **ATTACHMENT A**, which amends the zoning for 2 Hunter Street & 19, 21, 23 & 25 Railway Terrace, Lewisham, from B1 Neighbourhood Centre to R4 High Density Residential.

iv. Item L-Sch5-4 - Amendment to Marrickville LEP 2011 Heritage Map Sheet HER_002 to extend the mapped area of the Dibble Avenue Waterhole heritage item to the rear of properties at 27, 29, 33, 35 & 37 Riverside Crescent, Marrickville, and a 10 metre buffer be added around the entire mapped area, as shown in **ATTACHMENT B**.

v. Item L-LZN-7 - Amendment to Marrickville LEP 2011 Land Zoning Map in accordance with the proposed zoning map shown in **ATTACHMENT C**, which amends the zoning for 5, 29, 31-41 & 43 Bridge Road, Stanmore, from IN2 Light Industrial to B5 Business Development, subject to a study being prepared by the submitter and placed on public exhibition with this LEP amendment that assesses built form, traffic and other key impacts associated with the proposed zoning change. Should this study not be exhibited with this LEP amendment, this proposal is to be considered in a subsequent round of MLEP 2011 amendments. This study is at **ATTACHMENT S**.

vi. Item L-LZN-7 - Amendment to Marrickville LEP 2011 Floor Space Ratio Map in accordance with the proposed floor space ratio map shown in **ATTACHMENT D**, which amends the floor space ratio for 5, 29, 31-41 & 43 Bridge Road, Stanmore from 0.95:1 to 2:1, subject to a study being prepared by the submitter and placed on public exhibition with this LEP amendment that assesses built form, traffic and other key impacts associated with the proposed zoning change. Should this study not be exhibited with this LEP amendment, this proposal is to be considered in a subsequent round of MLEP 2011 amendments. The study is at **ATTACHMENT S**.

[N.B: Council's resolution from 16 April 2013 was to amend the FSR of these sites from 0.85:1 to 2:1, which relates to an earlier version of MLEP 2011. The final version of MLEP 2011 set a FSR of 0.95:1 for these sites and is shown on the Land Zoning Map, and has been used within this planning proposal.]

vii. Item L-HOB-1 - Amendment to Marrickville LEP 2011 Height of Building Map Sheet HOB_004 to reduce the height of building for the B7 Business Park zoned section of 19 Hutchinson Street, St Peters, from Code 'P' (17.0 metres) to Code 'N' (14.0 metres) as shown in **ATTACHMENT E**.

viii. Item L-LRA-2 - Amendment to Marrickville LEP 2011 Land Reservation Acquisition Map Sheet LRA_003 to remove 'local road' reservation affecting properties at 74A Audley Street, 96-102 New Canterbury Road and 5-9 Chester Street, Petersham, as shown in **ATTACHMENT F**.

ix. Item D-9.25-3 - Amendment to Marrickville LEP 2011 Land Zoning Map Sheet LZN_004 to rezone 58 Hutchinson Street, St Peters, from R1 General Residential to B7 Business Park, as shown in **ATTACHMENT G**.

x. Item D-9.25-3 - Amendment to Marrickville LEP 2011 Land Zoning Map Sheet LZN_004 to rezone 74-78 Applebee Street and the rear of 91 Princes Highway, St Peters, from B6 Enterprise Corridor to B7 Business Park as shown in **ATTACHMENT H**.

xi. Item D-9.25-3 - Amendment to Marrickville LEP 2011 Key Sites Map Sheet KYS_004 as shown in **ATTACHMENT I**.

2. Operational Matters

i. Item L-Sch5-4 - Amendment to Marrickville LEP 2011 Heritage Map Sheet HER_002 to amend the current label of I112 to I12 as shown in **ATTACHMENT J**.

ii. Item L-Sch5-4 - Amendment to Marrickville LEP 2011 Schedule 5 *Environmental Heritage* to relocate I12 Dibble Avenue Waterhole from the suburb of 'Dulwich Hill' to 'Marrickville'.

iii. Item L-LZN-4 - Amendment to Marrickville LEP 2011 Land Zoning Map and Land Reservation Acquisition Map to correct anomalies identified as shown in **ATTACHMENT K**.

3. Policy Issues

i. Item L-2-1 - Amendment of Marrickville LEP 2011 to the third and fourth objectives, and the inclusion of a fifth objective, to the *R2 Low Density Residential zone* objectives as shown below:

Zone R2 Low Density Residential

1. Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for ~~office premises,~~ 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 ~~and retail premises in~~ but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.
- To provide for retail premises in existing buildings designed and constructed for commercial purposes.

ii. Item L-2-2 - Amendment to Marrickville LEP 2011 to the fourth and fifth objectives, and the inclusion of a sixth objective, to the *R3 Medium Density Residential zone* objectives as shown below:

Zone R3 Medium Density Residential

1. Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for ~~office premises and~~ residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings.
- To provide for office premises ~~and retail premises in~~ but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.
- To provide for retail premises in existing buildings designed and constructed for commercial purposes.

iii. Item L-2-3 - Amendment to Marrickville LEP 2011 to the fourth and fifth objectives of the *R4 High Density Residential zone* objectives as shown below:

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- 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.
- To provide for ~~office premises and~~ retail premises in existing buildings designed and constructed for commercial purposes.
- To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.

iv. Item L-5-1 - Amendment to Marrickville LEP 2011 to delete Clause 5.6 *Architectural Roof Features* from Part 5 *Miscellaneous provisions* as it is considered superfluous.

v. Item L-5-2 - Amendment to Marrickville LEP 2011 to insert new subclause 5.4(10) *Boarding houses* to Clause 5.4 *Controls relating to miscellaneous permissible uses* to Part 5 *Miscellaneous provisions* as shown below:

(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 Low Density Residential zone,

(b) 19 lodgers if the boarding house is within the R1 General Residential zone or R3 Medium Density Residential zone.

