

**PLANNING PROPOSAL TO AMEND
MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011
JUNE 2012**

List of abbreviations

MLEP 2011 - Marrickville Local Environmental Plan 2011
MDCP 2011- Marrickville Development Control Plan 2011
dMLEP 2011 – draft Marrickville Local Environmental Plan 2011
dMDCP 2011 – draft Marrickville Development Control Plan 2011
DP&I - NSW Department of Planning & Infrastructure
PAC – NSW Planning Assessment Commission
RMS – NSW Roads & Maritime Services (formerly the RTA)
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
C, Cl. or cl. – Clause
s. – Section
Sch. – Schedule
m – metres
sqm – square metres

PART 1: OBJECTIVES OR INTENDED OUTCOMES

To make a number of amendments the Marrickville Local Environmental Plan (MLEP) 2011 to better reflect community expectations and improve the operation of the LEP - ranging from site specific provisions to policy and operational matters.

PART 2: EXPLANATION OF PROVISIONS

1. Site Specific Amendments

a. 396-576 Princes Highway, St Peters

- i. Amendment of MLEP 2011 Land Zoning Map in accordance with the proposed zoning map shown at Attachment A, which amends the zoning of Nos. 396-576 Princes Highway, from IN1 General Industrial to B6 Enterprise Corridor.

- ii. Amendment of MLEP 2011 Key Sites Map in accordance with the proposed key sites map shown at Attachment B.

[NB: No. 500 Princes Highway, St Peters, is not included in the proposed map as Schedule 1 of MLEP 2011 currently contains additional permitted uses on this site; being bulky goods and retail premises (only in relation to engineering supplies or tools or vehicle parts and accessories) with consent, and was not mapped under MLEP 2011.]

- iii. Utilise existing *Schedule 1 Additional permitted uses* of the Marrickville LEP 2011 (Item 16) to specify the additional permitted use with consent for bulky goods uses on these sites, as shown at Attachment C.

[NB: 500 Princes Highway not included Schedule 1 No. 16 as MLEP 2011 already contains a Schedule 1 inclusion for No. 500 Princes Highway, being No. 17: Use of certain land at 500 Princes Highway, St Peters].

b. 728-750 Princes Highway, Tempe

- i. Amendment of Marrickville LEP 2011 Land Zoning Map in accordance with the proposed zoning map shown at Attachment D, which amends the zoning of 728-750 Princes Highway, Tempe, from IN2 Light Industrial to B6 Enterprise Corridor.
- ii. No amendment required to *Schedule 1 Additional permitted uses* of the Marrickville LEP 2011 as this site is already included within No. 16: Use of certain land at Princes Highway, St Peters and Bellevue Street, Tempe, which permits bulky goods with consent, as shown at Attachment C (Item 16).

c. 31, 41-45 & 129 Princes Highway, St Peters

- i. Amendment to Marrickville LEP 2011 Floor Space Ratio Map in accordance with the proposed floor space ratio map shown at Attachment E, which shows a maximum permissible floor space ratio of 0.95:1 for 31, 41-45 & 129 Princes Highway, St Peters, which is in accordance with other B6 Enterprise Corridor zoned land on the Princes Highway enterprise corridor.
- ii. Amendment to Marrickville LEP 2011 Height of Building Map in accordance with the proposed height of building map shown at Attachment F, which shows no maximum height control for 31, 41-45 & 129 Princes Highway, St Peters, which is in accordance with other B6 zoned land on the Princes Highway corridor.

d. 1-15 West Street & 96-98 Brighton Street, Petersham

- i. Amendment of Marrickville LEP 2011 Land Zoning Map in accordance with the proposed zoning map shown at Attachment G, which amends the zoning of 13-15 West Street, Petersham, from R1 General Residential to R4 High Density Residential.
- ii. Amendment of Marrickville LEP 2011 Floor Space Ratio Map in accordance with the proposed floor space ratio map shown at Attachment H, which shows a maximum floor space ratio for 1-15 West Street, Petersham of 1.2:1 and for 96-98 Brighton Street, Petersham of 0.7:1.
- iii. Amendment of Marrickville LEP 2011 Height of Buildings Map in accordance with the proposed height of buildings map shown at Attachment I, which shows a maximum height of building for 1-15 West Street, Petersham of 14.0 metres.

e. 55-61 Unwins Bridge Road, Sydenham

- i. Amendment of Marrickville LEP 2011 Land Zoning Map in accordance with the proposed zoning map shown at Attachment J, which amends the zoning of 55-61 Unwins Bridge Road, Stanmore, from R2 Low Density Residential to B1 Neighbourhood Centre.
- ii. Amendment of Marrickville LEP 2011 Floor Space Ratio Map in accordance with the proposed floor space ratio map shown at Attachment K, which shows a maximum floor space ratio of 1.5:1 for 55-61 Unwins Bridge Road, St Peters, which is in accordance with the adjoining B1 zoned properties.
- iii. Amendment of Marrickville LEP 2011 Height of Building Map in accordance with the proposed height of building map shown at Attachment L, which shows a maximum height of buildings of 11 metres for 55-61 Unwins Bridge Road, St Peters, which is in accordance with the adjoining B1 zoned properties.

