Development Applications and Rezonings by Marrickville Council in ANEF 25+ Areas

Barwon Park Triangle St Peters

Details	ANEF@ time of assessment	Zoning
Barwon Park Triangle St Peters Marrickville Local Environmental Plan 2001 (Amendment No14) **Published in Gazette No 137 of 5 September 2003, page 9153** *Industrial 4 (A) zone and the Arterial Road and Arterial Road Widening 9 (C) Reservation zone to the Residential 2 (C) zone under Marrickville Local Environmental Plan 2001, with a small portion of land remaining zoned Arterial Road and Arterial Road Widening 9 (C) Reservation* **Aims of plan** This plan aims: (a) to rezone the land to which this plan applies from the General Industrial 4 (A) zone and the Arterial Road and Arterial Road Widening 9 (C) Reservation zone to the Residential 2 (C) zone under *Marrickville Local Environmental Plan 2001*, with a small portion of land remaining zoned Arterial Road and Arterial Road Widening 9 (C) Reservation, and (b) to broaden the range of permissible uses of the land, and (c) to promote the economic use of the land, and (d) to provide height and floor space ratio controls for the land, and to facilitate the preparation of a development control plan to provide additional guidelines for appropriate development of the land within the precinct known as the Barwon Park Triangle, St Peters. On 4 March 2003, the Development and Environmental Services Committee endorsed an amendment to LEP 2001 to rezone the Barwon Park Triangle, St Peters, and set various development controls, and adopted a new DCP to provide additional development guidelines in the area. LEP 2001 (Amendment No 14) was gazetted on 5 September 2003 and DCP No 41 came into effect on 22 September 2003. ***The Director General's report to the Minister under Section 69 of the Environmental Planning and Assessment, 1979, requesting the making of the Local Environmental Plan to be known as Marrickville LEP 2001 (Amendment 14) for the Barwon Park Triangle, St Peters states:*** ***The plan is generally consistent with all relevant directions made under Section 117 of the Act.***	ANEF: 25-30	**Rezoned From:** MLEP 2001 General Industrial 4A **Zoned To:** MLEP 2001 Amendment 14 Residential 2C
Development & Environmental Services Committee Meeting - 02/03 - 4 March, 2003 ***PS 8 - REPORT ON PUBLIC EXHIBITION OF DRAFT PLANS, MARRICKVILLE LEP, 2001 (AMENDMENT NO.14)*** ***AND MARRICKVILLE DEVELOPMENT CONTROL PLAN NO. 41 - BARWON PARK TRIANGLE, ST PETERS*** ***For Recommendation*** ***Director, Development & Environmental Services reports:*** ***Synopsis*** *This report provides a review of the submissions received in respect of the public exhibition of the draft plans, Marrickville Local Environmental Plan, (LEP) 2001 (Amendment No. 14), and Marrickville Development Control Plan (DCP) No. 41, which apply to land bounded by Barwon Park Road, Princes Highway, and Campbell Street, St Peters, also referred to as the Barwon Park Triangle. The draft plans propose new controls to rezone the existing General Industrial 4A zone and Arterial Road Reservation and to facilitate mixed forms of residential and commercial development. It is recommended that Council resolve to approve both Draft Amendment No. 14 and DCP No.41, and to refer the documents to PlanningNSW for their final approval and gazettal.* ***Background Previous Council Consideration*** *Council has previously supported the advancement of both Draft Amendment No.14 and Draft DCP No. 41 for the Barwon Park Triangle area, through the following resolutions:* • *DES Committee Meeting, 04/02, 7 May, 2002, Item PS8 - a report seeking initial endorsement to prepare a draft LEP and DCP, was deferred for a Councillors Conference. The report was based on the findings of an urban design analysis conducted by an external consultant, Architects Johannsen and Associates.* • *A Councillors Conference was held on 22 July, 2002* • *DES Committee Meeting, 07/02, 6 August, 2002, Item PS14 - Council resolved to proceed with the public exhibition of a draft LEP and DCP.*		

Barwon Park Triangle St Peters

Details	ANEF@ time of assessment	Zoning
Pre-Exhibition Consultation, Parliamentary Counsel Opinion and Section 65 Certification *Section 62 of the Environmental Planning and Assessment Act, 1979 requires Council to consult with those public authorities and bodies that, in its opinion, will or may be affected by the draft LEP. A number of letters were sent to relevant government departments and adjoining councils.* *Overall, the public authorities raised no major objection to the proposed rezoning, but did request that certain matters, such as aircraft noise attenuation, the Obstacle Limitation Surfaces Clearance (OLSC) requirement, justification for the proposal in accordance with the State Government's Integrating Land Use and Transport Package and Draft State Environmental Planning Policy No. 66, and the proposed heritage provisions be further addressed in the publicly exhibited documents.* *The Roads and Traffic Authority also sought the inclusion of an additional portion of Arterial Road Reservation for the purposes of a splay at the corner of Campbell and Crown Streets. This request was included in the exhibited zoning map of Draft Amendment No. 14.* *As a result of concerns raised at the Councillors Conference, the RTA were also contacted regarding a recommendation of the consultant's Urban Design Study to create a mid-block through site, pedestrian access from the Princes Highway, via the large vacant site, Nos. 60-82 Princes Highway, leading out to Barwon Park Road. This proposal was based on a concept to provide greater pedestrian accessibility to Sydney Park for residents on the opposite side of the Princes Highway. However, the RTA advised that a signalised pedestrian crossing in this location is not acceptable. As a result, Council officers removed this requirement from the exhibited LEP and DCP.* *Aside from these authorities, Council officers have maintained regular liaison with PlanningNSW, commencing with the initial Urban Design Analysis in late 2001. PlanningNSW was forwarded copies of the reports prepared by Architects Johannsen and Associates, and provided the following comments:* • *not concerned about the loss of industrial land as the amount is relatively small;* • *the aircraft noise issue is the major concern and it recommends that Council consult with Sydney Airport Corporation Limited (SACL) and the Federal Department of Transport and Regional services (DoTARS);* • *doubts the validity of ground floor retail uses proposed for the precinct; more thought should be given to the types of uses; and* • *Council needs to consider the impact of the development on existing road networks, particularly in light of proposed pedestrian links across the Princes Highway.* *Council officers have previously responded to these issues in the report to the DES Committee Meeting, 7 May, 2002 (Meeting 04/02, Item PS8).* *Copies of the Draft Amendment No. 14 and DCP No. 41 were referred to PlanningNSW prior to the public exhibition. PlanningNSW raised no further issues, and supported the public exhibition of the documents.* *Council officers also forwarded a submission to PlanningNSW in respect of the State Government's Integrating Land Use and Transport Package and Draft State Environmental Planning Policy No. 66.* *The Parliamentary Counsel (PC) provided an opinion on 13 December, 2002 that Draft Amendment No. 14 can be legally made. Since that time, minor drafting updates have been made to the document, and have been forwarded to the PC for their final opinion.* *Council's General Manager signed the Section 65 Certificate for Draft Amendment No. 14 on 20 December, 2002, enabling the plan's public exhibition.*	ANEF: 25-30	**Rezoned From:** MLEP 2001 General Industrial 4A **Zoned To:** MLEP 2001 Amendment 14 Residential 2C

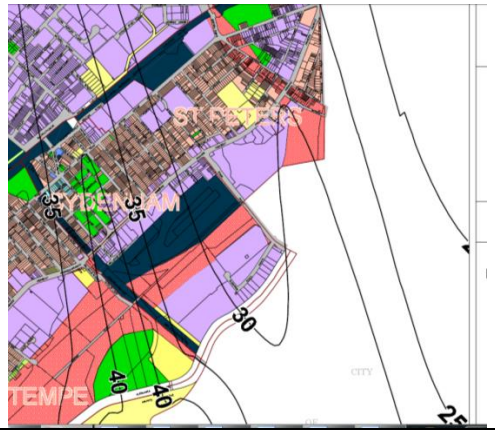
Barwon Park Triangle St Peters

Details	ANEF@ time of assessment	Zoning
Details of the Public Exhibition *In accordance with provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000, the formal exhibition period for the Barwon Park Triangle rezoning was held between 6 January and 21 February, 2003. At the direction of Council's resolution in August, 2002, the exhibition period was extended from 4 to 6 weeks, and a copy of the exhibition material was made available at the BP Service Station, 2 Princes Highway, St Peters.* *Aside from these actions, the following consultative processes were undertaken:* • *Advertisement in the local newspaper, The Glebe and Inner Western Weekly.* • *Exhibition Packages were made available at Council's Citizen Service Centre, and Marrickville and St Peters Libraries.* • *Full exhibition details were made available on Council's Web Site.* • *Notification letters were sent to all property owners and residents within and adjoining the rezoning area.* • *Exhibition Packages were sent to those public authorities referred to in the Section 62 consultation.* *A total of 5 submissions were received from local residents and business owners in respect of the exhibition.* ***Discussion*** *A number of minor amendments were made to the publicly exhibited documents, in response to the concerns raised in public submissions, and to rectify minor anomalies. The final version of Draft Amendment No. 14 is provided in* ***ATTACHMENT 1*** *to this report. The final Draft DCP 41 has been distributed prior to this meeting to Council's normal business distribution points.* ***Summary of the Relationship of the Draft Plans with Relevant State Environmental Planning Polices (SEPPs), Regional Environmental Plans (REPs), and the Ministers Section 117 Directions.*** *Both the consultants of the Urban Design Study and Council officers have made extensive efforts to address the principles of SEPP 65 - Design Quality of Residential Flat Buildings, and Draft SEPP 66 - Integrating Land Use and Transport. It is considered that both Draft Amendment No. 14 and Draft DCP 41 are generally consistent with these state plans.* ***In terms of relevant Section 117 Directions, the justification for inconsistencies with G11 Industrial Zones and G16 - Aircraft Noise have been fully canvassed in consultations with PlanningNSW, SACL and DoTARS.*** ***Conclusion*** *It has been evident in recent years that the current industrial/arterial road reservation of the Barwon Park Triangle is becoming increasingly out-dated.* *There are now few remaining industrial uses, and the RTA has now abandoned its former plans to widen the northern side of Campbell Street in this area.* *Furthermore, the increasing spread of residential development in surrounding areas, such as* ***Nos. 1-27 Princes Highway site****, and along Sydney Park Road in the South Sydney Council area, is creating significant pressure for Council to consider a revised zoning for the Barwon Park Triangle area.* *As discussed in this report, the area is favourably located for residential redevelopment, and limited forms of commercial /retail use, given its accessibility to major road, public transport and the regional open space facilities of Sydney Park. An urban design analysis has identified that any redevelopment will need to address the existing character and heritage of residential and industrial buildings along Crown Street. It is therefore considered that the Residential 2C zoning for this area is appropriate, and is well supported by the urban design principles and planning controls of Draft DCP No. 41.*	ANEF: 25-30	**Rezoned From:** MLEP 2001 General Industrial 4A **Zoned To:** MLEP 2001 Amendment 14 Residential 2C

Barwon Park Triangle St Peters

Details	ANEF@ time of assessment	Zoning
Marrickville Control Plan Development Control Plan No. 41 Barwon Park Triangle **General** This DCP, together with Marrickville Local Environmental Plan (LEP) 2001 (Amendment No 14) for the Barwon Park Triangle, contains the necessary development controls and guidelines for redevelopment within the area. In 1999, the Roads and Traffic Authority (RTA) informed Council that 50 hectares of its reservation for arterial road purposes in the Tempe/St Peters area was no longer required. Council subsequently had a Local Environmental Study (LES) prepared to identify the most suitable zoning for these remnant areas. The LES study area included all land south and east of the Princes Highway within the Marrickville Council area, including the Barwon Park Triangle. The LES recommended the following for the Barwon Park Triangle: ***Campbell Street and Barwon Park Road Precinct*** *Development on land bound by the Princes Highway, Campbell Street and the Barwon Park Road comprises a mixture of residential and light industrial activities and is appropriate for the future that the land be zoned for medium to higher density development. This is an appropriate change for the following reasons:* • *Its location opposite Sydney Park, a large regional open space area, which affords recreational opportunities for nearby residents and views from residences, particularly those along Barwon Park Road.* • *It is proposed to develop Barwon Park Road as boulevard that would provide an attractive pedestrian/cycleway route (draft Alexandra Canal Masterplan, December 2000).* • ***<u>It lies on or within the 25 ANEF contour that is the upper limit for residential development on land affected by aircraft noise.</u>*** • *There has been a growing demand for higher density residential development, especially those areas close to attractive areas such as sites around Sydney Park (City South Strategy, 1998).* *The land is presently zoned part Industrial 4(A) and part Arterial Road and Arterial Road Widening Reservation 9(C) and these zonings are also proposed in the Draft Marrickville LEP 2000 [gazetted as LEP 2001 on 18 May 2001]. Land reserved for arterial road purposes is no longer required for the SPIRE [St Peters Industrial Route]. Planned road widening of Campbell Street is to occur only on the southern side of Campbell Street. Investigations may reveal that there may be contamination of land within the precinct as a result of industrial land uses and the use of lead based paint, asbestos and zinc in building materials. On balance this is unlikely to present significant constraints to redevelopment although remediation of soil may be required.* *Reference: Smyth Planning 2001. Local Environmental Study for Remnant County Road Reservation Land at Tempe/St Peters.* The study recommended a residential zoning be explored for the Barwon Park Triangle and Council engaged urban design consultants to undertake an Urban Design Study of the area to support a rezoning. This DCP has been prepared to support the LEP that rezones the Triangle area and provides the principal planning controls including permissible land uses, floor space ratio limits, and height limits. **Legal citation** This DCP has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (as amended) and the Environmental Planning and Assessment Regulation 2000. Council is required by Section 79C of the Environmental Planning and Assessment Act to take this DCP into consideration when determining development applications to which this DCP applies. The DCP was adopted by Council on 4 March 2003 and came into force on 22 September 2003 following gazettal of Marrickville Local Environmental Plan 2001 (Amendment No 14) on 5 September 2003. It may be formally cited as “Marrickville Development Control Plan No. 41—Barwon Park Triangle, St Peters”.	ANEF: 25-30	**Rezoned From:** MLEP 2001 General Industrial 4A **Zoned To:** MLEP 2001 Amendment 14 Residential 2C

Barwon Park Triangle St Peters

Details	ANEF@ time of assessment	Zoning
Marrickville Control Plan Development Control Plan No. 41 Barwon Park Triangle **General Design Elements** The principal elements that apply to all developments are Solar Access, Ventilation and Water Efficiency; Stormwater Detention and Sediment Control; Site Contamination; Aircraft Noise; and SEPP 65. DCP 35 also includes Flooding and the Cooks River Floodplain as a General Design Element. However, the Barwon Park Triangle is not within the Cooks River Floodplain and these controls are not applicable. The following general design elements must be adhered to, as applicable. **2D Aircraft Noise and Obstacle Limitation Surfaces** The Barwon Park Triangle is affected by aircraft noise being within the 20-25 and 25-30 ANEF (Australian Noise Exposure Forecast) contours, and the 20-25 ANEI (Australian Noise Exposure Index) contours. New development must be designed and constructed in accordance with the Australian Standard AS2021–2000—Acoustics—Aircraft noise intrusion—Building siting and construction. The Civil Aviation Safety Authority's Manual of Standards for Aerodromes defines the Obstacle limitation surfaces (OLS) as "A series of planes associated with each runway at an aerodrome that defines the desirable limits to which objects may project into the airspace around the aerodrome so that aircraft operations at the aerodrome may be conducted safely." (CASA, September 2002). Sydney Airport's Obstacle Limitation Surface (OLS) extends over the Barwon Park Triangle at a height of 51 AHD (Australian Height Datum). No object can penetrate above this height, including any part of a building or antennae.	ANEF: 25-30	**Rezoned From:** MLEP 2001 General Industrial 4A **Zoned To:** MLEP 2001 Amendment 14 Residential 2C
		
The 2010 ANEF Map above shows that the Barwon Park Triangle is in the 25-30 ANEF contour	The 2023/24 ANEF Map above shows that the Barwon Park Triangle is in the 25-30 ANEF contour (The 2010 Map was used from 1994-2004 and 2023/24 map was used 2005-2009)	
The Director General's report to the Minister under Section 69 of the Environmental Planning and Assessment, 1979, requesting the making of the Local Environmental Plan to be known as Marrickville LEP 2001 (Amendment 14) for the Barwon Park Triangle, St Peters states: ***The plan is generally consistent with all relevant directions made under Section 117 of the Act.***		

Barwon Park Triangle St Peters ANEF Contours

Australian Noise Exposure Forecast (ANEF) 2010

Council was using the Australian Noise Exposure Forecast (ANEF) 2010 contours for assessment of development applications and rezoning from 1994 to 2004.

Australian Noise Exposure Forecast A.N.E.F. 2010:

Some land within the Marrickville Local Government area is subject to aircraft noise associated with Sydney Airport. Council has maps which indicate the land that is subject to noise exposure from aircraft and which contain information as to future levels of noise and related matters. If you consider that the subject land is, or is likely to be affected by aircraft noise, or if you wish to ascertain whether the subject land is, or is likely to be affected by aircraft noise, or if you wish to ascertain whether the subject land might be affected by such noise, please contact the Development Environmental Services Division of Council.

For further information concerning the Australian Noise Exposure Forecast (A.N.E.F.), as it relates to Sydney Airport and the Marrickville Local Government area please contact Airservices Australia, Noise Enquiries Section P.O. Box 211, Mascot, NSW 2020 or telephone 1300 302 240.

The Barwon Park Triangle St Peters ANEF 2010 Contour was 25-30.

ANEF CONTOUR MAP 2010

Marrickville LEP 2001 requires development to consider AS2021 in the following provision:

Clause 28 Development within areas affected by aircraft related noise

(1) This clause applies to all land within the area bounded by the 20 Australian Noise Exposure Forecast (ANEF) contour as advised from time to time by the airport owner, and endorsed by Airservices Australia.

(2) The consent authority, in determining whether to grant consent to development, on land to which this clause applies, for:

- (a) residential purposes where the ANEF exceeds 20, or
- (b) the purpose of educational establishments, hospitals or nursing homes, where the ANEF exceeds 20, or
- (c) the purpose of hotels, motels, hostels or other tourist accommodation or public buildings, where the ANEF exceeds 25, or
- (d) the purpose of shops or commercial premises, where the ANEF exceeds 25, or
- (e) the purpose of light industry, where the ANEF exceeds 30,

must take into consideration the guidelines provided in Australian Standard AS 2021–2000—*Acoustics—Aircraft noise intrusion Building siting and construction* regarding noise reduction relevant to the particular type of development the subject of the application.

Where new development (not alterations and additions) exceeds the above standards council requires a noise report to ensure works can be taken to address aircraft noise.

The following is the standard condition that council places on all new residential development with 20+ ANEF:

Noise attenuation measures being incorporated into the development, complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to Council's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.

Reason: *To reduce noise levels within the proposed development from aircraft.*

The above is modified for ***Complying Development Certificates*** *as:*

Noise attenuation measures being incorporated into the development, complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to ***certifying authority's*** *satisfaction* ***before the issue of a Complying Development Certificate*** *together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.*

Reason: *To reduce noise levels within the proposed development from aircraft.*

Under the Codes SEPP new dwellings can be built in all residential zones in the Marrickville LGA. These residential zones are found across all ANEF contours with the exception of the 40 ANEF (having been bought up by the State Government and turned into open space because of land use conflicts).

Barwon Park Triangle St Peters ANEF Contours

Australian Noise Exposure Forecast (ANEF) 2023/24

Australian Noise Exposure Forecast (ANEF) 2023/24 will be used as the main reference to assess Aircraft Noise Impacts in the Marrickville Local Government Area.

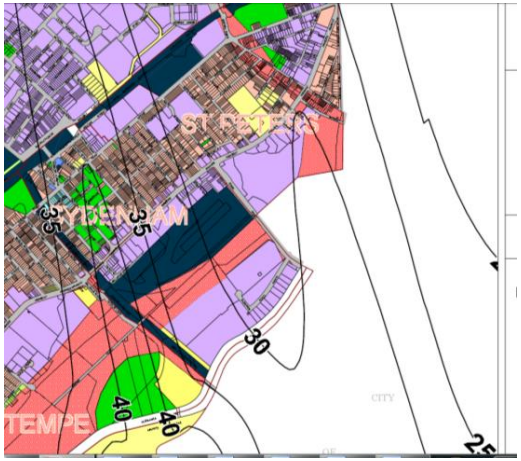
Council resolved on 2 November 2004 (Item PS -21, Development & Environmental Services Committee Meeting - 09/04) to use the Sydney Airport Master Plan 2023/24 ANEF Chart for the assessment of all development applications and rezonings in the Marrickville LGA received on, or after 1 February 2005. All applications received prior to this date will be the subject of the ANEF 2010 contours. Developments within these contours may require noise and acoustic attenuation treatment. For further details contact the Development & Environmental Services Division of Council.

Australian Noise Exposure Forecast (ANEF) 2023/24 Chart will be used as the main reference to assess Aircraft Noise Impacts *of all development applications and rezonings in the Marrickville Local Government Area received on, or after 1 February 2005.*

Sydney Airport Master Plan 2023/24 ANEF Chart will be used as the main reference to assess Aircraft Noise Impacts for the assessment of all development applications and rezoning in the Marrickville LGA received on, or after 1 February 2005.

The Barwon Park Triangle St Peters ANEF 2023/24 Contour was 25-30.

ANEF CONTOUR MAP 2023/24



AUSTRALIAN NOISE EXPOSURE FORECAST (ANEF) 2023/24 TO ASSESS AIRCRAFT NOISE IMPACTS IN THE MARRICKVILLE LOCAL GOVERNMENT AREA.

The Sydney Airport Master Plan provides for the operation and development of the airport over the next 20 years to meet the air transport needs of Sydney. It was prepared according to the requirements of the Airports Act 1996 and approved by the Federal Minister for Transport & Regional Services in March 2004.

ANEF - Australian Noise Exposure Forecast is a contour map showing the forecast of aircraft noise levels that is expected to exist in the future. The contour set may relate to a particular year, generally about 10 years from the date of issue, or it may be an "ultimate capacity" forecast. In the former case, it is based on a forecast of aircraft movement numbers, aircraft types, destinations, and a given set of runways at the airport for a particular year. In the latter case, it may incorporate several sets of such information relating to progressive stages in the development of an airport within a definite time horizon. An ANEF requires review at regular intervals (about 5 years) to ensure its continuing validity. The ANEF map is the only one of the three types of map which is intended to have status in land-use planning decisions. It will have been subjected to review by relevant authorities before release and, for civil airports, the map will display the official endorsement of Airservices Australia and the date of the endorsement. Only one ANEF map can be current at any one time, and a more recently endorsed map supersedes an earlier map. ANEF does not represent current or near-term noise exposure patterns around Sydney Airport. Similar contours, depicting the actual aircraft noise levels around Sydney Airport experienced within a year, are known as Australian Aircraft Noise Exposure Index (ANEI) and are produced by Airservices Australia. The ANEI forms the basis of the Federal Government's noise insulation program. An ANEI or ANEF at a particular point on the ground is computed by summing up the predicted or actual noise energy received at that point on an average day in the relevant year. The contour lines join points with equal ANEI or ANEF value.

Council has been using the Australian Noise Exposure Forecast (ANEF) 2010 contours for assessment of development applications and rezoning since 1994. This contour range was prepared by the Federal Government to address the impacts of the new third runway at Sydney Airport. Council has received a copy of the Master Plan containing the endorsed Australian Noise Exposure Forecast 2023/24 from the Sydney Airport Corporation Limited. The ANEF have been endorsed by Air Services Australia. As the Federal Government has now approved the Sydney Airport Master Plan, ANEF 2023/24 is now an effective planning tool. Based on Clause 28 of the Marrickville Local Environmental Plan 2001, Council is now obliged to consider Australian Noise Exposure Forecast (ANEF) 2023/24 contours for assessment of all development applications.

In accordance with Clause 28 of the Marrickville Local Environmental Plan, the 2023/24 ANEF provides the most up-to-date information on operating procedures and air traffic forecasts for Sydney Airport. This chart incorporates the most 'appropriate' information and provides a long-term noise exposure forecast suitable for long term noise insulation planning.

Barwon Park Triangle St Peters ANEF Contours

Sydney Airport Masterplan 2009

On 19 June, 2009, the Federal Minister for Infrastructure, Transport, Regional Development and Local Government approved the Sydney Airport Masterplan 2009-2029. The approval allowed for growth air traffic by 2029 but maintained the existing curfew, movement cap and noise sharing arrangements.

Sydney Airport Noise Contour Maps

An updated noise contour map was released as part of the approval of Sydney Airport Master Plan. The map defined Australian Noise Exposure Forecast (ANEF) contours for the year 2029. SACL sent a copy of this map to Council and this map was used as the ANEF map for planning purposes. The noise contours of this map were reduced compared to those of the previous (2024) ANEF map – mainly due to increasing use of larger, quieter aircraft.

The Barwon Park Triangle St Peters ANEF 2029 Contour was 20-25 and 25-30

ANEF CONTOUR MAP 2029

Sydney Airport Masterplan 2033

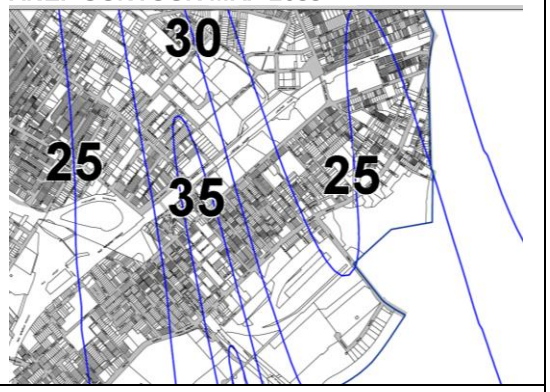
On the 18 February 2014 the Australian Government approved Sydney Airport's 2033 Master Plan

The Australian Noise Exposure Forecast (ANEF) 2033 maps are used as the main reference to assess aircraft noise impacts in the Marrickville Local Government Area.

The noise contours of this map were reduced compared mainly due to increasing use of larger, quieter aircraft.

The Barwon Park Triangle St Peters ANEF 2033 Contour is 20-25 and 25-30.

ANEF CONTOUR MAP 2033



NOISE AND NOISE ATTENUATION IN THE MARRICKVILLE LGA

The Planning Department in Marrickville Council state as follows:

- Standard conditions exist in relation to noise and noise attenuation.
- Buildings affected by certain levels of ANEF need to be noise attenuated to AS2021 in accordance with clause 28 of MLEP 2001.
- Also the amount of noise that can be omitted from a building is also limited through a standard condition which states that noise should not exceed the background noise level by more than 3dB(A).
- In some areas with extreme aircraft noise **(ie around St Peters/Sydenham/Tempe adjacent to the airport)** there is concern in Council regarding exposure to noise from outside premises ie car parks etc.