(2) *A boarding house with a capacity of more than 20 residents must be located:*

(a) *Within 400 metres of an accessible train station and 200 metres of a bus with a regular accessible bus route – walking distance measured along the most direct route, or*

(b) *Within 400 metres 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 Neighbourhood Centre, B2 Local Centre or B4 Mixed Use zone must not exceed 20% of the floor area of the ground floor of the building.*

vi. Item L-6-1 - Amendment to Marrickville LEP 2011 *Clause 6.13 Dwellings and residential flat buildings in Zone B7 Business Park* to Part 6 *Additional local provisions* as shown below:

6.13 Dwellings and residential flat buildings in Zone B7 Business Park

(1) The objective of this clause is to provide for limited residential development for small scale live-work enterprises, to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones.

(2) This clause applies to land in Zone B7 Business Park.

(3) Development consent must not be granted to development for the purpose of a dwelling or a residential flat building on land to which this clause applies unless the consent authority is satisfied that the development is part of a mixed use development that includes business premises or office premises or light industry on the ground floor.

vii. Item L-6-2 - Amendment to Marrickville LEP 2011 to inset a new Clause 6.15 *Location of boarding houses in business zone* to Part 6 *Additional local provisions* as shown below:

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.

viii. Item L-6-3 - Amendment to Marrickville LEP 2011 Clause 6.10 *Use of existing non-residential buildings in residential zones* in Part 6 *Additional local provisions* as shown below:

6.10Use of existing non-residential buildings in residential zones

(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 ~~provide for~~ the reuse of an existing building~~s~~ that was designed and constructed as a shop.~~for non-residential purposes.~~

(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 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 facade of the building.

ix. Item L-6-4 - Amendment to Marrickville LEP 2011 Clause 6.5 (3) *Development in areas subject to aircraft noise* in Part 6 *Additional local provisions* as shown below. 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.

6.5 Development in areas subject to aircraft noise

(3) Before determining a development application for development to which this clause applies, the consent authority:

(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and

(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and

(c) must ~~be satisfied the development will meet the~~ consider indoor sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.

x. Item L-6-5 - Amendment to Marrickville LEP 2011 to the objective of Clause 6.13 (1) *Dwelling and residential flat buildings in Zone B7 Business Park* in Part 6 *Additional local provisions* as shown below:

6.13Dwellings and residential flat buildings in Zone B7 Business Park

(1) The objective of this clause is to provide for ~~limited residential development for~~ small scale live-work enterprises, to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones.

(2) This clause applies to land in Zone B7 Business Park.

(3) Development consent must not be granted to development for the purpose of a dwelling or a residential flat building on land to which this clause applies unless the consent authority is satisfied that the development is part of a mixed use development that includes business premises or office premises or light industry on the ground floor and that no residential accommodation is include at street level.

xi. Item L-6-6 - Amendment to Marrickville LEP 2011 Clause 6.11 *Dwelling houses in business and industrial areas* in Part 6 *Additional local provisions* (Council had also resolved that should the proposed amendments to MLEP 2011 Clause 6.11 not be supported, the DP&I consider which two options to allow dwelling houses as a permissible use at 62-68 Fitzroy St, Marrickville and 53A-57 Smith St, Marrickville. Details are in the report and resolution at **ATTACHMENTS Q & R**. The request for this amendment is no longer necessary, as Clause 6.11 has now been amended to Council's satisfaction as part of the finalisation of MLEP 2011 Amendment 1.

xii. Item L-Sch5-2 - Amendment to Marrickville LEP 2011 Schedule 5 *Environmental Heritage*, *Part 1 Heritage Items* to include Hoskins Park, Dulwich Hill, as a heritage item of Local significance.

xiii. Item L-Sch5-2 - Amendment to Marrickville LEP 2011 Heritage Map to show Hoskins Park, Dulwich Hill, as a heritage item as shown in **ATTACHMENT L**.

xiv. Item L-Sch5-2 - Amendment to Marrickville LEP 2011 Schedule 5 *Environmental Heritage* to include a new heritage conservation area to be known as 'Hoskins Park & Environs (Dulwich Hill) Heritage Conservation Area of Local significance.

xv. Item L-Sch5-2 - Amendment to Marrickville LEP 2011 Heritage Map to show the Hoskins Park & Environs (Dulwich Hill) Heritage Conservation Area to be labelled "C36" as shown in **ATTACHMENT M**.

xvi Item L-FLO-1 - Amendment to Marrickville LEP 2011 Flood Planning Map as shown in **ATTACHMENT N**. Current flood maps are at **ATTACHMENT O**.

Two potential mapping amendments are provided and the DP&I's advice concerning the preferred approach to the Flood Planning Map is sought. A summary of the two possible approaches is provided in **ATTACHMENT P**.

In summary, approach 1 relies on the 100 year ARI + 0.5m freeboard extent for mainstream flooding and the 100 year ARI plus an LGA wide 0.3m minimum floor level above ground for 'tagged' properties for overland flooding. Approach 2 involves the same approach to mainstream flooding with the addition of the PMF to determine the flood planning area. Both approaches adopt a sea level rise scenario of 0.4m, as resolved by Council.