f. 221-235 & 244 Stanmore Road & 115-133 Cambridge Road, Stanmore

- i. Amendment of Marrickville LEP 2011 Land Zoning Map in accordance with the proposed zoning map shown at Attachment M, which amends the zoning for 221-235 Stanmore Road, Stanmore, from R1 General Residential to SP2 (Educational Establishment).
- ii. Amendment of Marrickville LEP 2011 Floor Space Ratio Map in accordance with the proposed floor space ratio map shown at Attachment N, which shows no maximum floor space ratio for 221-235 & 244 Stanmore Road & 115-133 Cambridge Road, Stanmore.
- iii. Amendment of the Marrickville LEP 2011 Height of Buildings Map in accordance with the proposed height of buildings map shown at Attachment O, which shows no maximum height of buildings for 221-235 & 244 Stanmore Road & 115-133 Cambridge Road, Stanmore.

2. Operational Matters:

- i. Amendment of *Schedule 5 Environmental Heritage* of Marrickville LEP 2011 to include the words 'and interiors' after the Item Name for all heritage items included in Attachment P.
- ii. Amendment of Marrickville LEP 2011 *Schedule 5 Environmental Heritage* Item Name for 1-7 Unwins Bridge Road, St Peters (Item No. 1280) to delete the words ', and site', as shown at Attachment Q.
- iii. Amendment of Marrickville LEP 2011 *Schedule 5 Environmental Heritage* Item Name for 332-334 Marrickville Road, Marrickville (Item No. 1111) to 'St Clements Church, Hall and Rectory', as shown at Attachment R.
- iv. Amendment of Marrickville LEP 2011 *Schedule 5 Environmental Heritage* Item Name for 244 Stanmore Road, Stanmore, to 'Newington College – Grounds and Founder's Building', as shown at Attachment S.
- v. Amendment of Marrickville LEP 2011 *Schedule 5 Environmental Heritage* Item Name for Item No. 1101 to 'Former Marrickville Hospital Site and Victorian Cottages', as shown at Attachment T.

- vi. Amendment of Marrickville LEP 2011 Heritage Map in accordance with proposed heritage map shown at Attachment U, to remove heritage listing for Nos. 4 & 14 London Street, Enmore; 67-69 Westbourne Street, Petersham; 91 & 89A-89E Camden Street, Enmore.
- vii. Amendment of Marrickville LEP 2011 *Schedule 5 Environmental Heritage* to delete Nos. 4 & 14 London Street, Enmore (I43); 67-69 Westbourne Street, Petersham (I231); 91 & 89A-89E Camden Street, Enmore (I30); as heritage items as shown at Attachment V.
- viii. Amendment of Marrickville LEP 2011 Heritage Map in accordance with proposed heritage map shown at Attachment W, to include 316 Princes Highway, St Peters, as a heritage item.
- ix. Amendment of Marrickville LEP 2011 *Schedule 5 Environmental Heritage* to include 316 Princes Highway, St Peters, as a heritage item as shown at Attachment X.
- x. Amendment of Marrickville LEP 2011 Heritage Map to extend the boundaries of 'C7' in accordance with the proposed heritage map shown at Attachment Y, to include additional properties located on the eastern and western sides of Cardigan Street between Ravenue Lane and Rosevear Street, and properties located on the northern side of Railway Avenue between Cardigan Street and Kingston Road.
- xi. Amendment of Marrickville LEP 2011 Heritage Map to extend the boundaries of 'C2' in accordance with the proposed heritage map shown at Attachment Z, to include No. 2 Stanmore Road, Enmore, within the Heritage Conservation Area.
- xii. Amendment of Marrickville LEP 2011 Floor Space Ratio Map in accordance with the proposed floor space ratio map shown at Attachment AA, to include 'S5' code for 48-68 Hutchinson Street, St Peters, to show a maximum floor space ratio of 1.8:1 for these properties.
- xiii. Amendment of the Marrickville LEP 2011 Natural Resources – Biodiversity Map in accordance with the proposed Natural Resources – Biodiversity Maps shown at Attachment AB Sheets 1-5, to consistently show roads are covered by the biodiversity layer.

