

Marrickville Local Environmental Plan 2011 - Amendment 1

Proposal Title : **Marrickville Local Environmental Plan 2011 - Amendment 1**

Proposal Summary : **The first amendment to Marrickville Local Environmental plan (MLEP 2011) proposes to make:**
(1) site specific amendments to six sites including changes to zoning, FSR and height of building maps, and use of Schedule 1;
(2) operational changes to Schedule 5 Environmental Heritage and various maps such as Heritage and Biodiversity; and
(3) policy changes to clarify interpretation of various clauses such as 6.9 (conversion of industrial and warehouse buildings) and 6.11 (dwelling houses in business and industrial zones), and rezoning of all school sites to SP2 (Educational Establishments).

PP Number : **PP_2012_MARRI_001_00**

Dop File No :

10/02958-3

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 14 days;**
- 2. The planning proposal should be completed within 9 months of Gateway Determination;**
- 3. The planning proposal be amended:**

(a) to delete the addition of 'secondary dwellings' in clause 4.4(2A), as shown in Attachment AD, and delete the existing site area and maximum floor space ratio requirements as shown in Attachment AE and include the following:

≤150 sqm – 1.1:1
>150 ≤ 200 sqm – 1.0:1
>200 ≤ 250 sqm – 0.9:1
>250 ≤ 300 sqm – 0.8:1
>300 ≤ 350 sqm – 0.7:1
>350 ≤ 400 sqm – 0.6:1 and
>400 sqm – 0.5:1

(b) add the words - 'and as part of the conversion of existing industrial and warehouse buildings' to '1 Objectives of zone' in the Land Use Table for Zone R1 General Residential which currently reads - 'To provide for office premises and retail premises in existing buildings designed and constructed for commercial purposes'

(c) not to include the proposed amendments to Clause 6.9 at Attachment AC but the application of clause 6.9 to only apply to development for the purposes of - multi-dwelling

housing and residential flat buildings in Zone R2 Low Density Residential; residential flat buildings in Zone R3 Medium Density Residential; and office premises in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential.

(d) delete the words in Clause 6.11 (3)(b) 'and will not require significant structural alterations'.

(e) Amend the key for the proposed Floor Space Ratio Map at Attachment H to include an FSR of 1.20 for 'P' code rather than 17.0.

(f) delete any reference to 115-133 Cambridge Road, Stanmore (as this land is already zoned as SP2 Educational Establishments and consequently no change to the FSR and HOB maps are required).

4. Inconsistencies with Section 117 Directions 1.1, 3.1 (as it relates to clause 6.9 and 6.11), 3.4, 3.5 and 4.1 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 Section 117 Directions is required.

5. Consult with Government agencies: Office of Environment and Heritage; Roads and Maritime Services; and Education and Communities; and

6. No further studies are required to be undertaken.

Supporting Reasons :

The planning proposal is the first 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. The various changes will not affect the consistency and legibility of MLEP 2011.

Panel Recommendation

Recommendation Date : **16-Aug-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to make the below amendments to the planning proposal:

(a) Delete the addition of 'secondary dwellings' from Clause 4.4(2A), as shown in Attachment AD, and delete the existing site area and maximum floor space ratio requirements as shown in Attachment AE and include the following:

≤ 150 sqm – 1.1:1
 $>150 \leq 200$ sqm – 1.0:1
 $>200 \leq 250$ sqm – 0.9:1
 $>250 \leq 300$ sqm – 0.8:1
 $>300 \leq 350$ sqm – 0.7:1
 $>350 \leq 400$ sqm – 0.6:1 and
 >400 sqm – 0.5:1

(b) Add the words - 'and as part of the conversion of existing industrial and warehouse buildings' to '1 Objectives of zone' in the Land Use Table for zone R1 General Residential which currently reads - 'To provide for office premises and retail premises in existing buildings designed and constructed for commercial purposes'.

(c) Do not include the proposed amendments to Clause 6.9 at Attachment AC. The application of Clause 6.9 is to only apply to development for the purposes of - multi-dwelling housing and residential flat buildings in Zone R2 Low Density Residential; residential flat buildings in zone R3 Medium Density Residential; and office premises in zones R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential.

(d) Delete the words 'and will not require significant structural alterations' from Clause 6.11 (3)(b).

(e) Amend the key for the proposed Floor Space Ratio (FSR) Map at Attachment H to include an FSR of 1.20 for 'P' code rather than 17.0.

(f) Delete any reference to 115-133 Cambridge Road, Stanmore from the planning proposal because this land is already zoned SP2 Educational Establishments. No change to the floor space ratio and height of building map is required in regards to this land.

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

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

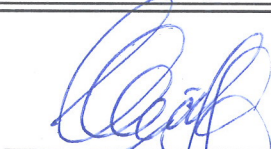
- Office of Environment and Heritage
- Transport for NSW (Roads and Maritime Services)
- Department of Education and Communities

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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

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

Signature:



Printed Name:

Neil McCaffin

Date:

23.8.12