

Marrickville Local Environmental Plan 2011 - (Amendment No 2)

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

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

PP Number : **PP_2013_MARRI_003_00**

Dop File No : **13/18552**

Proposal Details

Date Planning
Proposal Received : **09-Dec-2013**

LGA covered : **Marrickville**

Region : **Sydney Region East**

RPA : **Marrickville Council**

State Electorate : **MARRICKVILLE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **0**

Suburb : **0**

City : **0**

Postcode : **0**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Nabil Alaeddine**
Contact Number : **0285754122**
Contact Email : **Nabil.alaeddine@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Kendall Banfield**
Contact Number : **0293352179**
Contact Email : **Kendall.Banfield@marrickville.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South subregion	Consistent with Strategy :	
MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment : **The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Supporting notes

Internal Supporting
Notes : **This planning proposal is the second round of MLEP 2011 amendments known as Amendment 2. This proposal addresses anomalies, improves communication of the planning intent and responds to a variety of submissions related to Zoning, Height of Building (HOB) and Floor Space Ratio (FSR) controls for individual sites. The submissions are from a range of sources including Council's Development Assessment team, other council staff and landowners seeking altered zoning and/or development controls.**

**The planning proposal seeks to make various amendments to Maps and written provisions under Marrickville Local Environmental Plan (MLEP) 2011.
All proposed amendments were assessed at Council's 16 April 2013 meeting and all**

recommendations were adopted, other than a further resolution (now included) in relation to two sites. Council considered numerous Marrickville DCP 2011, in conjunction with the proposed LEP, amendments.

Council has provided a copy of a study by SJB Planning for 31-41 Bridge Street, Stanmore assessing built form, traffic and other key impacts of the proposed zoning and FSR changes. The completed study is to be exhibited with draft Amendment 2. If the study is not completed in time for the exhibition of draft Amendment 2, it will need to be amended to delete this site.

Marrickville Council originally submitted the Planning Proposal to the Department on 28 October 2013, however the planning proposal was unable to proceed to gateway due to investigation within the department concerning proposed changes to affordable housing, natural resource (flooding) and aircraft noise provisions, as follows:

1. Affordable Housing - On 4 November 2013, the department's regional and housing policy teams met with council to discuss the proposed amendments to Clause 5.4 Controls relating to Part 5 Miscellaneous provisions as Council proposed to limit the size of boarding houses. It was agreed by all the proposed provisions should be deleted from the planning proposal and further investigated by Council. It was also agreed that Council is to prepare an evidence based report describing local circumstances for boarding houses Council is seeking to address via a local solution. Council is to prepare a revised LEP amendment for boarding houses, including a request to vary the affordable housing SEPP, and has agreed to work with the department to progress this.

2. Natural Resource (Flooding) - On 9 December 2013, Council confirmed its preferred approach to flood mapping as being Approach 2 rather than Approach 1. This followed the department's natural resource advice sent to Council on 18 November 2013, suggesting Council should adopt Approach 2 by including the PMF in the mapped flood planning area. Council acknowledged there will be residential properties between the 1 in 100 and PMF that will have no flood controls applied to them, however approach 2 allowed council to apply controls to sensitive uses including those permissible within residential zones.

3. Aircraft Noise - On 8 November 2013, the regional team consulted with the department's legal team regarding proposed changes to Clause 6.5 Development in areas subject to aircraft noise. Council prefers discretion to be applied to minor development works as current provisions require noise attenuation techniques to be included in all works to an acceptable standard. The department's legal team has confirmed the proposed provision is a Standard Instrument Model Clause and should not be amended as it is standard across all LGAs affected by aircraft noise.

In addition, following initial review of the planning proposal and mapping by the regional team, corrections were required to Attachment K (Land Zoning Maps) as both current and proposed maps did not reflect all proposed changes, as there are errors in some of the 'current' maps submitted with the planning proposal. There are also mapping errors on the proposed Land Reservation Maps which have been discussed with Council. As delegation is proposed, Council will be required to ensure all maps are correct before exhibition. Council has provided a third Land Zoning Map LZN_003 marked 'Current' and dated 19 November 2013 as the most updated version and containing any proposed changes. It is recommended Council rename the updated map 'Proposed' for exhibition.