3. Policy Issues

- i. Amendment of the Marrickville LEP 2001 *Clause 6.9 Conversion of Industrial Buildings and Warehouse Buildings to Residential Flat Buildings, Multi-Dwelling Housing and Office Premises* as shown in Attachments AC.
- ii. Amendment of Marrickville LEP 2011 Part 4 *Principal Development Standards* Clause 4.4(2A) to include 'secondary dwellings' to the list of land uses that have a variable FSR based on site area as shown in Attachment AD.
- iii. Amendment of Marrickville LEP 2011 Part 4 *Principal Development Standards* Cl 4.4(2A) to include a table showing site areas and associated FSRs as follows and shown in Attachment AE:
 - ≤ 200 sqm - on merit;
 - > 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.

Should this not be accepted by the Department of Planning & Infrastructure, the alternative following table be included showing site area and associated FSRs as follows:

≤ 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

- iv. Amendment of Marrickville LEP 2001 Clause 6.11 *Use of Dwelling Houses in Business and Industrial Zones* as follows and shown in Attachment AF:

"(1) The objective of this clause is to provide for the use of purpose built dwelling houses in business and industrial zones, for residential purposes, under particular circumstances.

(2) This clause applies to a building in existence on land zoned B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial or IN2 Light Industrial on the appointed day, being a building that was designed and constructed as a dwelling house and in respect of which the existing use provisions of the Act have ceased to apply.

(3) Before determining a development application for the use of a building to which this clause applies, the consent authority must be satisfied that the building offers satisfactory residential amenity and can be used as a dwelling house without the need for significant structural alterations."

- v. Amendment of Marrickville LEP 2011 Land Zoning Map, in accordance with the proposed land zoning map shown at Attachment AG Sheets 1 -4, which shows all educational establishments zoned SP2 (Educational Establishments).

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 since the gazettal of the MLEP 2011. It deals largely with operational and other policy matters which have been identified as requiring amendment during the operation of the Plan. Additionally, there are several site specific issues which have resulted from on-going consultation with landowners since the initial drafting of the MLEP 2011. These site-specific amendments have been considered by Council and it is considered they can be accommodated within MLEP 2011.

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 a range of 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 the MLEP 2011 itself, as it will improve the overall operation of the Plan.

The Planning Proposal also actions Council's request that all educational establishments within the MLEP 2011 be zoned SP2 (Educational Establishment). This is consistent with recent guidance from the Department of Planning & Infrastructure, which represents a change in policy regarding the zoning of educational establishments.

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 the MLEP 2011 and to make some site specific and policy amendments to the LEP. Amending the MLEP 2011 is the necessary means to achieve the intended outcomes of the Planning Proposal.

3. Is there a net community benefit?

As previously discussed, this Planning Proposal aims to make a number of amendments to MLEP 2011. 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 understanding and utilisation of the MLEP 2011.
- Greater heritage protection: The Planning Proposal aims to increase protection for the interior of heritage items; amends details for some heritage items; excludes several heritage item from Schedule 5 following heritage peer review; includes an additional heritage items to Schedule 5 following peer review; and expands the boundaries of an existing heritage conservation area. These amendments will improve the application of the heritage provisions within MLEP 2011 by ensuring heritage listings within the Plan are appropriate. The listing of interiors of select heritage items will require development consent for all non-structural interior alterations. However, if it can be demonstrated that no significant interior exist, the minor works clause in the LEP can be utilised to avoid any undue restrictions in property owners.

- Protection for community assets: During the preparation of its LEP, Council strongly argued that community assets, including educational establishments, should be allocated an infrastructure zoning to reflect their current use. Zoning these sites to an adjoining zoning increases the risk of these assets being disposed of in the future and redeveloped for alternative uses without appropriate levels of community consultation or planning. Subsequent to the gazettal of the MLEP 2011, the DP&I have indicated support for the zoning of educational establishments to SP 2 (Educational Establishments). This Planning Proposal seeks to amend the zoning of all educational establishments in the Marrickville LGA from their current zoning under MLEP 2011 to SP2 (Educational Establishments). Although it is noted that Council's recent resolution regarding this issue only included the rezoning of educational establishments zoned R1 General Residential under MLEP 2011, the intent of the resolution was for this to occur to all educational establishments, as evidenced by Council's prior resolution to *"make further representations to the Department of Planning & Infrastructure, with the s68 report, to protect public purpose lands, particularly school sites through the use of the SP2 zone"* when it adopted dMLEP 2011 in May 2011. Therefore, this Planning Proposal includes all sites not already zoned SP2 (Educational establishments) regardless of their current zoning in MLEP 2011
- Site-specific land use amendments:
 - 396-576 & 728-750 Princes Highway, St Peters: The Planning Proposal rezones several sites on the Princes Highway to B6 Enterprise Corridor and allows bulky good retailing on these sites. The proposed B6 Enterprise Corridor zoning and associated bulky good additional permitted use allows for greater employment options on these sites and for more flexibility regarding potential future uses of these sites. It is considered these changes may assist with reinvigorating this section of the LGA, without having detrimental impacts on the surrounding road network (refer to attached Part (refer to p.11 of the attached 17 April 2012 Part 1 MLEP 2011 review report to Council)).
 - 31, 41-45 & 129 Princes Highway, St Peters: This amendment aims to facilitate the retention of the existing buildings on these sites, whilst still allowing for adaptive re-use of the buildings (refer to p.13 of the attached 17 April 2012 Part 1 MLEP 2011 review report to Council).
 - 1-15 West Street & 96-98 Brighton Street, Petersham: This amendment seeks to clarify appropriate planning controls for this site, which were subject to amendment by the DP&I prior to the gazettal of MLEP 2011. Council officers have considered envelope and indicative shadow diagrams for the proposed development on this site, and concluded that any impacts on surrounding properties can be adequately addressed as part of a future development application process. Additional design considerations necessary to ensure the proposed development does not detrimentally affect surrounding properties have been adopted by Council for inclusion in MDCP 2011 (refer to p.15 of the attached 17 April 2012 Part 1 MLEP 2011 review report to Council and p.8 of the attached 1 May 2012 report to Council on deferred items from the Part 1 MLEP 2012 report).
 - 55-61 Unwins Bridge Road, Sydenham: This amendment seeks to respond to a request for a zoning amendment, whilst taking into account the existing character of the site and surrounding area. The proposed B1 Neighbourhood Centre zoning will allow for greater flexibility of potential land uses for these sites, and potentially create employment generating opportunities on these sites, and is considered an appropriate