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
31/08/2004 Submitted 26/07/2005 Approved	**33 Crown Street St Peters**	**DA200400504** to carry out alterations and additions to convert the existing factory into a residential flat building containing 16 dwellings with off street car parking for 19 vehicles and to strata subdivide the premises into 16 lots.	16	ANEF: 25-30	MLEP 2001 Residential 2C
28/06/2005 Submitted 12/12/2005 Approved	**39-57 Crown Street St Peters**	**DA200500253** to demolish the existing brick factory, subdivide the property into ten (10) lots and erect a two storey and attic dwelling house on each lot with basement car parking for twenty eight (28) vehicles.	10	ANEF: 25-30	MLEP 2001 Residential 2C
15/07/2005 Submitted 03/04/2006 Refused Delegated Authority	**60-82 Princes Highway St Peters & 19-23 Crown Street St Peters**	DA200500531 to erect a mixed residential/commercial development containing 23 x one bedroom, 22 x two bedroom and 10 x three bedroom dwellings and 11 commercial/retail suites with off street car parking for 101 vehicles. **Applicant: Montano Property Pty Ltd** **The Owners Strata Plan 75869, Nancy Elizabeth Walker**	65 Refused	ANEF: 25-30	MLEP 2001 Residential 2C
20/12/2006 Submitted	**60-82 Princes Highway St Peters & 19-23 Crown Street St Peters**	**DA200600646** to erect a mixed commercial/residential development containing eleven (11) shops, a refreshment room and bulky goods retail outlet and sixty three (63) dwellings with two levels of basement car parking containing one-hundred and twenty four (124) car parking spaces and to strata subdivide the premises into seventy six (76) lots **Applicant: Deicorp Constructions Pty Ltd**	63	ANEF: 25-30	MLEP 2001 Residential 2C
05/06/2007 Council Meeting	***Development & Environmental Services Committee Meeting - 05/07 – 5 June, 2007*** ***DA 93 – 60-82 PRINCES HIGHWAY, ST PETERS*** ***For Decision***				

Action: Recommendation

Director, Development & Environmental Services reports:

Synopsis

Application to erect a mixed commercial / residential development containing eleven (11) shops, a refreshment room and bulky goods retail outlet and 63 dwellings with two levels of basement car parking containing 124 car parking spaces and to strata subdivide the premises into seventy six (76) lots. The original development application was notified in accordance with Marrickville Council's Notification Policy and nine (9) submissions were received. The applicant amended the proposed development during the assessment process and the amended development was notified in accordance with Marrickville Council's Notification Policy and eight (8) submissions were received. Despite minor variations from the site coverage, building setback, car parking and landscaping controls contained in Council's planning policies, the proposed development is considered to generally satisfy the objectives and design requirements contained in State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code; Marrickville Local Environmental Plan 2001; Marrickville Development Control Plan No. 41 – Barwon Park Triangle, St Peters and the applicable provisions contained within Marrickville Development Control Plan No. 35 – Urban Housing (Vol. 2) and other relevant planning documents. The application is considered suitable for approval subject to the imposition of appropriate conditions. The application is referred to the Committee for determination due to the prominent location of the site and the number of submissions received.

Background

Marrickville Local Environmental Plan 2001 (Amendment No. 14) and Marrickville Development Control Plan No. 41 were prepared to rezone an area known as the Barwon Park Triangle in the suburb of St Peters to Residential 'C' and provide additional planning controls for redevelopment on the area.

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
05/06/2007 Council Meeting	***Development & Environmental Services Committee Meeting - 05/07 – 5 June, 2007*** ***DA 93 – 60-82 PRINCES HIGHWAY, ST PETERS*** ***For Decision***		63	ANEF: 25-30	MLEP 2001 Residential 2C

In 1999, the Roads and Traffic Authority (RTA) informed Council that 50 hectares of its reservation for arterial road purposes in the Tempe / St Peters area was no longer required. Council subsequently had a Local Environmental Study (LES) prepared to identify the most suitable zoning for these remnant areas. The LES area included all land south and east of the Princes Highway within the Marrickville Council area, including the Barwon Park Triangle.

The LES recommended the following for the Barwon Park Triangle:

"Campbell Street and Barwon Park Road Precinct Development on land bound by the Princes Highway, Campbell Street and the Barwon Park Road comprises a mixture of residential and light industrial activities and is appropriate for the future that the land be zoned for medium to higher density development. This is an appropriate change for the following reasons:

- *Its location opposite Sydney Park, a large regional open space area, which affords recreational opportunities for nearby residents and views from residences, particularly those along Barwon Park Road.*
- *It is proposed to develop Barwon Park Road as a boulevard that would provide an attractive pedestrian/cycleway route (draft Alexandra Canal Masterplan, December 2000).*
- *It lies on or within the 25 ANEF contour that is the upper limit for residential development on land affected by aircraft noise.*
- *There has been a growing demand for higher density residential development, especially those areas close to attractive areas such as sites around Sydney Park (City South Strategy, 1998).*

The land is presently zoned part Industrial 4(A) and part Arterial Road and Arterial Road Widening Reservation 9(C) and these zonings are also proposed in the Draft Marrickville LEP 2000 [gazetted as MLEP 2001 on 18 May 2001]. Land reserved for arterial road purposes is no longer required for the SPIRE [St Peters Industrial Route]. Planned road widening of Campbell Street is to occur only on the southern side of Campbell Street. Investigations may reveal that there may be contamination of land within the precinct as a result of industrial land uses and the use of lead based paint, asbestos and zinc in building materials. On balance this is unlikely to present significant constraints to redevelopment although remediation of soil may be required."

The study recommended a residential zoning be explored for the Barwon Park Triangle and Council engaged urban design consultants to undertake an Urban Design Study of the area to support a rezoning.

Marrickville Development Control Plan No. 41 was adopted by Council on 4 March 2003 and came into force on 22 September 2003 following the gazettal of Marrickville Local Environmental Plan 2001 (Amendment No. 14) on 5 September 2003.

Marrickville Local Environmental Plan 2001 (Amendment No. 14) applies to the whole of the Barwon Park Triangle, being an area bounded by the Princes Highway, Barwon Park Road and Campbell Street. The LEP:

- *Rezoned all of the land to Residential 'C';*
- *Permits a number of commercial / retail purposes normally permitted only in the Business zones;*
- *Sets a range of floor space ratios for developments in the area ranging from 1:1 to 3:1 depending on the level of site consolidation; and*
- *Set a range of heights for developments in the area ranging from two (2) storeys to five (5) storeys.*

Marrickville Development Control Plan No. 41 – Barwon Park Triangle, St Peters in conjunction with Marrickville Development Control Plan No. 35 – Urban Housing (Vol. 2) and Marrickville Development Control Plan No. 28 - Urban Design Guidelines for Business Centres contains a range of planning controls to facilitate development of the subject site.

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
05/06/2007 Council Meeting	***Development & Environmental Services Committee Meeting - 05/07 – 5 June, 2007*** ***DA 93 – 60-82 PRINCES HIGHWAY, ST PETERS*** ***For Decision***		63	ANEF: 25-30	MLEP 2001 Residential 2C

Marrickville Local Environmental Plan 2001 (MLEP 2001)
Aircraft Noise
The subject property is located within the 25-30 Australian Noise Exposure Forecast (2023/24) Contour. The applicant submitted an acoustic report prepared by Koikas Acoustics Pty Ltd. The report concluded:

"When the recommendations in this report are faithfully implemented noise emanating from aircraft take offs and landings using any of the three Sydney International and Domestic runways and deviations over the proposed development at No. 60 - 82 Princes Highway, St Peters will not exceed indoor sound levels recommended in AS 2021 -2000.

In regards to traffic noise intrusion, the recommended indoor sound levels of AS 2107 – 2000 in conjunction with the assessment procedures of AS 3671 - 1989 will be achieved when the recommendations in this report are faithfully implemented.

In regards to the requirements of Section F5 of the Building Code of Australia, satisfactory noise amenities will be achieved for the proposed subject residential development when the recommendations in this report are faithfully implemented."

Appropriate conditions should be imposed on any consent granted to ensure that the proposed development complies with the relevant Australian Standards relating to aircraft and traffic noise intrusion.

RECOMMENDATION
***THAT** the development application to erect a mixed commercial/residential development containing eleven (11) shops, a refreshment room and bulky goods retail outlet and 63 dwellings with two levels of basement car parking containing 124 car parking spaces and to strata subdivide the premises into seventy six (76) lots be **APPROVED** subject to conditions*

***MINUTES OF MEETING 05/07 - 5 June, 2007 DA 93 60-82 PRINCES HIGHWAY, ST PETERS** File Ref: DA200600646*
At 7.53 pm, Mr S Nordon (architect on behalf of applicant) addressed the Committee.

***A MOTION** was moved **THAT** consideration of the matter be **DEFERRED** pending an INSPECTION of the subject premises by Councillors and the matter be **REFERRED** to the Development and Environmental Services Committee for determination.*

*An **AMENDMENT** was moved **THAT** the application be **APPROVED** in accordance with the recommendation as appearing on the Business Paper subject to the determination being amended to be a Deferred Commencement consent requiring details to be submitted that incorporate privacy screens on balconies that face towards the properties in Crown Street and that waste collection be from the Princes Highway in accordance with details to be submitted to Council's satisfaction before the consent becomes operative, and any consequential changes to be terms and conditions contained within the recommendation.*

*The **AMENDMENT** was put to the vote and was **LOST.***

*The **MOTION** was put to the vote and was **CARRIED.***

*For **Motion:** Unanimous*

The Chairperson advised the gallery that inspections will take place on Saturday, 16 June, 2007.

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
03/07/2007 Council Meeting Approved	**60-82 Princes Highway St Peters & 19-23 Crown Street St Peters**	***Development & Environmental Services Committee Meeting - 06/07 – 3 July, 2007*** ***ATTACHMENT 1 - DA 93 - 60-82 PRINCES HIGHWAY, ST PETERS*** ***RECOMMENDATION*** *THAT the development application to erect a mixed commercial/residential development containing eleven (11) shops, a refreshment room and bulky goods retail outlet and 63 dwellings with two levels of basement car parking containing 124 car parking spaces and to strata subdivide the premises into seventy six (76) lots be **APPROVED** subject to the following conditions:*	63	ANEF: 25-30	MLEP 2001 Residential 2C
03/07/2007 Council Meeting Minutes		***MINUTES OF MEETING 06/07 - 3 July, 2007*** ***DA 93 60-82 PRINCES HIGHWAY, ST PETERS*** *File Ref: DA200600646* *At 7.57 pm, Mr A Ludvik (on behalf of applicant) addressed the Committee.* *A **MOTION** was moved THAT the Recommendation commencing on Page 164 of the Business Paper be **ADOPTED** with the following amendments:* *The **MOTION** was put to the vote and was **CARRIED.***			
27/03/2007 Submitted 07/11/2007 Approved	**35 Barwon Park Road St Peters**	DA200700157 to demolish the existing premises and erect a three storey residential flat building containing 4 dwellings with off street carparking for 4 vehicles and to strata subdivide the premises into 4 lots **Applicant: Tony Kecse Nagy**	4	ANEF: 25-30	MLEP 2001 Residential 2C
27/03/2007 Submitted 07/11/2007 Approved	**31-33 Barwon Park Road St Peters**	DA200700156 to demolish the existing premises and erect a three storey residential flat building containing four (4) dwellings with off-street parking for four (4) vehicles and to strata subdivide the premises into four (4) lots **Applicant: Tony Kecse Nagy** **Stop work order – non-complying building works**	4	ANEF: 25-30	MLEP 2001 Residential 2C
18/12/2013 Submitted 09/07/2014 Approved		DA201300626 to construct a 3 storey residential flat building containing 4 dwellings and 4 car parking spaces and includes strata subdivision of the premises into 4 lots **Applicant: Tony Kecse Nagy**		ANEF: 20-25	MLEP 2011 General Residential R1

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
02/07/2010 Submitted	**84-88 Princes Highway St Peters**	DA201000276 to demolish the existing improvements and erect a 4 storey mixed use development containing 3 shops and 21 dwellings (11 x one bedroom and 10 x two bedroom dwellings) with basement car parking for 24 vehicles **Applicant: Monastiri Pty Ltd**	21	ANEF: 20-25 & ANEF: 25-30	MLEP 2001 Residential 2C
7/12/2010 Council Meeting Approved	***Development Assessment Committee Meeting 7 December 2010 - Report No: D1210 Item 11*** ***Action: Recommendation*** ***SYNOPSIS*** *Application to demolish the existing improvements and erect a 4 storey mixed use development containing 3 shops and 21 dwellings (11 x one bedroom and 10 x two bedroom dwellings) with basement car parking for 24 vehicles. One (1) submission from eight (8) residences was received in response to Council's notification of the proposal. The proposal varies from Council's floor space ratio control as prescribed under Marrickville Local Environmental Plan 2001. The applicant submitted an objection pursuant to State Environmental Planning Policy No. 1 – Development Standards justifying the proposed variation. Despite minor variations from the site coverage, building setback and landscaping controls contained in Council's planning policies, the proposed development is considered to generally satisfy the objectives and design requirements contained in State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code; Marrickville Local Environmental Plan 2001; Marrickville Development Control Plan No. 41 – Barwon Park Triangle, St Peters and the applicable provisions contained within Marrickville Development Control Plan No. 35 – Urban Housing (Vol. 2) and other relevant planning documents. Overall, the proposed development is considered an appropriate form of development given the context of the site.* *The application is referred to Council for determination in view of the extent of variation from the floor space ratio development standard, which exceeds 10%. The application is considered suitable for approval subject to the imposition of appropriate conditions.* ***RECOMMENDATION:*** ***THAT** the development application to demolish the existing improvements and erect a 4 storey mixed use development containing 3 shops and 21 dwellings (11 x one bedroom and 10 x two bedroom dwellings) with basement car parking for 24 vehicles be **APPROVED** subject to conditions.*			

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
7/12/2010 Council Meeting Approved	**84-88 Princes Highway St Peters**	**Marrickville Local Environmental Plan 2001 (MLEP 2001)** **Aircraft Noise (Clause 28)** The subject property is located within the 20-25 Australian Noise Exposure Forecast (2029) contour. The proposed dwellings would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. However the more stringent noise attenuation measures required under State Environmental Planning Policy (Infrastructure) 2007 would also apply to the proposed development. **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE** Noise attenuation measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000. Reason: To reduce noise levels within the proposed development from aircraft. **COMMENT** **THE COUNCIL REPORT STATES THAT THIS PROPOSAL IS IN THE ANEF CONTOUR 2029 20-25.** **THE SITE IS IN 2029 ANEF BOTH 20-25 AND 25-30.** **THE SITE IS CURRENTLY IN THE ANEF CONTOUR 2033: 25-30.**	21	ANEF: 20-25 & ANEF: 25-30	MLEP 2001 Residential 2C
		VARIATION TO DEVELOPMENT STANDARDS **Development standard to be varied:** Floor Space Ratio (Cl 45 Amendment 14) **Justification of variation:** (i) The additional gross floor area would not impact on the amenity of adjoining residences. (ii) The extent of variation proposed is largely contained within the underground basement as a result of providing parking in excess of what is required however this does not add to the bulk of the proposed building. **Extent of variation: 13%** **Concurring authority:** Council under assumed concurrence of the Director General of the Department of Planning **Date DA determined:** 09/12/2010			

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
03/11/2010 Submitted 28/01/2011 Refused	**9-11 Barwon Park Road St Peters**	DA201000520 to demolish the existing improvements and erect a residential complex containing 3 x three storey dwellings **Applicant: Kent Mathew Geeves** **Refused Under Delegated Authority**	3 Refused	ANEF: 20-25	MLEP 2001 Residential 2C
15/07/2011 Submitted 09/11/2011 Approved		DA201100339 to demolish the existing improvements and erect two 2 storey attached dwellings **Applicant: Kent Mathew Geeves** **Approved Council Meeting**	2 Approved	ANEF: 20-25	MLEP 2001 Residential 2C
17/07/2012 Submitted 22/11/2012 Refused		DA201200276 to demolish the two single storey dwelling houses and erect a three x two storey dwellings over basement garages with roof top terraces and associated landscapes **Applicant: Cracknell & Lonergan Architects** **Refused Under Delegated Authority**	3 Refused	ANEF: 20-25	MLEP 2011 General Residential R1
14/02/2013 Submitted 15/05/2013 Refused		DA201200276.01 **review request under Section 82A** to review Determination No. 201200276 being a refusal of a development application to demolish the existing improvements and erect three x two storey dwellings over basement car park **Applicant: Cracknell & Lonergan Architects** **Refused Council Meeting**	3 Refused	ANEF: 20-25	MLEP 2011 General Residential R1
15/05/2013 Submitted 08/07/2013 Appeal Upheld Approved		CA201300005 **Class 1 Appeal in Land and Environment Court** - being a refusal of a development application to demolish the existing improvements and erect three x two storey dwellings over basement car park level **Applicant: Kent Mathew Geeves** **Consent orders entered into. Appeal upheld.**	3 Approved	ANEF: 20-25	MLEP 2011 General Residential R1
23/03/2015 Submitted 13/07/2015 Approved		DA201200276.02 under Section 96 of the Environmental Planning and Assessment Act to modify Land & Environment Court Order No. 10351 of 2013 dated 8 July 2013 to modify the level of all floors in the development to provide increased head clearance in the basement; modify the kitchen window facing Crown Street; window and screen on Barwon Park Road frontage deleted; planted terrace changed to timber deck for northern dwelling and pergola added to northern deck **Applicant: G-Build Pty Ltd**			
27/03/2015 Submitted Current Stage 3b Assess		DA201500131 to Torrens title subdivide the property into 3 lots with each lot containing a dwelling approved under Land and Environment Court Order No 10351 of 2013 **Stage 3b Assess (Council request for more information)**			

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
23/08/2010 Submitted 26/11/2010 Assessed	**53 Barwon Park Road St Peters & 17 Campbell Street St Peters**	**DA201000374** to demolish the existing improvements and erect a three storey over basement car park residential flat building containing 12 x one bedroom and 9 x two bedroom dwellings with off street car parking for 24 vehicles and to strata subdivide the premises into 21 lots **Applicant: Santorini Properties Pty Ltd - Environa Studio**	21 Modified	ANEF: 2010 25-30 ANEF:2023/24 25-30 **ANEF: 2029** **20-25** ANEF: 2033 25-30	MLEP 2001 Residential 2C
31/01/2012 Submitted	**53 Barwon Park Road St Peters & 1 & 17 Campbell Street St Peters**	**DA201200026** to demolish the existing improvements, consolidate 3 lots of land and erect a three part four storey over basement car park residential flat building containing a total of 23 dwellings consisting of 2 x studio, 8 x one bedroom, 10 x two bedroom and 3 x three bedroom dwellings with off street car parking for 24 vehicles and to strata subdivide the premises into 23 lots **Applicant: Santorini Properties Pty Ltd - Environa Studio**	23		
10/07/2012 Council Meeting Approved	***Development Assessment Committee Meeting 10 July 2012 - Item No: D0712(1) Item 9*** **53 Barwon Park Road St Peters & 1 & 17 Campbell Street St Peters** ***Recommendation*** *'Following the refusal of the application, the property at 1 Campbell Street has been acquired and the proposal has been amended to improve the design of the proposed development and address the reasons for the refusal of the previous development application.'*				

Prepared By: Ali Hammoud - Senior Development Assessment Officer (Planning)

SYNOPSIS

Application to demolish the existing improvements, consolidate 3 lots of land and erect a three part four storey over basement car park residential flat building containing a total of 23 dwellings consisting of 2 x studio, 8 x one bedroom, 10 x two bedroom and 3 x three bedroom dwellings with off street car parking for 24 vehicles and to strata subdivide the premises into 23 lots. The original proposal was notified between 9 February 2012 to 23 February 2012 and six (6) submissions were received. The amended proposal was notified between 17 May 2012 to 31 May 2012 and three (3) submissions were received from people who previously lodged a submission.

The proposed development has a floor space ratio (FSR) of approximately 1.49:1 which does not comply with the maximum FSR development standard of 1.3:1 prescribed for the site under Clause 4.4 of Marrickville Local Environmental Plan 2011. The application was accompanied by a written submission justifying the contravention to the subject development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of Marrickville
Local Environmental Plan 2011 which is considered to be well founded and worthy of support.

The application is referred to the Council for determination in view of the extent of the variation from the floor space ratio development standard being sought and the non-compliances with the provisions of Marrickville Development Control Plan 2011. ***The application is considered suitable for approval subject to the imposition of appropriate conditions.***

Justification of variation: The proposal is considered to result in a density and bulk that is consistent with the desired future character of the area and does not create any adverse environmental impacts on adjoining properties and the public domain. The proposed development is considered acceptable having regard to the objectives of the development standard. It is considered that maintaining the development standard and requiring strict compliance with the numerical component of the standard would likely result in a building that would be inconsistent with the desired future character of the area. **Extent of variation:** 14.6%

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
10/07/2012 Council Meeting Approved	***Development Assessment Committee Meeting 10 July 2012 - Item No: D0712(1) Item 9*** **53 Barwon Park Road St Peters & 1 & 17 Campbell Street St Peters** ***Recommendation***		23	ANEF: 2010 25-30 ANEF:2023/24 25-30 **ANEF: 2029 20-25** ANEF: 2033 25-30	MLEP 2011 General Residential R1

Marrickville Local Environmental Plan 2001
Development in areas subject to Aircraft Noise (Clause 6.5)
Clause 6.5 applies to development on land that is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise. The subject property is located within the 20 - 25 Australian Noise Exposure Forecast (2029) Contour. It is considered that the proposed development is likely to be affected by aircraft noise.

Clause 6.5 (3) of MLEP 2011 reads as follows:

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

(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021:2000, and
(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2000."

It is considered that the carrying out of proposed development would result in an increase in the number of people affected by aircraft noise. The proposed development would need to be noise attenuated in accordance with Australian Standard AS2021:2000 - Acoustics – Aircraft noise intrusion - Building siting and construction. An Acoustic Report accompanied the application which details that the proposed development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. It is recommended that the report be referenced as part of the approved plans and documents listed in condition 1 of any consent granted for the proposal.

Airspace Operations (Clause 6.6)
Clause 6.6 of MLEP 2011 requires consideration be given to Airspace Operations. That clause reads as follows:
"(1) The objectives of this clause are as follows:
(a) to provide for the effective and ongoing operation of the Kingsford Smith Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
(b) to protect the community from undue risk from that operation.

(2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.

(3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:
(a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
(b) the development will not penetrate the Limitation or Operations Surface.

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
10/07/2012 Council Meeting Approved	***Development Assessment Committee Meeting 10 July 2012 - Item No: D0712(1) Item 9*** **53 Barwon Park Road St Peters & 1 & 17 Campbell Street St Peters** ***Recommendation***		23	ANEF: 2010 25-30 ANEF:2023/24 25-30 **ANEF: 2029 20-25** ANEF: 2033 25-30	MLEP 2011 General Residential R1

(4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.

(5) In this clause

Limitation or Operations Surface *means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Kingsford Smith Airport.*

relevant Commonwealth body *means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Kingsford Smith Airport."*

The subject properties are located within an area identified on the "Obstacle Limitation Surface Map" where the "Limitation or Operations Surface level is set at 51 AHD. The ground level of the subject land has varying AHD levels between 12.5 AHD up to 15.5 AHD. Consequently any development on the land with a height over 35.5 metres would penetrate the Limitation or Operations Surface.

As detailed earlier, the proposed development has a maximum building height of 12.5 metres which would not penetrate the Limitation or Operations Surface.

"As mentioned earlier in this report, the proposed development is required to be noise attenuated from aircraft noise which would adequately address acoustic privacy for future occupants of the dwellings and adjoining properties. Overall, the proposed development is considered to provide acceptable levels of visual and acoustic privacy."

Noise attenuation measures being incorporated into the development complying with Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels, in accordance with the Aircraft Noise Intrusion Assessment (Report No: Rp001 2011521SY) prepared by Marshall Day Acoustics and dated 20 January 2012 and in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

Reason: To reduce noise levels within the proposed development from aircraft and road noise.

a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report being prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
10/07/2012 Council Meeting Approved	***Development Assessment Committee Meeting 10 July 2012 - Item No: D0712(1) Item 9*** **53 Barwon Park Road St Peters & 1 & 17 Campbell Street St Peters** ***Recommendation***		23	ANEF: 2010 25-30 ANEF:2023/24 25-30 **ANEF: 2029 20-25** ANEF: 2033 25-30	MLEP 2011 General Residential R1

and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such report shall include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and

b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the proposed dwellings from aircraft and road noise and to ensure that the proposed noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

Development Assessment Committee Meeting 10 July 2012
PART C – REQUIREMENTS Page 199
5 Other Requirements: ANEF 2029 Affectation: 20 - 25 ANEF or Not affected

COMMENT
THE COUNCIL REPORT STATES THAT THIS PROPOSAL IS IN THE ANEF CONTOUR 2029 20-25 OR NOT AFFECTED.
THE ANEF CONTOUR 2010 MAP SHOWS THE ANEF FOR THE SITE AS 25-30 (AT TIME OF REZONING)
THE ANEF CONTOUR 2023/24 MAP SHOWS THE ANEF FOR THE SITE AS 25-30
THE ANEF CONTOUR 2029 MAP SHOWS THE ANEF FOR THE SITE AS 20-25 (AT TIME OF THIS APPLICATION SUBMISSION)
THE CURRENT ANEF CONTOUR 2033 MAP SHOWS THE ANEF FOR THE SITE AS 25-30 (CURRENT)

VARIATION TO DEVELOPMENT STANDARDS

Development standard to be varied:
Clause 4.4 - Floor Space Ratio

Justification of variation:
The proposal is considered to result in a density and bulk that is consistent with the desired future character of the area and does not create any adverse environmental impacts on adjoining properties and the public domain. The proposed development is considered acceptable having regard to the objectives of the development standard. It is considered that maintaining the development standard and requiring strict compliance with the numerical component of the standard would likely result in a building that would be inconsistent with the desired future character of the area.

Extent of variation: 14.60%

Concurring authority:
Council under assumed concurrence of the Director General of the Department of Planning and Infrastructure.

Date DA determined: 11/07/2012

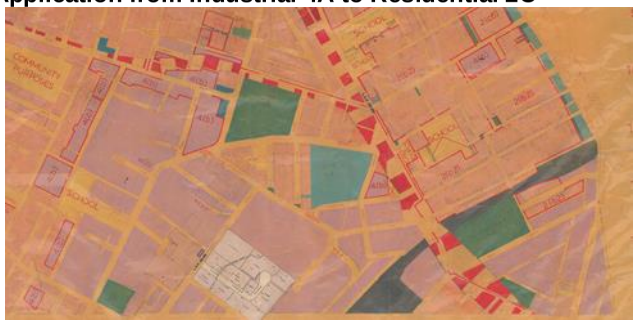
Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
13/01/2011 Submitted 27/04/2011 Refused Delegated Authority	**44-46 Princes Highway St Peters**	DA201100016 to demolish part of the premises and carry out alterations and additions to convert the premises into a mixed use development containing three ground floor commercial tenancies and 14 x 1 bedroom, 2 x 1 bedroom and study, and 3 x 2 bedroom dwellings with off street car parking for 13 vehicles **Applicant: Angus Property & Development Pty Ltd**	19 Refused	ANEF: 20-25	MLEP 2001 Residential 2C
10/06/2014 Submitted 23/10/2014 Assessed Withdrawn		DA201400271 to demolish the existing building fronting Princes Highway and demolish part of the building fronting Barwon Park Road to construct a 4 part 7 storey mixed use development containing 2 commercial tenancies and 47 dwellings with car parking and strata subdivide the premises **Applicant: Humphrey & Edwards Architects**	47 Withdrawn	ANEF: 20-25	MLEP 2011 General Residential R1
10/10/2014 Submitted Deemed Refusal	**23-29 Barwon Park Road St Peters**	DA201400509 to demolish part of the premises and construct a residential flat building containing 14 dwellings and associated car parking and strata subdivide the premises	14	ANEF: 20-25	MLEP 2011 General Residential R1
16/02/2015 Submitted 08/05/2015 Court Appeal Upheld Approved		CA201500002 **Class 1 Appeal in Land and Environment Court** - to demolish part of the premises and construct a residential flat building containing 14 dwellings and associated car parking and strata subdivide the premises **Consent orders entered into. Appeal upheld.**			
22/08/2014 Approved Delegated Authority	**40-44 Crown Street St Peters**	DA201400151 to carry out alterations and additions to the existing dwelling at 40 Crown Street, demolish the existing dwellings at 42 and 44 Crown Street and erect a two storey over basement car parking multi dwelling housing development containing 9 dwellings with off street car parking for 14 vehicles with strata subdivision	9	ANEF: 25-30	MLEP 2011 General Residential R1
29/01/2015 Approved		DA201400151.02 under Section 96 of the Environmental Planning and Assessment Act to modify Determination No. 201400151 dated 22 August 2014 to amend the wording of condition No. 50, increase the size of the basement level, adjust car parking spaces, modify the description of the approved development to maintain the existing Torrens title allotment at 40 Crown Street.			
14/05/2015 Approved		DA201400151.03 under Section 96 to modify Modified Determination No 201400151 dated 27 January 2015 to reconfigure the basement level to provide an additional 2 car spaces and provision of a pedestrian link between the site and the adjoining property at 23 Campbell Street			
16/06/2015 Approved		DA201400151.04 under Section 96 of the Environmental Planning and Assessment Act to modify Modified Determination No. 201400151 dated 13 May 2015 to modify Condition 42 to consolidate allotments before the issue of an Occupation Certificate.			