Other than the above mapping, Council has responded to all other department requests for updating information submitted by Council on 9 December 2013.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The statement of objectives is considered to be adequate given the extent of proposed changes:
To make a number of amendments to Marrickville Local Environment Plan (LEP) 2011 addressing anomalies, improve the communication of the plan and respond to submissions relating to various matters including Zoning, Zone Objectives, HOB controls and FSRs on individual sites.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions provided is considered to be adequate. The proposal seeks to make site-specific, operational and policy amendments to MLEP 2011, as follows:

1. Site Specific amendments

a. Amendment to Schedule 1 Additional Permitted Uses to add - Use of certain land at 5-11 Chester Street and 6 Livingstone Road, Petersham as follows:

- include car parking as a permissible use for 5-11 Chester Street, Petersham;
- include car parking and loading at 6 Livingstone Road, Petersham associated with a residential flat building or other appropriate uses permissible at 5-11 Chester Street, Petersham; and
- include car parking and loading at 5 to 11 Chester Street, Petersham associated with shop top housing and other permissible uses at 6 Livingstone Road, Petersham.

b. Amendment to Schedule 1 Additional Permitted Uses to add - Use of certain land at 776-798 Parramatta Road, Lewisham to allow boarding houses as a permissible use in the B6 Enterprise Corridor zone from 776 to 798 Parramatta Road, Lewisham.

c. 2 Hunter Street & 19, 21, 23 & 25 Railway Terrace, Lewisham - amend Land Zoning Map - LZN_001 to rezone from B1 Neighbourhood Centre to R4 High Density Residential (refer Attachment A).

d. amend Heritage Map Sheet HER_002 to extend the mapped area of the Dibble Avenue Waterhole Heritage item at the rear of properties 27, 29, 33, 35 & 37 Riverside Crescent, Marrickville, and a 10 metre buffer to be added around the entire mapped area (refer Attachment B).

e. 5, 29, 31-41 & 43 Bridge Road, Stanmore - amend Land Zoning Map LZN_003 to rezone from IN1 Light Industrial to B5 Business Development (refer Attachment C).

f. 5, 29, 31-41 & 43 Bridge Road, Stanmore - amend Floor Space Ratio map FSR_003 by changing FSR from 0.95:1 to 2.1:1 (refer Attachment D).

Note for (e) and (f):

Council has advised proposed amendments are subject to a study being prepared (refer to copy at Attachment S) by SJB Planning on 31-41 Bridge Road, Stanmore and exhibited with this planning proposal. The study makes an assessment of built form, traffic and other key impacts associated with the proposed zoning change. Council suggests if this study is not exhibited with this planning proposal, it will be considered in a separate planning proposal.

g. 19 Hutchison Street, St Peters - amend Height of Building Map HOB_004 by reducing the height for the B7 Business Park Zoned portion of the site from Code 'P' (17 Metres) to Code 'N' (14 metres) (refer Attachment E).

h. 74A Audley Street, 96-102 New Canterbury Road & 5-9 Chester Street, Petersham - amend Land Reservation Acquisition Map by removing 'Local Road' reservation affecting these properties on Map Sheet LRA_003 (refer Attachment F).

i. 58 Hutchinson Street, St Peters – amend Land Zoning Map LZN_004 to rezone from R1 General Residential to B7 Business Park (refer Attachment G).

j. 74-78 Applebee Street and rear of 91 Princess Highway, St Peters to rezone from B6 Enterprise Corridor to B7 Business Park (refer Attachment H).

k. amend Key Sites Map KYS_004 to correct anomalies by including a portion of 91 Princess Highway, St Peters to better reflect Schedule 1 Additional Permitted Uses (refer Attachment I).

2. Operational Matters

a. amend Heritage Map HER_002 by changing current label I112 to I12.

b. amend Schedule 5 Environmental Heritage to relocate I12 Dibble Avenue Waterhole from the suburb of 'Dulwich Hill' to 'Marrickville'.

c. amend Land Zoning Map LZN_004 and Land Reservation Acquisition Map LRA_004 to correct anomalies shown in Attachment K.