The implications of the two approaches are summarised in **ATTACHMENT P**. It is noted that the second approach would be more consistent with the current MLEP 2011 provisions whereas approach one would be more consistent with the Flood Plain Development Manual 2005 by eliminating the PMF for mainstream flooding. It is

considered that the overland flooding solution outlined in approach 1 is appropriate in both cases and is consistent with that used in the current MLEP 2011 Flood Maps.

Accordingly, given that the DP&I determined the current clause 6.3 as part of MLEP 2011 (i.e. it supported the use of the PMF) its advice is sought concerning the preferred approach with regard to the identification of mainstream flooding for the Cooks River.

PART 3: JUSTIFICATION

Section A – Need for the planning proposal

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

The need for this planning proposal has arisen to address a variety of issues, most of which have become apparent since the commencement of MLEP 2011. It deals largely with operational and other policy matters, as well as some site specific matters, and aims to ensure the efficient functioning of MLEP 2011. Many of these issues were matters initially identified through Amendment 1 to MLEP 2011, but deferred for further consideration. As was the case with Amendment 1 to MLEP 2011, these amendments are intended to address anomalies, improve communication and respond to submissions on site specific matters.

MLEP 2011 has been developed to be consistent with overriding strategic studies, including the Metropolitan Strategy, draft South Subregional Strategy (dSSS) and Marrickville Urban Strategy (MUS); in addition to supporting studies commissioned by Council to inform the Plan. This planning proposal is considered to be consistent with these studies, and with the objectives of MLEP 2011 itself, as it will improve the overall operation of the Plan.

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

The planning proposal is considered the best way of achieving the objectives. The objective and intended outcome of the planning proposal is to improve the overall operation of MLEP 2011 and to make some site specific and policy amendments to the LEP. Further, amending MLEP 2011 is the necessary means to achieve the intended outcomes of the planning proposal.

3. Is there a net community benefit?

The net community benefits from the planning proposal can be assessed as follows:

- Improved performance of MLEP 2011: The majority of the proposed amendments to MLEP 2011 within this planning proposal aim to improve the operation of the Plan. This will assist in the community's understanding and use of MLEP 2011. Many of the issues addressed through this amendment to MLEP 2011 have arisen through the assessment of development applications. Issues have arisen with the interpretation of several clauses of MLEP 2011 and Amendment 2 seeks to address these matters. This includes a number of amendments to zone objectives to more clearly articulate the permissibly of certain uses, and the removal of a superfluous clause.

- Greater heritage protection: This planning proposal adds a heritage conservation area and heritage item to MLEP 2011. The proposed item and conservation area have been assessed as being of heritage value, and their addition is supported by the local

community. The amendment also alters the mapping boundary for an existing heritage item to afford it additional protection.

- Aircraft Noise Attenuation: This planning proposal includes an amendment to give Council discretion in requesting noise attenuation and noise reports for certain development applications. Under the previous Marrickville LEP, Council had discretion in deciding when attenuation was required. The current wording of clause 6.5 of MLEP 2011 does not allow Council discretion in requiring this work to be undertaken. As a consequence, all dwelling renovations and/or extensions require this work to be undertaken, regardless of their scope of works. This is considered to be unduly expensive and onerous for smaller alterations and additions to existing dwelling houses. This amendment is intended to assist the community by reducing the cost of undertaking minor building works. Council will retain the ability to request these works to be undertaken should attenuation be found to be necessary.

- Flooding Maps: Council recently completed the Eastern Channel East and Marrickville Valley Flood Studies. It also recently completed the Cooks River Floodplain Risk Management Plan, based on the 2009 Sydney Water Cooks River Flood Study. It is appropriate that MLEP 2011 Flood Planning Map be updated to reflect this new information. The DP&I's advice is sought as the to the preferred method of integrating this new information. It is intended that this will assist the community in understanding the implications of flooding in parts of the LGA through updated data.

- Correcting errors and/or anomalies: The ongoing operation of MLEP 2011 has led to the identification of a number of errors/and or anomalies. Amendment 2 to MLEP 2011 seeks to rectify these errors; which include:
  - inconsistencies between MLEP 2011 Land Reservation Acquisition Map and the Land Zoning Map;
  - relocation of an existing heritage item to the correct suburb; and
  - removal of certain land from MLEP 2011 Land Reservation Acquisition Map as it is already owned by Council and should therefore not be shown on this map.

- Size and location limits on boarding houses: Amendment 2 to MLEP 2011 makes two changes relating to boarding houses. These are as follows:
  - Size restrictions on boarding houses in residential zones. This issue has arisen as the SEPP (Affordable Rental Housing) 2009 does not place size limitations on boarding houses. As a consequence, boarding houses in low density residential zones containing 20 or more residents may be located next to a residential dwelling house, leading to potential amenity impacts. Amendment 2 aims to ensure that larger boarding houses are limited to accessible locations, and the residential amenity of low density areas is protected.
  - Location of boarding houses in business zones. Unlike other land uses, there currently is no restriction on boarding houses with rooms located on the ground floor in Business zones in MLEP 2011. Provisions are included in the SEPP (Affordable Rental Housing) 2009 prohibiting residential uses on the ground floor of boarding houses fronting a street. However, the SEPP provisions do not apply to boarding houses in Business zones as they are permissible within MLEP 2011. Therefore, a provision is proposed to be included in Part 6 of MLEP 2011 to restrict any part of the boarding house being located at street level.