Barwon Park Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
14/05/2015 Approved Delegated Authority	**23 Campbell Street St Peters**	DA201500034 to consolidate 23 Campbell Street and **40-44 Crown Street** into 1 allotment, carry out alterations and additions to convert the existing dwelling house on 23 Campbell Street into 2 dwellings and strata subdivide the dwellings in conjunction with the multi-dwelling housing development at 40-44 Crown Street	2	ANEF: 25-30	MLEP 2011 General Residential R1
16/06/2015 Approved		DA201500034.01 under Section 96 of the Environmental Planning and Assessment Act to modify Determination No. 201500034 dated 13 May 2015 to modify Conditions 28 and 29 to obtain Notice of Requirements for a Section 73 Compliance Certificate and consolidation of 23 Campbell Street with **42-44 Crown Street** before the issue of an Occupation Certificate.			
30/12/2014 Submitted Stage 3b Current	**39 Barwon Park Road St Peters**	DA201400695 to demolish existing improvements and construct a 4 storey residential flat building containing 9 dwellings and basement carpark for 9 vehicles **Stage 3b Assess (Council request for more information)**	9	ANEF: 25-30	MLEP 2011 General Residential R1

St Peters Triangle St Peters

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
22/07/1998	**1-27 Princes Highway St Peters**	**Rezone Application from Industrial 4A to Residential 2C** **351/98** Application to rezone the land to enable its redevelopment for serviced apartments with ancillary facilities and for residential flat buildings and development application to demolish the existing improvements and erect a six part seven storey with lofts group of residential structures on the Princes Highway frontage, and 4 x 3 storey and loft residential buildings on the Applebee Street frontage. Off-street car parking for 214 parking spaces is proposed in 1.5 basement levels. **Applicant: MARS**	128	ANEF: 25-30	MPSO Zoned: Industrial 4A Zoned To: MLEP 2001 Residential 2C
		Rezone Application from Industrial 4A to Residential 2C  Marrickville Planning Scheme Ordinance Map showing the Industrial Zoning of the St Peters Triangle	MLEP 2001 Zoning Map showing the site rezoned to Residential 2C 		
30/08/2001 Approved		**Development Application** **DA199901935** to demolish existing structures, and redevelop the site into a part 4-6 level group of residential buildings on the Princes Hwy frontage, and 4 x 3 storey and loft residential buildings on the Applebee St frontage. Total of 128 dwellings over basement **Applicant: MARS**	The site forms part of the St Peters Triangle, St Peters and is bounded by the Princes Highway to the east, Applebee Street to the west and May Street to the north. 		
21/01/1998		**Previous Approval** **618/97** To use part of the building as a newspaper printing factory and Greek broadcasting and studio and to erect a 9m high antenna **Applicant: MARS**			
18/05/2001	**Marrickville Local Environmental Plan 2001** Published, Gazette No 86 of 18 May 2001, page 2678 **Schedule 2 Additional Development** 1-27 Princes Highway St Peters No. (34) Development for residential purposes				
	Council received an Application to rezone the site for residential use in 1998. The site was rezoned from a General Industrial 4A Zoning to a Residential 2C Zoning. The site is identified as No.34 on Council's Key Sites Map MLEP 2001.				

St Peters Triangle St Peters

Details	ANEF@ time of assessment	Zoning
Marrickville Council Brief for the St Peters Triangle Masterplan – December 2008 **BACKGROUND TO THIS PROJECT** A considerable body of work has been undertaken in the Marrickville LGA to guide this work: • Marrickville Urban Strategy 2007 • Marrickville Employment Land Study 2008 • St Peters and Marrickville Railway Station Area Revitalisation Plans 2007 These documents provide valuable data on the type and distribution of employment land in the LGA and the preferred direction for the redevelopment and revitalisation of these areas. This project advances the direction of the Marrickville Urban Strategy (MUS) 2007 through the preparation of master plans and associated planning controls involving high level resolution of traffic, land use and economic redevelopment factors to provide urban design and planning controls (height, FSR etc) local area traffic management including road widening, landscaping and public domain improvements. It also furthers the direction set by the draft South Subregional Strategy (dSSS) to investigate and masterplan the area prior to rezoning. In the dSSS, the land at St Peters was identified by the Department of Planning (DoP) as Category 2 to be retained as employment lands for a wide range of employment uses. In recent consultation with DoP this position has been confirmed with the recognition that the St Peters precinct can include greater housing opportunities. The presence of the nearby railway station, heavy volumes of traffic along precinct boundaries and adjacent industrial and residential development necessitates careful consideration of the balance needed between industrial land, potential new or diversified employment and impact on residential amenity of existing or new housing in the area. The dSSS employment target for Marrickville is 500 jobs. SGS Economics and Planning used this employment capacity target to derive an estimate of floorspace required to accommodate growth in the Marrickville Local Government Area (LGA). The Marrickville Employment Land Study & Appendices (April, 2008) provide wide ranging information including detail on floor space and employment for St Peters. It will be expected that the project will be consistent with and deliver on key actions of the Marrickville Urban Stategy (MUS). An independent review of seven (7) small village/neighbourhood centres for increased residential density and economic revitalisation is also underway in the LGA with a draft document proposed for community consultation in early March 2009. **St Peters 'triangle'** The precinct known as St Peters 'triangle' is bounded by Princes Highway to the east, Campbell Street to the south and May Street, May Lane and the Illawarra Railway Line to the north. It is located in close proximity to Sydney Airport, Sydney Park, Sydney University and St Peters Railway Station as well as the town centre of Newtown. The context of the precinct within this broader frame provides opportunities and linkages to activity nodes and employment. St Peters was identified in the MUS as an investigation area for redevelopment of industrial land into a new centre (potential village), with improved access to shops, services and transport for new residential development, increased housing choice and employment. However, it was acknowledged that the area would require initial investigation then comprehensive master planning to understand its potential capacity for housing and employment. The Category 2 -Wide Employment Uses applied to the precinct by DoP provides a clear direction on its intended future character.	ANEF: 25-30	MLEP 2001 General Industrial 4A

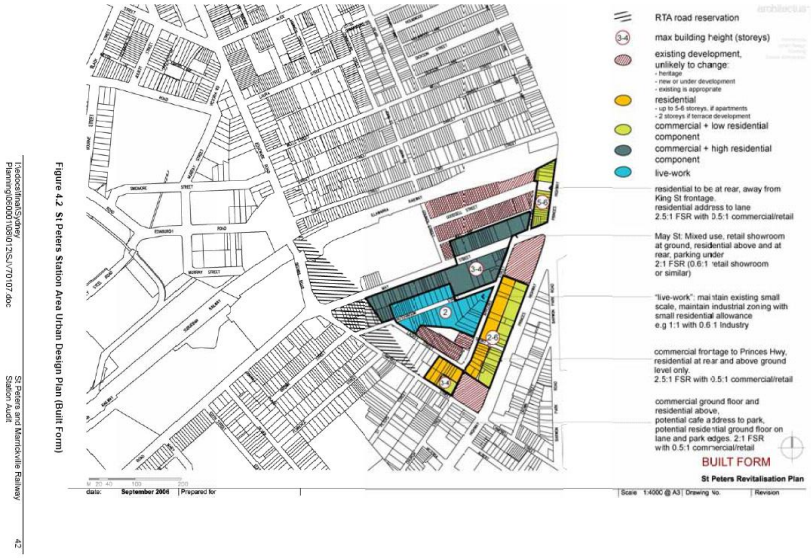
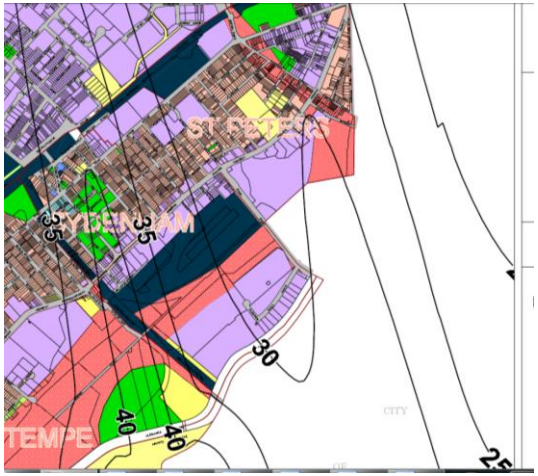
St Peters Triangle St Peters

Details	ANEF@ time of assessment	Zoning
It is anticipated that the precinct as an employment (and housing) precinct will provide urban support services and light industry, as well as an expanded service industry role. Future industries suitable for this area may also include research and development, peak body representation, non-government organisations and industries such as audio-visual, media and digital media, advertising, craft, visual arts and Indigenous arts, design (including architecture; fashion; and graphic, urban, industrial and interior design), film and television, music, publishing, performing arts and other creative types of uses. This precinct is currently zoned General Industrial, with some open space and medium density residential areas. A portion of the western edge of the precinct to Campbell Street is zoned Arterial Road and Arterial Road Widening. The land uses within the precinct are mainly light manufacturing with a mixture of uses such as local light industry and urban support services, retail, residential, freight and logistics, office, artist studios, creative industries. There are some vacant buildings. A land use map by broad categories for the area was completed by SGS and is within the Annexures to the Marrickville Employment Lands Study. Council has completed a fine grain map and identified the preferred, long term uses in keeping with the direction for development of the area. This varies from the Architectus Revitalisation Plan 2007 which provides indicative future land use and built form for the area taking in St Peters Station (See attached figure). This project will take the base data provided by Council and Architectus, review and refine it, and create new more detailed controls ensuring their feasibility. While the precinct is large, and ready for renewal it is constrained by the presence of small lots which limit redevelopment to meet current and future floorspace demand, poor public domain and aging stock deterring investment, traffic congestion and parking issues. There are also areas within the precinct which should be retained, including heritage buildings, active industrial buildings/activities and recent large residential flat buildings. Overshadowing of existing single and two storey adjoining dwellings, aircraft noise and building height limits are further issues requiring consideration. A range of opportunities and constraints are summarised in **Appendix B,** however access for people with a disability, adaptive reuse of some 'character' buildings with controls to encourage their retention and minimising land use conflict between residential housing and active light industrial uses will also need to be considered in the master planning process. While lots sizes tend to be fragmented across the precinct there are several in single ownership providing redevelopment opportunities. The suitability of the existing lot size and configuration, car parking rates, road widths, public domain etc will need to be examined for the range of new uses being promoted. Feasibility testing and basic modelling of built form controls to support the redevelopment of the area will be required. The St Peters project will need to contribute to attaining employment targets as set by DoP. Importantly low cost space is needed to assist start-up and creative businesses. Opportunities for community services and creative industries (potentially in the form of live/work style buildings and adaptive re-use) should be accommodated in the planning of the area. The project team will need to be aware of and consider the 117 Direction 1.1 Business and Industrial zones and Clause 102 of the Infrastructure SEPP 2007 as both the Princes Highway and Old Canterbury Road have traffic volumes of more than 40,000 AADT. **TASKS** The principle tasks of the urban design study are to:- • Prepare a master plan which will give a clear vision in terms of movement, form, and land uses; and • develop these into detailed urban design and other development controls that will be in a form to be incorporated into the new LEP and DCP to shape the desired outcome.	ANEF: 25-30	MLEP 2001 General Industrial 4A

St Peters Triangle St Peters

Details	ANEF@ time of assessment	Zoning
ANNEXURE B **SUMMARY OF OPPORTUNITIES AND CONSTRAINTS FOR THE ST PETERS TRIANGLE** **<u>Constraints</u>** • Traffic volumes & noise along Princes Highway. • Poor accessibility for vehicles servicing industrial activities. • Constrained internal road network (narrow, one way system) which will limit larger vehicles. • 25-30 ANEF. • A building height limit calculated using the Obstacle Limitation Surface (OLS) of around 30m at May Street increasing to 40m along Lackey & Campbell Street above natural ground level (to be verified with Sydney Airport however, the approved heights are inclusive of all lift over-runs, vents, chimneys, aerials, TV and construction cranes etc.) • Poor public domain and pedestrian amenity. • Major RTA corridor along Bedwin Road and Campbell Street affecting a number of properties on May and Hutchinson Streets. • Existing conflicts between residential and industrial activities. • Lack of redevelopment potential for modern industry because of small fragmented lots. • Redevelopment will require amalgamation of existing small sites. • Many of the properties are used for residential purposes, despite being zoned for industrial uses for a long time. • **A new residential flat building has been approved in the precinct at 1-27 Princes Hwy.** • Small number of strata title lots in the area (is also an opportunity). • High vacancy rates and dilapidated industrial building stock. • Flooding, contamination and acid sulphate soils. • Inability/ability to function as a town centre or village without additional residential. • Adjoining conservation area and heritage items on May Street. **<u>Opportunities</u>** • Proximity to St Peters Railway Station, King Street, Marrickville Metro and regional open space at Sydney Park. • Bus services including the cross-regional 370 route (Coogee and Leichhardt). • Existing new and proposed residential development in and around Sydney Park (City of Sydney and Marrickville). • Draft revised ANEF show the precinct in a lower ANEF. • One industrial zone which can be reviewed and several new zones applied through the new LEP. • Improved road network and loading and parking management. • More tangible (and safe) links created to St Peters station and King Street. • New controls to resolve industrial and residential conflicts to improve amenity and business competitiveness. • Increased employment uses as well as new housing to fulfil a new role. • Opportunity for new economic activity in growing sectors such as cultural industries, business services, health and lifestyle through live/work accommodation. • Improved public domain and pedestrian permeability. • Improved park amenity. • Value as an incubator area for start-up businesses or arts/cultural/media. • Assisted management of declining industrial precinct to new active live/work precinct. Architectus 2007 Revitalisation Plan provides indicative land use and built form for the area taking in St Peters Station (See attached figure).	ANEF: 25-30	MLEP 2001 General Industrial 4A

St Peters Triangle St Peters

Details	ANEF@ time of assessment	Zoning
Architectus 2007 Revitalisation Plan provides indicative land use and built form for the area taking in St Peters Station 	ANEF: 25-30	MLEP 2001 General Industrial 4A
The ANEF 2023/24 Contour for the St Peters Triangle is 25-30  **ANEF CONTOUR MAP 2023/24**	**The ANEF Contours shown in the Masterplan of the St Peters Triangle**		

St Peters Triangle St Peters

Details		ANEF@ time of assessment	Zoning
Marrickville Local Environmental Plan 2011 Gazette Published LW 12 December 2011 The St Peters Precinct Masterplan, completed in 2009, contributes to attaining employment targets as set by the DP&I under the dSSS. St Peters was identified in the MUS as an investigation area for the redevelopment of industrial land into a new village centre, containing new employment and residential development, with increased housing and workspace choice; improved access to shops, services and transport; and public domain improvements. The Marrickville Urban Strategy states that some 69 percent of the land area in Marrickville is impacted on by ANEF >25. The strategic planning work done in the Marrickville Urban Strategy relied upon the 2023/24 ANEF. The 2023/24 ANEF Contour for the St Peters Triangle precinct is ANEF 25-30. The masterplan has resulted in a mix of new zones comprising industrial, business and residential proposed for the precinct. The potential employment numbers across the precinct are likely to rise from an approximate base of 970 to 2083 over a 10 to 20 year period readily contributing to the employment target set for 2031.		ANEF: 25-30	MLEP 2001 General Industrial 4A
MLEP 2001 St Peters Triangle Zoning Map **MLEP 2001:** **General Industrial 4A** **1-27 Princess Highway St Peters Residential 2C**	**MLEP 2011 St Peters Triangle Zoning Map:** **MLEP 2011:** R1 General Residential R2 Low Density Residential B4 Mixed Use B5 Business Development B6 Enterprise Corridor B7 Business Park REI Public Recreation	ANEF:2023/24 25-30 ANEF: 2029 Partial 20-25 Majority 25-30 ANEF: 2033 Partial 20-25 Majority 25-30	**Rezoned From:** MLEP 2001 General Industrial 4A & 1 site zoned Residential 2C **Zoned To:** MLEP 2011 R1 R2 B4 B5 B6 B7 RE1

St Peters Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
20/04/2012 Submitted 17/08/2012 Refused Delegated Authority	**60-68 Hutchinson Street St Peters**	DA201200142 to demolish the existing improvements and erect a three storey residential flat building containing 20 dwellings with basement car parking for 20 vehicles and to strata subdivide the premises into 20 lots **Applicant: Dugald Mackenzie Architects**	20 Refused	ANEF: 25-30	MLEP 2011 Zone: R1 General Residential
08/04/2013 Submitted 13/08/2013 Approved Council Meeting		DA201300145 Development application to carry out demolition of existing structures, environmental site works, construction of a new four (4) storey residential flat building containing 20 dwellings atop two (2) levels of basement car parking and strata subdivision. **Applicant: Dugald Mackenzie Architects**	20		
	Development Assessment Committee Meeting 13 August 2013 ***Marrickville Local Environmental Plan 2011*** *Marrickville Local Environmental Plan 2011 (MLEP 2011) was gazetted commencing on 12 December 2011 and is the principal Environmental Planning Instrument applying to the land. An assessment of the proposed development having regard to the relevant provisions of MLEP 2011 is provided below.* ***Development in areas subject to Aircraft Noise (Clause 6.5)*** *Clause 6.5 applies to development on that that (in part) is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise.* *The subject property is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour and it is considered that the proposed development is likely to be affected by aircraft noise and would result in an increase in the number of people affected by aircraft noise.* *The proposed development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was prepared by Acoustic Solutions Pty Ltd and accompanied the application which details that the proposed development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. It is recommended that the report be referenced as part of the approved plans and documents listed in condition 1 of any consent granted for the proposal.*				
06/06/2013 Submitted	**19 Hutchinson Street & 44-56 May Street St Peters**	DA201300249 torrens title subdivision to create two (2) new allotments and construction of new 6.5 metre wide road connecting Hutchinson Street and May Street, to permit adaptive reuse of the existing factory building on Lot A orientated to May Street for the purpose of a mixed use development containing six (6) ground floor retail premises with two (2) storeys above containing 17 residential apartments over a 24 car basement garage with support services and redevelopment of Lot B fronting Hutchinson Street for the purpose of a new mixed use development containing three (3) ground floor business premises with four (4) storeys above containing 32 residential apartments above a basement level car park for 17 cars, two (2) motorcycles and bicycle parking combine with associated site and landscaping works **Applicant: Leto Pty Ltd c/o Joshua Farkash & Associates Pty Ltd**	49	ANEF: 25-30	MLEP 2011 Zone: B5 & B7

St Peters Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
07/08/2013	**19 Hutchinson Street & 44-56 May Street St Peters**	Class 1 Appeal in Land and Environment Court	49	ANEF: 25-30	MLEP 2011 Zone: B5 & B7
10/09/2013 Council Meeting	**Development Assessment Committee Meeting 10 September 2013** **SUPPLEMENTARY BUSINESS PAPER 1** **MEETING AGENDA – PRECIS SUPPLEMENTARY ITEMS** The following report appears as a late item with Mayoral approval as information required for the preparation of the report was not available at the time of distribution of the Business Paper. *Council officers having assessed the application against the relevant controls, the stated objectives and the desired future character of the St Peters Triangle, are of the opinion that the proposed development, is inconsistent with the intent of the zoning controls applying to the land and the masterplan for the site. It is considered that the mass and bulk of the building, in particular that orientated to Hutchinson Street, would adversely affect the development potential of adjoining land or contribute to an unreasonable loss of amenity.* **That the development application be refused for the reasons outlined on Pages 66-69 of Supplementary Business Paper 1.** **The resolution was CARRIED** **A NOTICE OF MOTION TO RESCIND THE RESOLUTION OF ITEM 8 WAS LODGED WITH THE CHAIR PRIOR TO THE CLOSE OF THE MEETING. THIS WAS DEALT WITH AT THE DAC MEETING HELD 8 OCTOBER 2013.**				
	Development in areas subject to Aircraft Noise (Clause 6.5) **The subject property is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour.** In accordance with *Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000,* development for the purpose of housing exposed to aircraft noise within the identified range is “unacceptable”. Notwithstanding the above, Council may consider the use of land above ANEF 25 for residential use where in its opinion the development can be constructed to ameliorate the potential adverse impacts. The proposed application was supported by a noise impact assessment that has considered the impact of aircraft noise and made recommendations for the purpose of noise attenuation requirements aimed at achieving consistency with or attainment of the indoor design sound levels shown in *Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000*. In this regard, were Council of the view to approve the application the report should form part of the approved documents list. **Airspace Operations (Clause 6.6)** The proposed development would not penetrate the Limitation or Operations Surface.				

St Peters Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
19 Hutchinson Street & 44-56 May Street St Peters					
08/10/2013 Council Meeting	**Development Assessment Committee Meeting 8 October 2013** **D1013 Item 6** **NOTICE OF MOTION TO RESCIND: D0913 ITEM 8:** **44-56 MAY STREET AND 19 HUTCHINSON STREET, ST PETERS** That the Committee rescinds the resolution on this matter (44-56 May Street and 19 Hutchinson Street, St Peters) from the Development Assessment Committee Meeting of 10 September 2013. **The MOTIONS were CARRIED** **That:** A. the Department of Planning and Infrastructure be advised, that Council has agreed to the variation of the subject development standard as detailed of Pages 6-7 of the Minutes. B. the development application be approved and a Deferred Commencement Consent be issued subject to the terms and conditions commencing on Page 7 of the Minutes.		49	ANEF: 25-30	MLEP 2011 Zone: B5 & B7
08/11/2013 Court Approved	**Class 1 Appeal in Land and Environment Court** Appeal against deemed refusal of DA for mixed use development. **Consent orders entered into. Appeal upheld.**				
20/03/2014 Submitted	**7-9 Hutchinson Street St Peters**	DA201400116 to demolish the existing improvements and erect a four storey mixed use development over basement car parking level containing 4 commercial suites on the ground floor, 6 commercial suites on the first floor and 8 x 1 bedroom dwellings on the levels above with off street car parking for 13 vehicles **Applicant: Benson McCormack Architects Pty Ltd** **Deferred Commencement**	8	ANEF: 25-30	MLEP 2011 Zone: B7
14/10/2014 Council Meeting Deferred	***Development Assessment Committee Meeting 14 October 2014*** ***Item No: D1014 Item 3*** ***SUMMARY*** *The application seeks approval to demolish the existing improvements and erect a 4 storey mixed use development, over basement car parking, comprising 4 commercial suites on the ground floor, 6 commercial suites on the first floor and 8 dwellings on the levels above. The development includes the provision of 13 car parking spaces within the basement.* *The application was notified in accordance with Council's Notification Policy and 43 submissions were received. The application is being reported to the Development Assessment Committee due to the nature and number of submissions received.* *The proposal generally complies with the objectives and controls contained in Marrickville planning controls, with the exception of the departure with the floor space ratio (FSR) development standard and Part 9.25 of Marrickville Development Control Plan 2011 (MDCP 2011). Despite the departures, the application is considered supportable subject to the imposition of appropriate conditions.*				

St Peters Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
7-9 Hutchinson Street St Peters					
14/10/2014 Council Meeting Deferred	***Marrickville Local Environmental Plan 2011*** *The application has been assessed against the relevant objectives and development standards contained within MLEP 2011. Subject to the imposition of appropriate conditions, the application is considered generally acceptable in regards to a number of those provisions. The following discussion relates specifically to the departures from those objectives and standards:* ***Development in areas subject to Aircraft Noise (Clause 6.5)*** *The land is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour and the carrying out of the development would result in an increase in the number of people affected by aircraft noise.* *The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. Conditions are included in the recommendation to ensure that the requirements recommended within the acoustic Report are incorporated into the development.*		8	ANEF: 25-30	MLEP 2011 Zone: B7
11/11/2014 Council Meeting Approved	**7-9 Hutchinson Street St Peters**	Development application to demolish the existing improvements and erect a four storey mixed use development over basement car parking level containing 4 commercial suites on the ground floor, 6 commercial suites on the first floor and 8 x 1 Bedroom dwellings on the levels above with off street car parking for 13 vehicles.			
14/11/2014	**VARIATION TO DEVELOPMENT STANDARDS** **Development standard to be varied:** Clause 4.4 - Floor Space Ratio **Justification of variation:** The proposed development provides a building density and bulk that is compatible with the desired future character of the area. This is particularly evident when considering the strategic context controls for the subject and surrounding sites under the provisions of Marrickville DCP 2011 and recent development approvals in the street and local area that include a 5 storey building at 19 Hutchinson Street to the west of the site and a 4 storey building at 60 Hutchinson Street further to the south-west of the site. The additional GFA will not result in any noticeable change to the physical density and bulk of the building when viewed from the street compared to what would be realised with a fully compliant FSR; and the additional GFA does not result in any direct environmental impact on adjoining properties or the public domain as the areas are internal to the building, within the outer building envelope. **Extent of variation:** 114sqm (9.8%) **Concurring authority:** Council under assumed concurrence of the Secretary Department of Planning and Environment **Date DA determined:** 12/11/2014				
16/07/2015 Submitted Current	**7-9 Hutchinson Street St Peters**	DA201500373 to demolish existing improvements and construct a 4 storey mixed use development comprising 1 commercial suite on the ground floor and 7 live/work dwellings on the levels above, as well as basement car parking **Applicant: Benson McCormack Pty Ltd**			

St Peters Triangle St Peters Development Applications

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
15/05/2014 Submitted 12/11/2014 Approved	**23-25 May Street St Peters**	DA201400230 to demolish existing improvements and construct a 4 part 5 storey mixed use development consisting of retail/commercial/ studio space, 6 live-work studios and 6 dwellings with car parking for 27 vehicles **Applicant: X Pace Design** **Deferred Commencement Consent**	12	ANEF: 20-25	MLEP 2011 Zone: B5
04/05/2015 Current		DA201400230.01 Sec 96(2) - Other under Section 96 of the Environmental Planning & Assessment Act to modify Determination No. 201400230 dated 12 November 2014 to reconfigure waste storage areas and car parking layout, remove commercial space at ground level and replace with 5 x 1 bedroom dwellings, reconfigure and increase size of studio space on first and second level, convert live/work studios into 2 bedroom maisonette dwellings on first and second level and modify stairs and plant room layouts **Applicant: X Pace Design**			
12/11/2014		**VARIATION TO DEVELOPMENT STANDARDS** **Development standard to be varied:** Clause 4.4 - Floor Space Ratio **Justification of variation:** Development is compatible with desired future character of the area, complies with the maximum permissible building height and does not cause any adverse impacts for surrounding properties and /or the streetscape. **Extent of variation:** 16% **Concurring authority:** Council under assumed concurrence of the Secretary Department of Planning and Environment **Date DA determined:** 12/11/2014			
19/11/2014 Submitted Current	**63-79 Princess Highway St Peters**	DA201400587 NOTIFICATION EXTENDED TO TUE 23/12/14 - to demolish existing improvements and construct a mixed used development ranging in height between 5 and 7 storeys comprising of 3 ground floor commercial tenancies, 94 dwellings and 2 basement car parking levels **Applicant: Chanine Design - Stage: 3a.Additional Information requested**	94	ANEF: 25-30	MLEP 2011 Zone: B6 & B7

