



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Marrickville Local Environmental Plan 2011 (Amendment No 2)

Your ref: Peter Wotton
Our ref: CEG e2015-267.d09

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.



(D COLAGIURI)
Parliamentary Counsel
23 October 2015



New South Wales

Marrickville Local Environmental Plan 2011 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

Marrickville Local Environmental Plan 2011 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Marrickville Local Environmental Plan 2011 (Amendment No 2)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Marrickville Local Environmental Plan 2011* applies.

4 Maps

The maps adopted by *Marrickville Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Marrickville Local Environmental Plan 2011

[1] Land Use Table

Omit the third and fourth bullet points from item 1 of Zone R2 Low Density Residential.

Insert instead:

- 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.
- To provide for retail premises in existing buildings designed and constructed for commercial purposes.

[2] Land Use Table, Zone R3 Medium Density Residential

Omit the fourth and fifth bullet points from item 1.

Insert instead:

- 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.
- To provide for retail premises in existing buildings designed and constructed for commercial purposes.

[3] Land Use Table, Zone R4 High Density Residential

Omit the fourth and fifth bullet points from item 1.

Insert instead:

- 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 retail premises in existing buildings designed and constructed for commercial purposes.

[4] Clause 5.6 Architectural roof features

Omit the clause.

[5] Clause 6.3 Flood planning

Omit clause 6.3 (2). Insert instead:

- (2) This clause applies to land at or below the flood planning level.

[6] Clause 6.5 Development in areas subject to aircraft noise

Omit clause 6.5 (2). Insert instead:

- (2) This clause applies to development:
- (a) that is on land that is near the Kingsford Smith Airport and in an ANEF contour of 20 or greater, and

- (b) that the consent authority considers is likely to be adversely affected by aircraft noise, and
- (c) that involves any one or more of the following:
 - (i) the erection of a new building,
 - (ii) a substantial alteration or addition to an existing building,
 - (iii) an alteration or addition to a building that is required by a development consent to be compliant with AS 2021–2000,
 - (iv) the change of use of any part of a building to a child care centre, educational establishment, entertainment facility, health services facility, place of public worship, public administration building or residential accommodation,
 - (v) the change of use of any part of a building on land that is in an ANEF contour of 25 or greater to business premises, a hostel, office premises, retail premises or tourist and visitor accommodation,
 - (vi) the change of use of any part of a building on land that is in an ANEF contour of 30 or greater to light industry.

[7] Clause 6.5 (3) (a)

Insert “the creation of a new dwelling, or” after “result in”.

[8] Clause 6.10 Use of existing non-residential buildings in residential zones

Omit clause 6.10 (1). Insert instead:

- (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.

[9] Clause 6.10 (2A)

Insert after clause 6.10 (2):

- (2A) This clause applies to the use of an existing building that the consent authority is satisfied was designed and constructed as a shop.

[10] Clause 6.13 Dwellings and residential flat buildings in Zone B7 Business Park

Omit “business premises or office premises” from clause 6.13 (3).

Insert instead “business premises, office premises or light industry”.

[11] Clause 6.15

Insert after clause 6.14:

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 to 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.

[12] Schedule 1 Additional permitted uses

Insert after clause 2 in Schedule 1:

2A 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, part of Lot 1, DP 1010446, Lot 1, DP 983757 and Lot 1, DP 7419 in Zone B6 Enterprise Corridor.
- (2) Development for the purpose of a boarding house is permitted with consent.

[13] Schedule 1, clause 12A

Insert after clause 12:

12A Use of certain land at 5–11 Chester Street, 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.
- (2) The following development is permitted with consent:
- (a) development for the purpose of a car park,
- (b) development that is permissible within Zone B2 Local Centre.
- (3) The consent authority must not consent to development under this clause unless satisfied that the development will be carried out in conjunction with development on land to which clause 13A of this Schedule applies.

[14] Schedule 1, clause 13A

Insert after clause 13:

13A Use of certain land at 6 Livingstone Road, Petersham

- (1) This clause applies to land at 6 Livingstone Road, Petersham, being Lot 11, DP 1145054 in Zone B2 Local Centre.
- (2) Development that is permissible within Zone R4 High Density Residential is permitted with consent.
- (3) The consent authority must not consent to development under this clause unless satisfied that the development will be carried out in conjunction with development on land to which clause 12A of this Schedule applies.

[15] Schedule 5 Environmental heritage

Omit the matter relating to Item no I12 in Part 1. Insert in appropriate order:

Marrickville	Dibble Avenue	Dibble Avenue	Lot 1, DP 346874;	Local	I12
	Waterhole		Lot A, DP 431233		

[16] Schedule 5, Part 1

Insert the following in appropriate order:

Dulwich Hill Hoskins Park Davis and Pigott Streets Lot B, DP 944563 Local I313

[17] Schedule 5, Part 1

Omit “Stanmore” from the matter relating to Item no I261. Insert instead “Stanmore”.

[18] Schedule 5, Part 2

Insert the following after the matter relating to Dulwich Hill Commercial Precinct Heritage Conservation Area:

Hoskins Park and Environs (Dulwich Hill) Shown on Heritage Map by red hatching and Local
Heritage Conservation Area labelled “C36”

[19] Dictionary

Omit the definition of *Flood Planning Map*.



New South Wales

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under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

Minister for Planning

A handwritten signature in black ink, consisting of a stylized 'M' and 'R'.

Marcus Rowan

Manager Planning Services

Marrickville Council

Delegate for the Minister for Planning

Date: 29 October 2015