- Site-specific land use amendments:

- Eastern side of Bridge Road, Stanmore: This amendment requires the submission of a report from the proponent (34-41 Bridge Road, Stanmore) who initially sought a site specific rezoning. The report is to be exhibited concurrently with Amendment 2. The report will need to address issues associated with the proposed change in zoning (IN2 Light Industrial to B5 Business Development) and FSR (0.85:1 to 2:1), such as traffic and built form implications. It is considered that, dependent upon the conclusions of the report, that this proposal has merit, and for this reason has been included as part of Amendment 2. This report is attached to this planning proposal.

- 5-11 Chester Street & 6 Livingstone Road, Petersham: This site currently operates as a public car park and is zoned R4 High Density Residential. The Marrickville DCP 2011 shows this site as part of a development masterplan area potentially with an expanded car park. To make this permissible a Schedule 1 amendment is required to make an expanded car park permissible as part of a development at 5-11 Chester Street, Petersham, potentially in combination with 6 Livingstone Road, Petersham. This amendment will allow for the vision of the masterplan for this area to be realised.

- 776-798 Parramatta Road, Lewisham: This amendment responds to a submission requesting that affordable housing (boarding houses) be permissible on these sites. It is considered appropriate to allow this use on these sites via a Schedule 1 amendment, whilst retaining the existing FSR and HoB controls. This amendment will provide additional opportunity for affordable housing within the Marrickville LGA, to a limited size, within an accessible location. It will also encourage the adaptive re-use of existing buildings for appropriate residential uses.

- 2 Hunter Street & 19-25 Railway Terrace, Lewisham: These sites are currently zoned B1 Neighbourhood Centre within MLEP 2011. However, these sites also form part of a masterplan area within the Marrickville DCP 2011, which intends these properties to become residential flat buildings only. It is considered necessary to amend the zoning of these properties to R4 High Density Residential to be consistent with the masterplan within the MDCP 2011.

- 19 Hutchinson Street, St Peters: The recently commenced amendment to sections 74BA and 74C of the EP&A Act 1979 has downgraded the importance of DCPs. This has implications for the HoB control for 19 Hutchinson Street, St Peters, which is a relatively large site with two street frontages. It is recommended that the height of building for the part of the site zoned B7 Business Park be lowered to 14 metres, consistent with other B7 Business Park zoned properties fronting this street. This will ensure that any future development on this site is appropriate for the area and site context.

- 58 Hutchinson Street, St Peters: This amendment responds to implications of DAs lodged with Council within the masterplanned area. As the sites adjoining 58 Hutchinson Street are to be developed together, this would leave 58 Hutchinson Street isolated. It is considered a better planning outcome to rezone this site to B7 Business Park to allow it to be developed along with the adjoining B7 zoned properties. This will avoid isolating this property and allow for it to form part of a larger development site.

- 74-78 Applebee Street & 91 Princes Highway, St Peters: This amendment responds to issues which have arisen from DAs lodged in response to a masterplan developed for this area and included in MDCP 2011. It is considered that these sites should be rezoned to B7 Business Park to better meet the desired outcomes of the masterplan.

- 62-68 Fitzroy Street & 53A-57 Smith Street, Marrickville: This site specific amendment is required should the proposed amendment to MLEP 2011 clause 6.11 not be accepted by the DP&I. This situation has arisen from issues caused by the

current wording of clause 6.11, which relates to the use of existing dwelling houses in business and industrial zones. The clause states that development consent must not be granted for the purposes of a dwelling house if the existing dwelling house will require substantial alteration. This has caused issues in the identified properties due to dilapidation and fire damage to dwelling houses. Due to the current wording of clause 6.11, these properties cannot be rebuilt as dwelling houses, which is not the intent of the clause. This amendment is required to allow these buildings to continue to be used as dwelling houses.

Section B – Relationship to strategic planning framework

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

The objectives and actions contained in the Metropolitan Strategy and the draft South Subregional Strategy (dSSS) were consistently utilised in both the preparation of the Marrickville Local Environmental Plan 2011, and all supporting studies that were undertaken by Council to assist in its development. These studies include the Marrickville Urban Strategy (MUS), the Marrickville Employment Lands Study (MELS) and the Marrickville Village Centres Urban Design Study.

The MUS in particular examines in detail the ability of the Marrickville LGA to accommodate additional residential densities, as envisaged by the Metropolitan Strategy and dSSS, in light of existing environmental and social constraints on the LGA. The MUS identified sites which may be suitable for additional residential densities to meet the targets within the dSSS, whilst accommodating the identified constraints. Marrickville LEP 2011 effectively identifies areas suitable for increased residential development, whilst preserving the heritage character of the area, and protecting key industrial lands for development pressures.

The following 'key directions', contained in the dSSS, specifically relate to this planning proposal:

- Key objective to 'protect scenic, heritage and environmental assets of the subregion' is reflected in the policy amendments relating to heritage matters. These amendments have been proposed to better define the subject heritage controls to ensure clarity in their interpretation and the protection of the items contained in Schedule 5 of MLEP 2011.
- In addition, other policy amendments contained in the planning proposal, such as the proposed modification of LEP clauses and zone objectives, will generally assist in achieving housing and employment targets by improving the clarity and operation of MLEP 2011.
- Correcting errors and anomalies within MLEP 2011 will ensure that MLEP 2011 remains a robust, relevant and effective planning instrument for the Marrickville LGA.