3. Policy Issues

a. amend existing third and fourth objectives of Zone R2 Low Density Residential, and inclusion of a fifth objective, as follows:

- 'To provide for multi dwelling housing and residential flat buildings but only as part of the conversion for 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'.

b. amend the fourth and fifth objective and inclusion of a sixth objective in Zone R3 Medium Density Residential, 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.'

c. amend the fourth and fifth objectives for Zone R4 High Density Residential, 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 but only as part of the conversion of existing buildings designed and constructed for commercial purposes.'

d. delete Clause 5.6 Architectural Roof Features as it is considered superfluous.

e. insert new subclause (10) Boarding houses to Clause 5.4 Controls relating to miscellaneous permissible uses, as follows:

'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 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.'

f. amend Clause 6.13 Dwellings and residential flat buildings in Zone B7 Business Park to include 'light industry' in subclause (3)

g. Insert a new Clause 6.15 Location of boarding houses in business zones to prohibit boarding houses in Zone B1 Local Centre, B2 Commercial Core and B4 Mixed Use, at street level.

h. amend Clause 6.10 Use of existing non-residential buildings in residential zones to clarify how an existing building constructed as a shop for the purpose of office, shops, restaurants, cafes or take away food and drink premises can be used in areas zoned R1 General Residential, R2 Low Density Residential, R3 Medium Density and R4 High Density Residential.

i. amend Clause 6.5 (3) Development in areas subject to aircraft noise to give council more discretion in deciding whether to require aircraft noise attenuation measures for proposed minor extensions and renovations to noise sensitive buildings.

j. amend Clause 6.11 Dwelling houses in business and industrial areas (refer Attachments Q & R). Council has recommended not supporting this amendment as Clause 6.11 has been amended via finalisation of MLEP 2011 - Amendment 1.

k. amend the objective in Clause 6.13(1) Dwellings and residential flat buildings in Zone B7 Business Park as follows:

'(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.'

l. amend Schedule 5 - Part 1 Heritage Items to include Hoskins Park, Dulwich Hill as a Heritage Item of Local significance and amend Heritage Map HER_002 to show Hoskins Park, Dulwich Hill as a Heritage Item of local significance as shown in Attachment L.

n. amend Schedule 5 - Part 2 Heritage Conservation Area and Heritage Map HER_002 to include a new heritage conservation area to be known as, 'Hoskins Park and Environs (Dulwich Hill) Heritage Conservation Area of local significance by labelling it as "C36" as in Attachment M.

n. amend the Flood Planning Map as shown in Attachment N - Approach 2.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 6—Number of Storeys in a Building
 SEPP No 19—Bushland in Urban Areas
 SEPP No 22—Shops and Commercial Premises
 SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
 SEPP No 55—Remediation of Land
 SEPP No 65—Design Quality of Residential Flat Development
 SEPP (Building Sustainability Index: BASIX) 2004
 SEPP (Exempt and Complying Development Codes) 2008
 SEPP (Housing for Seniors or People with a Disability) 2004
 SEPP (Infrastructure) 2007
 SEPP (Major Projects) 2005
 SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered :

The proposal is partially inconsistent with the State Environmental Planning Policy (Affordable Housing) 2000 (AHSEPP) as proposed new subclause 5.4(10) Boarding Houses will limit the size of boarding houses within R1, R2 and R3 zones. Council is proposing to introduce provisions to further restrict affordable housing otherwise permissible under the AHSEPP (further discussed in the Assessment section below).