response to these sites within their context (refer to p.45 of the attached 5 June 2012 Part 2 MLEP 2011 review report to Council).

- o 221-235 & 244 Stanmore Road & 115-133 Cambridge Road, Stanmore: This amendment seeks to create consistency between all landholdings of the Newington College, to reflect their use related to educational establishments, including administrative functions. This is consistent with the Planning Proposal's policy amendment to rezone all educational establishments to SP2 (Educational Establishments) in MLEP 2011 (refer to p.46 of the attached 5 June 2012 Part 2 MLEP 2011 review report to Council).

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 accommodation the identified constraints. The 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 objectives to 'retain strategic employment lands' is reflected in the site-specific amendments. These have been proposed to achieve the best possible planning controls and future land use outcomes for the subject properties located on the Princes Highway and Unwins Bridge Road.
- 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 modifications to FSR controls and the description of clauses, will generally assist in achieving housing and employment targets by improving the clarity and operation of MLEP 2011.

As described above, the objectives and actions contained in the Metropolitan Strategy and the dSSS were used to inform the planning controls contained in the MLEP 2011. The amendments contained in this Planning Proposal are considered to be necessary in achieving the intended outcome of the MLEP 2011, and thus the Planning Proposal is

consistent in achieving the objectives contained in the abovementioned strategies. This Planning Proposal largely consists of operational matters which have become evident since the MLEP 2011 came into operation at the end of 2011. Making these amendments will assist the functionality of the LEP and assist it achieve its overall aims and objectives for the Marrickville LGA.

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 and objective 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 include 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 for a well planned, sustainable and accessible urban environment, as improved operation of the Plan will assist in planning for 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 the Planning Proposal aims to rectify existing deficiencies within the MLEP 2011 to improve its overall performance and the performance of Council in applying the Plan.

The Planning Proposal also seeks to create certainty for the local community regarding the retention of community assets. Previous directions on the zoning for educational establishments encouraged the zoning of these sites to be consistent with adjacent zones. This increased the potential for the use of these sites to change without requiring any community consultation, potentially resulting in the loss of community facilities. The Planning Proposal seeks to rectify this situation, again allowing the community to input into the future uses of these sites.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs). Based on this assessment, Council has concluded that the Planning Proposal is consistent with all applicable or potentially applicable SEPPs, as follows.

SEPP (Exempt and Complying Development Codes) 2008

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. None of the matters in this Planning Proposal raise issues in relation to this SEPP, and Council has concluded that the Planning Proposal is consistent with this SEPP.

SEPP (Infrastructure) 2007

SEPP (Infrastructure) 2007 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. This SEPP is relevant to two resolutions within this Planning Proposal. The first is Part 2 report Resolution (1f) – the rezoning of 221-235 Stanmore Road, Stanmore from R1 General Residential to SP2 Infrastructure (Educational Establishment) to reflect its school use, and removal of FSR and HoB controls from all three sites owned by Newington College. These three sites are 244 Stanmore Road, Stanmore, 221-235 Stanmore Road, Stanmore and 115-133 Cambridge Street, Stanmore. The second is the final resolution in the Part 2 report – *“in addition to the above [Resolution (1f)], Council seeks to rezone all educational establishments in the Marrickville LGA from R1 General Residential to SP2 Infrastructure (Educational Establishment).”* Both resolutions do not raise particular issues in relation to the SEPP, and are consistent with the SEPP by improving regulatory certainty and efficiency. The second resolution is also consistent with recent advice from the Department of Planning and Infrastructure regarding the zoning of school sites.