As described above, the objectives and actions contained in the Metropolitan Strategy and the dSSS were used to inform the planning controls contained in MLEP 2011. The amendments contained in this planning proposal are considered to be necessary for achieving the intended outcomes of MLEP 2011, and thus the planning proposal is consistent with the objectives of the abovementioned strategies. This planning proposal largely consists of operational matters which have become evident since MLEP 2011 came into operation, the majority of which were deferred matters from Amendment 1 to MLEP 2011. Making these amendments will assist the functionality of the LEP and assist it achieve its overall aims and objectives.

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

The *Marrickville Community Strategic Plan (Our Place, Our Vision)* was adopted in 2010 to define the long term aspirations and strategic directions for the community. This document, the result of an extensive community engagement process, establishes four 'key result areas' that summarise the objectives and strategies for the Marrickville community over the next decade. These are:

- a diverse community that is happy, healthy and fair;
- a robust economy with flourishing urban centres and a range of creative and other industries;
- a well planned, sustainable and accessible urban environment; and
- an innovative, effective and representative Council.

Consideration was given to the community strategic plan in the development of MLEP 2011, with the general aim of 'a well planned, sustainable and accessible urban environment' being incorporated into its planning controls and overall direction. The amendments contained within this planning proposal includes minor site-specific and policy matters that are considered to be necessary in achieving the intended outcome of MLEP 2011. As such, the planning proposal is consistent in achieving the vision of the community strategic plan through improvements to the operation of MLEP 2011, to better reflect community needs and expectations.

The planning proposal is considered to be consistent with the objective of a well planned, sustainable and accessible urban environment, as improved operation of the Plan will assist in planning the environment of the LGA. It is also considered that the planning proposal is consistent with the key result area relating to the operations of Council, as it aims to rectify existing deficiencies within MLEP 2011 to improve its overall performance, and the performance of Council in applying the Plan.

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

Below the planning proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs). Based on this assessment, Council has concluded that overall, the planning proposal is consistent with all applicable (or potentially applicable) SEPPs.

SEPP (Exempt and Complying Development Codes) 2008

Description of SEPP: This SEPP simplifies assessment processes for development that complies with specified development standards. It identifies types of minor development that may be carried out without development consent, or carried out in accordance with a complying development certificate.

Assessment: None of the matters in this planning proposal raise issues in relation to this SEPP, and Council has concluded that overall, the proposed amendments are consistent with this SEPP.

SEPP (Infrastructure) 2007

Description of SEPP: This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW. It is intended to provide greater flexibility in the

location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

Assessment: None of the matters in this planning proposal raise issues in relation to this SEPP, and Council has concluded that overall, the proposed amendments are consistent with this SEPP.

SEPP (Major Development) 2005

Description of SEPP: This SEPP defines certain developments as 'major projects' to be assessed under Part 3A of the EP&A Act and determined by the Minister for Planning. It also provides planning provisions for State significant sites.

Assessment: None of the resolutions within this planning proposal affects relate to sites that have been, or are likely to be, subject to developments defined as a 'major project'. Council has concluded that overall, the proposed amendments are consistent with this SEPP.

SEPP (Building Sustainability Index: BASIX) 2004

Description of SEPP: This SEPP operates in conjunction with EP&A Amendment (Building Sustainability Index: BASIX) Regulation 2004 to implement consistent building sustainability provisions across NSW.

Assessment: None of the resolutions within this planning proposal directly or indirectly affects BASIX or any provision that relates to building sustainability. Council has concluded that overall, the proposed amendments are consistent with this SEPP.

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

Description of SEPP: This SEPP encourages the development of quality accommodation for the ageing population and for people who have disabilities, in keeping with the local neighbourhood.

Assessment: None of the resolutions within this planning proposal directly or indirectly affects housing for seniors or for people with disability, nor does if affect any provision within this SEPP. Council has concluded that overall, the proposed amendments consistent with this SEPP.

SEPP 65 - Design Quality of Residential Flat Development 2002

Description of SEPP: This SEPP aims to improve the quality of design of residential flat development across the NSW through the application of design principles. It provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development and involvement of a qualified designer throughout the design, approval and construction stages.

Assessment: Two of the proposed amendments relate to zone objectives and uses permitted within a mixed use development that could include a residential flat building component (L-2-2 & L-2-3). One amendment (L-5-2) proposes to limit the size of boarding houses in zones that permit residential flat buildings. One amendment (L-6-1) proposes allowing light industry in B7 Business Park zones on the ground floor of a mixed-use development that could include a residential flat building component. None of these proposed amendments directly or indirectly affects residential flat building design provisions, nor would they alter or prevent the application of SEPP 65 to residential flat buildings, whether or not these are stand alone or part of a mixed-use development. Council has concluded that overall, the proposed amendments are consistent with this SEPP.

SEPP 55 - Remediation of Land 1998

Description of SEPP: This SEPP introduces planning controls for the remediation of contaminated land across NSW. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must be undertaken before the land is developed.

Assessment: As far as Council is aware, none of the site-specific matters in this planning proposal relate to sites that could be contaminated by previous known uses. Should contamination could be identified on any of these sites, assessment and remediation would be undertaken according to this SEPP. Council has concluded that overall, the proposed amendments are consistent with this SEPP.