However, proposed new Clause 6.15 and amendments to Schedule 1 aim to ensure boarding houses are appropriately located and scaled and are considered to be consistent with the AHSEPPs general aim to facilitate the provision of affordable rental housing:

- proposed new Clause 6.15 Location of boarding houses in business zones requires boarding houses not to be located on the ground floor to ensure the ongoing employment activity as a business use is not compromised; and

- amendment to Schedule 1 to allow boarding houses as a permissible use in the B6 Enterprise Corridor zone from 776 to 798 Parramatta Road, Lewisham is a site specific amendment. This will allow boarding houses in a B6 zone along Parramatta Road and will enable further opportunities for the provisions of appropriately located boarding houses.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The proposal is partially inconsistent with Direction 1.1 Business and Industrial Zones as follows:

Direction 1.1 Business and Industrial Zones - this Direction applies to 776-798 Parramatta road, Lewisham which proposes to amend Schedule 1 to include boarding houses on these sites and 34-41 Bridge Road, Stanmore which proposes rezoning from IN1 Light Industry to B5 Business Development.

The proposal is partially inconsistent with 1.1 as it will give effect to relevant objectives, but is proposing to alter the above mentioned sites being existing industrial zones, and therefore reducing a portion of the potential floor space area for industrial uses.

The agreement of the Director General is recommended under Direction 1.1 as these inconsistencies are of minor significance.

Direction 1.1 also applies to proposed new Clause 6.15 Location of boarding houses in business zones. This provision proposes to include boarding houses for being included on the ground floor only of business zones and as this will not alter business activity, is therefore consistent with Direction 1.1.

Direction 1.1 also applies to the proposed amendment to the objective of Clause 6.13(1) Dwellings and residential flat buildings in zone B7 Business Park to add light industry as a permissible ground floor use and no residential accommodation is included at street level. As these proposed amendments will facilitate employment activity in the B7 zone, and the proposed change is therefore considered consistent with this Direction.

The proposal is also consistent with Direction 2.3 Heritage Conservation, Direction 3.1 Residential Zones, Direction 3.4 Integrated Land Use & Transport, 3.5 Development Near Licensed Aerodromes, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, Direction 6.1 Approval and Referral Requirements, Direction 6.3 Site Specific Provisions and Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Not all maps are considered adequate, as follows:

Council has not provided any attachment O maps as mentioned in planning proposal. Attachment A to N contains all current and proposed maps.

Attachment K (Land Zoning Map LZN_003) was missing the proposed amendment to 606-610 Parramatta Road, Petersham. The site is marked as B5 but coloured as B6 zone. Council has provided a third Land Zoning Map LZN_003 marked 'Current' and dated 19 November 2013 as the most updated version map 'Proposed' for exhibition.

The Land Reservation Acquisition Maps (Attachment K) for 'Current' and 'Proposed' maps are the same. They are not consistent with the Land Zoning Maps provided in Attachment K and as proposed in the planning proposal.

Council has provided two sets of 'Current' and 'Proposed' flooding maps for Approach 1 and 2. It is anticipated council will exhibit the maps submitted to the department on 28 October 2013 for Approach 2 as its preferred approach.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council purposes to exhibit the planning proposal for 28 days as follows:

- In local newspapers and e-newsletter;
- On council's website;
- A copy of notice and documentation in the foyer of Council's administration building;
- and
- by written notification letters sent to all external submitters and all potentially affected and adjoining property owners.

Council has advised extensive consultation was carried out with state agencies, the community, stakeholders and council staff regarding the lead up to the making of MLEP 2011. This planning proposal is proposing housekeeping amendments.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The following proposed provisions are not considered to be adequate and are discussed in the Assessment section below:

Clause 5.4(10) Boarding houses, to add a new subclause (10) restricting the size of

boarding houses.

Clause 6.5 Development in areas subject to aircraft noise, to allow Council discretion in deciding whether, to require noise attenuation measures for proposed minor extensions and renovations to noise sensitive buildings.

Clause 6.11(3) Dwellings houses in business and industrial Zones proposed re-wording to be deleted as addressed in MLEP 2011 - Amendment 1.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

MLEP 2011 was published on 12 December 2011. This planning proposal is the second amendment to the Marrickville LEP 2011 since being notified.

Council has accepted a Planning Reform Fund (PRF) Round 8 grant of \$50,000 to review the Marrickville Employment Lands Study originally prepared in 2008.