SEPP (Major Development) 2005

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. None of the resolutions within this Planning Proposal affects sites that have been, or are likely to be, subject to developments defined as major development. Council has concluded that the Planning Proposal is consistent with this SEPP.

SEPP (Building Sustainability Index: BASIX) 2004

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

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

This SEPP encourages the development of quality accommodation for the ageing population and for people who have disabilities, in keeping with the local neighbourhood. None of the resolutions within this Planning Proposal directly or indirectly affects housing for seniors or for people with disability, nor does it affect any provision within this SEPP. Council has concluded that the Planning Proposal is consistent with this SEPP.

SEPP No. 65 - Design Quality of Residential Flat Development 2002

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. One of the resolutions – the 1 May 2012 resolution in relation to 1-15 West Street & 96-98 Brighton Street, Petersham – relates to site-specific zoning, FSR and HoB provisions to provide for the development of the site for a residential flat building. This resolution has been based on a preliminary assessment that has concluded that a well-designed and suitably located residential flat building can be constructed on the site, and the development proposal will be further assessed against this SEPP at the development application stage. None of the resolutions within this Planning Proposal directly or indirectly affects residential flat building design provisions, nor does it affect any provision within this SEPP. Council has concluded that the Planning Proposal is consistent with this SEPP.

SEPP No. 55 - Remediation of Land 1998

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. 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 the Planning Proposal is consistent with this SEPP.

SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land) 1991

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. 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, these new dwellings and jobs have been created within or around activity centres and public transport services within the Marrickville LGA. Council has concluded that the Planning Proposal is consistent with this SEPP.

SEPP No. 22 - Shops and Commercial Premises 1987

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. The Planning Proposal contains three site-specific amendments that may be relevant to this SEPP, i.e. Part 1 MLEP 2011 review report Resolutions (1d) and (1e) in relation to 396-576 and 728-750 Princes Highway, which involve the rezoning of IN1 General Industrial and IN2 Light Industrial sites on Princes Highway to B6 Enterprise Corridor, and Part 2 MLEP 2011 review report Resolutions (1e) proposing the rezoning of R2 Low Density Residential sites at 55-61 Unwins Bridge Road to B1 Neighbourhood Centre. These amendments will ensure that the most appropriate zonings are applied to the subject sites and will improve the land use provisions contained in MLEP 2011. As a result of these amendments this SEPP will be applicable to these sites and the capacity for changes to the use of these premises will be more comprehensive, in accordance with the objectives and provisions of this SEPP. Council has concluded that the Planning Proposal is consistent with this SEPP.

SEPP No. 19 - Bushland in Urban Areas 1986

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. 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 will any of the matters within this Planning Proposal alter the degree to which urban bushland will be protected under MLEP 2011. Council has concluded that the Planning Proposal is consistent with this SEPP.

SEPP No. 6 - Number of Storeys in a Building 1982

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. 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. Council has concluded that the Planning Proposal is consistent with this SEPP.

SEPP (Affordable Rental Housing) 2009

SEPP (Affordable Rental Housing) 2009 establishes a consistent planning regime for the provision of affordable rental housing. This SEPP applies to two of the policy issues contained in the Planning Proposal. Resolution (3i) will improve the clarity of Clause 6.9 *Conversion of Industrial Building and Warehouse Buildings to Residential Flat Building, Multi-Dwelling Housing and Office Premises* to remove any potential for the clause to be interpreted as prohibiting multi dwelling housing and residential flat buildings in the applicable residential zone. Similarly, amendment (3ii) will improve the clarity of Clause 4.4(2A) by including secondary dwellings in the list of land uses that have a variable FSR based on site area. These resolutions are intended to improve the functioning of the controls contained in the MLEP 2011, however in each instance the amendments will also improve the ability for the provision of affordable rental housing in the Marrickville LGA. It is therefore considered that this resolution is consistent with the objectives and provisions of SEPP (Affordable Rental Housing) 2009. Council has concluded that the Planning Proposal is 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 the Planning Proposal is consistent with all applicable Ministerial (s.117) Directions.

1. Employment and Resources

1.1 Business and Industrial Zones

This Direction applies to the two Princes Highway sites - 500-576 Princes Highway, Sydenham (Part 1 report Resolution (1d)) and 728-750 Princes Highway, Tempe (Part 1 report, Resolution (1e))– where Council has supported a rezoning from an IN1 General Industrial to B6 Enterprise Corridor, with bulky goods retailing permitted via MLEP 2011 Schedule 1. The proposed rezoning does not conflict with the objectives of this Direction as

it will support employment growth and the viability of this 'enterprise corridor'. Although these rezonings are in consistent with the dSSS, they are consistent with the MUS and recent land use changes supported by the DP&I along this corridor (e.g. IKEA Tempe).