SEPP 32 - Urban Consolidation (Redevelopment of Urban Land) 1991

Description of SEPP: This SEPP aims to ensure the NSW Government's urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

Assessment: This SEPP was considered in the making of MLEP 2011, and the relatively minor set of amendments within this planning proposal will not alter the fundamental direction of MLEP 2011. MLEP 2011 and matters within this planning proposal are consistent with all the urban consolidation objectives of this SEPP, as they will create new dwellings and jobs within a well-established inner-urban area. Wherever possible, MLEP 2011 has created new dwellings and jobs on appropriate redundant sites and within or around activity centres near public transport services. None of the proposed amendments conflict with this principle. Council has concluded that overall, the proposed amendments are consistent with this SEPP.

SEPP 22 - Shops and Commercial Premises 1987

Description of SEPP: This SEPP permits a change of use from one kind of shop to another, or one kind of commercial premises to another within a business zone, even if the change of use is prohibited under an environmental planning instrument.

Assessment: Proposed amendments L-2-1, L-2-2 and L-2-3 are intended to amend residential zone objectives to more clearly articulate the permissibility of office uses within these zones. These proposed amendments are not strictly relevant to this SEPP as they apply to residential (not business) zones. In any event, they are not inconsistent with the SEPP's objective to facilitate the continuation of appropriate commercial development. Council has concluded overall, the proposed amendments are consistent with this SEPP.

SEPP 19 - Bushland in Urban Areas 1986

Description of SEPP: This SEPP aims to protect and preserve bushland within certain urban areas as part of the natural heritage or for recreational, educational and scientific purposes. It is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

Assessment: This SEPP was considered in the making of MLEP 2011, and the relatively minor set of amendments within this planning proposal will not alter the fundamental direction of MLEP 2011. Nor do any of the proposed amendments relate to urban bushland,

or will indirectly affect protection of urban bushland under MLEP 2011. Council has concluded that overall, the proposed amendments are consistent with this SEPP.

SEPP 6 - Number of Storeys in a Building 1982

Description of SEPP: This SEPP gives a method for determining the number of storeys in a building to prevent any confusion that may arise from interpretation of various environmental planning instruments.

Assessment: This SEPP was considered in the making of MLEP 2011, and the relatively minor set of amendments within this planning proposal will not alter the fundamental direction of MLEP 2011. Nor does the planning proposal include any matters relating to the definition number of storeys in a building. One matter (L-HOB-1) relates to a minor height reduction on a single property, but does not relate to the SEPP as it does not relate to the definition of number of storeys. Council has concluded that overall, the proposed amendments are consistent with this SEPP.

SEPP (Affordable Rental Housing) 2009

Description of SEPP: This SEPP establishes a consistent planning regime for the provision of affordable rental housing.

Assessment: Three of the proposed amendments are relevant to this SEPP. Item L-5-2 proposes a size limit on boarding houses within Low Density, Medium Density and General Residential zones to ensure that larger boarding houses are only located in areas with ready access to transport and services. Item L-6-2 proposes insertion of a new clause to control the location of boarding houses in business zones, i.e. to ensure they are not located on the ground floor. Whilst these two items restrict the scale and location of boarding houses as part of a general aim to ensure boarding houses are appropriately scaled and located, they are not inconsistent with the SEPP's general aim to facilitate the provision of affordable rental housing. L-Sch1-3 is a site-specific zoning amendment to allow boarding houses in a B6 Enterprise Corridor zone along Parramatta Road. This amendment will open further opportunities for provision of appropriately-located boarding houses, so is considered to be consistent with the SEPP. Council has concluded that overall, the proposed amendments are consistent with this SEPP.

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

Below the planning proposal has been assessed against all relevant s.117 Directions. From this assessment, Council has concluded that overall, the proposed amendments are consistent with all applicable (or potentially applicable) Ministerial (s.117) Directions.

Direction 1.1: Business & Industrial Zones

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

Assessment: Three of the proposed amendments are relevant to this Direction. Item L-6-1 proposes that light industry become a permissible use on the ground floor of mixed-use developments in B7 Business Park zones. This will facilitate employment activity, so is

consistent with the Direction. Item L-6-2 proposes to exclude boarding houses from being located on the ground floor of business zones. This will not alter business activity, so is consistent with the Direction. Item L-6-5 proposes to widen the scope of non-residential uses permitted on the ground floor of mixed-use buildings in B7 Business Park zones. This will facilitate employment activity, so is consistent with the Direction. It would also still allow for a minor part of the ground floor to be devoted to necessary facilities associated with the upper-level residential component, e.g. entry and access to dwellings. Council has concluded that overall, the proposed amendments are consistent with this Direction.

Direction 2.3: Heritage Conservation

Description of Direction: The objective of this Direction is to conserve items, areas, objects and places of environmental and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, etc., identified in a study of the environmental heritage of the area; (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974; and (c) Aboriginal areas, objects, places or landscapes identified by an Aboriginal heritage survey.

Assessment: Three of the proposed amendments relate to heritage conservation. Item L-Sch5-2, which proposes to give Heritage Item status to Hoskins Park and Heritage Conservation Area status to Hoskins Park & environs, Dulwich Hill, is considered to be consistent with objective of this Direction. Item L-Sch5-4, which proposes to widen mapped boundary of the Dibble Avenue Waterhole, Marrickville, and correct a minor naming error, is consistent with the objective of this Direction. Council has concluded that overall, the proposed amendments are consistent with this Direction.

Direction 3.1: Residential Zones

Description of Direction: The objectives of this Direction are to (a) encourage a variety and choice of housing types to provide for existing and future housing needs; (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure; and (c) minimise the impact of residential development on the environment and resource lands. This Direction applies to a residential zone or any other zone in which significant residential development is permitted.