LEP Acceleration Fund (LEPAF) - Council received a total of \$68,000 under the LEPAF. This includes \$28,000 for immediate planning services to assist with finalising the MLEP 2011 at S.68 and \$40,000 for a deferred 'Urban Design for Centres Control' Study.

Assessment Criteria

Need for planning
proposal :

The various amendments are required following finalisation of the Marrickville LEP 2011 (MLEP 2011) on 12 December 2011. The planning proposal aims to improve the overall operation of the plan, and deals with operational and other policy matters, and some site specific issues to ensure efficient operation of MLEP 2011. Many of the issues were considered during Amendment 1 to MLEP 2011 but were deferred for further consideration in a later amendment. These amendments are intended to address anomalies, improve communication of the plan and respond to site specific matters.

Council advises a planning proposal is the best way of achieving the objectives to improve the overall operation of MLEP 2011, and many of the proposed amendments have arisen from Council's assessment of development applications under MLEP 2011.

Some additional comments on certain amendments are below:

1. Policy Matters

Proposed amendments to the objectives of Zone R2, R3 and R4 - this amendment does not change the meaning of the zone objectives, but aims to clarify the circumstances in which certain land uses are permissible within the Residential zones. This is considered necessary as the Marrickville LGA contains a range of pre-existing non-conforming land uses which are dealt with through the LEP's standard zones.

6.5 Development in areas subject to aircraft noise

Council has proposed changes to the wording of Clause 6.5 to give Council discretion in requesting noise attenuation and noise reports for certain development applications, and has identified the process as expensive and onerous for minor building works. The proposed amendment is not supported as Clause 6.5 is a model clause applying to other Standard Instrument LEPs for councils affected by aircraft noise.

6.10 Use of existing non-residential buildings in residential zones

The proposed rewording change will resolve a conflict between the residential land use tables and Clause 6.10. Clause 6.10 places additional and unintended restrictions on certain retail land uses within the R1 and R4 Residential zones. Certain retail uses are permissible with consent in the R1 and R4 zones, such as neighbourhood shops and shop top housing but Clause 6.10 has been interpreted as limiting the circumstances in which

these uses can occur (i.e. must be part of the conversion of an existing non-residential building). But the intent is to allow these uses to occur without otherwise being restricted by this clause.

6.13 Dwellings and residential flat buildings in Zone B7 Business Park, and the addition of Light Industry

The intent of this clause is to accommodate creative industry live/work developments within the B7 Business Park zone. The wording of subclause (3) only allows this to occur when the creative industry is a business premises or an office premises. As creative industries are more closely aligned to light industrial uses than office or business premises, it is necessary to add light industry to the range of permissible ground floor uses as part of a mixed-use development.

2. Site specific land use amendments

Eastern side of Bridge Road, Stanmore (34-41 Bridge Road, Stanmore)

The proposed amendment seeks a rezoning from IN1 Light Industrial to B5 Business Development and to amend the FSR from 0.85:1 to 2.1:1, and is dependent on a report which includes a traffic study and built form implications. If the report is not completed this change can be deleted from this planning proposal.

5-11 Chester Street & 6 Livingston Road, Petersham

This site is currently a car park zoned R4 High Density Residential. The site is part of a master plan included in the Marrickville DCP 2011. A Schedule 1 amendment is required to expand the permissibility of the car park as part of any redevelopment which may occur on this site.

776-798 Parramatta Road, Lewisham

Responding to a submission requesting boarding houses to be permissible on this site with existing FSR and HOB controls to be retained via a Schedule 1 amendment.

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

The sites are currently zoned B1 Neighbourhood Centre and are part of a master plan in the MDCP 2011 identifying these properties to be used for residential flat buildings only. Council is requesting to rezone the land to R4 High Density Residential to be consistent with the master plan provisions in Marrickville DCP 2011.

19 Hutchinson Street, St Peters

Council recommends the existing HOB controls be reduced to 14 metres from 17 metres making it consistent with adjoining B7 Business Park properties. This is related to the recent amendments to sections 74BA and 74C of the Environmental Planning and Assessment Act 1979 (EP&A Act), further clarifying the non-statutory nature of Development Control Plans and Council's inclusion of height provisions in MDCP 2011.