St Peters

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
26/09/2003	**1 Goodsell Street St Peters**	**Marrickville Local Environmental Plan 2001 (Amendment No20)** Published in Gazette No 154 of 26 September 2003 page 9658	Rezone	ANEF: 25-30	Rezoned From: MLEP 2001 General Industrial 4A Zoned To: MLEP 2001 Residential 2C Amendment No.20
18/09/2002		**DA200200621** Application to rezone the land Residential 'C' and permit a small commercial/retail tenancy, permit development for residential purposes with a maximum floor space ratio of 2.08:1 and a maximum height of RL34.37 and development application to excavate the site, demolish the existing improvements and erect a 3 part 5 storey residential flat building over basement car park containing 42 dwellings, a retail space of approximately 44m^2, 47 off street parking spaces, 5 on street parking spaces strata subdivide the premises and carry out public domain improvements including the widening of the footpath along the eastern frontage of the site	42 Modified		
02/10/2003 Approved		**DA200200621** erect a residential flat complex containing 41 dwellings (13 x 1 bedroom dwellings, 27 x 2 bedroom dwellings and 1 x 3 bedroom dwellings) and one shop/commercial suite and to strata subdivide the premises into 42 lots	**41**		
21/05/2003	***PUBLIC EXHIBITION OF DRAFT AMENDMENT TO MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2001*** ***1 GOODSELL STREET, ST PETERS*** *You are invited to comment on draft Marrickville Local Environmental Plan 2001 (Amendment No 20) which aims to rezone land at 1 Goodsell Street, St Peters, from General Industrial 4(A) to Residential 2(C) under Marrickville Local Environmental Plan 2001 with a height limit generally in accordance with the height shown on the plans submitted with the development application, a maximum number of dwellings of 41 and to broaden the range of permissible uses to include a shop/commercial suite having a gross floor area not exceeding 50 square metres.* *The draft Amendment and the accompanying maps will be on public exhibition from Wednesday 21 May 2003 to Friday 20 June 2003 at Marrickville Council Citizens' Service Centre, Ground Floor, 2-14 Fisher Street, Petersham (8.30am–5.00pm weekdays) and Marrickville Library, cnr Marrickville and Petersham Roads, Marrickville (10.00am–8.30pm weekdays, 9.30am–5.00pm Saturday, 1.00–4.00pm Sunday). A copy of the draft LEP can also be viewed on Council's web site at www.marrickville.nsw.gov.au.* *This is a public exhibition in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000.* *Any comments on the draft Amendment must be in writing and received by 5.00pm on 20 June, 2003. Please send submissions marked Ref DA 200200621 to:* *The General Manager, Marrickville Council, PO Box 14, PETERSHAM NSW 2049.* *Fax: 9335 2029 / e-mail: council@marrickville.nsw.gov.au* ***For enquiries contact Peter Wotton on 9335 2260.***				

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
24/10/2003	**159 Princes Highway St Peters**	**Marrickville Local Environmental Plan 2001 (Amendment No17)** Published in Gazette No 168 of 24 October 2003, page 10167	Rezone	ANEF: 25-30	Rezoned From: MLEP 2001 Arterial Road & Arterial Road Widening 9 (C Zoned To: MLEP 2001 Amendment 17 Residential 2C
10/04/2002		**DA200200203** To rezone the land to residential and development application to demolish the existing improvements and erect a 5 storey and 3 storey building containing 86 dwellings with basement car parking for 108 vehicles and strata subdivide the premises **Applicant: Daztona Pty Ltd, c/o. PTI Architects**	86 Modified		
01/10/2002 Council Meeting	***Council Meeting 1 October 2002*** *Whilst the residential area in the Church Street Precinct is zoned Residential 'A', it is considered that of the existing residential zones contained within the MLEP, the Residential 'C' zone would be the most appropriate if the land was to be rezoned. Again, this approach would also be consistent with the approach taken in relation to the rezonings of 1-27 Princes Highway, St Peters and 8 Bridge Road, Stanmore. However, in light of the report on the potential rezoning of the Barwon Park Road Precinct considered by Council at its Development and Environmental Services Meeting of 6 August, 2002 (Item PS 14, DES Meeting 07/02) it is considered that the proposed floor space of 2.19:1 is excessive and that a floor space ratio of 2:1 would be more appropriate for the subject site. A more detailed discussion of the recommendations that came out of the Barwon Park Road Precinct Urban Design Study is provided later in this report.* *'An example of this was the rezoning of the land for the residential complex at No. 1 - 27 Princes Highway, St Peters, currently under construction.'* *'This conclusion takes into account the site's contextual setting, the identified gateway site located at 1-27 Princes Highway and the draft controls for the Barwon Park Road Precinct.'* ***In terms of the economics of the proposed rezoning, the applicant has pointed out that the current bulky goods retailing use on the site has limited viability, and that there currently is not the demand for other industrial, commercial and retail uses to be established in this locality. The applicant's argument for the viability of residential development in this locality has been strengthened through the revised plans RTA plans for an arterial route through nearby Campbell Street, as well as the more detailed investigations into the impacts of aircraft and traffic noise.*** ***G16 - Airport Noise*** *The subject site is affected by aircraft noise with the site being located within the 25 - 30 ANEF. In assessing whether the site is suitable to be rezoned for residential purposes, Council must take into consideration the effect of aircraft noise on the property. The direction specifically states inter alia that draft local environmental plans shall not rezone land for residential purposes, nor increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) as from time to time advised by the Civil Aviation Authority exceeds 25.* *Rezoning the site to residential would therefore not be inconsistent with the direction. However, the proposed building can be noise attenuated to mitigate the impact of aircraft noise. The applicant has submitted an acoustic assessment of the proposal and has concluded that the site is suitable for residential development in terms of aircraft noise. In this instance, however, road noise from the Princes Highway must also be considered. The applicant has submitted written information with regard to aircraft noise and is discussed in Section 4 of this report.*			

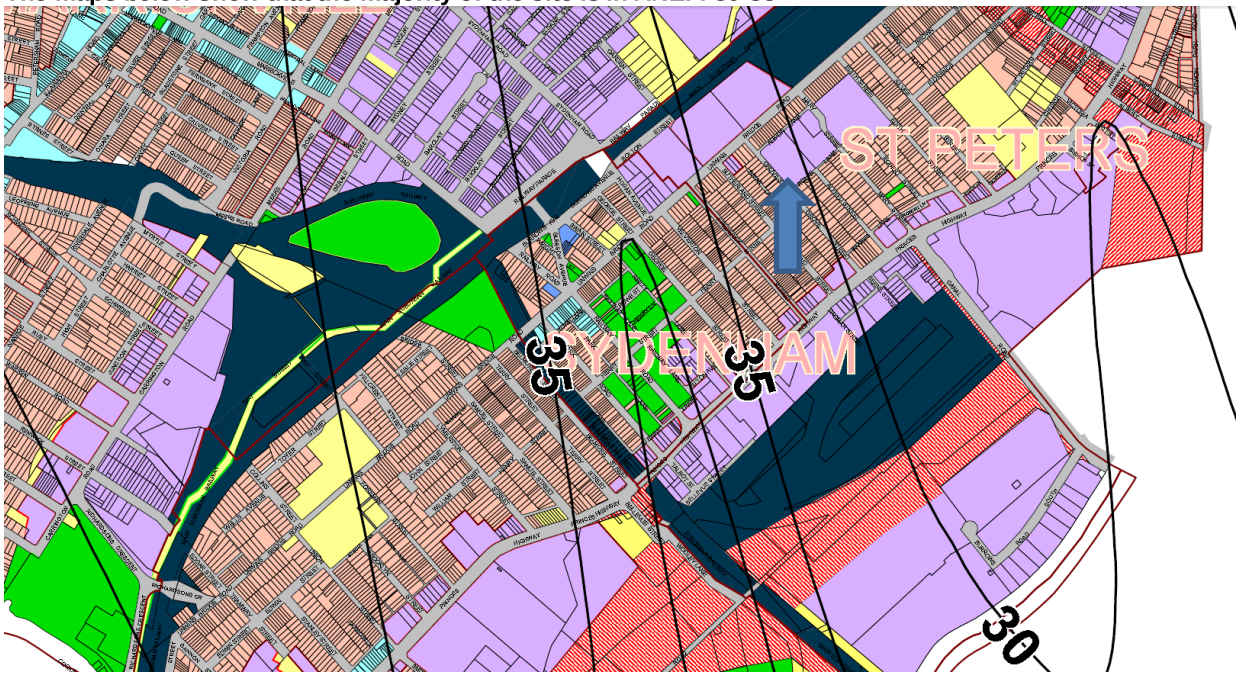
St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
159 Princes Highway St Peters					
01/10/2002 Council Meeting Deferred	***PART E - RECOMMENDATION*** ***THAT*** *the application to rezone the property known as 159 Princes Highway, St Peters to Residential 'C', demolish the existing improvements and erect a five (5) storey and three storey residential flat building containing 65 dwellings (41 × 1 bedroom dwellings, 7 × 1 bedroom dwellings with study, 8 × 2 bedroom dwellings, 7 × two storey 2 bedroom dwellings and 2 × 2 bedroom dwellings with study) with basement car parking for 105 vehicles, a 25 metre swimming pool and 70 square metres of retail floorspace and display window at ground level be* ***DEFERRED*** *and the following course of action be adopted by the Council:* ***A. THAT*** *Council prepare a draft Local Environmental Plan to rezone the site Residential 'C' and under Marrickville Local Environmental Plan 2001, with a height limit of four (4) storeys on the Princes Highway and two storeys on the Church* *Street frontage, (incorporating setback height planes and building modelling to reduce visual bulk) with a floor space ratio control of 2:1 and to broaden the range of permissible uses to include a shop or commercial premises having a gross floor area not exceeding 70m^2* ***B. THAT*** *Planning NSW be advised in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979.* ***C. THAT*** *a copy of Council's report on the application and a copy of the Draft Plan and supporting material be forwarded to Planning NSW with the following advice:* *i. The Draft Plan is not considered to be inconsistent with the Schedule of Directions under Section 117(2) of the Environmental Planning and Assessment Act, State Environmental Planning Policies or Regional Environmental Plans.* *ii. The Council is of the opinion that an Environmental Study is not necessary for the reason that the proposed change is considered to be of a minor nature; and* *iii. The Draft Plan has been certified under delegation from the Director of Planning NSW in accordance with Section 65 of the Environmental Planning and Assessment Act, 1979.* ***D. THAT*** *a report be prepared for the Council's consideration following the exhibition of the Draft Plan.* ***E. THAT*** *further consideration of the development application be undertaken upon the satisfaction of matters A, B, C and D referred to above and the issues raised in the report relating to the development application.* ***THAT*** *those persons who lodged submissions in respect to the proposal be advised of the Council's decision.*		Rezone	ANEF: 25-30	Rezoned From: MLEP 2001 Arterial Road & Arterial Road Widening 9 (C Zoned To: MLEP 2001 Amendment 17 Residential 2C
20/11/2003 Approved	**159 Princes Highway St Peters**	**DA200200203** erect a four part five storey and a two part three storey residential flat building containing 59 dwellings (36 x 1 bedroom dwellings, 7 x 1 bedroom with study dwellings, 14 x 2 bedroom dwellings, and 2 x 2 bedroom with study dwellings)	59		

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
6/11/2002 Approved	**14-18 Mary Street St Peters**	DA200200460 to demolish the existing factory and erect 9 x two storey townhouses with loft, basement parking for 12 vehicles and to strata subdivide the land into 9 lots.	9	ANEF: 25-30	MLEP 2001 Residential 2A
07/11/2002 Approved	**27-31 St Peters Street St Peters**	DA200100102 demolish the existing structures and erect a multiunit housing complex containing 20 townhouses with basement car parking for 26 vehicles and to strata subdivide the premises into 20 lots	20	ANEF: 25-30	MLEP 2001 Residential 2A
	Proposal: *Application under Section 96 of the Environmental Planning and Assessment Act to modify Reviewed Determination No. 200100102, dated 7 November 2002, to extend the period in which the person acting on the consent has to satisfy the deferred commencement matters.* ***Noise attenuation measures*** *being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to Council's satisfaction before the issue of the Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.* *Reason: To reduce noise levels within the proposed development from aircraft.* *Upon completion of the required noise attenuation measures referred to in Condition 28 and prior to the occupation of the dwellings a report being prepared and submitted to Council's satisfaction by an accredited Acoustics Consultant independent of any consultant involved in the design and installation of the noise attenuation measures, certifying that the final construction meets AS2021-20004 as set down in condition 28 of this consent. Such report shall include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and (ii) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part (i) of this condition.* *Reason: To reduce noise levels within the proposed dwellings from aircraft and to ensure that the proposed noise attenuation measures incorporated into the dwelling houses satisfactorily comply with the relevant sections of Australian Standard 2021-2000.*				
14/01/2002 Approved	**85 Church Street St Peters**	DA200100647 to demolish the existing dwelling house subdivide the land into 4 allotments and erect a two storey with attic dwelling house on each allotment with one off street car parking space.	4	ANEF: 25-30	MLEP 2001 Residential 2A

St Peters

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
24/11/2005 Submitted	**63 Grove Street St Peters**	**DA200500749** to rezone the land to Residential 'A' and create a laneway through the centre of the site (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and demolish the existing improvements, subdivide the remainder of the land into thirty four (34) lots and erect a two storey dwelling house on each allotment **Applicant: Domain Holdings Pty Ltd**	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
Submitted		Additional information received by Council on 13 January 2006, 14 March 2006, 15 March 2006 and 28 June 2006			
01/08/2006 Council Meeting Approved		***Development & Environmental Services Committee Meeting 1 August 2006*** Council, at its DES Committee Meeting of 1 August 2006, resolved to prepare a draft LEP to rezone land at 63 Grove Street, St Peters, from General Industrial 4(A) to Residential 2(A) under the Marrickville LEP 2001. The DA accompanying the rezoning application proposed subdividing the land into 34 allotments and erecting a two storey attached dwelling on each allotment.			Approved to **Rezone From:** MLEP 2001 General Industrial 4A **Rezone To:** MLEP 2001 Residential 2A

The Council Report States that 63 Grove Street St Peters is in 'Partial ANEF: 25-30 & Partial ANEF: 30-35.'
The maps below show that the majority of the site is in ANEF: 30-35



St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/08/2006 Council Meeting Approved		**<u>DA 75 – 63 Grove Street St Peters - Report to Development and Environmental Services Committee Meeting 1 August 2006</u>** ***File Ref: DA200500749*** ***Director, Development & Environmental Services reports:*** *This report concerns an application to rezone the subject land from General Industrial to Residential A and a development application which originally sought approval to demolish the existing buildings on the site, subdivide the land into thirty six (36) lots and erect a two storey dwelling house on each allotment. The proposal also includes the creation of a laneway through the centre of the site (running parallel to Grove Street) and the dedication of land for an extension of Alfred Street to Albion Lane. The applicant subsequently submitted a letter to Council on 28 June 2006 reducing the number of proposed allotments and dwellings to 34. The rezoning and the development application were concurrently advertised in accordance with Council's notification policy and a total of four (4) submissions were received.* *The proposed rezoning is inconsistent with some of the Schedule of Directions under Section 117(2) of the EP&A Act relevant to the proposed rezoning. However it is considered that there are circumstances that warrant those particular provisions to be varied or excluded having regard to the provisions of Section 5 of the Environmental Planning and Assessment Act.* *The rezoning of the land to Residential 'A' is considered to have merit as the subject industrially zoned land is located essentially in a residential neighbourhood. It is considered that Council should resolve to prepare a draft Local Environmental Plan to rezone the site to Residential 'A' as a residential zone is considered to be appropriate for the site.* *A number of design issues require further resolution/detailing. These matters could be resolved whilst the rezoning process proceeds. Upon the resolution of those details the development application could be further assessed and determined by Council upon the gazettal of the draft Local Environmental Plan.* *The application is referred to the Council for its consideration as it involves a proposal to rezone the land.* ***Section 117 Directions*** ***<u>Direction No. 12 – Development near Licensed Aerodromes</u>*** *This direction applies when a council prepares a draft LEP that creates, removes or alters a zone or a provision relating to land subject to noise from a licensed aerodrome.* *The subject land is located partly in the 25-30 ANEF (2023/24) contours and partly in the 30-35 ANEF (2023/24) contours.* *Under the Direction draft LEPs shall not rezone land for inter alia residential purposes or to increase residential densities where the ANEF exceeds 25. Under the Direction Draft Local Environmental Plans that rezone land for residential purposes or increase residential densities where the ANEF is between 20 and 25 shall include a provision to ensure that development meets AS2021 regarding interior noise levels.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/08/2006 Council Meeting Approved		***The proposed rezoning is inconsistent with the subject Section 117 Direction.*** *If Council resolves to prepare draft LEP, Council would need to satisfy the Director General one or more of the matters referred to in Clause (4) of the subject 117 Direction. That clause states as follows:* *"(4) A draft LEP may be inconsistent with this direction only if council can satisfy the Director-General that any particular provision or area should be varied or excluded having regard to the provisions of section 5 of the Environmental Planning and Assessment Act; and* *(a) the land has been identified in a strategy prepared by the council and approved by the Director-General, or* *(b) the rezoning is justified by an environmental study, or* *(c) the rezoning is in accordance with the relevant Regional Strategy prepared by the Department, or* *(d) the rezoning is, in the opinion of the Director-General, of a minor significance."* ***The site is located partially within the 25-30 ANEF and partially 30-35 ANEF aircraft noise contour.*** *The aircraft noise assessment prepared by Koikas Acoustics Pty Ltd and dated 15 July 2005, as part of the background reports for the rezoning, concluded that the indoor noise levels of the proposed dwelling houses can meet the requirements of Australian Standard 2021-2000 (AS 2021-2000). Any consent granted should contain standard conditions to ensure that the development complies with AS 2021-2000.* *It should also be noted that Clause 28 of MLEP 2001 includes provisions relating to development within areas affected by aircraft noise requiring Council to take into consideration the guidelines provided in Australian Standard AS 2021-2000 – Acoustics – Aircraft noise intrusion – Building siting and construction regarding noise reduction relevant to the particular type of development the subject of the application.* ***RECOMMENDATION*** **THAT** the application to rezone the land to Residential 'A' and the development application to demolish the existing buildings on the site, create a laneway through the centre of the site (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and subdivide the remainder of the land into thirty four (34) lots and erect a two storey dwelling house on each allotment be **DEFERRED** and the following course of action be adopted by the Council: **A.** **THAT** Council prepare a draft Local Environmental Plan to create a laneway through the centre of the site (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and rezone the remainder of the site to Residential 'A' under Marrickville Local Environmental Plan 2001 **B.** **THAT** Department of Planning be advised in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979. **C.** **THAT** a copy of Council's report on the application and a copy of the Draft Plan, supporting material and completed LEP Pro-forma Evaluation criteria for Category 1: Spot Rezoning LEP be forwarded to Sydney South West Regional Office of the Department of Planning with the following advice: The Draft Plan is inconsistent with the some of the Schedule of Directions under Section 117(2) of the EP&A Act relevant to the proposed rezoning. However it is considered that there are circumstances that warrant those particular provisions to be varied or excluded having regard to the provisions of Section 5 of the Environmental Planning and Assessment Act.	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/08/2006 Council Meeting Approved		(i) the Draft Plan is not considered to be inconsistent with any State Environmental Planning Policies or Regional Environmental Plans; (ii) Council is of the opinion that an Environmental Study is not necessary for the reason that the proposed change is considered to be of a minor nature; and (iii) Council requests Written Authorization to Exercise Delegation from the Director- General be granted to Council to exercise the functions under Section 65 and Section 69 of the Environmental Planning and Assessment Act, 1979 in relation to the Draft Plan. **D. THAT** a further report be prepared for the Council's consideration following the exhibition of the Draft Plan. **E. THAT** the applicant be advised that: (i) a number of design issues need resolving as detailed in the body of this report including a reduction in the number of proposed allotments fronting Grove Street; and (ii) discussions should be held with Council officers to resolve those issues whilst the draft LEP is on exhibition. **F. THAT** further consideration of the draft LEP and development application be undertaken upon the satisfaction of matters A, B, C, D and E referred to above and the issues raised in the report. **THAT** those persons who lodged a submissions in respect of the proposal be advised of Council's decision.	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
01/08/2006 Council Meeting Approved **Minutes**		***Development & Environmental Services Committee Meeting*** ***MINUTES OF MEETING 07/06 - 1 AUGUST, 2006*** **DA 75 63 GROVE STREET, ST PETERS** File Ref: DA200500749 A **MOTION** was moved **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**. The **MOTION** was put to the vote and was **TIED**. The Chairperson used his Casting Vote and the **MOTION** was **CARRIED**.			