Assessment: Nine of the proposed amendments are relevant to this Direction. Amendment items L-2-1, L-2-2 and L-2-3 are intended to amend residential zone objectives to more clearly articulate the permissibility of office uses within these zones. These relatively minor amendments will not alter the supply or location of housing, so are considered to be consistent with this Direction. Item L-6-4 relates to a minor amendment to noise insulation requirements for dwellings. It does not alter the provision or location of housing, so is consistent with the objectives of this Direction. Item L-6-5 proposes a minor amendment to permit areas servicing upper-level residential development on upper levels in mixed-use buildings. It does not alter the provision or location of housing, so is consistent with the objectives of this Direction. Items L-Sch1-1 and L-Sch1-2 propose small amendments to allow for an expanded car park on one site to be integrated with a residential flat building development on an adjacent site. This does not alter the provision or location of housing, so is consistent with the objectives of this Direction. Item L-Sch5- 4 proposes a minor expansion of the boundary of the Dibble Avenue Waterhole, Marrickville, which will affect the rear of five residentially-zoned properties. This would potentially affect the number and location of new dwellings, but the impact would not be significant. Council has concluded that overall, the proposed amendments are consistent with this Direction.

Direction 3.4: Integrating Land Use & Transport

Description of Direction: The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport; (b) increasing the choice of available transport and reducing dependence on cars; (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; (d) supporting the efficient and viable operation of public transport services; and (e) providing for the efficient movement of freight. This Direction requires planning proposals to locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

Assessment: Two of the proposed amendments are potentially relevant to this Direction. Item L-5-2 proposes a limitation of the size of boarding houses in residential zones away from public transport and commercial centres. One of the reasons for proposing this amendment is to reduce boarding house densities (and associated trip generation) in less accessible areas and conversely, ensure larger boarding houses are in accessible areas only – hence the proposed amendment is consistent with this Direction. Item L-Lzn-7 proposes a rezoning of a sizeable area IN2 industrial land to B5 Business Development, and an increase in FSR. The altered and intensified use will create additional car traffic, but reduce current truck traffic. Council does not anticipate unacceptable traffic impacts, but nonetheless has required a study be placed on public exhibition with the planning proposal that assesses traffic and other key impacts. Council has concluded that overall, the proposed amendments are consistent with this Direction.

Direction 3.5: Development Near Licensed Aerodromes

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

Assessment: Item L-6-4 is relevant, as it proposes an amendment that would allow Council some discretion to waive noise insulation requirements for minor developments, such as home extensions. Council considers this amendment to be consistent with the Direction, as it would still result in "appropriate mitigation measures" being applied. None of the site-specific amendments (listed and described above) would be affected by this s.117 Direction other than possibly creating a need for noise attenuation. Nor would any of the other (non site-specific) amendments be affected by this s.117 Direction. It can be concluded that whilst Item L-6-4 is relevant, it is not inconsistent with this s.117 Direction, and all proposed amendments would have no impact on the effective and safe operation of Sydney Airport and would not result in an increase in noise-sensitive land uses in high aircraft noise areas. Council has concluded that overall, the proposed amendments are consistent with this Direction.

Direction 4.1: Acid Sulfate Soils

Description of Direction: The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. It applies when a planning proposal applies to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning & Infrastructure.

Assessment: Only one of the proposed amendments will potentially result in a significant redevelopment, raising the need to consider acid sulphate soils. Item L-LZN proposes the rezoning of a sizeable industrial site on Bridge Road, Stanmore to a business zone. Whilst this is likely to result in a significant redevelopment, the site is not within an acid sulphate soils area. All other site-specific amendments are of a minor nature, whether or not within an acid sulphate soils area. No other proposed amendments are relevant to this Direction. Council has concluded that overall, the proposed amendments are consistent with this Direction.

Direction 4.3: Flood Prone Land

Description of Direction: The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual* 2005; and (b) to ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. This Direction applies to a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

Assessment: Amendment item D-FLO-1 is directly relevant to this Direction – *"that MDCP 2011 be amended to be consistent with the updated flood studies and associated maps, and these be place on public exhibition as part of MLEP 2011 and MDCP 2011 Amendment 2."* The amendment is intended to improve the effectiveness and accuracy of MLEP 2011 flood maps by making changes based on recent studies that have been subject to community consultation and have integrated additional flooding data and sea level rise information. This is consistent with the objectives of this Direction as it is intended the new maps will ensure the provisions of MLEP 2011 are commensurate with flood hazard. Some of the other amendment items could affect development on flood prone land, but all these items are minor in nature and not expected to lead to any change in flooding impacts. Council has concluded that overall, the proposed amendments are consistent with this Direction.

Direction 6.1: Approval & Referral Requirements

Description of Direction: The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. According to this Direction, A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral unless the relevant planning authority has obtained approval (c) not identify development as designated development unless the relevant planning authority has approval.

Assessment: None of the amendment items raise issues in relation to increasing concurrence, consultation or referral of DAs to Minister or public authorities. Nor are additional referral provisions proposed, or are any of the resolutions involve classification of development as designated. Council has concluded that overall, the proposed amendments are consistent with this Direction.