58 Hutchinson Street, St Peters

Council has recommended rezoning the site from R1 General Residential to B7 Business Park allowing it to be developed along with surrounding Zone B7 Business Park sites. Without the re-zoning the site risks being isolated from surrounding uses.

74-78 Applebee Street & 91 Princess Highway, St Peters

Amendments have arisen as result of a development assessment (DA) responding to a master plan for the area and included within MDCP 2011. Council proposes these sites be rezoned from B6 Enterprise Corridor to B7 Business Park to better meet the desired outcome contained within the master plan.

62-68 Fitzroy Street & 53A-57 Smith Street, Marrickville

Council discovered an error in the existing wording of Clause 6.11 relating to existing dwelling houses in business and industrial zones, which prevents development consent being granted for substantial alterations to dwelling houses in business and industrial zones. The clause does not allow for these dwellings to be re-built as dwellings, which is

not the intended outcome of Clause 6.11.

3. Mapping Changes

Flooding Maps - Council proposes to update the Flood Planning Map in MLEP 2011 to reflect recently completed flood studies including the Sydney Water Cooks River Flood Study 2009, and the Cooks River Floodplain Risk Management Plan.

Heritage Schedule 5 and Map - The addition of the proposed new heritage conservation area in Dulwich Hill and Hoskins Park as a heritage item has been supported by Council and the local community.

Correction of errors/anomalies - inconsistencies between Land Reservation Acquisition Maps and Land Zoning Maps; relocation of existing Heritage item to correct suburb on the heritage map; and removal of a specific site from the Land Acquisition Map.

Consistency with strategic planning framework :

The planning proposal is the second amendment for MLEP 2011, and is considered to be consistent with the aims of the Metropolitan Plan 2036, draft South Sub Regional Strategy and Council's local strategies. These include numerous studies informing the strategic framework of MLEP 2011 i.e. Marrickville Employment Lands Study (2008), Aircraft noise Strategy, Marrickville Urban Strategy (2001), Marrickville Village Centres Urban Design Study and the Marrickville Community Strategic Plan (2010).

Environmental social economic impacts :

The planning proposal is considered to produce positive environmental, social and economic outcomes. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitat will be adversely affected by this planning proposal.

There are no significant environmental effects expected to result from this planning proposal. Council has advised the redevelopment of the eastern side of Bridge Street, Stanmore is the only major development that may result from this planning proposal and Council requires a traffic and transport study to be exhibited with this proposal to ensure traffic impacts are managed appropriately (Massing and Traffic Study - Attachment S). This development is more likely to have tangible social and economic benefits.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Essential Energy
Sydney Catchment Authority
Office of Environment and Heritage
NSW Police Force
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Refer to Planning Team Recommendation for required variations.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Marrickville Local Environmental Plan 2011 - (Amendment No 2)

If Other, provide reasons :

N/A

Identify any internal consultations, if required :