2. Environment and Heritage

2.3 Heritage Conservation

This Direction is relevant to five LEP procedural matters that propose relatively minor corrections and improvements to heritage-protection clauses for particular sites. They relate to Part 1 report Resolution (2a), (2b), (2c), (2d) and Part 2 report Resolution (1l). These proposed minor changes are intended to improve the accuracy of the items identified for protection under MLEP 2011, and as such do not conflict with the objectives or any of the provisions of this Direction.

This Direction is also relevant to the site-specific rezoning proposal for 1-15 West Street and 96 Brighton Street, Petersham, identified in the Part 1 report as Submission (1i) and resolved by Council at a meeting on 1 May 2012. The proposed rezoning and increase in FSR and HoB provisions on this site does not alter the fundamental nature of the development, i.e. to demolish existing dwellings and commercial buildings on the site and construct a residential flat building. Although the site is within a Heritage Conservation Area, there are no Heritage Items on the site and in recommending the rezoning, Council has determined that there are no heritage matters that would prevent the resolution proceeding. In making a resolution on this site, Council also resolved to include five site-specific controls in MDCP 2011 to ensure the impact of the proposed development on the character of this heritage precinct would be minimised. Council therefore considers this resolution to be consistent with the objective and provisions of this Direction.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

There are a number of resolutions related to relatively minor amendments to MLEP 2011 related to controls on dwellings, so are potentially relevant to this Direction. These resolutions are: Part 1 report, Resolutions (3a), (3b), (3c) and (3k). In each instance, these resolutions are intended to incrementally improve MLEP 2011 provisions in relation to dwelling permissibility in non-residential zones and to dwelling design controls. They do not conflict with the three objectives or the seven provisions of this Direction.

There are two site-specific resolutions that are relevant to this Direction. The first is the rezoning proposal for 1-15 West Street and 96 Brighton Street, Petersham, identified in the Part 1 report as Submission (1i) and resolved by Council at a meeting on 1 May 2012. Council's resolution to rezone the site and increase FSR and HoB provisions will result in a net increase in dwelling provided. In making this resolution, Council had concluded that the site was an appropriate location for additional dwellings in terms of proximity to infrastructure and services, particularly as the site is within walking distance of Petersham railway station and commercial centre and adjacent to Petersham Park. This complements the objectives and provisions of this Direction.

The other site-specific resolution is the proposed rezoning of 55-61 Unwins Bridge Road, Sydenham from R2 Low Density to B1 Neighbourhood Centre, identified as Resolution (1e) within the Part 2 report. Conversion of detached residential dwellings to commercial buildings could result in a small net loss of dwellings, although this could be offset by shoptop housing. Due to the location of the site in a very high aircraft noise area (within the

30-35ANEF contours), high traffic noise area and adjacent to the Sydenham commercial centre, loss of a small number of dwellings is considered to be appropriate. Additional commercial activity would also help to reactivate the Sydenham commercial centre. Hence Resolution (1e) is not considered to be in conflict with the objectives or provisions of this Direction.

3.4 Integrating Land Use & Transport

This Direction applies to the two Princes Highway sites - 396-576 Princes Highway, Sydenham (Part 1 report Resolution (1d)) and 728-750 Princes Highway, Tempe (Part 1 report, Resolution (1e))– where Council has supported a rezoning from an IN1 General Industrial to B6 Enterprise Corridor, with bulky goods retailing permitted via MLEP 2011 Schedule 1. This is likely to result in an incremental increase in trip-generation, including an increase in car trips. Accordingly, the proposed rezoning requires consideration from the DP&I and RMS on the traffic impacts from the rezoning of these sites. As is noted in the 24 May 2011 report to Council on dMLEP 2011, a traffic study for these Princes Highway sites concluded that *"the proposed rezoning would not result in unsatisfactory traffic implications. It proposed the removal of existing direct access driveways on the highway frontage and the widening and extension of the existing indirect accessways to create a link road behind the subject properties."*

Based on the minimal identified traffic impacts from the change in land use, Council is of the view that the resolution is consistent with the objectives and provisions of this Direction as the Princes Highway commercial strip has been identified in the MUS as an 'enterprise corridor' suitable for less intense commercial activity, such as bulky goods retailing. Whilst it is recognised that much of this activity is car-based due to the need for customers to transport items by car (e.g. IKEA Tempe), co-location of this activity along the Princes Highway is intended to reduce car trips and trip lengths compared to the situation where this activity was dispersed across the LGA. Further, most of the Princes Highway is accessible by foot from Tempe, Sydenham and St Peters railway stations, and there are bus services and bicycle routes along the Highway and in the vicinity. This will allow some trips to be made by means other than car.