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/09/2006 **Section 54**		**DRAFT MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2001** **(AMENDMENT NO 36)** **REZONING OF 63 GROVE STREET, ST PETERS** In accordance with section 54 of the Environmental Planning and Assessment (EP&A) Act 1979, Marrickville Council at its Development and Environmental Services Committee Meeting No. 07/06 held on 1 August 2006 resolved to prepare a draft Local Environmental Plan to rezone land at 63 Grove Street, St Peters, from General Industrial 4 (A) zone to Residential 2 (A) zone under the Marrickville Local Environmental Plan 2001. In accordance with Clause 9 of the EP&A Regulation 2000, the Department is advised of the following: ***a) Land the proposed plan applies to and context*** This plan applies to land situated in the local government area of Marrickville, being Lot 101, DP 793978, and known as 63 Grove Street, St Peters. The land is located on the North eastern corner of Grove Street and Albion Lane, between Albion Lane and Rolfe Lane, St Peters. The land has a frontage of approximately 104m to Grove Street, a frontage to Albion Lane of approximately 67m and a frontage to Rolfe Lane of approximately 67m. The site has an area of approximately 7,345m². The site slopes generally south toward Grove Street and has a fall of approximately 2.5m from the northern boundary to the south west corner. The site is located in an area characterised by both residential and industrial development. Residential uses are located to the south of the site, on the southern side of Grove Street, to the east of the site and to the west of the site. The residential development along Grove Street is predominantly characterised by single storey detached and semi-detached dwellings. The land to the north of the site contains large scale industrial development and is directly adjoined to the northern boundary by a furniture manufacturing business, comprising two storey industrial buildings and a warehouse. A map showing the subject site and surrounding zoning is attached as Figure 2. ***b) Purpose of this plan*** The principal planning instrument applying to the site is Marrickville Local Environmental Plan 2001 (MLEP 2001). Under the provisions of MLEP 2001 the site is zoned General Industrial 4(A). The objective of this zone is to identify land suitable for industrial and warehousing activities and to permit a range of support and ancillary uses. Amongst other things, development for the purpose of dwelling houses is prohibited in this zone. The applicant has requested that the subject land be rezoned from General Industrial 4(A) zone to Residential 2(A) zone to allow for the proposed residential development. An objective of the Residential 2(A) zone under the MLEP 2001 is to identify areas suitable for predominantly single dwelling residential development. Development for the purpose of dwelling houses is permissible within such a zone with development consent. The residential areas surrounding the subject site are zoned Residential 2(A). It is considered that the most appropriate residential zone under the MLEP 2001 for the proposed development would be the Residential 2(A) zone. The draft plan also sets control on the use of the land by restricting development on site unless arrangements have been made with the consent authority concerning the creation and construction of an 8.0 metre wide laneway at the rear of the property for an extension of Alfred Street to Albion Lane. ***c) Anticipated effects of the plan*** The draft plan will remove an incompatible land use and its associated traffic from the area and reinforce the established residential land use pattern. The draft plan will also allow the creation of a 6 metre wide laneway through the centre of the site (running parallel to Grove Street) and the dedication of 8 metre wide land for an extension of Alfred Street to Albion Lane.	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/09/2006 **Section 54**	The accompanying development application proposes the subdivision of the land into thirty four (34) lots and erects a two storey dwelling house on each allotment. The proposed dwelling houses are attached townhouse style dwellings. The development application has a number of design issues which require further resolution. These matters will be resolved whilst the rezoning process proceeds. Upon the resolution of these details, the development application will be further assessed and determined by Council upon the gazettal of the draft Local Environmental Plan. ***d) Supporting information/documents*** Copies of the following documents are attached for your information and necessary action. • Section 54(4) notification Advice Cover Sheet and LEP Pro-forma Evaluation Criteria (Category 1: Spot Rezoning LEP) • Draft LEP Amendment 36 Instrument • Draft LEP Amendment 36 Zoning Map • Draft LEP Amendment 36 Schedule 2 Site Map • Figure 1 - Location Map • Figure 2 – Existing Zoning Map • Figure 3 – Comparative Existing /Proposed Zoning Map • Figure 4 – Aerial Photo of Affected Land • Report to and Minutes from Development & Environmental Services Committee Meeting 07/06 of 1 August (Item DA 75). The Council is of the opinion that an Environmental Study is not required. The applicant has submitted a "Town Planning Report" dated August 2005 which provides a detailed analysis of the proposed development. The report has assessed the proposed rezoning against the current set of State Environmental Planning Policies, Regional Environmental Plans and s.117 Directions. A summary assessment of the proposal against the heads of consideration in s.79C of the Act is also provided to illustrate the appropriateness of the proposed development given the proposed zoning amendment. ***e) Effect of existing planning laws, policies and strategies on the proposed plan*** It is considered that the draft LEP is not inconsistent with any existing planning laws or policies. The draft LEP is also not considered to be inconsistent with any State Environmental Planning Policies or Regional Environmental Plans. The proposed rezoning is inconsistent with an objective of the Metropolitan Strategy and some of the Schedule of Directions under Section 117(2) of the EP&A Act which are relevant to the proposed rezoning. However it is considered that there are circumstances that warrant those particular provisions to be varied or excluded. **Metropolitan Strategy** (i) <u>A1.5 Protect and enhance employment lands of State Significance</u> The Metropolitan Strategy states in Objective A.15 that: *"Protect and enhance employment lands around Sydney Airport and Port Botany."* The draft plan is considered to be inconsistent with this objective of the Metropolitan Strategy. This land is within the "City to Airport" part of the "Global Economic Corridor" of the metropolitan strategy. The draft plan is reducing employment land around Sydney airport. **State Environmental Planning Policies** (i) <u>State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)</u> SEPP 32 encourages urban consolidation and focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned. The Policy encourages local council's to pursue their own urban consolidation	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/09/2006 Section 54	strategies to help implement the aims and objectives of the Policy. The Policy encourages housing in areas where there is existing public infrastructure, transport, community facilities and employment, leisure and other opportunities, in order to reduce the rate at which land is released on the urban fringe. It should be noted here that clause 36 of the Marrickville LEP 2001 allows multiunit housing development on land zoned Residential 2 (A) greater than 1,500 square metres where the building height does not exceed 7.2 metres. This draft plan rezones land to residential 2(A) zone that is greater than 1,500 square metres in area. It is considered that the proposal is consistent with the provisions of SEPP 32. **(ii)** **<u>State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)</u>** Under the provisions of State Environmental Planning Policy No. 55 – Remediation of Land and Marrickville Development Control Plan No. 29 – Contaminated Land Policy, spot rezonings of land from industrial uses to residential require an analysis to be made of whether the site would be suitable for the proposed change in land use in terms of possible site contamination. The applicant has submitted a contamination assessment undertaken by Douglas Partners. The report found that there was some chemical contamination and asbestos contamination on the site. Further, the report identified three hot spots of lead and benzo(a)pyrene and asbestos contaminated fill. The site also contains an underground storage tank (referred to as 'UST' in the report) which has associated contamination. The report recommended remediation of the site. The report stated inter alia: *"the hotspot with respect to lead...may be due to the solid metal materials being present in the bore, immediately below the horizon where the sample was collected. On this basis, this material may not pose a risk to human health. Further assessment of this hotspot at the time of remediation will be required to determine if remedial work is required for lead at this location.* *The identified hotspots, the UST and associated fuel lines and the asbestos contaminated filling will require management/removal to render the site suitable under the above land-use scenario.* *The filling material at the site (including hotspot materials) is classified as asbestos contaminated waste. On this basis the following is recommended for remediation of the site:* • *Removal of the UST and validation of the resulting excavation;* • *Removal of the hotspot materials…and validation of the resulting excavations;* • *Bulk excavation (and waste classification) of the filling materials;* • *Validation of the bulk excavation for the contamination;* • *Capping of any landscaped areas with at least 0.5m of clean soil;* • *Use of validated clean fill VENM [virgin excavated natural materials] as backfill or the offsite disposal/reuse of and where required.* *Alternatively if the bulk excavation is not conducted at the site, on-site management through cap and containment may be the most feasible option (this may be subject to auditor approval). The requirements of the capping layer may need to be verified via a Risk Assessment (depending on auditor requirements). A RAP [Remedial Action Plan] and an Environmental Management Plan (EMP) (including an asbestos management plan) are likely to be required to detail on-going management requirements if the contaminated material is to be retained on-site."*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/09/2006 Section 54	The applicant was required by Council to address the issue of the former use of the site for the purposes of plastics manufacturing as this had been omitted from the site history contained in the site contamination report submitted with the application. Additional information, prepared by Douglas Partners was submitted by the applicant on 15 March 2006. This supplementary information concluded that: "*The main potential source of contamination from the plastics manufacture is considered to be minor, localised spillage of phthalates which are the only chemical recorded as being stored in significant quantities in liquid form at the site.* *Furthermore it is considered that any contamination from this source is likely to be localised in nature, and that the site could be rendered suitable for residential or commercial land use following remediation of phthalate contamination if identified at the site during development works."* As stated in the contamination report, a Remedial Action Plan (RAP) for remedial works will be required to be prepared and submitted to Council. Such action plan is also required in accordance with the provisions of DCP 29. The RAP needs to be submitted prior to determination of the development application and must include action(s) to address phthalate contamination if its presence is confirmed on site. **(iii)** **<u>Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport (SEPP 66)</u>** The above draft SEPP applies to new planning instruments. It aims to moderate unsustainable growth in car travel through the provision of more equitable access to jobs and services, by planning to reduce the need for car trips and promote opportunities for walking, cycling and public transport. The proposed plan is considered to be consistent with this SEPP as the land is within walking distance of major public transport nodes, such as buses along Princes Highway and trains at Sydenham Station. The proposal is considered to be consistent with the draft SEPP. **(iv)** **<u>NSW Department of Planning Circular No. PS 05-008- Changes to Parts 3 and 4 of the EP & A Act</u>** The Departmental circular recommended Councils to not undertake spot rezonings. The rezoning of this land to Residential 2(A) under MLEP 2001 is considered supportable given the predominant use in the locality is residential. The applicant also submitted the following comment in relation to justification (received 14 March 2006) for the rezoning in response to the advice contained in the DOP circular: *"In broad terms –* • *The current industrial zoning is an historical accident* • *The locality is undergoing change with substantial investment in residential upgrading and intensification* • *The potential for economic use of the land for industrial purposes is not high* • *Industrial use would be contrary to the predominant residential character of the locality, potentially related to processes and hours of operation, and particularly to industrial traffic in narrow residential streets* • *The street system generally does not have the capacity for industrial use* • *The loss of "industrial" land is inconsequential given its size, location and constraints on industrial use* • *The underlying process is no different to that which has led to the residential rezoning of hundreds of hectares of inner city industrial land over the past 10 years."* The rezoning of the land to Residential 2(A) is considered to have merit as the subject industrially zoned land is located essentially in a residential neighbourhood.	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/09/2006 **Section 54**	**Section 117 Directions** The relevant directions are discussed below: **(i) <u>Direction No. 1 – Acid Sulfate Soils</u>** The site has been identified as potentially containing acid sulfate soils. The preliminary contamination assessment report prepared by Douglas Partners has addressed the issue of the presence of acid sulfate soils. The contamination report states: *"The Botany Bay Acid Sulphate Risk Map (Edition 2, DLWC, 1997) indicates that the site is located in an area of no known occurrence of Acid Sulphate Soils. No sulphur odours were observed during field work."* Further information submitted as part of the application received on 15 March 2006 and prepared by Douglas Partners, states that the site tests undertaken as part of the report stated that "ASS [acid sulfate soils] or potential ASS are unlikely to be encountered beneath the site within the soil profile." **ii) <u>Direction No. 12 – Development near Licensed Aerodromes</u>** **This direction applies when a council prepares a draft LEP that creates, removes or alters a zone or a provision relating to land subject to noise from a licensed aerodrome.** **The subject land is located partly in the 25-30 ANEF (2023/24) contours and partly in the 30-35 ANEF (2023/24) contours. Under the direction, draft LEPs shall not rezone land for inter alia residential purposes or to increase residential densities where the ANEF exceeds 25. Under the Direction, Draft Local Environmental Plans that rezone land for residential purposes or increase residential densities where the ANEF is between 20 and 25 shall include a provision to ensure that development meets AS2021 regarding interior noise levels. The proposed rezoning is inconsistent with the subject Section 117 Direction.** **The site is located partially within the 25-30 ANEF and partially within the 30-35 ANEF aircraft noise contour. The aircraft noise assessment prepared by Koikas Acoustics Pty Ltd and dated 15 July 2005, as part of the background reports for the rezoning, concluded that the indoor noise levels of the proposed dwelling houses can meet the requirements of Australian Standard 2021-2000 (AS 2021-2000). Any consent granted will contain standard conditions to ensure that the development complies with AS 2021-2000.** **It should also be noted that Clause 28 of MLEP 2001 includes provisions relating to development within areas affected by aircraft noise requiring Council to take into consideration the guidelines provided in Australian Standard AS 2021-2000 – Acoustics – Aircraft noise intrusion – Building siting and construction regarding noise reduction relevant to the particular type of development the subject of the application.** **(iii) <u>Direction No. 16 – Industrial Zones</u>** This direction applies when a Council prepares a draft LEP that creates, removes or alters an Industrial Zone boundary or an Industrial Zone provision. Clause (1) of the Direction states that: "*(1) The draft LEP shall not:* *(a) alter the location of existing zonings, or* *(b) alter the area of existing zonings, or* *(c) create, remove or alter provisions applying to land zoned for industrial purposes that will reduce floor space ratio or height controls.."*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/09/2006 **Section 54**	The proposal is inconsistent with the above Direction. The subject 117 Direction also states that: "*(2) A draft LEP may be inconsistent with this direction only if council can satisfy the Director-General that any particular provision or area should be varied or excluded having regard to the provisions of section 5 of the Environmental Planning and Assessment Act; and* *(a) the land has been identified in a strategy prepared by the council and approved by the Director-General, or* *(b) the rezoning is justified by an environmental study, or* *(c) the rezoning is in accordance with the relevant Regional Strategy prepared by the Department, or* *(d) the rezoning is, in the opinion of the Director-General, of a minor significance."* The rezoning report submitted with the application stated: *"The proposal is justifiably inconsistent with the provisions of this Direction because of the circumstances set out in this report, and the minor nature of the change in the context of residential and industrial areas in the vicinity of the site."* The applicant provided a further submission dated 10 March 2006 in relation to this issue which reads inter alia as follows: *"The proposal would reduce industrial land supply by 7374m^2, and increase residential zones by 5716m^2 (allowing for new roads).* *These areas are not significant in either a local or metropolitan context, or by comparison with the extent of inner city industrial land already converted to residential.* *The primary issues in the circumstances are qualitative. That is, the industrial zoning and existing buildings are an anachronism. Use of the buildings for industrial purposes would raise significant amenity issues, particularly with industrial traffic or narrow residential streets.* *The locality is predominantly residential and is undergoing renewal and upgrading. The proposal represents a routine zoning adjustment to meet changes circumstances.* ***Circumstances Justifying Making of Plan*** ***1.*** *No public or other benefit is derived by perpetuating a zoning anomaly, particularly pending an essentially administrative exercise of converting a local plan into a standard form.* ***2.*** *The opportunity exists to make a logical land use adjustment because the owner is prepared to invest in change. This is distinct from changing zoning in the hope that land use change might follow.* ***3.*** *The proposed zoning change enjoys local support. The issues raised in the limited objections are readily addressed.* **4.** *The scope of the proposal is no more than what has been widespread change of industrial land to residential throughout the Inner City, which process has been claimed by the Department of Planning as endorsement of its policies.* ***5.*** *The change is minor and routine.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/09/2006 **Section 54**	***Justification for Inconsistency with s.117 Direction*** *The new s.117 Direction No. 16 – Industrial Zones says that the area of existing industrial zonings shall not be altered unless it can be justified by –* *(b) an environmental study, or* *(d) it is of minor significance.* *The subject proposal satisfies both these criteria. The "environmental study" referred to in (b) would include –* • *the original planning report* *the process that has occurred since the application was lodged, including the provision of supplementary information* *Council officer's independent review of the submitted information.* *The proposal clearly is of minor significance given the size of the site, and the routine nature of the zoning adjustment sought.* It is considered that the proposed rezoning would be of minor significance in relation to Council's industrially zoned land. The subject property is located in essentially a residential neighbourhood and the rezoning of the land to residential is considered to have merit. (**iv**) **<u>Direction No.17 – Integrating Land Use and Transport</u>** The proposed plan is not considered to be inconsistent with Direction No.17 – Integrating Land Use and Transport because it is consistent with the aims, objectives and principles of "Improving Transport Choice – guidelines for planning and development (DUAP 2001)"; and "The Right Place for Business and Services – Planning Policy (DUAP 2001)". The proposed plan is considered to be consistent with Principle 1 as the land is within walking distance of major public transport nodes, such as buses along Princes Highway and Sydenham Station. The other principles are not relevant to this rezoning. **(v)** **<u>Direction No. 21 - Residential Zones</u>** This direction applies when a Council prepares a draft LEP that creates, removes or alters a Residential Zone boundary or a Residential Zone provision. The proposed plan is not considered to be inconsistent with Direction No.21 – Residential Zones because the draft plan zones land which is adequately serviced with water and sewerage. The draft plan retains existing provisions enabling a dwelling house to be erected on an existing residential allotment. The draft plan does not contain provisions which will reduce the permissible residential density on any land to which the plan applies and the residential zoning is practicable and compatible with the environmental quality of the area which provides for a variety of housing forms and increase the permissible residential density on the land. The draft plan also retains provisions to allow dual occupancy of dwelling houses in residential zones. It should be noted here that clause 36 of the Marrickville LEP 2001 allows multi-unit housing development on land zoned Residential 2 (A) greater than 1,500 square metres where the building height does not exceed 7.2 metres. This draft plan rezones land to residential 2(A) zone that is greater than 1,500 square metres in area. **(v)** **<u>Direction No. 25 - Site Specific Zoning</u>** This direction applies when a Council prepares any draft Local Environmental Plan to allow a particular development proposal to be carried out. Clause (1) of the Direction reads as follows:	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
01/09/2006 **Section 54**	*"(1) A draft LEP that amends another environmental planning instrument in order to allow a particular development proposal to be carried out shall either:* *(a) allow that land use to be carried out in the zone the land is situated on, or* *(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or* *(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended."* The proposed rezoning is inconsistent with the provisions of this Direction as the proposal seeks to impose requirements in addition to those already contained in the principal environmental planning instrument being amended. This inconsistency relates to the requirement to make arrangements with the consent authority concerning the creation and construction of an 8.0 metre wide laneway at the rear of the property for an extension of Alfred Street to Albion Lane. This requirement is considered necessary for the accompanying development proposal to be carried out. ***f) Whether the Council will be using any delegation under sections 65 and 69*** Attached is the Section 54(4) notification advice cover sheet and evaluation criteria pro-forma with supporting documentation. The Panel will consider whether section 65 and section 69 functions are to be delegated to council and what conditions should apply to the exercise of that delegation. It must be noted here that the Draft LEP does not comply with a number of section 117 directions (discussed and justified above). If Council is to be issued with a written authorisation to exercise delegation (for functions under section 65(1) and section 69(1) of the EP &A Act), it will be necessary for that authorisation to recognize that the Draft LEP is inconsistent with a number of section 117 directions. ***g) Who the Council intends to consult and proposed exhibition arrangements*** In accordance with Section 62 of the EP&A Act, Council will be consulting with those public authorities and bodies that it believes will be affected by the draft plan. As part of the notification process for the development application (combined DA and rezoning), Council has notified adjoining property owners and residents. In accordance with Council's normal public exhibition practices, exhibition will be held at Council's Administrative Centre, Marrickville Library, the Branch Libraries of Stanmore, Dulwich Hill and St Peters, and on Council's web site in addition to the required newspaper advertising. Encls. Section 54(4) notification Advice Cover Sheet and LEP Pro-forma Evaluation Criteria (Category 1: Spot Rezoning LEP) Draft LEP Amendment 36 Instrument Draft LEP Amendment 36 Zoning Map Draft LEP Amendment 36 Schedule 2 Site Map Figure 1 - Location Map Figure 2 – Existing Zoning Map Figure 3 – Comparative Existing /Proposed Zoning Map Figure 4 – Aerial Photo of Affected Land Report to and Minutes from Development & Environmental Services Committee Meeting 07/06 of 1 August (Item DA 75	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
4/10/2006	***Rezoning application for 63 Grove Street.*** *The Department informed council officers that the Director General had considered the applicants submission and additional information and determined that his advice to Council of 4 October 2006 stands.* ***(Refer to Council Meeting 3 April 2007 on Ministerial Direction)***		34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
February 2007	*Officers from the Department of Planning were taken on a field trip to Marrickville and Petersham. This provided the Department an appreciation of the local conditions that exist in the Marrickville Local Government Area.*				
13/03/2007 MELS	*The* ***'Marrickville Urban Strategy'*** *states:* *"there is a lack of information on the future retail, commercial and industrial land needs in the LGA. One of the recommendations of the Urban Strategy is for Council to undertake a detailed land use audit of employment lands across the LGA."* ***Approved contribution of $24,000 towards Audit of Employment Lands Project:*** *An application was lodged with the Department of Planning for the "Planning Reform Fund 2006/07" in order to carry out an Audit of Employment Lands within the Marrickville Local Government Area. A proposal was prepared by SGS Economics and Planning with an estimated cost of $24,000. SGS has already developed the collection methodology and done some part of the Marrickville Local Government area as part of the pilot audit for the Department of Planning (DOP). The Department has now approved $24,000 based on the SGS proposal.*				
December 2006	***Marrickville draft Urban Strategy—Public Exhibition Submissions*** ***Marrickville Council*** • *Regarding 63 Grove Street, St Peters (proposal for rezoning of the site to 2A and erection of dwellings)* • *Although Council resolved to approve the application for rezoning the Urban Strategy map did not suggest that this was a site that was suitable for rezoning.* • *A decision will need to be made on whether or not to amend the Urban Strategy map.* • *Given advice received from the Department of Planning it is unlikely that the map would be changed given the Department of Planning's advice that it is unlikely to allow rezoning of industrial land in this area.* ***Department of Planning*** • *With regard to the centres it is suggested that Council look carefully at the potential for mixed use and an increase in densities to provide renewal/redevelopment incentives to prospective investors and developers. It is noted that a mixed use zone has been implemented quite successfully at the Marrickville Road/Victoria Road location.* • *As a major part of Marrickville is affected by aircraft noise (in particular in areas experiencing ANEF 25 and over) the Department encourages Council to prepare am LGA-wide airport noise strategy. This could be used to address the inconsistency of any future draft LEPs with the section 117 Direction – Development Near Licensed Aerodromes.* ***Sydney Ports*** • *Issues raised regarding encroachment of residential and other sensitive land uses on industrial uses, accessibility of industrial lands from major arterial roads which have direct connections to Port Botany need to be maintained, changes to global economy will increase pressure for 24 hour operations, an opportunity exists to introduce new industrial uses which cater to a different market.* • *Providing appropriately zoned land that provides for efficient operations is vital to the efficient and effective use of industrial lands in the LGA in light of future expansion plans for Port Botany & Sydney Airport.* • *Sydney Ports does not support the draft Strategy's recommendation to reduce the available industrial land in order*				

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
December 2006	• *to make provision for residential development, given the need for industrial and other ancillary uses which are located in close proximity to the port.* • *Sydney Ports does not support the rezoning of industrial sites such as those on Carrington Road for residential uses given its proximity to the freight rail line and its location in a large industrial precinct.* • *Rezoning of industrial land is inconsistent with the Metropolitan Strategy which aims to protect and retain existing employment lands and is also inconsistent with the Draft East Subregional Strategy.* • *A more appropriate means of meeting housing targets would be the provision of higher density development around established commercial centres.*		34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
03/04/2007 Council Meeting MUS was Adopted	***Development & Environmental Services Committee Meeting - 03/07 - 3 April, 2007*** ***PS 4 - MARRICKVILLE URBAN STRATEGY FOR ADOPTION*** ***For Recommendation*** **Synopsis** ***The draft Marrickville Urban Strategy was publicly exhibited from 1 November to 15 December 2006. The document was prepared, on behalf of Council, by SGS Economics & Planning (with support from Architectus and Community Solutions) with considerable input from Council officers.*** **63 Grove Street St Peters** *This report also notes that the draft Marrickville Urban Strategy does not identify the land at, or in close proximity to, 63 Grove Street, St Peters as being one of the select industrial sites (as identified at renewal approach 3 in the table on page 18 of the draft Marrickville Urban Strategy) that might be suitable for rezoning. This position differs from the Council position taken at the 1 August 2006 Development and Environmental Services Committee meeting, when Council resolved to prepare a draft Local Environmental Plan to rezone the site from General Industrial 4(A) to Residential 2(A). The Department of Planning has issued written advice (as included in this report) that it does not support the rezoning of 63 Grove Street, St Peters in this manner. It is recommended that Council adopt the Marrickville Urban Strategy document contained at ATTACHMENT A, and that Council consider whether it wishes to amend that document, in the manner identified in this report, in relation to the Marrickville Metro site, Action 1.8, and the site at 63 Grove Street, St Peters –and, if made, adopt such amendments.* ***Background*** *At its 3 October 2006 Development and Environmental Services Committee meeting (Item PS 23, Meeting No. 09/06), the Committee considered a report which provided information regarding the draft Marrickville Urban Strategy. The recommendation from the Committee was adopted by the Council Development Matter Meeting (Item PS 23, Meeting No. CDM 09/06). Council resolved:* ***"THAT :*** *1. Council receive and note this report;* *2. Council endorse the public exhibition of the "Draft Marrickville Urban Strategy, 2006", prepared by the SGS Economics and Planning Consortium on behalf of Council, as well as the six accompanying Discussion Papers in the manner outlined in this report;* *3. a Councillors Conference be held to enable Council officers to provide a briefing on the recommendations of the "Draft St Peters and Marrickville Railway Station Area Revitalisation Plans" document; and* *4. a further report be submitted for Council's consideration following the public exhibition of the Draft Strategy."* *The draft Marrickville Urban Strategy was subsequently placed on public exhibition from 1 November 2006 to 15 December 2006. The document was prepared, on behalf of Council, by SGS Economics & Planning (with support from Architectus and Community Solutions) with considerable input from Council officers.*				

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
03/04/2007 Council Meeting MUS was Adopted		***28 February 2007 Councillors' Conference to consider proposed amendments to draft Marrickville Urban Strategy*** *At the Councillors' Conference, Council officers advised that the most recent advice received from the Department of Planning, by letter dated 28 February 2007, indicates that there are matters relating to the draft Marrickville Urban Strategy with which the Department has concerns.* *These concerns include matters relating to:* • *the reference to some industrial land in the Strategic Employment Area having the potential to be rezoned;* • *the need for the Urban Strategy to be supported by an aircraft noise strategy;* • *a need to more clearly identify the policy changes that would be required to reduce development constraints;* • *the need for more detailed dwelling-yield advice regarding the possible rezoning of isolated parcels of industrial-zoned land that are outside the Strategic Employment Area;* • *and the need to more fully explore redevelopment options in areas that are outside centres.* *Amongst those Councillors in attendance at the Councillors' Conference, it was suggested that there was scope for Council to consider adopting a Marrickville Urban Strategy document that does not resolve all matters raised by the Department of Planning.* ***63 Grove Street, St Peters*** *The draft Marrickville Urban Strategy does not identify the land at 63 Grove Street, St Peters as being one of the select industrial sites (as identified at renewal approach 3 in the table on page 18) that might be suitable for rezoning. This position differs from the position taken at the 1 August 2006 Development and Environmental Services Committee meeting (Item DA 75, Meeting No. 07/06) and Council's resolution to adopt recommendation of the Committee at the Council Development Matters Meeting (Item DA 75, Meeting CDM 07/06). Council resolved to prepare a draft Local Environmental Plan to rezone the site at 63 Grove Street, St Peters from General Industrial 4(A) to Residential 2(A).* ***Since that Council resolution, two letters from the Department of Planning, as referenced below, have advised of the Department's position in relation to this matter.*** ***Council was advised by Department of Planning letter (which was forwarded to the applicant) dated 4 October 2006:*** *"I* [Director General, Department of Planning] *am writing in response to Council's letter dated 1 September 2006 advising, pursuant to section 54(4) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'), of the Council's decision to prepare a draft local environmental plan ('LEP') to rezone Lot 101 in DP 793978, 63 Grove Street, St Peters from General Industrial 4(A) to Residential 2(A).* *The proposed draft amendment is not supported as conversion of industrial land to residential in this location is inconsistent with section 117 Directions No 16 - Industrial Zones and No 12-Development near Licensed Aerodromes. The Department is concerned about the cumulative impacts of proposals for the conversion of industrial land to residential use outside of agreed strategies. This amendment is therefore premature given that Council's Urban Strategy and the Sub-regional Strategy* [for the Sydney South Sub-region] *are not complete.* [Council has been advised by Department of Planning letter dated 26 February 2007 that, "The South Sub-regional Strategy is expected to be ready later this year."]	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
03/04/2007 Council Meeting MUS was Adopted		*You will be aware that an instrument of delegation in respect of my LEP making functions was executed on 16 February 2006. Use of the delegation in respect of a draft LEP is conditional on receipt by Council of a Written Authorisation to Exercise Delegation.* *I have determined that an Authorisation will not be issued in this instance and therefore the Council will not be able to exercise any functions under the delegation in respect of the draft LEP referred to above.* *Should the Council decide to proceed with the draft LEP in the terms proposed, you should be aware that I am unlikely to certify the draft plan pursuant to section 65(1) of the EP&A Act for the above reasons.* *Council should complete its strategic work relating to employment lands in the context of the CBD - Airport Study and Council's Urban Strategy prior to further considering the rezoning of this land. This strategic work should be undertaken in consultation with the Department's Regional Team."* [Council has been advised by Department of Planning letter dated 26 February 207 that, with reference to the CBD – Airport Study, "it is not possible to advise the expected release time of the document as it is still Cabinet-in Confidence."] ***The applicant was subsequently advised by Department of Planning letter (copied to Council) dated 12 January 2007:*** *"I* [Regional Director, Sydney South West Region, Department of Planning] *refer to your recent letter to the Director General seeking review of his decision in relation to Marrickville Council's section 54(4) notice in relation to the above matter.* *After considering a recommendation made to him by the LEP Review Panel, the Director General wrote to Council on 4th October 2006 declining to issue Council with section 65 or section 69 delegations in relation to Draft Amendment 36. Council was further advised that the Director General was unlikely to certify the amendment if Council were to request a section 65 certificate.* *The Director General has considered your submission and the additional information included therein and determined that his advice to Council of 4th October 2006 should stand."* *Council may wish to consider whether to amend the draft Marrickville Urban Strategy (in relation to land at and/or in close proximity to 63 Grove Street, St Peters) so that it corresponds with the Council position taken at the 1 August 2006 Development and Environmental Services Committee meeting to rezone 63 Grove Street, St Peters from General Industrial 4(A) to Residential 2(A).* *Should Council wish to amend the draft Urban Strategy document (as included at* ***ATTACHMENT A****) in regards to 63 Grove Street, St Peters (and/or the land in close proximity to 63 Grove Street, St Peters) so as to achieve consistency with the recommendation from the Development and Environmental Services Committee meeting of 1 August 2006 ((Item DA 75, Meeting No. 07/06) and Council's resolution to adopt recommendation of the Committee at the Council Development Matters Meeting (Item DA 75, Meeting CDM 07/06), to rezone 63 Grove Street, St Peters from General Industrial 4(A) to Residential 2(A)), the following changes would need to be made to the draft Urban Strategy:*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
03/04/2007 Council Meeting MUS was Adopted		• *on Urban Strategy map on pages iv and 25, remove dark purple "Strategic Employment Area" shading from 63 Grove Street, St Peters and/or from the area in close proximity to 63 Grove Street, St Peters;* • *in Table 3, Urban Strategy Renewal Approaches, on page 18, add Grove Street to renewal approach 3 (Rezone Select Industrial; Sites) – and amend projected dwelling figure accordingly;* • *on pages 20 and 21, amend projected dwelling figures in response to addition of Grove Street; and* • *at Action 1.4 (Select rezoning of industrial sites) on page 33, amend the wording of the Action so as to acknowledge that although the possible rezoning of all other identified 'select industrial sites' would be expected to be of a mixed-use form so as to accommodate employment as well as dwellings, this requirement would not apply to the identified site at Grove Street.* ***This report notes that the draft Marrickville Urban Strategy does not identify the land at, or in close proximity to, 63 Grove Street, St Peters as being one of the select industrial sites (as identified at renewal approach 3 in the table on page 18 of the draft Marrickville Urban Strategy) that might be suitable for rezoning. This position differs from the Council position taken at the 1 August 2006 Development and Environmental Services Committee meeting, when Council resolved to prepare a draft Local Environmental Plan to rezone the site from General Industrial 4(A) to Residential 2(A). The Department of Planning has issued written advice (as included in this report) that it does not support the rezoning of 63 Grove Street, St Peters in this manner.*** ***It is recommended that Council adopt the Marrickville Urban Strategy document contained at ATTACHMENT A, and that Council consider whether it wishes to amend that document, in the manner identified in this report, in relation to the Marrickville Metro site, Action 1.8, and the site at 63 Grove Street, St Peters – and, if made, adopt such amendments.*** **RECOMMENDATION:** **THAT**: **1.** the report be received and noted; **2.** Council adopt the Marrickville Urban Strategy document as contained at **ATTACHMENT A**; **3.** Council consider whether it wishes to amend the Marrickville Urban Strategy document, included at **ATTACHMENT A**, in relation to the Marrickville Metro site, in the manner expressed at the 28 February 2007 Councillors' Conference (and described in this report) – and, if made, adopt such amendments; **4.** Council consider whether it wishes to amend the Marrickville Urban Strategy document, included at **ATTACHMENT A**, in relation to Action 1.8 (at the top of page 36), in the manner suggested at the 28 February 2007 Councillors' Conference (and described in this report), by making the changes identified in this report as being necessary to make such an amendment and, if made, adopt such amendments; and **5.** Council consider whether it wishes to amend the Marrickville Urban Strategy document, included at **ATTACHMENT A**, in regards to 63 Grove Street, St Peters, (and/or the land in close proximity to 63 Grove Street, St Peters) so as to achieve consistency with Council's resolution from the Council Development Matter meeting of 1 August 2006 (Item DA 75, CDM Meeting No. 07/06, to rezone 63 Grove Street, St Peters from General Industrial 4(A) to Residential 2(A)), by making the changes identified in this report as being necessary to make such an amendment and, if made, adopt such amendments	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
03/04/2007 Council Meeting Minutes MUS was Adopted		***Council Development Matters Meeting*** ***MINUTES OF MEETING CDM 03/07 - 3 APRIL, 2007*** ***PLANNING SERVICES MATTERS*** ***RESOLVED:*** ***Motion***: ***THAT*** *Council* ***ADOPT*** *the recommendation of the Development and Environmental Services Committee for the following Items:-* ***PS 4 MARRICKVILLE URBAN STRATEGY FOR ADOPTION*** *File Ref: 1938* *A* ***MOTION*** *was moved* ***THAT*** *the Recommendation as appearing on the Business Paper be* ***ADOPTED*** *subject to Point 3 of the recommendation being deleted.* *An* ***AMENDMENT*** *was moved* ***THAT*** *the Recommendation as appearing on the Business Paper be* ***ADOPTED.*** *The* ***AMENDMENT*** *was put to the vote and was* ***CARRIED.*** *The* ***AMENDMENT*** *became the* ***MOTION*** *and was put to the vote and was* ***CARRIED.*** ***For Motion****: Unanimous* ***Draft Marrickville Urban Strategy 2006:*** ***The Urban Strategy was reported to the April 2007 Development and Environmental Services Committee meeting. The strategy has been adopted by council with the recommended amendments of supporting 63 Grove Street for residential rezoning and the removal of Marrickville Metro as a future redevelopment area.***	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
20/04/2007 Section 54		***RE: DRAFT MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2001 (AMENDMENT NO 36) REZONING OF 63 Grove Street, St Peters*** *Referring to your letter of 4 October 2006 regarding Council's section 54(4) notification of draft Amendment 36 to Marrickville LEP 2001 involving the rezoning of 63 Grove Street, St Peters. The Department raised several concerns regarding the proposed rezoning. The issues raised include inconsistencies with section 117 Directions No. 16 – Industrial Zones and No. 12 – Development Near Licensed Aerodromes. Concerns were also expressed that the proposed rezoning pre-empts Council's Urban Strategy, the Sub-regional Strategy for southern Sydney and the CBD – Airport Study.* *Council resolved to adopt the draft Marrickville Urban Strategy at its meeting on 3 April 2007. A copy will be forwarded to the Department shortly. The Urban Strategy establishes a vision and co-ordinated directions addressing a range of planning, community and environmental issues, to guide short, medium and long term strategic planning policies for the Marrickville local government area. The Urban Strategy suggests six urban renewal approaches to provide additional residential housing within Marrickville. Renewal approach No. 3 is for Council to rezone select industrial sites. These select industrial sites would be subject to strict rezoning criteria. The Urban Strategy, as adopted, identifies Grove Street, St Peters, as a potential site to be rezoned for residential purposes. Therefore, draft Amendment 36 is consistent with the Marrickville Urban Strategy as adopted.* *Council supports the development of a CBD-Airport Study. It is anticipated that this document will assist Council in the preparation of its new LEP. Council understands that the document is Cabinet in confidence and is not currently available for viewing by Council. Therefore, it is not possible for Council to consider the finding of the report in relation to draft Amendment 36. Further, Council is unaware of the proposed timing for the release of this document and considers it unreasonable for the Department to ask Council to await its release without providing more certainty regarding the anticipated release date.* *Marrickville Council officers recently attended a workshop held by the Department regarding the South Sub-regional Strategy. Marrickville Council officers raised the point that the rezoning of select industrial sites, some of which may be considered by the Department to be Strategic Employment Lands, will be necessary for Council to provide a sufficient quantity of additional residential housing within the Marrickville local government area, as identified in the Sydney Metropolitan Strategy.* *Further details and an assessment of the proposal against the relevant section 117 Directions, including justification to any inconsistencies, are provided below. Council requests that the Department reviews Council's responses to the issues it has raised and reconsiders its position regarding draft Amendment 36 to Marrickville LEP 2001.* *In accordance with Clause 9 of the EP&A Regulation 2000, the Department is advised of the following:* ***a) Land the proposed plan applies to and context*** *This plan applies to land situated in the local government area of Marrickville, being Lot 101, DP 793978, and known as 63 Grove Street, St Peters. The land is located on the North eastern corner of Grove Street and Albion Lane, between Albion Lane and Rolfe Lane, St Peters. The land has a frontage of approximately 104m to Grove Street, a frontage to Albion Lane of approximately 67m and a frontage to Rolfe Lane of approximately 67m. The site has an area of approximately 7,345m². The site slopes generally south toward Grove Street and has a fall of approximately 2.5m from the northern boundary to the south west corner.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
20/04/2007 Section 54	*The site is located in an area characterised by both residential and industrial development. Residential uses are located to the south of the site, on the southern side of Grove Street, to the east of the site and to the west of the site. The residential development along Grove Street is predominantly characterised by single storey detached and semidetached dwellings. The land to the north of the site contains large scale industrial development and is directly adjoined to the northern boundary by a furniture manufacturing business, comprising two storey industrial buildings and a warehouse. A map showing the subject site and surrounding zoning is attached as Figure 2.* ***b) Purpose of this plan*** *The principal planning instrument applying to the site is Marrickville Local Environmental Plan 2001 (MLEP 2001). Under the provisions of MLEP 2001 the site is zoned General Industrial 4(A). The objective of this zone is to identify land suitable for industrial and warehousing activities and to permit a range of support and ancillary uses. Amongst other things, development for the purpose of dwelling houses is prohibited in this zone.* *The applicant has requested that the subject land be rezoned from General Industrial 4(A) zone to Residential 2(A) zone to allow for the proposed residential development. An objective of the Residential 2(A) zone under the MLEP 2001 is to identify areas suitable for predominantly single dwelling residential development. Development for the purpose of dwelling houses is permissible within such a zone with development consent. The residential areas surrounding the subject site are zoned Residential 2(A). It is considered that the most appropriate residential zone under the MLEP 2001 for the proposed development would be the Residential 2(A) zone.* *The draft plan also sets control on the use of the land by restricting development on site unless arrangements have been made with the consent authority concerning the creation and construction of an 8.0 metre wide laneway at the rear of the property for an extension of Alfred Street to Albion Lane.* ***c) Anticipated effects of the plan*** *The draft plan will remove an incompatible land use and its associated traffic from the area and reinforce the established residential land use pattern. The draft plan will also allow the creation of a 6 metre wide laneway through the centre of the site (running parallel to Grove Street) and the dedication of 8 metre wide land for an extension of Alfred Street to Albion Lane.* *The accompanying development application proposes the subdivision of the land into thirty four (34) lots and erects a two storey dwelling house on each allotment. The proposed dwelling houses are attached townhouse style dwellings. The development application has a number of design issues which require further resolution. These matters will be resolved whilst the rezoning process proceeds. Upon the resolution of these details, the development application will be further assessed and determined by Council upon the gazettal of the draft Local Environmental Plan.* ***d) Supporting information/documents*** *Copies of the following documents are attached for your information and necessary action.* • *Section 54(4) notification Advice Cover Sheet and LEP Pro-forma Evaluation Criteria (Category 1: Spot Rezoning LEP)* • *Draft LEP Amendment 36 Instrument* • *Draft LEP Amendment 36 Zoning Map* • *Draft LEP Amendment 36 Schedule 2 Site Map* • *Figure 1 - Location Map*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
20/04/2007 Section 54	• *Figure 2 – Existing Zoning Map* • *Figure 3 – Comparative Existing /Proposed Zoning Map* • *Figure 4 – Aerial Photo of Affected Land* • *Report to and Minutes from Development & Environmental Services Committee Meeting 07/06 of 1 August (Item DA 75).* *The Council is of the opinion that an Environmental Study is not required. Council recently adopted the Marrickville Urban Strategy. The Marrickville Urban Strategy establishes a vision and co-ordinated directions addressing a range of planning, community and environmental issues, to guide short, medium and long term strategic planning policies. This document identifies the subject site as suitable for rezoning for residential purposes. The applicant has submitted a "Town Planning Report" dated August 2005 which provides a detailed analysis of the proposed development. The report has assessed the proposed rezoning against the current set of State Environmental Planning Policies, Regional Environmental Plans and s.117 Directions. A summary assessment of the proposal against the heads of consideration in s.79C of the Act is also provided to illustrate the appropriateness of the proposed development given the proposed zoning amendment.* ***e) Effect of existing planning laws, policies and strategies on the proposed plan*** *It is considered that the draft LEP is not inconsistent with any existing planning laws or policies. The draft LEP is also not considered to be inconsistent with any State Environmental Planning Policies or Regional Environmental Plans.* *The proposed rezoning is inconsistent with an objective of the Metropolitan Strategy and some of the Schedule of Directions under Section 117(2) of the EP&A Act which are relevant to the proposed rezoning. However it is considered that there are circumstances that warrant those particular provisions to be varied or excluded.* ***Metropolitan Strategy*** *(i) <u>A1.5 Protect and enhance employment lands of State Significance</u>* *The Metropolitan Strategy states in Objective A.15 that:* *"Protect and enhance employment lands around Sydney Airport and Port Botany."* *The draft plan is considered to be inconsistent with this objective of the Metropolitan Strategy. This land is within the "City to Airport" part of the "Global Economic Corridor" of the metropolitan strategy. The draft plan is reducing employment land around Sydney airport. However, the site is identified in Council's Urban Strategy as an existing industrial site suitable for rezoning for residential purposes.* ***State Environmental Planning Policies*** *(i) <u>State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)</u>* *SEPP 32 encourages urban consolidation and focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned. The Policy encourages local council's to pursue their own urban consolidation strategies to help implement the aims and objectives of the Policy. The Policy encourages housing in areas where there is existing public infrastructure, transport, community facilities and employment, leisure and other opportunities, in order to reduce the rate at which land is released on the urban fringe.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
20/04/2007 Section 54	*It should be noted here that clause 36 of the Marrickville LEP 2001 allows multiunit housing development on land zoned Residential 2 (A) greater than 1,500 square metres where the building height does not exceed 7.2 metres. This draft plan rezones land to residential 2(A) zone that is greater than 1,500 square metres in area. It is considered that the proposal is consistent with the provisions of SEPP 32.* *(ii) <u>State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)</u>* *Under the provisions of State Environmental Planning Policy No. 55 – Remediation of Land and Marrickville Development Control Plan No. 29 – Contaminated Land Policy, spot rezonings of land from industrial uses to residential require an analysis to be made of whether the site would be suitable for the proposed change in land use in terms of possible site contamination.* *The applicant has submitted a contamination assessment undertaken by Douglas Partners. The report found that there was some chemical contamination and asbestos contamination on the site. Further, the report identified three hot spots of lead and benzo(a)pyrene and asbestos contaminated fill. The site also contains an underground storage tank (referred to as 'UST' in the report) which has associated contamination. The report recommended remediation of the site.* *The report stated inter alia:* *"the hotspot with respect to lead...may be due to the solid metal materials being present in the bore, immediately below the horizon where the sample was collected. On this basis, this material may not pose a risk to human health. Further assessment of this hotspot at the time of remediation will be required to determine if remedial work is required for lead at this location.* *The identified hotspots, the UST and associated fuel lines and the asbestos contaminated filling will require management/removal to render the site suitable under the above land-use scenario.* *The filling material at the site (including hotspot materials) is classified as asbestos contaminated waste. On this basis the following is recommended for remediation of the site:* • *Removal of the UST and validation of the resulting excavation;* • *Removal of the hotspot materials…and validation of the resulting excavations;* • *Bulk excavation (and waste classification) of the filling materials;* • *Validation of the bulk excavation for the contamination;* • *Capping of any landscaped areas with at least 0.5m of clean soil;* • *Use of validated clean fill VENM [virgin excavated natural materials] as backfill or the offsite disposal/reuse of and where required.* *Alternatively if the bulk excavation is not conducted at the site, on-site management through cap and containment may be the most feasible option (this may be subject to auditor approval). The requirements of the capping layer may need to be verified via a Risk Assessment (depending on auditor requirements). A RAP [Remedial Action Plan] and an Environmental Management Plan (EMP) (including an asbestos management plan) are likely to be required to detail on-going management requirements if the contaminated material is to be retained on-site."*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