Legal Services

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Marrickville LEP 2011 - Amendment 2 - Planning Proposal Cover Sheet.pdf	Proposal Covering Letter	Yes
MLEP 2011 Amendment 2 planning proposal.pdf	Proposal	Yes
ATTACHMENT P - Amdend 2 flood mapping advice.docx	Proposal	No
ATTACHMENT Q - Amend 2 report to 16 April 2013 Council meeting.pdf	Proposal	No
ATTACHMENT S - Amend 2 Bridge Road study.pdf	Proposal	No
Attachment_A.pdf	Map	Yes
Attachment_A_2.pdf	Map	Yes
Attachment_B.pdf	Map	Yes
Attachment_B_2pdf.pdf	Map	Yes
Attachment_C.pdf	Map	Yes
Attachment_C_2.pdf	Map	Yes
Attachment_D.pdf	Map	Yes
Attachment_D_2.pdf	Map	Yes
Attachment_E.pdf	Map	Yes
Attachment_E_2.pdf	Map	Yes
Attachment_F.pdf	Map	Yes
Attachment_F_2.pdf	Map	Yes
Attachment_G.pdf	Map	Yes
Attachment_G_2.pdf	Map	Yes
Attachment_H.pdf	Map	Yes
Attachment_H_2.pdf	Map	Yes
Attachment_I.pdf	Map	Yes
Attachment_I_2.pdf	Map	Yes
Attachment_J.pdf	Map	Yes
Attachment_J_2.pdf	Map	Yes
Attachment_K_LRA3.pdf	Map	Yes
Attachment_K_LRA3_2.pdf	Map	Yes
Attachment_K_LRA4.pdf	Map	Yes
Attachment_K_LRA4_2.pdf	Map	Yes
Attachment_K_LZN3.pdf	Map	Yes
Attachment_K_LZN4.pdf	Map	Yes
Attachment_K_LZN4_2.pdf	Map	Yes
Attachment_L.pdf	Map	Yes
Attachment_L_2.pdf	Map	Yes
Attachment_M.pdf	Map	Yes
Attachment_M_2.pdf	Map	Yes
Attachment_N.pdf	Map	Yes
Attachment_N_2.pdf	Map	Yes
Attachment_N_FLD1.pdf	Map	No
Attachment_N_FLD1_2_nonPMF.pdf	Map	No
Attachment_N_FLD1_2_PMF.pdf	Map	Yes
Attachment_N_FLD2.pdf	Map	Yes
Attachment_N_FLD3.pdf	Map	Yes
Attachment_N_FLD3_2_nonPMF.pdf	Map	Yes
Attachment_N_FLD3_2_PMF.pdf	Map	Yes

Marrickville Local Environmental Plan 2011 - (Amendment No 2)

Attachment_N_FLD4.pdf	Map	Yes
Attachment_N_FLD4_nonPMF.pdf	Map	Yes
Attachment_N_FLD4_PMF.pdf	Map	Yes
Attachment_N_FLD5.pdf	Map	Yes
Attachment_N_FLD5_nonPMF.pdf	Map	Yes
Attachment_N_FLD5_PMF.pdf	Map	Yes
Attachment_K_LZN3_2_1_191113.pdf	Map	Yes
ATTACHMENT to Marrickville LEP2011 Amendment 2 -	Proposal	No
Attach 1 information .pdf		
MLEP 2011_Amend 2_Attachment 4 - Delegation of Plan Making.pdf	Proposal	No

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 3.5 Development Near Licensed Aerodromes
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

1. The planning proposal be exhibited for 28 days;
2. The planning proposal should be completed within 9 months of the Gateway Determination;
3. The planning proposal be amended to:
 - a. Delete proposed amendments to Clause 5.4 Controls relating to miscellaneous permissible uses to Part 5 Miscellaneous provisions to add a new subclause (10) Boarding houses.
 - b. Delete proposed amendment to 6.5 Development in areas subject to aircraft noise.
 - c. Delete proposed changes to provision 6.11(3) as Council has addressed this matter in MLEP 2011 Amendment 1.
 - d. Delete proposed zoning and FSR changes to 31-41 Bridge Street, Stanmore if the supporting traffic and design study is not completed for exhibition with the planning proposal.
 - e. Include Council's preferred Approach 2 for proposed amendments to flood mapping which includes the PMF in the Flood Planning Area, and the Flood Planning Maps be amended accordingly.
 - f. Ensure all current and proposed maps include correct property and planning information, such as Attachment K (Land Zoning Map) by renaming from 'Current' to 'Proposed' to clarify for exhibition.
 - g. To include in words the correct location of all anomalies identified in Attachment K as follows:
 - Southern side of Canal Road, St Peters;
 - Properties at intersection of Stanmore Rd, New Canterbury Rd, Crystal St & Shaw St, Petersham; and

Marrickville Local Environmental Plan 2011 - (Amendment No 2)

- 606-610 Parramatta Road, Petersham.

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

4. Prior to exhibition, Council is to:

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

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

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

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

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

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

9. No further studies are required to be undertaken.

Supporting Reasons :

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

Signature:



Printed Name:

Megan Hollingsworth

Date:

7 February 2014.