This Direction is relevant to the site-specific rezoning proposal for 1-15 West Street and 96 Brighton Street, Petersham, identified in the Part 1 report as Submission (1i) and resolved by Council at a meeting on 1 May 2012. This Direction was considered in the making of MLEP 2011, and at that time, an apartment building on this site was considered appropriate given Petersham Railway Station and the Petersham commercial centre were within walking distance. The MLEP 2011 amendment proposed represents a minor incremental variation in the development potential of this site, and Council concludes that the amendment does not conflict with this Direction.

This Direction is also relevant to the site-specific rezoning proposal (Part 2 report, Resolution (1e)) for 55 to 61 Unwins Bridge Road, Sydenham. This Proposal is consistent with this Direction as it would consolidate further activate the Sydenham commercial centre by incrementally increasing commercial activity. A minor increase in trip-generation could be expected, but such trip generation is within a small commercial centre that is well served by public transport in the form of buses and Sydenham Railway Station.

3.5 Development Near Licensed Aerodromes

This Direction is relevant to the site-specific rezoning proposal for 1-15 West Street and 96 Brighton Street, Petersham, identified in the Part 1 report as Submission (1i) and resolved by Council at a meeting on 1 May 2012 meeting. This Direction was considered in the making

of MLEP 2011, and at that time, an apartment building on this site was considered appropriate given its location between the 20-25 ANEF contours. This Direction allows rezoning for residential development within these ANEF contours. The MLEP 2011 amendment proposed represents a minor incremental variation in the development potential of this site, and Council considers that the amendment does not conflict with this Direction. Given the site is located well away from Sydney Airport outside the core Obstacle Limitation Surface (OLS) area, and the increase in building height as a result of the amendment is minor, the proposal is not anticipated to conflict with the OLS limitation.

This Direction is also relevant to the site-specific rezoning proposal (Part 2 report, Resolution (1e)) for 55 to 61 Unwins Bridge Road, Sydenham. This site is within the 30-35 ANEF zone, so experiences high levels of aircraft noise. It follows that the proposal to rezone these sites from a more noise sensitive use (residential) to a less sensitive use (commercial) is appropriate. This Direction allows land located in 30+ ANEF areas to be rezoned for commercial or industrial uses provided the new zone includes a provision to ensure that development meets AS 2021 regarding interior noise levels. Hence the proposed rezoning of this site is consistent with this Direction.

4. Hazard and Risk

4.1 Acid Sulfate Soils

This Direction is also relevant to the site-specific rezoning proposal (Part 2 report, Resolution (1e)) for 55 to 61 Unwins Bridge Road, Sydenham. This site is within a potential Acid Sulfate Soils area, and the proposed rezoning from residential to commercial may result in a minor intensification of the land use overall. According to this Direction, the new zone must contain a provision requiring the preparation of an Acid Sulfate Soils study prior to the rezoning, with Acid Sulfate soil management conditions applying to works. In this respect, Clause 6.1 of MLEP 2011 provides appropriate provisions concerning Acid Sulfate Soils.

4.2 Flood Prone Land

This Direction applies to the two Princes Highway sites - 396-576 Princes Highway, Sydenham (Part 1 report Resolution (1d)) and 728-750 Princes Highway, Tempe (Part 1 report, Resolution (1e))— where Council has supported a rezoning from an IN1 General Industrial to B6 Enterprise Corridor, with bulky goods retailing permitted via MLEP 2011 Schedule 1. These rezonings are consistent with the Direction as the original use is industrial, not any of the uses listed in Clause 4 of the Direction. The rezonings are likely to create only minor changes to the buildings and structures on these two sites, so would not have an impact on flooding on adjoining or surrounding properties. Council has concluded that the Planning Proposal is consistent with this Direction.

6. Local Plan Making

6.1 Approval and Referral Requirements

This Direction potentially applies to this Planning Proposal, but none of the resolutions that make up the Planning Proposal 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 the Planning Proposal is consistent with this Direction.

6.3 Site Specific Provisions

This Direction applies to all of the site-specific resolutions within the Planning Proposal. These are Part 1 report, Resolutions (1d), (1e), (1g) , Part 1 report, deferred item to 1 May meeting (West St, Petersham) and Part 2 report, Resolutions (1e) and (1g). These sites are 500-576 Princes Highway, 728-750 Princes Highway, 500-576 Princes Highway, Sydenham, 31, 41-45 & 129 Princes Highway, St Peters, 1-15 West Street and 96 Brighton Street, Petersham, 55-61 Unwins Bridge Road, Sydenham, 221-235 Stanmore Road, Stanmore, 244 Stanmore Road, Stanmore and 115-133 Cambridge Street, Stanmore. None of the amendments in zoning or building provisions proposed for any of these sites will restrict the land uses or provisions allowable on the sites. In most instances, the amendments will slightly reduce existing restrictions. Council has concluded that the Planning Proposal is consistent with this Direction.