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20/04/2007 Section 54		*The applicant was required by Council to address the issue of the former use of the site for the purposes of plastics manufacturing as this had been omitted from the site history contained in the site contamination report submitted with the application. Additional information, prepared by Douglas Partners was submitted by the applicant on 15 March 2006. This supplementary information concluded that:* *"The main potential source of contamination from the plastics manufacture is considered to be minor, localised spillage of phthalates which are the only chemical recorded as being stored in significant quantities in liquid form at the site.* *Furthermore it is considered that any contamination from this source is likely to be localised in nature, and that the site could be rendered suitable for residential or commercial land use following remediation of phthalate contamination if identified at the site during development works."* *As stated in the contamination report, a Remedial Action Plan (RAP) for remedial works will be required to be prepared and submitted to Council. Such action plan is also required in accordance with the provisions of DCP 29. The RAP needs to be submitted prior to determination of the development application and must include action(s) to address phthalate contamination if its presence is confirmed on site.* *(iii) <u>Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport (SEPP 66)</u>* *The above draft SEPP applies to new planning instruments. It aims to moderate unsustainable growth in car travel through the provision of more equitable access to jobs and services, by planning to reduce the need for car trips and promote opportunities for walking, cycling and public transport.* *The proposed plan is considered to be consistent with this SEPP as the land is within walking distance of major public transport nodes, such as buses along Princes Highway and trains at Sydenham Station.* *The proposal is considered to be consistent with the draft SEPP.* *(iv) <u>NSW Department of Planning Circular No. PS 05-008- Changes to Parts 3 and 4 of the EP & A Act</u>* *The Departmental circular recommended Councils to not undertake spot rezonings. The rezoning of this land to Residential 2(A) under MLEP 2001 is considered supportable given the predominant use in the locality is residential. The applicant also submitted the following comment in relation to justification (received 14 March 2006) for the rezoning in response to the advice contained in the DOP circular:* *"In broad terms –* • *The current industrial zoning is an historical accident* • *The locality is undergoing change with substantial investment in residential upgrading and intensification* • *The potential for economic use of the land for industrial purposes is not high* • *Industrial use would be contrary to the predominant residential character of the locality, potentially related to processes and hours of operation, and particularly to industrial traffic in narrow residential streets* • *The street system generally does not have the capacity for industrial use* • *The loss of "industrial" land is inconsequential given its size, location and constraints on industrial use*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

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63 Grove Street St Peters					
20/04/2007 Section 54		• *The underlying process is no different to that which has led to the residential rezoning of hundreds of hectares of inner city industrial land over the past 10 years."* *The rezoning of the land to Residential 2(A) is considered to have merit as the subject industrially zoned land is located essentially in a residential neighbourhood.* ***Section 117 Directions*** *The relevant directions are discussed below:* *(i) <u>Direction No. 1 – Acid Sulfate Soils</u>* *The site has been identified as potentially containing acid sulfate soils. The preliminary contamination assessment report prepared by Douglas Partners has addressed the issue of the presence of acid sulfate soils. The contamination report states:* *"The Botany Bay Acid Sulphate Risk Map (Edition 2, DLWC, 1997) indicates that the site is located in an area of no known occurrence of Acid Sulphate Soils. No sulphur odours were observed during field work."* *Further information submitted as part of the application received on 15 March 2006 and prepared by Douglas Partners, states that the site tests undertaken as part of the report stated that "ASS [acid sulfate soils] or potential ASS are unlikely to be encountered beneath the site within the soil profile."* ***(ii) <u>Direction No. 12 – Development near Licensed Aerodromes</u>*** *This direction applies when a council prepares a draft LEP that creates, removes or alters a zone or a provision relating to land subject to noise from a licensed aerodrome.* *The subject land is located partly in the 25-30 ANEF (2023/24) contours and partly in the 30-35 ANEF (2023/24) contours. Under the direction, draft LEPs shall not rezone land for inter alia residential purposes or to increase residential densities where the ANEF exceeds 25. Under the Direction, Draft Local Environmental Plans that rezone land for residential purposes or increase residential densities where the ANEF is between 20 and 25 shall include a provision to ensure that development meets AS2021 regarding interior noise levels. The proposed rezoning is inconsistent with the subject Section 117 Direction.* *The site is located partially within the 25-30 ANEF and partially within the 30-35 ANEF aircraft noise contour. The aircraft noise assessment prepared by Koikas Acoustics Pty Ltd and dated 15 July 2005, as part of the background reports for the rezoning, concluded that the indoor noise levels of the proposed dwelling houses can meet the requirements of Australian Standard 2021-2000 (AS 2021-2000). Any consent granted will contain standard conditions to ensure that the development complies with AS 2021-2000.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

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63 Grove Street St Peters					
20/04/2007 Section 54	*It should also be noted that Clause 28 of MLEP 2001 includes provisions relating to development within areas affected by aircraft noise requiring Council to take into consideration the guidelines provided in Australian Standard AS 2021-2000 – Acoustics – Aircraft noise intrusion – Building siting and construction regarding noise reduction relevant to the particular type of development the subject of the application.* *(iii) <u>Direction No. 16 – Industrial Zones</u>* *This direction applies when a Council prepares a draft LEP that creates, removes or alters an Industrial Zone boundary or an Industrial Zone provision.* *The draft plan is inconsistent with 1(a) and 1(b) as it does alter the location of the existing zoning or alter the area of the existing zoning. The proposed draft plan is also inconsistent with 1(c) of Direction No. 16 as it does create, remove or alter provisions affecting land zoned for industrial purposes that will reduce existing floor space ratio or height controls via rezoning the land from an industrial to a residential zoning.* *However, these inconsistencies are considered acceptable as the site is identified in the Marrickville Urban Strategy as an industrial site suitable for rezoning for residential purposes. Direction No. 16 2 (b) states that a draft plan may be inconsistent with this direction if council can satisfy the Director-General that any particular provision or area should be carried or excluded having regard to the provisions of section 5 of the Environmental Planning and Assessment Act, and the rezoning has been justified by an environmental study.* *The subject site is identified in the Marrickville Urban Strategy as suitable for rezoning for residential purposes. Whilst the Urban Strategy is not an environmental study for the purposes of section 57 of the Environmental Planning and Assessment Act, it does provide a study of the entire Marrickville local government area. The Urban Strategy identifies the subject site, along with a number of other sites, as suitable for rezoning for residential purposes subject to strict criteria. As the site is identified in Council's Urban Strategy as suitable for rezoning for residential purposes, the inconsistencies with Direction No. 16 are considered to be justified.* ***The rezoning report submitted with the application stated:*** *"The proposal is justifiably inconsistent with the provisions of this Direction because of the circumstances set out in this report, and the minor nature of the change in the context of residential and industrial areas in the vicinity of the site."* *The applicant provided a further submission dated 10 March 2006 in relation to this issue which reads inter alia as follows:* *"The proposal would reduce industrial land supply by 7374m^2, and increase residential zones by 5716m^2 (allowing for new roads).* *These areas are not significant in either a local or metropolitan context, or by comparison with the extent of inner city industrial land already converted to residential.* *The primary issues in the circumstances are qualitative. That is, the industrial zoning and existing buildings are an anachronism. Use of the buildings for industrial purposes would raise significant amenity issues, particularly with industrial traffic or narrow residential streets.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
20/04/2007 Section 54	*The locality is predominantly residential and is undergoing renewal and upgrading. The proposal represents a routine zoning adjustment to meet changes circumstances.* ***Circumstances Justifying Making of Plan*** *1. No public or other benefit is derived by perpetuating a zoning anomaly, particularly pending an essentially administrative exercise of converting a local plan into a standard form.* *2. The opportunity exists to make a logical land use adjustment because the owner is prepared to invest in change. This is distinct from changing zoning in the hope that land use change might follow.* *3. The proposed zoning change enjoys local support. The issues raised in the limited objections are readily addressed.* *4. The scope of the proposal is no more than what has been widespread change of industrial land to residential throughout the Inner City, which process has been claimed by the Department of Planning as endorsement of its policies.* ***5.** The change is minor and routine.* ***Justification for Inconsistency with s.117 Direction*** *The new s.117 Direction No. 16 – Industrial Zones says that the area of existing industrial zonings shall not be altered unless it can be justified by –* *(b) an environmental study, or* *(d) it is of minor significance.* *The subject proposal satisfies both these criteria. The "environmental study" referred to in (b) would include –* • *the original planning report* • *the process that has occurred since the application was lodged, including the provision of supplementary information* • *Council officer's independent review of the submitted information.* *The proposal clearly is of minor significance given the size of the site, and the routine nature of the zoning adjustment sought.* *(iv) <u>Direction No.17 – Integrating Land Use and Transport</u>* *The proposed plan is not considered to be inconsistent with Direction No.17 – Integrating Land Use and Transport because it is consistent with the aims, objectives and principles of "Improving Transport Choice – guidelines for planning and development (DUAP 2001)"; and "The Right Place for Business and Services – Planning Policy (DUAP 2001)". The proposed plan is considered to be consistent with Principle 1 as the land is within walking distance of major public transport nodes, such as buses along Princes Highway and Sydenham Station. The other principles are not relevant to this rezoning.* *(v) <u>Direction No. 21 - Residential Zones</u>* *This direction applies when a Council prepares a draft LEP that creates, removes or alters a Residential Zone boundary or a Residential Zone provision.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

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63 Grove Street St Peters					
20/04/2007 Section 54	*The proposed plan is not considered to be inconsistent with Direction No.21 – Residential Zones because the draft plan zones land which is adequately serviced with water and sewerage. The draft plan retains existing provisions enabling a dwelling house to be erected on an existing residential allotment. The draft plan does not contain provisions which will reduce the permissible residential density on any land to which the plan applies and the residential zoning is practicable and compatible with the environmental quality of the area which provides for a variety of housing forms and increase the permissible residential density on the land. The draft plan also retains provisions to allow dual occupancy of dwelling houses in residential zones.* *It should be noted here that clause 36 of the Marrickville LEP 2001 allows multiunit housing development on land zoned Residential 2 (A) greater than 1,500 square metres where the building height does not exceed 7.2 metres. This draft plan rezones land to residential 2(A) zone that is greater than 1,500 square metres in area.* *(v) <u>Direction No. 25 - Site Specific Zoning</u>* *This direction applies when a Council prepares any draft Local Environmental Plan to allow a particular development proposal to be carried out. Clause (1) of the Direction reads as follows:* *1) "A draft LEP that amends another environmental planning instrument in order to allow a particular development proposal to be carried out shall either:* *(a) allow that land use to be carried out in the zone the land is situated on, or* *(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or* *(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended."* The proposed rezoning is inconsistent with the provisions of this Direction as the proposal seeks to impose requirements in addition to those already contained in the principal environmental planning instrument being amended. This inconsistency relates to the requirement to make arrangements with the consent authority concerning the creation and construction of an 8.0 metre wide laneway at the rear of the property for an extension of Alfred Street to Albion Lane. This requirement is considered necessary for the accompanying development proposal to be carried out. ***f) Whether the Council will be using any delegation under sections 65 and 69*** Attached is the Section 54(4) notification advice cover sheet and evaluation criteria pro-forma with supporting documentation. The Panel will consider whether section 65 and section 69 functions are to be delegated to council and what conditions should apply to the exercise of that delegation. It must be noted here that the Draft LEP does not comply with a number of section 117 directions (discussed and justified above). If Council is to be issued with a written authorisation to exercise delegation (for functions under section 65(1) and section 69(1) of the EP &A Act), it will be necessary for that authorisation to recognize that the Draft LEP is inconsistent with a number of section 117 directions.	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

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63 Grove Street St Peters					
20/04/2007 Section 54	***g) Who the Council intends to consult and proposed exhibition arrangements*** In accordance with Section 62 of the EP&A Act, Council has consulted with those public authorities and bodies that it believes will be affected by the draft plan. Comments received have been noted. As part of the notification process for the development application (combined DA and rezoning), Council has notified adjoining property owners and residents. In accordance with Council's normal public exhibition practices, exhibition will be held at Council's Administrative Centre, Marrickville Library, the Branch Libraries of Stanmore, Dulwich Hill and St Peters, and on Council's web site in addition to the required newspaper advertising. Encls. Section 54(4) notification Advice Cover Sheet and LEP Pro-forma Evaluation Criteria (Category 1: Spot Rezoning LEP) Draft LEP Amendment 36 Instrument Draft LEP Amendment 36 Zoning Map Draft LEP Amendment 36 Schedule 2 Site Map Figure 1 - Location Map Figure 2 – Existing Zoning Map Figure 3 – Comparative Existing /Proposed Zoning Map Figure 4 – Aerial Photo of Affected Land Report to and Minutes from Development & Environmental Services Committee Meeting 07/06 of 1 August (Item DA 75)	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
Background	**<u>BACKGROUND TO GROVE STREET ST PETERS</u>** **EMPLOYMENT LANDS STUDY** **SHORT TERM** • Not analysed separately within Employment Lands Study • St Peters characterised as Airport Proximate Land **DRAFT SOUTH SUBREGIONAL STRATEGY** • Category 1 described as Sydenham, Grove Street (Manufacturing-Light, Local Industry) • The site is described as the area commonly referred to as the 'Grove Street employment area' is located south east of Sydenham Station and is bounded by Grove Street, Edith Street, Rolf Lane and Albion Lane. Whilst access to this area is via narrow streets, the building floor plates are substantially sized. A range of uses exist in this area such as motor engineering, fabrication, recreation facility (gymnasium), food industries, furniture warehousing and a significant number of recently constructed factory units housing Local Industry, warehousing and similar uses. It is appropriate to retain this area which provides employment and local industry for the subregion **MARRICKVILLE URBAN STRATEGY** • Included in Renewal Approach 3 – Rezone Select Industrial Sites. • In adopting the Urban Strategy, Council has resolved that the industrial site at Grove Street, St Peters, is not suitable for 'mixed use' activities, and that is has the potential to be used simply for residential development.			

St Peters					
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Background	• Select industrial sites will only be considered suitable for future detailed masterplanning if they substantially meet the following criteria: ○ is located close to a centre; ○ is redundant from historical industry perspective; ○ is well serviced by public transport; ○ is within walking distance of public open space; ○ development can occur in a way that responds to aircraft, road or rail noise; ○ provides opportunities for improving public domain; ○ is not located close to strategic assets (port, airport or freight lines); and ○ rezoning would not result in conflict between residential uses and industrial uses that impact upon residential amenity, and hinder business competitiveness. **IMPLICATIONS** • Council, at its DES Committee Meeting of 1 August 2006, resolved to prepare a draft LEP to rezone land at 63 Grove Street, St Peters, from General Industrial 4(A) to Residential 2(A) under the Marrickville LEP 2001. The DA accompanying the rezoning application proposed subdividing the land into 34 allotments and erecting a two storey attached dwelling on each allotment. • The LEP Review Panel considered the s.54 notification and resolved that it did not support the proposed rezoning and therefore would be unlikely to certify the draft plan pursuant to s. 65(1) of the EP&A Act. • 63 Grove Street has a site area of approx. 7345m² and is a single allotment of land. • 63 Grove Street adjoins 60 Mary Street, also a large site on single allotment of land (5547.92m²). Also included within this block is 62 Mary Street (1579.66m²). • The site is located in an area characterised by residential and industrial development. These two uses, in the context of the site, are considered incompatible. • Redevelopment of the site for industrial/commercial –live/work purposes may present an opportunity to address the existing interface and access issues, i.e. dedicating some portion of the land for road widening purposes, which will assist access and also set back the building from adjoining residential • The land is considered to be walking distance of major public transport nodes, such as buses along the Princes Highway and trains at Sydenham Station. • 63 Grove Street is located mostly within the 30-35 ANEF contours, and partly within the 25-30 ANEF contours. • Category 1 listing for this site will mean that the current conflict between industrial and residential uses cannot be resolved. The predominant use in the area is residential, and the primary frontage of 63 Grove Street is towards residential development. • The draft South Subregional Strategy states that Category 1 classification does not mean that the sites cannot be intensified or redeveloped to meet modern industrial requirements and create additional employment and economic benefit, but that they continue to primarily accommodate industrial and related uses, within the range generally allowed under current zonings.	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