Direction 6.3: Site Specific Provisions

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

Assessment: Five site-specific amendments are proposed. Amendment Item L-Sch1-3 proposes to allow boarding houses as a permissible use in the B6 Enterprise Corridor zone from 776 to 798 Parramatta Road, Lewisham. It reduces planning restrictions on this site, so is consistent with this Direction. Item L-LZN-7 proposes to rezone 5 to 43 Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Development and increase the FSR. This reduces planning restrictions on the site, so is consistent with this Direction. Amendment Item D-9.25-3 includes both DCP and LEP amendment items for sites within the St Peters triangle precinct. Relevant LEP amendments are rezoning of 58 Hutchinson Street, St Peters from R1 General Residential to B7 Business Park and rezoning of No.s 74 to 78 Applebee Street and the rear part of 91 Princes Highway, St Peters, from B6 Enterprise Corridor to B7 Business Park - to a line consistent with the Western edge shown on 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 and the north-eastern corner of No.78 Applebee Street. These are relatively minor amendment designed to improve site amalgamation and development outcomes, and as such are considered to be consistent with this Direction. Council has concluded that overall, the proposed amendments are consistent with this Direction.

Direction 7.1: Implementation of the *Metropolitan Plan for Sydney 2036*

Description of Direction: The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the *Metropolitan Plan for Sydney 2036*. Planning proposals must be consistent with this Plan unless it can be demonstrated that the variation is of minor significance and the planning proposal achieves the overall intent of the Plan.

Assessment: This Direction is potentially relevant, but none of the proposed amendments raise particular issues in relation to consistency with the *Metropolitan Plan for Sydney 2036*. The *Marrickville Urban Strategy*, adopted by Council in 2007, was based on the principles of the 2005 *Metropolitan Strategy*, and the *Metropolitan Plan for Sydney 2036* was considered in the making of MLEP 2011. In general terms, this planning proposal is a series of relatively minor technical and some site-specific changes that do not alter the fundamental nature of MLEP 2011, individually or cumulatively. Council has concluded that overall, the proposed amendments are consistent with this Direction.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

All significant issues in relation to critical habitat, threatened species etc. have been taken into account in the making of MLEP 2011, and the planning proposal does not affect existing controls in this area. The only redevelopment of significance that may result from this planning proposal is the redevelopment of the eastern side of Bridge Street, Stanmore (Item L-LZN-7), and this is not anticipated to have any impact critical habitat, threatened species etc. One of the main aims of widening the mapped boundary of the Dibble Avenue Waterhole, Marrickville (Item L-Sch5-4) is improve habitat for water birds.

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

As this planning proposal comprises incremental, relatively minor amendments, there is no likelihood of significant environmental impacts – individually or cumulatively. As mentioned above, the only redevelopment of significance that may result from this planning proposal is the redevelopment of the eastern side of Bridge Street, Stanmore (Item L-LZN-7), and this is not anticipated to have any significant environmental impacts.

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

Yes. Most of the proposed amendments would have a neutral social/economic impact, but for those amendments that would have an impact, this would be positive in all cases, e.g. Item L-Sch1-3 would allow currently underutilised commercial buildings to include boarding house uses, which would improve their viability and provide accommodation for low-income earners. The policy amendments relating to heritage matters have been proposed to better define heritage controls and ensure clarity in their interpretation to improve the protection of items and places of cultural heritage. These amendments will result in positive social and economic influences on the community and the built environment.

Section D – State and Commonwealth Interests

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

As mentioned above this planning proposal comprises incremental, relatively minor amendments, so there is no likelihood that significant additional demands will be placed on infrastructure – individually or cumulatively. The only redevelopment of significance that may eventuate from this planning proposal is the redevelopment of the eastern side of Bridge Street, Stanmore (Item L-LZN-7), and Council has required a study of traffic/transport and other impacts for this site to be exhibited with the planning proposal to ensure any traffic impacts and other can be appropriately managed. This study is attached to this planning proposal. Council does not anticipate that the redevelopment of this site would create undue traffic impacts.

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

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

PART 4: MAPPING

All maps related to these MLEP 2011 amendments are at **ATTACHMENTS A to O** to this planning proposal. Where relevant, individual maps are referred to by their attachment numbers throughout the above text.

PART 5: COMMUNITY CONSULTATION

Council considers this planning proposal to have a low impact overall. It is not a principal LEP and all amendments are generally consistent with the LEP's strategic planning framework and with the pattern of surrounding land use zones and/or land use. None of the proposed amendments seek to reclassify public land, nor do they create the need for significant additional infrastructure servicing. It is anticipated that this planning proposal would be publically exhibited for 28 days, as required by the Gateway determination.

As is standard practice (and in some instances required) for planning proposals, public exhibition of this planning proposal would include:

- notices in local newspapers and Council's e-newsletter;
- notice and planning proposal documentation available on Council's website;
- print copy of notice and documentation in the foyer in Council's administration building and in local libraries;
- written notification letters sent to all external submitters and all potentially affected property owners; and
- e-mail notices to all Council staff who made LEP amendment submissions, as well as to key managers.

Further, extensive consultation was carried out with State agencies, the community, stakeholders and Council staff regarding the in the leadup to Council adopting MLEP in 2011.

PART 6: PROJECT TIMELINE

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

- anticipated commencement date (date of Gateway determination) – December 2013;
- anticipated timeframe for the completion of required technical information – N/A as all technical information completed;
- timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) – to be determined after Gateway determination;
- commencement and completion dates for public exhibition period – February and March 2014 (NB: exhibition in January avoided);
- dates for public hearing (if required) – N/A at this stage;
- timeframe for consideration of submissions – April & May 2014;
- timeframe for the consideration of a proposal post exhibition – June 2014;
- date of submission to the department to finalise the LEP – July 2014;
- anticipated date RPA will make the plan (if delegated) – N/A at this stage; and
- anticipated date RPA will forward to the department for notification N/A.