7. Metropolitan Planning

7.1 Implementation of the Metropolitan Plan for Sydney 2036

This Direction is relevant to the Planning Proposal , but none of the resolutions within the Planning Proposal raise particular issues in relation to compliance 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, the Planning Proposal represents a series of relatively minor technical and site-specific changes that individually or cumulatively do not raise issues in relation to compliance with the Metropolitan Plan for Sydney. Council has concluded that the Planning Proposal is 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?

No. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal.

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

No, there is no likelihood for any other significant environmental effects. The site-specific and policy amendments to development densities are minor and will be managed through the general planning controls contained in the MLEP 2011. The site-specific amendments to 396-576 & 728-750 Princes Highway, St Peters are not considered to result in detrimental impacts on the surrounding road network, however prior to the rezoning of these sites, DP&I and RMS should be consulted concerning any potential traffic impacts and the management of traffic.

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

The Planning Proposal is considered to positively address the social and economic effects that may result from the existing issues identified within the MLEP 2011. The site-specific and policy amendments contained in the Planning Proposal, such as modifications to zoning

and development densities, will assist in achieving additional housing and employment targets by improving the operation of the MLEP 2011.

Furthermore, the policy amendments relating to heritage matters have been proposed to better define the subject 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.

The proposed amendment to the zoning for educational establishments will have positive social effects in protecting these sites for community uses.

Section D – State and Commonwealth Interests

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

During the public exhibition of the MLEP 2011, concern was raised regarding potential increased traffic and parking demands to be generated by new development, as well as a lack of sufficient services provided around the Marrickville LGA to provide for additional residents. Whilst it is recognised that there will be increased traffic and parking demand as a result of new development, the extent of this increase is not considered to be significant enough to warrant additional services.

It was further noted that proposed rezoning and variations to floor space ratio and height controls will place greater pressure on local facilities such as community facilities, open recreational space and stormwater infrastructure. A series of local infrastructure studies, to determine the infrastructure needs of the additional population as a result of new development, are being undertaken by Council. These studies take the form of a Local Traffic Study, Open Space, Sports and Recreation Facilities Study and Community Facilities Study. Council has also recently updated its Section 94 plan to ensure that new development is contributing to additional community facilities.

Council has a long-standing policy position that transport planning and funding should be oriented toward public transport, walking and cycling, and away from the private motor vehicle. Committed implementation of new government policies would greatly assist Council's efforts to ensure good practice land use and transport integration principles are applied in planning for new dwellings, jobs and services.

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

In accordance with the gateway determination process, State and Commonwealth public authorities have not been formally consulted and it is proposed this will occur at the community consultation stage. Council has resolved that certain site specific amendments, such as at 396-576 Princes Highway, St Peters and 728-750 Princes Highway, Tempe will require liaison with the DP&I and RMS to assess any potential traffic implications for the Princes Highway.

PART 4: COMMUNITY CONSULTATION

Council considers the Planning Proposal to be one of low impact as it is not a principal LEP; amendments are consistent with the strategic planning framework and with the pattern of surrounding land use zones and/or land uses; it does not seek to reclassify public land; and presents no significant issues with regard to infrastructure servicing. An exhibition period of 14 days is considered sufficient notification time for the general public to be informed. Notice of the public exhibition on the amended MLEP 2011 will be:

- advertised in all local newspapers that services the Marrickville LGA;
- publicly available on Council's website;
- flyers displayed in the foyer in Council's administration building and in local libraries;
- copies of the draft LEP to be available at Council's administration building and at all local libraries; and
- letters sent out to all submitters/objectors; affected property owners and adjoining properties affected by the Planning Proposal at Council's discretion (i.e. more extensive consultation may be considered necessary for sites surrounding 1-15 West Street and 96-98 Brighton Street, Petersham).

Extensive consultation was carried out with State agencies, the community, stakeholders and Council staff regarding the draft MLEP & dDCP 2011 in the lead up to the adoption of these Plans by Council in 2011.

Several of the matters addressed in this Planning Proposal, particularly those related to the zoning and controls that apply to specific sites, are the result of submissions made by the public in relation to the draft Plans. All submitters have been informed (in advance, in writing) of Council's consideration in reports addressing their issues at Council's 17 April, 1 May and 5 June 2012 meetings. These reports were publicly available on Council's website the Friday preceding the Council meeting. Submitters have also been informed of their right to make a presentation at the Council meeting.

It is noted that some of the sites subject to this Planning Proposal will require targeted consultation with State Government Agencies, being the DP&I and RMS, on potential traffic impacts caused by proposed changes to sites along the Princes Highway.