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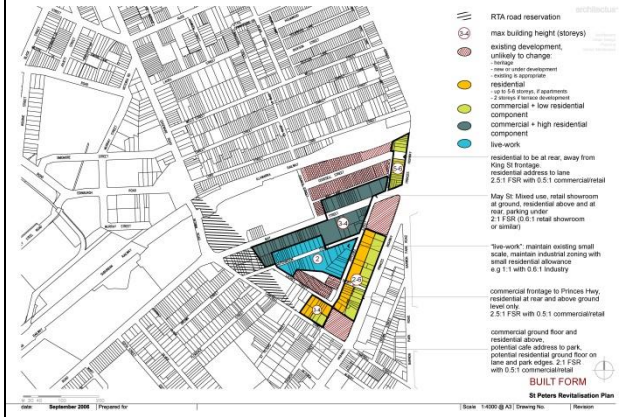
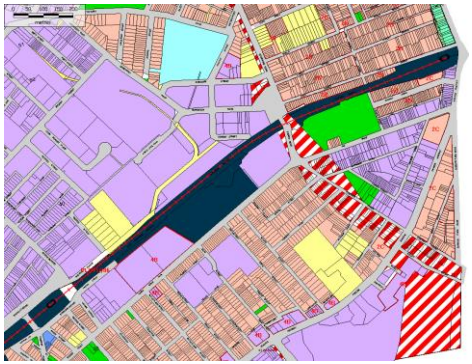
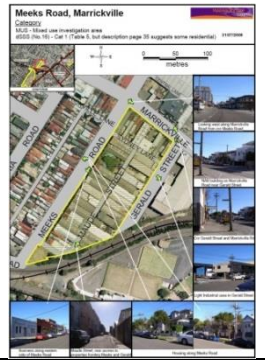
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
31/07/2008 Letter to DoP	Marrickville Council letter to DoP **RE: Marrickville council COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN AND SINGLE DEVELOPMENT CONTROL PLAN** MLEP and MDCP and issues arising from the draft South Subregional Strategy (dSSS). **Attached explanatory maps, photographs and an overview of the five precincts (Carrington Road, Meeks Road, St Peters, Grove Street and Addison Road) inspected during DoP visit.** To facilitate resolution of the categories applied to these industrial precincts. The opportunities and constraints within each precinct have been identified and one or more potential land use outcomes provided based on weighting given to the housing or employment target set by the Department of Planning. The recommendations also take into account the recent strategic and employment lands work undertaken by SGS for Marrickville Council. Also attached is a copy of a report completed by Architectus in 2007 titled 'St Peters and Marrickville Railway Station Area Revitalisation Plans' that provides a land use and built form concept for the St Peters precinct. Planning investigations for these industrial precincts to inform new comprehensive MLEP and single MDCP have been deferred by Council pending the resolution of differences between the Marrickville Urban Strategy and the dSSS. The information attached will assist the Department in resolving the categorisations and direction for these precincts. To ensure an equitable outcomes at a regional and local level. **St Peters, Princess Highway** **Category** **MUS** – St Peters described as a 'village' and is identified as an investigation area for new centre (this refers to all of St Peters, not just the St Peters triangle). **dSSS No 9** – St Peters described as potential town centre. Category 2 site described as St Peters, May St (south side) and Lackey St (Utilities/Urban Services, Local Industry) and Category 2 site described as St Peters, King St (however shown on map as Category 1) (Retail, Local Industry) **Constraints** • Traffic volumes along Princess Highway. • Poor accessibility for vehicles servicing industrial activities. • Constrained internal road network (narrow, one way system) which will limit larger vehicles. • 25-30 ANEF. • Poor public domain and pedestrian amenity. • Major RTA corridor along Bedwin Road and Campbell Street affecting a number of properties on May and Hutchinson Streets. • Existing conflicts between residential and industrial activities. • Lack of redevelopment potential for modern industry because of small fragmented lots. • High likelihood of sterilising land by retaining industrial zoning as sites fully developed to maximum FSR. • Redevelopment for other uses will require amalgamation of existing small sites. • Many of the properties are used for residential purposes, despite being zoned for industrial uses for a long time.		34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
31/07/2008 Letter to DoP	• A new residential flat building has been approved in the precinct at **1-27 Princes Hwy.** • High vacancy rates and dilapidated industrial building stock. • Inability/ability to function as a town centre or village without additional residential. **Opportunities** • Proximity to St Peters Railway Station, King Street, Marrickville Metro and regional open space at Sydney Park. • Significant new and proposed residential development in and around Sydney Park (City of Sydney and Marrickville) • Isolated precinct that could be effectively integrated and linked to St Peters station and King Street through master planning. • Increased employment uses as well as new housing to fulfil town centre role. • Opportunity for new economic activity in growing sectors such as cultural industries, business services, health and lifestyle through live/work accommodation. • Improved public domain and pedestrian permeability. • Improved amenity of the parks. • Value as an incubator area for start-up businesses or arts/cultural/media. • Architectus 2007 Revitalisation Plan provides indicative land use and built form for the area taking in St Peters Station (See attached figure). **Future Direction** Category 2/3, with potential for increased residential development to facilitate a viable town centre/ village. See Architectus 2007 report on revitalising this area. **Figure 4.2 St Peters Station Area Urban Design Plan (Built Form)**   **Zoning Map Marrickville LEP 2001**	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
31/07/2008 Letter to DoP		**Grove Street, Sydenham** **<u>Category</u>** **MUS –** Renewal Approach 3 – Rezone Select Industrial Sites 9 (similar to dSSS Cat 3) **dSSS No. 18 –** Category 1 described as Sydenham, Grove Street (Manufacturing-Light, Local Industry) **Constraints** • The precinct is surrounded by residential housing with the exception of Mary Street. • 30 ANEF runs through the precinct making it unsuitable for increased residential development. • Category 1 listing for this site will mean that the current conflict between industrial and residential uses cannot be resolved. • In adopting the Urban Strategy, Council resolved that the industrial site at Grove Street, St Peters, is not suitable for 'mixed use' activities, and that is has the potential to be used simply for residential development. • LEP Panel subsequently rejected draft LEP to rezone the site to residential. **Opportunities** • DA lodged over part for modern factory unit development (area formerly proposed for residential). • Proximity to Airport for related industries. • The area is within walking distance of major public transport nodes, such as buses along the Princes Highway and trains at Sydenham Station. **Future Direction** If emphasis is on Employment, then Category 1 / If emphasis is on Housing targets, then Category 3 	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
31/07/2008 Letter to DoP		**Meeks Road, Marrickville** **<u>Category</u>** **MUS** – Mixed use investigation area (as identified for industrial sites which are considered redundant or where significant residential conflict is present). Identified within renewal approach No. 3 – Rezone select industrial sites. **dSSS No. 16** – Category 1 site described as Sydenham, Maude Lane/Meeks Road. (Utilities/Urban Services, Local Industry) however with the provision that for land west of Maude street…"It would be appropriate for the residential-industrial boundary to reflect this in future zonings." (dSSS). **Constraints** • Residential/industrial interface conflicts along Meeks Road. • Local parking and access constraints. • Poor public domain. • The area is partially within ANEF 30 and partially within ANEF 25. Lots towards the south are also close to the rail line. • Predominance of small floor plates for buildings fronting Meeks. • Separated from the Carrington Road & Marrickville/Sydenham core industrial area. **Opportunities** • Proximity to Marrickville Town Centre and good bus services. • Possible local road widening and public domain works with redevelopment. • Permit a range of activities associated with cultural industries. • Develop a share of service industries in the form of live/work premises to cater for the business and lifestyle needs of inner city residents. • Resolve land use conflict and regularise business along Marrickville Road. • Compliment the proposed extension (Council LEP investigations) of Marrickville Road business centre on opposite side of road to recognise existing business land uses. • Small park and road network provides some buffer from rail line. • Provide better interface between Marrickville Town Centre and larger floor plate industrial activities on Gerald Street. **Future Direction** Residential and mixed use development to Meeks Road consistent with dSSS advice (page 35). Cat. 1 or 2: Light Industrial or Mixed Use to Gerald Street (no residential permitted); and Commercial/ Business zone to Marrickville Road (north of Sydney Road and south of Central Lane) for the block between Meeks Road and Gerald Street. 	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
31/07/2008 Letter to DoP		**Carrington Road, Marrickville.** **<u>Category</u>** **MUS -** Renewal Approach 4 – Develop New Centre – with improved access to shops, services and transport in large cluster industrial land, whilst maintaining total employment. **dSSS No. 17** – Category 1 described as Tempe, Carrington Road (Manufacturing-Light, Local Industry) **Constraints** Flood liable land within the 1 in 100 year flood. Poor public domain. Declining manufacturing sector. 25-30 ANEF for bulk of precinct. Category 1 classification does not allow for the development of a new centre recommended in the Marrickville Urban Strategy. **Opportunities** Large footprints for redevelopment Recent DA approvals for modern industrial factory units. Proximity to Airport and Port Botany. Suitability for freight and logistics and local industrial needs. Portion within the lower 20-25 ANEF is suitable for residential. Close to Tempe rail station and opposite children's playground. **Future Direction** If emphasis is on Employment, then Category 1 Industrial land for entire precinct north of Cary Street. & Category 3 for residential infill (Choice Building site) on the southernmost block (between Cary and Premier 20-25 ANEF) to capitalise on proximity to Tempe Station and to tidy up the residential and industrial interface. If emphasis is on Housing target with new centre, then Category 2 and 3. 	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
31/07/2008 Letter to DoP		**Addison Road, Enmore** **<u>Category</u>** **MUS** – mixed use, a focus for renewal. **dSSS – unclear** but Philpott Street as Category 3 **Constraints** • Extent of existing residential housing stock and redevelopment of warehouses to residential are constraints to Category 1 uses. • Residential/industrial interface. • Emerging work/live industries. • Narrow access along Fotheringham Lane. • Addison Road high vacancy rates in larger buildings. • Dilapidated industrial building stock. • Poor rear lane access and on-street loading and unloading facilities. • On border of 30 – 35 ANEF. **Opportunities** • Regularise existing uses along Philpott Street. • Proximity to Marrickville Metro, Park/Pool and good bus services. • Provide renewal opportunity for buildings along Addison Road. • Provide an interface to Cat. 1 land opposite. **Future Direction** Cat. 3 - Residential north of Stevens Lane to regularise predominant land use. Cat. 2 – Business Development fronting Addison Road. 	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
04/11/2008 Council Meeting		***Development & Environmental Services Committee Meeting - 09/08 - 4 November, 2008*** ***PS 15 - LEP/DCP PROJECT UPDATE*** ***For Recommendation*** ***Synopsis*** *This report provides an update on the Local Environmental Plan (LEP) and Development Control Plan (DCP) Project including making recommendations and seeking direction concerning areas of policy conflict between the Marrickville Urban Strategy (MUS) and draft South Subregional Strategy (dSSS). The report also provides an updated work program for the Project including revisions to the previously endorsed consultation strategy and considers budget and resourcing implications of the proposed work program. The revisions are necessary to accommodate the changes in scope and subject matter to the Project since last reported to Council.* *To clarify the project timetable and enable the progression of key work areas associated with the delivery of the new Marrickville LEP and comprehensive DCP it is recommended that Council endorse the following recommendations:* ***1. Accept the policy position of the Department of Planning (See ATTACHMENT 2) concerning industrial precincts where there is a conflict between the Marrickville Urban Strategy and the draft South Subregional Strategy, with the exception of Meeks Road;*** ***2. Council officers continue discussions with the Department of Planning concerning the future role and function of the Marrickville Metro shopping centre and keep Council informed of these discussions;*** *3. Endorse the updated Project work program which proposes that a draft LEP be presented to the June 2009 DES Committee Meeting with a targeted gazettal date of March 2010 consistent with the Department of Planning's revised deadline for the LEP;* *4. Subject to Council endorsing the revised Project work program, budget and resourcing issues associated with the Project be addressed as part of the December 2008 Quarterly Budget Review; and* *5. Details of an expanded community consultation program be included in a future report to Council seeking endorsement for exhibition of the draft LEP.* ***Clarification of ANEF-Related Policy Issues with Department of Planning*** *The LEP/DCP Review Team prepared a report for the August 2008 Development and Environmental Services Committee meeting which contained advice regarding the Australian Noise Exposure Forecast (ANEF) contours, the implications of the contours for additional development, and the Department of Planning's expectations regarding the preparation of an Aircraft Noise Strategy. A letter concerning these matters was sent to the Department of Planning on 14 August, 2008. Council has not yet received a formal response however the Department in its discussion with Council officers indicated that it views aircraft noise issues and associated planning limitations on new development as a regional issue best addressed through the relevant subregional strategy. In summary this means that Council would not have to prepare its own Aircraft Noise Strategy to permit new residential development in the 25-30 ANEF contour as proposed in the MUS. Instead the dSSS would provide the policy mechanism to permit this outcome.* *In discussions with the DoP, Council has requested it revisit the dSSS dwelling target given the restrictions placed on the LGA by the Australian Noise Exposure Forecast (ANEF), the Obstacle Limitation Surface (OLS), road and rail constraints and the DoP's policy imperative of retaining large areas of industrial land that are airport proximate.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
04/11/2008 Council Meeting	***ATTACHMENT 2*** ***St Peters 'triangle' bounded by May Street, May Lane, Campbell Streets and the Princess Highway-ANEF 25-30*** *MUS – proposes investigations as a new village centre / dSSS – recommends Category 2* ***DoP Policy Position*** *Precinct to remain as Category 2 with the final South Subregional Strategy to provide written text that extends the Category 2 uses to permit a greater mix of uses/typologies for employment and residential.* ***Comment*** *The best planning outcome for the area does not fit neatly into present definitions of Category 2 or 3 of dSSS. Proximity to St Peters Station and constraints to modern industrial redevelopment support a mixed business/residential focus for future land uses within the precinct.* ***Recommendation*** *Commence master plan work to create a new centre providing both employment and housing choice close to rail and parklands. This is consistent with the dSSS action SO A1.9.2 which states:* *Department of Planning and Marrickville Council to review planning controls for investigation areas identified to enable revitalisation.* ***Grove Street St Peters – ANEF 30-35*** ***MUS – this site was not identified for redevelopment through the strategy process. However as Council had separately resolved to support rezoning of a part to residential, the MUS was amended to propose it could be a mixed use area subject to investigation and strict criteria for rezoning.*** *dSSS – Category 1* ***DoP Policy Position*** *Remain as Category 1 for light manufacturing and local industry based on airport proximity and high ANEF unsuited to dwellings.* ***Comment*** *The MUS (page 34) documents the area for mixed use development subject to strict rezoning criteria, with a Council resolution for its use to be potentially all residential.* *There is currently a DA with Council for factory units however the landowner has indicated a preference for a residential land use. Recent Council efforts to rezone to residential (draft LEP sent to DoP) have been refused by DoP. In this respect, for the same reasons that the DoP has not supported Carrington Road as a new centre, specifically the large unfragmented site area and the proximity to the airport, it is not considered that there is sufficient strategic justification for Council to pursue a residential zone over an industrial zone.* ***Recommendation*** *Accept Category 1. No further detailed planning work is required to be undertaken.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
04/11/2008 Council Meeting	***Carrington Road, Marrickville – ANEF 25-30*** *MUS – proposes investigations for a new centre with housing and employment.* *dSSS – recommends Category 1. Land identified as being of regional significance for industrial purposes.* ***DoP Policy Position*** *Precinct is to remain as Category 1. This was identified in the dSSS for Manufacturing – Light and Local Industry and given the proximity to the Princes Highway and Sydney Airport and environs and large floor plate buildings it is of additional significance.* ***Comment*** *The DoP are aware that the potential for 800-1,000 dwellings will not be realised if Category 1 is pursued, however the protection of core industrial land is their priority in this location.* *The ongoing use of the land for industrial/employment purposes is further supported by the findings of the Marrickville Employment Land Study (MELS – April 2008).* *It is also important to note that the area is subject to flooding.* ***Recommendation*** *Accept Category 1 and develop controls to foster the industrial/business renewal of the area.* ***Meeks Road, Marrickville ANEF 30-35 small part 25-30*** *MUS – proposes mixed use investigation area* *dSSS – recommends Category 1* ***DoP Policy Position*** *Proposed as Category 1, however DoP have agreed to undertake another site review to consider Category 2 wider employment uses and possible live/work uses.* ***Comment*** *The MELS supported the diversification and intensification of the area subject to more detailed analysis and controls. This would promote the renewal of the area in the form of live/work uses on Meeks Road.* *This would complement an extension of the Marrickville Road commercial strip to Gerald/Sydney Streets with the Gerald Street frontage as Category 1.* ***Recommendation*** *Continue to advocate a mix of uses for Meeks Road and commence planning work for the precinct.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
04/11/2008 Council Meeting		***Addison Road, Marrickville ANEF 30-35*** *MUS – proposes mixed use, a focus for renewal and comprises a wider area than being considered here.* *dSSS – recommends predominantly Category 1 with Philpott Street as Category 3.* ***DoP Policy Position*** *Retain Category 3 north of Stevens Lane to reflect overall residential character and permit Category 2 mixed development along Addison Road as a stimulus for renewal. Category 1 land to be retained south of Addison Road.* ***Recommendation*** *Accept DoP categories. Appropriate zoning and development controls to be developed as part of the LEP/DCP but no detailed master planning work is required to implement.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
		Marrickville Village Centres Study *A draft summary report has recently been submitted by Olsson and Associates, in association with SJB Planning, for the seven (7) centres being investigated. The report covers the current statutory planning context; an urban analysis; key issues; and draft building envelopes. The draft summary report and study area envelopes have been reviewed by Council officers and feedback provided to the consultants. Further development of study area envelopes will be undertaken by the consultants based on this feedback, and investigation areas and generic controls will be resolved. Work will soon commence on developing draft planning controls based on the urban design work. The study is now programmed to be reported to a Councillor briefing in late January or early February (final dates to be determined), following which there will be targeted consultation with directly affected property owners in early to mid-February and general consultation in early to mid-March. The final outputs of the work will be incorporated into the draft LEP and DCP documents as planning controls and guidelines.* **ANEF IN CENTRES** Marrickville ANEF 25-30 and ANEF 30-35, St Peters ANEF 25-30 and ANEF 30-35, Sydenham ANEF 25-30 and ANEF 30-35, Petersham ANEF 25-30 and ANEF 30-35, Stanmore ANEF 25-30 and ANEF 30-35, Enmore ANEF 25-30			
		Table 1 ***Enmore, Philpott Street – ANEF 30-35*** *No further work required other than to regularise the land use with an appropriate residential zone under the new LEP.* ***Petersham, Trafalgar Street – ANEF 25-30*** *Currently being considered as part of the Village Centres Study with new planning provisions being developed for the LEP/DCP.* ***Newtown, Alice Street – ANEF 25-30*** *Preliminary discussions have been undertaken with the landowner who has been advised that the MELS recommends the site should contain a mix of residential and commercial uses with an emphasis on the latter in the form of live/work accommodation. Master planning of the site is required.* ***Newtown, Gladstone & Wilford Streets – ANEF 25-30*** *Preliminary discussions have been undertaken with one industrial landowner within this area. Site by site controls are needed for industrial sites in this precinct.*			

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
18/08/2008 Submitted	DA200800398	Application to demolish the existing premises and erect a multiunit industrial complex containing 35 industrial units and a café with off street car parking for 96 vehicles and to strata subdivide the premises into 36 lots.	35 Industrial Units	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
02/12/2008 Council Meeting	**Development & Environmental Services Committee Meeting - 10/08 - 2 December, 2008** **DA 102 - 63 GROVE STREET, ST PETERS** **For Decision** **DA 102** File Ref: DA200800398 **PART C - REQUIREMENTS** **5 Other Requirements: ANEF 2023/24 Affectation: 30-35 ANEF** Application to demolish the existing premises and erect a multiunit industrial complex containing 35 industrial units and a café with off street car parking for 96 vehicles and to strata subdivide the premises into 36 lots. The subject property is zoned General Industrial under Marrickville Local Environmental Plan 2001. Council has previously considered an application to rezone the subject land from General Industrial to Residential 'A' and a development application to demolish the existing buildings on the site, subdivide the land into thirty four (34) lots and erect a two storey dwelling house on each allotment. Whilst Council supported the proposed rezoning, the Director General of the Department of Planning decided that an Authorisation would not be issued in this instance and therefore the Council was not able to exercise any functions under delegation in respect of the proposed rezoning. Further discussions with the Department of Planning are being undertaken, however the proposed development responds to the General Industrial zoning which currently applies to the subject parcel of land. Ten (10) submissions and three (3) letters from the Deputy Premier acting on behalf of local residents were received in response to Council's notification of the proposal. The proposed development is considered to generally satisfy the objectives and design requirements contained in Marrickville Local Environmental Plan 2001, Marrickville Development Control Plan No. 19 – Parking Strategy, Marrickville Development Control Plan No. 31 – Equity of Access and Mobility, Council's Code for Industrial Development and other relevant planning documents. The proposed development is considered reasonable given the context of the site and the zoning of the land. The application is referred to the Committee for determination due to the history of the site, relative size of the development and the number of submissions received. The application is considered suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions. **PART D – ISSUES** **1. Background** A report on an application to rezone the subject land from General Industrial to Residential 'A' and a development application to demolish the existing buildings on the site, subdivide the land into thirty four (34) lots and erect a two storey dwelling house on each allotment was considered by Council as Item DA 75 at Development and Environmental Services Meeting 07/06. The proposal also included the creation of a laneway through the centre of the site (running parallel to Grove Street) and the dedication of land for an extension of Alfred Street to Albion Lane.				

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/12/2008 Council Meeting	Council resolved: *"**THAT** the application to rezone the land to Residential 'A' and the development application to demolish the existing buildings on the site, create a laneway through the centre of the site (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and subdivide the remainder of the land into thirty four (34) lots and erect a two storey dwelling house on each allotment be **DEFERRED** and the following course of action be adopted by the Council:* ***A.** **THAT** Council prepare a draft Local Environmental Plan to create a laneway through the centre of the site (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and rezone the remainder of the site to Residential 'A' under Marrickville Local Environmental Plan 2001.* ***B.** **THAT** Department of Planning be advised in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979.* ***C.** **THAT** a copy of Council's report on the application and a copy of the Draft Plan, supporting material and completed LEP Pro-forma Evaluation criteria for Category 1: Spot Rezoning LEP be forwarded to Sydney South West Regional Office of the Department of Planning with the following advice:* *(i) The Draft Plan is inconsistent with the some of the Schedule of Directions under Section 117(2) of the EP&A Act relevant to the proposed rezoning. However it is considered that there are circumstances that warrant those particular provisions to be varied or excluded having regard to the provisions of Section 5 of the Environmental Planning and Assessment Act.* *(ii) the Draft Plan is not considered to be inconsistent with any State Environmental Planning Policies or Regional Environmental Plans;* *(iii) Council is of the opinion that an Environmental Study is not necessary for the reason that the proposed change is considered to be of a minor nature; and* *(iv) Council requests Written Authorization to Exercise Delegation from the Director-General be granted to Council to exercise the functions under Section 65 and Section 69 of the Environmental Planning and Assessment Act, 1979 in relation to the Draft Plan.* Correspondence was sent to the Department of Planning on 1 September 2006 advising them of Council's decision. The Director General of the Department of Planning forwarded the following letter dated 4 October 2006 to Council in relation to the proposed rezoning: *"I am writing in response to Council's letter dated 1 September 2006 advising, pursuant to section 54(4) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'), of the Council's decision to prepare a draft local environmental plan ('LEP') to rezone Lot 101 in DP 793978, 63 Grove Street, St Peters from General Industrial 4(A) to Residential 2(A).* *The proposed draft amendment is not supported as conversion of industrial land to residential in this location is inconsistent with section 117 Directions No 16— Industrial Zones and No 12— Development near Licensed Aerodromes. The Department is concerned about the cumulative impacts of proposals for the conversion of industrial land to residential use outside of agreed strategies. This amendment is therefore premature given that Council's Urban Strategy and the Sub-regional Strategy are not complete.* *You will be aware that an instrument of delegation in respect of my LEP making functions was executed on 16 February 2006. Use of the delegation in respect of a draft LEP is conditional on receipt by Council of a Written Authorisation to Exercise Delegation.*	35 Industrial Units	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/12/2008 Council Meeting		*I have determined that an Authorisation will not be issued in this instance and therefore the Council will not be able to exercise any functions under the delegation in respect of the draft LEP referred to above.* *Should the Council decide to proceed with the draft LEP in the terms proposed, you should be aware that I am unlikely to certify the draft plan pursuant to section 65(1) of the EP&A Act for the above reasons.* *Council should complete its strategic work relating to employment lands in the context of the CBD- Airport Study and Council's Urban Strategy prior to further considering the rezoning of this land. This strategic work should be undertaken in consultation with the Department's Regional Team."* Council officers, by letter dated 13 October 2006, advised the applicant of the Director General's decision. The applicant was also advised inter alia: *"Accordingly, it is not possible for this draft Local Environmental Plan (for rezoning) to proceed.* *The strategic work relating to employment lands as referred to in the Department's letter is something for which council has recently applied for funding, though the Department's "Planning Reform Fund".* *Council's Urban Strategy is currently in draft form, and will be publicly exhibited from 1 November 2006 to 15 December 2006."* In response the applicant submitted a letter and supplementary submission on 10 November 2006 from a planning consultant acting on his behalf. The supplementary submission provided some additional information in support of the proposed rezoning including justification for the inconsistency of the plan with Section 117 directions. The submission also attempted to address the strategic planning studies though with limited knowledge as these studies were not available at the time of submission. Council officers discussed with the Department of Planning (DoP) the likelihood of the proposed rezoning being supported in the context of the supplementary submission from the applicant's planning consultant. The officer from the DOP indicated that it would be unlikely that the proposed rezoning would be supported at this stage for reasons provided in Department's correspondence dated 4 October 2006 and also the close proximity of the site to Sydney Airport. As a part of the strategic work, the officer mentioned that the CBD-Airport Study is still not publicly available and until then, it is unlikely that the panel / department would support the rezoning of industrial land in the vicinity of Sydney Airport. It should also be noted that the subject site is located within the "Strategic Employment Lands" as identified by the Draft Marrickville Urban Strategy. One of the Strategic Directions of the Draft Strategy is to "Strengthen and renew the Marrickville/Sydenham strategic employment lands". **Council's Manager Planning Projects advised as follows:** *"Council through the LEP/DCP Project is developing planning provisions for industrial areas that the Marrickville Urban Strategy, 2007 (MUS) identified as appropriate for renewal for modern employment and/or residential purposes. Some of these areas conflict with industrial areas identified by the Department of Planning (DoP) in the draft South Subregional Strategy (dSSS) to be retained for industrial purposes. Under the dSSS industrial land in the vicinity of Grove, Mary and Edith Streets, Sydenham has been identified for retention as industrial land for the key functions of*	35 Industrial Units	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/12/2008 Council Meeting		*light manufacturing and local industry. The subject site forms the southernmost block of this industrial area. The MUS (page 34) documents the area for mixed use development subject to strict rezoning criteria, in accordance with a Council resolution of 1 August 2006 for it to be rezoned Residential 2(A). Following advice from the DoP that it would not support the rezoning Council resolved on 5 December 2006 to defer the matter to allow the applicant time to make representations to the Department.* *Ongoing meetings have been undertaken over the past several months with the DoP to seek the resolution of this and other policy conflicts concerning the future of certain industrial lands. These negotiations have addressed the importance of renewing underutilised industrial precincts, achieving dwelling targets as well as retaining core industrial land for employment.* *Council's continued efforts to rezone the land to permit residential land uses (draft LEP to DoP & consideration by LEP Panel in June 2007) have been refused and in recent correspondence to Council (October 2008) the DoP again restated its intention to retain the land for industrial purposes. However, the Council at the November 2008 DES meeting resolved not to accept this position and the owner (Domain Holdings) have made their own representation to the DoP and Minister on the matter. Domain Holdings have subsequently advised Council on 14 November 2008 that the DoP will consider this matter further if compelling facts as to why the rezoning is needed are provided.* *Council officers are currently undertaking further consultation with DoP and the owner of the land to seek a resolution to this matter. A meeting with the owner and Council officers has been arranged and information is being prepared to support residential land uses on the site."* **Marrickville Local Environmental Plan 2001 (MLEP 2001)** **Aircraft Noise (Clause 28)** The subject property is located within the 30-35 Australian Noise Exposure Forecast (2023/24) Contour. The proposed industrial units would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. A condition to such effect should be imposed on any consent granted. Noise attenuation measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to Council's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000. Reason: To reduce noise levels within the proposed development from aircraft.	35 Industrial Units	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
02/12/2008 Council Meeting Minutes		**1.** The application be **DEFERRED** and Council write to the Minister for Planning, the Hon Kristina Keneally, expressing Council's disappointment and that Council is forced to take this decision and request the Minister to again look at the residential development proposed for this site and ask for it to be re-assessed. **2.** The issue of the rat run along Grove Street, St Peters, and the residential parking scheme in Grove Street, St Peters, be referred to Council's Local Traffic Planning and Advisory Committee. **3.** If after having contacted the Minister, the applicant wishes to proceed with the current application, that Council staff assess the pedestrian access issues in Rolf Lane.			

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
16/12/2008	Applicant's email to Council – Acoustic Report from KOIKAS ACCOUSTICS The report states: "The subject site lies on 30 ANEF."		35 Industrial Units	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
23/12/2008 Council Letter to Minister	*On the 23 December 2008 Marrickville Council's General Manager wrote to The Honourable Kristina Keneally, MP Minister for Planning and Member for Heffron advising as follows:* ***RE: 63 GROVE STREET, ST PETERS (****DA200800378)* *"At its meeting on 2 December 2008 Council considered a development application for the above property seeking approval to demolish the existing premises and erect a multiunit industrial complex containing 35 industrial units and a café with off street car parking for 96 vehicles and to strata subdivide the premises into 36 lots.* *In dealing with the application, Council resolved inter alia* *"**THAT** the application be **DEFERRED** and Council write to the Minister for Planning, the Hon Kristina Keneally, expressing Council's disappointment and that Council is forced to take this decision and request the Minister to again look at the residential development proposed for this site and ask for it to be re-assessed."* *In 2006 Council resolved to prepare a draft Local Environmental Plan to rezone the subject land to create a laneway through the centre of the site (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and rezone the remainder of the site to Residential 'A' under Marrickville Local Environmental Plan 2001.* *Correspondence was sent to the Department of Planning on 1 September 2006 advising them of Council's decision to prepare that draft Local Environmental Plan. The Director General of the Department of Planning forwarded a letter dated 4 October 2006 to Council advising inter alia that the proposed rezoning was not supported.* *More recently, as part of the preparation of Council's new LEP, Council officers have been negotiating with officers from your Department concerning the categorisation of a range of industrial precincts, including the subject site. Correspondence was received on 3 November 2008 from the Department advising that the subject site should be retained as a Category 1 Area, thereby meaning it could not be rezoned to a residential zone.* *Council officers are currently preparing a response to the Department's November correspondence. The response will provide additional information in support of a residential zoning for the subject site and seek reconsideration by the Department of its most recent advice.* *Accordingly, Council requests your assistance in the reconsideration of the rezoning of the land to a Residential zone as previously detailed in Council's Section 54 submission correspondence to the Department of Planning.* *A copy of the report on the development application considered by Council is enclosed for your information. Section 1 of the report, titled Background, provides a summary of the history in relation to the proposal to rezone the subject property from industrial to residential.* *If your office wishes to discuss the matter further please contact Council's Manager Planning Projects, **Marcus Rowan** on 9335-2274 from Council's Development and Environmental Services Division."*				

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
23/12/2008 Council Letter to DoP	On 23 December 2008 Marrickville Council wrote to the Department of Planning as follows: **RE: Marrickville Industrial Precincts** "*I refer to your letter of 26 October 2008 advising of the Department's proposed employment land categories for five industrial precincts under the draft South Subregional Strategy (dSSS) which conflict with the Marrickville Urban Strategy (MUS).* *At its 4 November 2008 meeting, Council considered the Department's advice on these precincts and resolved to accept the Department's policy position on Carrington Road, Addison Road and St Peters. This advice has enabled council to move forward with the master planning of the St Peters and McGill Street precincts.* *There are however two areas where the Council did not accept the proposed retention of the Category 1 designation. These are for Meeks Road, Marrickville and Grove Street, St Peters.* ***A copy of Council's resolution is in Attachment A.*** ***63 Grove Street, St Peters*** *Grove Street, St Peters comprises approximately one third of the Grove Street Precinct. It has a long history with a s54 resolution for its rezoning to residential being rejected by the Department in 2006. Council submitted additional information and was advised in 2007 to wait until the finalisation of the Marrickville Employment Lands Study (MELS) so that a strategic context was available.* *The MELS (April 2008) recommended mixed uses for the site and the owner has made representations (November 2008) to the Minister for Planning and the Department in support of a residential zone. Subsequently, the owner has submitted additional information concerning traffic and access and acoustic issues in support of the rezoning of the site.* ***The additional information prepared on behalf of the land owner is in Attachment B.*** *One of the Department's earlier concerns with the rezoning of this portion of the precinct was its capacity to set a precedent for further rezoning requests for other industrial land in the area. It is council's view that this process has been effectively halted with the finalisation of the MELS and the identification and categorisation of land under the dSSS.* *Notwithstanding this, the rezoning will not set a precedent as the context for 63 Grove Street is different from the rest of the precinct. The subject site sits opposite residential housing on a narrow street. Mary Street, on the other hand is industrial on both sides while the Edith Street frontage of the industrial precinct sits opposite garages to the rear of dwellings fronting Silver Street, reducing potential land use impact. The only exception to this is No. 11 and 13 Edith Street which are dwellings.* *If a rezoning was to proceed, a lane way (by extending Alfred Street) will be required to separate any new residential development from the remaining industrial area fronting Mary Street. Unlike Grove Street, the existing light industrial uses between Mary and Edith Street are largely internalised with a range of business and industrial activities operating out of an old industrial complex. Council would be seeking to ensure these uses remained viable with an appropriate new zone under the comprehensive LEP.* *At its 2 December 2008 meeting, Council considered a development application for the subject site to demolish the*	35 Industrial Units	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
23/12/2008 Council Letter to DoP		*existing premises and erect a multiunit industrial complex containing 35 industrial units and café with off-street car parking for 96 vehicles. Council at that meeting deferred its consideration of the development application and has written to Minister Keneally seeking her endorsement of a residential zone for the site.* ***See Attachment C.*** *In summary, a comprehensive review of industrial/employment lands has now occurred through the Marrickville Employment Land Study in April 2008. Council has accepted the Department's position concerning substantial areas of strategic employment lands which will be protected under the comprehensive LEP. In relation to aircraft noise, while new ANEF's are proposed under the Airport Masterplan, the buildings can be constructed to comply with the required standard for noise attenuation. Lastly, if this site is considered outside the context of the comprehensive LEP or the Sub-regional Strategy (assuming concurrence), consistency with Direction 1.1 Business and Industrial Zones will be difficult in which case we will be seeking the Director General's opinion that the rezoning is of minor significance. In this regard, the Department's advice on the potential and related process to progress the LEP amendment is sought.* ***Meeks Road, Marrickville*** *Two reasons were submitted in the Department's November 2008 correspondence in support of retaining the southern side of Meeks Road as Category 1 employment land, as follows:* *- The precinct is functioning as an industrial area; and* *- Any rezoning of this area may create further pressure to redevelop the remainder of the precinct for other uses.* *In response, while the Marrickville Urban Strategy (MUS) and council strongly support the retention of Category 1 employment lands (as evidenced by council's support of the Department's position concerning Carrington Road) it is important that land to be retained can reasonably meet future industrial requirements and their retention would not compromise other strategic land use objectives.* *In the case of the southern side of Meeks Road, council is of the view that the current buildings are not suited to modern industrial requirements and due to the fragmented ownership pattern and adjacent residential land uses are unlikely to be redeveloped for modern industrial premises. The result of this is likely to be the continued deterioration of the building stock and surrounding area with lower rent industrial uses utilising the premises as their utility declines.* *Council does not believe this outcome is desirable particularly at the interface with the Marrickville Town Centre which both the MUS and dSSS identify as requiring renewal. The approaches recommended in the MELS and supported by council, namely the introduction of live/work opportunities in this precinct, would retain employment, renew the building stock and act as a buffer between the commercial centre and the core industrial lands. As previously discussed with Departmental officers, they would also compliment a small extension of the Marrickville commercial strip (business uses only) to the vicinity of Sydney Street to recognise the character and range of land uses present in this location.* *In terms of the planning controls, the outcome sought could be achieved through the retention of a light industrial zoning and the inclusion of dwellings in conjunction with a permissible light industrial use as an additional use in this location. This approach, in conjunction with an increased FSR, and specific aims and objectives identifying this area as a transition and buffer area between the commercial centre and residential areas to the core industrial precinct would negate any argument that other land in the precinct could redevelop for non-industrial purposes. Maude Street would act as a clear delineation in this regard.* *Please contact* ***Marcus Rowan,*** *Manager Planning Projects on 9335 2274 should you wish to discuss these matters."*	35 Industrial Units	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
19/02/2009 Letter from DoP	***Grove Street, St Peters*** *In response to Council's letter of 23 December 2008, the Department on 19 February 2009 noted that:* *The MUS states that Council, in adopting the MUS, resolved that the industrial site at Grove Street is not suitable for 'mixed use' activities and that it has the potential to be used simply for residential development.* *If the rezoning was to be pursued the Department sought further consideration of Section 117 Directions No. 1.1 Business and Industrial Zones and No. 3.5 Development near Licensed Aerodromes with justification for any inconsistencies.* *The Department confirmed that this information would be forwarded to the LEP Review Panel along with the additional material provided by the applicant in regard to traffic, access and acoustic issues.* *On 6 March 2009, additional information was forwarded to the Department justifying an inconsistency, in this case, with the two directions. It is anticipated the matter will now be considered by the LEP Review Panel.*		34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
06/03/2009 Council Letter to DoP	*6 March 2009* *(Ministerial Direction, Justrification)* ***RE: Rezoning of 63 Grove Street, St Peters*** *"Referring to letter of 19 February 2009 concerning the future zoning of 63 Grove Street, St Peters and Meeks Road, Marrickville. Council accepts the Department's advice and will consult, in the near future, with the regional team in relation to live/work options for Meeks Road.* *In respect to the rezoning of 63 Grove Street, St Peters from Industrial to Residential this correspondence provides additional information to enable reconsideration of the draft LEP by the LEP Review Panel. The additional information provides further justification concerning Section 117 directions No 1.1 Business and Industrial Zones and No 3.5 Development near Licensed Aerodromes.* *By way of background, in November 2006, the applicant provided additional information to justify the rezoning in relation to Direction No 16 – Industrial Zones and Direction No 12 – Development near Licensed Aerodromes being the relevant directions at that time.* ***Attachment A*** *provides a copy of the submission prepared by Mike George Planning Pty Ltd.* ***Direction 1.1 Business and Industrial Zones*** *Under the draft South Subregional Strategy (dSSS) large areas of industrial land identified as Category 1 are to be preserved within the Marrickville LGA. Council has accepted this policy position and is in the process of applying suitable new industrial zones to retain these lands under the new comprehensive LEP.* *There are also a number of Category 2 sites that have been identified under the dSSS to permit a wider range of employment uses. Future zoning and development controls for these areas will be designed to attract uses with a higher worker to floor area ratio.* *For the remaining industrial lands identified under the dSSS as Category 3, planning processes are underway to determine preferred land use and built form outcomes. Consequently, across the LGA there are a range of planning processes being considered for industrial uses and typologies to strengthen their role and function.*				

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					

06/03/2009 Council Letter to DoP		*In the context of the holistic approach that is being taken to planning for Marrickville's employment lands the proposed rezoning of 63 Grove Street, St Peters is of minor significance and does not, within that context, undermine the objectives of Direction 1.1 to:*
		• *Encourage employment growth in suitable locations*
		• *Protect employment land in business and industrial zones, and*
		• *Support the viability of identified strategic centres.*
		
		Accordingly, in the case of Direction 1.1 Council requests that the Director General or nominated representative agree that the inconsistency with the direction is of minor significance.
		
		3.5 Development near Licensed Aerodromes
		The subject site is currently within the 25-30 and 30-35 ANEF contours and the draft LEP does not comply with Direction 3.5.
		
		The rezoning of the site to residential is inconsistent with the direction but is of minor significance for the following reasons:
		• *Substantial areas of the Marrickville LGA are under the flight path comprising a range of uses including dense areas of residential housing. These areas will continue to be used for residential purposes;*
		• *Occupied residencies adjoin the site on three boundaries supporting its land use in the area;*
		• *The draft LEP has considered the objectives of Direction 3.5 and is consistent with these as follows:*
		  ○ *The development of 2 storey town houses will not encroach above the Obstacle Limitation Surface and are lower than the existing industrial building and will not compromise the operation of the airport by creating a hazard or obstruction to aircraft flying in the vicinity;*
		  ○ *Dwellings in this location will not compromise the effective and safe operation of the aerodrome;*
		  ○ *The owner has previously provided an acoustic report from Koikas Acoustics P/L (referred to the Department in an earlier submission) that demonstrates that new residential buildings will be able to comply with AS2021 and will not be adversely affected by aircraft noise.*
		
		• *Council under s62 of the EP&AAct, consulted with Sydney Airport in 2006 and no objections were made. A copy of their response is provided as* ***Attachment B****.*
		• *The Sydney Airport Preliminary Draft Master Plan 2009 – 2029 sets a new ANEF of 25-30 ANEF for the entire site which if adopted will be an improved ANEF for the proposed development.*
		• *Residential intensification is likely to continue within Marrickville centres in the 20 - 25 ANEF to achieve dwelling targets set by the dSSS. In this case, it is hoped the final South Subregional Strategy will deal with Direction 3.5 Development near Licensed Aerodromes.*
		
		Council requests that the Director General or nominated representative agree, in this case, that the inconsistency with Direction 3.5 is of minor significance.
		
		The Department now has sufficient information to enable the draft rezoning to be considered by the LEP Panel."
			34	**ANEF: 30-35**
				
				Small Area of Site is in ANEF: 25-30
				
				Majority of the site is in ANEF: 30-35
					MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
07/04/2009 LEP update Council Meeting	**Development & Environmental Services Committee Meeting - 7 April, 2009** **PS 4 - LEP UPDATE REPORT** **For Decision** **Specific Industrial Land Precincts (Meeks Road, Marrickville and Grove Street, St Peters)** Council at its 4 November 2008 DES meeting resolved to accept the policy position of the DoP concerning industrial precincts where there was a conflict between the MUS and the dSSS, with the exception of Meeks Road, Marrickville and Grove Street, St Peters. The following discussion provides an update on these two areas and provides additional information on the St Peters 'triangle' which is included in the work program, arising from the recommendations of the MUS, as an industrial area identified for master planning to promote revitalisation. **Meeks Road, Marrickville** On 23 December 2008, Council wrote to the DoP advising of its November 2008 decision to oppose the proposed retention of a Category 1 designation and provided additional supporting information to justify a departure from the designation in this instance. On 19 February 2009, the Department in reply advised as follows: *I note that Council is considering controls within the proposed comprehensive LEP to allow live/work opportunities for this area. I suggest that Council continue to liaise with the Regional team regarding the appropriate controls for the Meeks Road area within the comprehensive LEP.* The advice while not definitive suggests that Council should proceed with the development of suitable controls for this portion of Meeks Road. The introduction of live/work opportunities in this precinct, would retain employment, renew the building stock and act as a buffer between the commercial centre and the core industrial lands. Such a context specific response to the area will also assist in resolving land use disputes while retaining light industrial uses. The LEP/DCP project team is developing a suitable local control which will see the continuation of a light industrial zone in this area with the option to provide dwellings on the first floor whether or not for the owner/tenant of the ground floor business. This control was discussed at the most recent LEP progress meeting with DoP officers on 24 March 2009 and received apparent support. **63 Grove Street, St Peters** The Department's 19 February 2009 correspondence also addressed 63 Grove Street, St Peters noting that: *Council is seeking to continue with the rezoning of 63 Grove Street, St Peters from General Industrial 4(A) to Residential 2(A). This rezoning request was previously reviewed by the Department following Council's Section 54(4) notification under the Environmental Planning & Assessment Act 1979 at Section 54 stage in October 2006 and not supported.* *The response from the Director General on 4 October 2006 to Council's notification of the draft plan raised concerns regarding the cumulative impacts of proposals for the conversion of industrial land to residential use outside of agreed strategies.*	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
07/04/2009 LEP update Council Meeting		*The Department's advice also notes that the MUS provides a recommendation for mixed uses for the site and that: Council, in adopting the MUS, resolved that the industrial site at Grove Street is not suitable for 'mixed use' activities and that it has the potential to be used simply for residential development.* *The Department indicates in its correspondence that in order for the rezoning to be pursued, further consideration was needed of Section 117 Directions No. 1.1 Business and Industrial Zones and No. 3.5 Development near Licensed Aerodromes with justification for any inconsistencies.* *In this respect, the Departments' correspondence notes that: Council has provided justification for the rezoning in terms of not setting a precedent for further rezoning requests of industrial land and also provided additional information regarding traffic, access and acoustic issues. The Department confirmed that this information would be forwarded to the LEP Review Panel along with the additional material submitted on 6 March 2009, justifying an inconsistency with the two directions.* *Councillors will be informed of the LEP Panel's advice concerning this matter when it has been received and land use controls consistent with Council's position on the site will be included in the draft LEP.* **St Peters Precinct Master Plan** St Peters was identified in the MUS as an investigation area for redevelopment of industrial land into a new centre (potential village), with improved access to shops, services and transport for new residential development, increased housing choice and employment. However, it was acknowledged that the area would require initial investigation then comprehensive master planning to understand its potential capacity for housing and employment. The Category 2 designation applied to the precinct by the DoP in the dSSS however, sets an employment focus for the area, with limited scope for residential development thereby undermining the MUS's aspirations for the precinct. However, as a result of Council representations, the DoP in late 2008 advised that while the Category 2 designation for the precinct would be retained, it would include text in the final South Subregional Strategy that permits a greater proportion of residential land uses within the precinct. The dSSS employment target for Marrickville is 500 jobs to 2031. The St Peters Precinct Master Plan project will contribute to attaining employment targets as set by the DoP. It is anticipated that the precinct as an employment (and housing) precinct will provide urban support services and light industry, as well as an expanded service industry role. Future industries suitable for this area may also include research and development, peak body representation, non-government organisations and industries such as audio-visual, media and digital media, advertising, craft, visual arts and Indigenous arts, design (including architecture; fashion; and graphic, urban, industrial and interior design), film and television, music, publishing, performing arts and other creative types of uses. Importantly low cost space is needed to assist start-up and creative businesses. Opportunities for community services and creative industries (potentially in the form of live/work style buildings and adaptive re-use) will also be considered in the planning of the area. Urban design work has commenced for the St Peters 'triangle' with the engagement of Hassell Limited on 2 February 2009. The principle tasks of the urban design study are to:	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
07/04/2009 LEP update Council Meeting		▪ Prepare a master plan which will give a clear vision for the precinct in terms of movement, form, and land uses; and ▪ Develop this into detailed urban design and other development controls that will be in a form to be incorporated into the new LEP and DCP to shape the desired outcome. Additional expert advice on contamination, traffic and economic feasibility will inform the work. A Councillor briefing and targeted consultation is proposed once a draft master plan has been prepared. This will occur in April 2009 to meet the May deadline for the project so the controls can be incorporated into the draft LEP. **Site Specific Matters** **<u>Petersham RSL Club</u>** Resolution 6052 of Mayoral Minute 9 of the 06/08 Council Meeting held on 15 July 2008 resolved that Council endorses action to advance discussions in relation to the potential partnering of Council and Petersham RSL Club for the joint redevelopment of the RSL and Council Administration site. Pursuant to this resolution, Council has consulted with Club representatives at the outset and at various stages during the Marrickville Village Centres Urban Design Study project. This included consultation at the presentation of the Petersham and Lewisham owner briefing session that was held on 17 February 2009. Separate discussions with Council's Major Projects Section have also been undertaken. Opportunity for further detailed consultation with the Club will be available when the LEP and DCP is on public exhibition. The potential for a joint venture development between the RSL and Club can be further considered in conjunction with or subsequent to the LEP process. **<u>Other sites</u>** A number of other sites have been the subject of submissions from landowners seeking specific land use and development control outcomes as part of the LEP. These requests have been generated through a range of sources including the Marrickville Urban Strategy (MUS) process, draft South Subregional Strategy (dSSS), previous consideration of development proposals for specific sites by Council and in response to the consultation surrounding the Village Centres Project. Detailed submissions have been received seeking a range of planning outcomes for the following properties: • 36 Alice Street, Newtown – Submission seeks mixed residential and business development with proposed building heights of between 2 and 7 storeys and a floor space ratio of approximately 1.5:1. • 76 Wilford Lane, Enmore – Submission seeks an R4-High Density Residential zoning, and proposes various options for a 4 to 5 storey residential flat building, containing between 28 to 36 dwellings and a semi-basement car park for between 35 to 45 cars. The various options have a floor space ratio ranging from 2.5:1 to 3:1 and site coverage between 70 to 75%. • 64 Meeks Road, Marrickville – Submission seeks land use controls that will permit the continued operation of a dwelling house that has lost its existing use rights under the Act and a broadening in the permissible range of land uses in this location. • 97 Marrickville Road, Marrickville – Submission seeks a broader range of permissible land uses for the site, possibly through the extension of the business zoning to enable the use of the site for mixed business and residential purposes.	34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
July 2009	**SUBMISSION BY MARRICKVILLE COUNCIL ON THE JUNE 2009 AUSTRALIAN GOVERNMENT DISCUSSION PAPER: *SAFEGUARDS FOR AIRPORTS & THE COMMUNITIES AROUND THEM* JULY 2009** *"In developing a new Local Environmental Plan (LEP) for the Marrickville LGA, Council is obliged to meet NSW Government targets for the creation of new dwellings. Council has found it difficult to meet these targets because of the aircraft noise regulations and airspace restrictions. To meet the dwelling targets, it has been necessary for Council to locate most of these within ANEF 25-30 areas, notwithstanding that this is inconsistent with the abovementioned Ministerial Direction. These areas are suitable for new dwellings given their proximity to Marrickville's major commercial centres and public transport services. Aircraft noise impacts for the new dwellings within 25-30 ANEF areas can be dealt with through compliance by property owners with AS2021. No new dwellings are proposed for 30+ ANEF areas. The issue of the Ministerial Direction is being taken up with the NSW Government as part of the development of the new LEP."*		34	**ANEF: 30-35** Small Area of Site is in ANEF: 25-30 Majority of the site is in ANEF: 30-35	MLEP 2001 General Industrial 4A
28/07/2009 Response From DoP to Council letters 23/12/2008 & 06/03/2009 Approved by DoP	In December 2008 and March 2009, Council Officers wrote to the Department seeking a further review of the proposed rezoning in light of Council completing the Marrickville Employment Lands Study. Additional information addressing the Department's concerns regarding the setting of an undesired precedence and aircraft noise impacts was also submitted to the Department for consideration. In response, the Department, in correspondence to Council dated 28 July 2009, in part provided the following response: *"I* [Director General for the Department of Planning] *am writing in response to Council's letter dated 6 March 2009 seeking further consideration of the Department's decision not to support a rezoning of land at 63 Grove Street, St Peters from General Industrial 4(a) to residential 2(a) under Marrickville Local Environmental Plan 2001.* *I have again carefully reviewed my decision in response to the additional information provided by Council and further consideration by the LEP Review Panel. I have also taken into consideration the recently released Sydney Airport 2029 ANEF and comments from the Federal Minister for Infrastructure, Transport, Regional Development and Local Government concerning the rezoning of the subject land for residential uses and that this may be in the public interest.* *I am now of the view that the matter could be reconsidered and that Council may proceed with the preparation of the draft local environmental plan to rezone the subject site to residential in this instance. In doing so, Council may wish to particularly take into consideration the strategic planning work that Council is currently undertaking for the preparation of its new draft comprehensive local environmental plan. I understand that under this process, Council is reviewing land use within similarly affected areas in St Peters.* *Council should ensure that relevant section 117 Directions are adequately addressed prior to exhibition of the draft Plan. Where any applicable section 117 Directions require the Director General to form an opinion or be satisfied as to certain matters, you need to ensure that this issue is addressed in submitting the draft Plan under section 64.* *You will be aware that an instrument of my delegation for my local environmental plan making functions was executed on 16 February 2006. Use of the delegation for a draft local environmental plan is conditional on receipt by Council of a Written Authorisation to Exercise Delegation. As an authorisation is not being issued on this occasion, Council should submit the draft Plan to the Department when seeking a section 65 certificate."*				

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
1/10/2009 Section 54 4/12/2009 DoP response	In light of the above, on 1 October 2009 Council Officers sent a revised Section 54 notification and request for written authorisation to exercise delegation for functions under Section 65 and Section 69 of the Environmental Planning and Assessment Act, 1979, for the Department's consideration. The Department, in correspondence to Council dated 4 December 2009, in part provided the following response: *"The Council may now continue with the preparation of the draft LEP.* *Council is advised that it would be prudent when exhibiting the draft LEP to:* • *Include a copy of the recently released Master Plan for Sydney Airport which indicates over the next 20 years the number of daily aircraft flights over areas immediately to the north of the airport will increase.* • *Explain that land in Grove Street is forecast to have a noise exposure which will be in the order of 25-30 ANEF; and* • *Exhibit all relevant studies including the Marrickville Urban Study and relevant Acoustic Studies and Traffic Studies and AS2021.* *I note that this plan is inconsistent, or is likely to be inconsistent, with section 117 Direction 1.1 Business and Industrial Lands and 3.5 Development near Licensed Aerodromes. I have formed the opinion that the inconsistencies are justified in this instance. My further approval in regard to these directions is therefore not required.* *I have now issued an Authorisation, together with guidelines on its use, which is attached. This will enable Council to certify the draft LEP."* It is noted that the Director General's written authorisation to exercise delegation relates only to the functions under Section 65 of the Act and not Section 69 as requested. The following delegations were granted as attached to the abovementioned letter: *"Subject to the Delegation and the terms and conditions specified in Schedule 1 to this Authorisation, the following functions are delegated to Marrickville Council ('Council') for the draft local environmental plan the subject of notification by Council to the Director General under section 54(4) of the Environmental Planning and Assessment Act 1979 ('EP&A Act') dated 1 October 2009, being a draft amendment to Marrickville Local Environmental Plan 2001 to rezone land known as 63 Grove Street, St Peters (Lot 101 DP 793978) from Light Industrial 4 (A) to Residential 2 (A) ('Draft LEP').* *- Section 65(1)* *[…]* ***Schedule 1*** *The exercise of the function(s) under the Delegation is subject to:* *1. the Draft LEP complying with any relevant Ministerial Direction issued pursuant to section 117 of the EP&A Act, except where the Director General has formed the opinion that an inconsistency is justified; and* *2. the Draft LEP not being the subject of an unresolved objection by a public authority or body; and* *3. the Draft LEP not containing provisions suspending laws pursuant to section 28 of the EP&A Act; and* *4. compliance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 entitled, 'LEP5 and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council'."*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting		**Development Assessment Committee Meeting 2 March 2010** **Report No:** **D0310 Item 9** **Subject:** **DRAFT MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2001 (AMENDMENT NO. 36) - 63 GROVE STREET, ST PETERS** **Action:** **Recommendation** **File Ref:** DA200500749-05/8019.10 **Prepared By:** Ali Hammoud - Development Assessment Officer Planning **SYNOPSIS** Part 1 of this report deals with the public exhibition of draft Marrickville Local Environmental Plan 2001 (Amendment No. 36) (the draft LEP), which proposes to create a laneway through the centre of the property at 63 Grove Street, St Peters (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and rezone the remainder of the land from Industrial to Residential 2 (A). The draft LEP was exhibited in accordance with Council's notification procedures and one (1) submission was received. It is recommended that Council resolve to proceed with draft Marrickville Local Environmental Plan 2001 (Amendment No. 36) and request the Minister of Planning to make the Local Environmental Plan. Part 2 of this report provides a detailed assessment of the Development Application, which seeks consent to demolish the existing improvements, create a laneway through the centre of the site (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and subdivide the remainder of the land into thirty four (34) lots and erect a two storey dwelling house on each allotment. The original Development Application was concurrently exhibited with the draft LEP and three (3) submissions were received. Amended plans were submitted as part of the Development Application which were publicly exhibited separate to the draft LEP exhibition. Five (5) further submissions were received. The matters are referred to the Council given that they involve a rezoning. Upon gazettal of the draft Local Environmental Plan, the Development Application is considered suitable for approval subject to the imposition of appropriate conditions. **PART 1 - DRAFT MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2001 (AMENDMENT NO. 36)** **1. Background** The land the subject of the proposed rezoning is known as 63 Grove Street, St Peters and the legal description of the land is Lot 101 in Deposited Plan 793978. The land is situated on the north eastern side of Grove Street, St Peters between Albion Lane to the north and Rolfe Lane to the south. The land has a frontage of approximately 104 metres to Grove Street, a frontage to Albion Lane of approximately 67 metres and a frontage to Rolfe Lane of approximately 67 metres. The site has an area of approximately 7,345 square metres. The site slopes generally south towards Grove Street and has a fall of approximately 2.5 metres from the northern boundary to the south west corner.	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting	The site is located in an area characterised predominately by residential uses with some industrial uses adjoining the subject site to the north east. Residential uses are located to the west, south and south east of the site on both sides of Grove Street and to the north of the site fronting Unwins Bridge Road and backing onto Albion Lane. The residential development along Grove Street is predominantly characterised by single storey detached and semi-detached dwellings. The land to the north east of the site contains large scale industrial development and is directly adjoined to the north eastern boundary by a furniture manufacturing business, comprising two storey industrial buildings and a warehouse. The rezoning of the subject site from its current Industrial zoning to a Residential 2 (A) zoning would facilitate the subdivision of the land and construction of a dwelling house on each of the subdivided lots. A report in relation to the proposed rezoning of the subject property from Industrial to Residential 2 (A) and the accompanying Development Application to demolish the existing improvements, create a laneway through the centre of the site (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and subdivide the remainder of the land into thirty four (34) lots and erect a two storey dwelling house on each allotment was considered by the Development and Environmental Services Committee at its meeting on 1 August 2006 (Item DA 75 DES Meeting 07/06) at which the Council resolved the following: *"**THAT** the application to rezone the land to Residential 'A' and the development application to demolish the existing buildings on the site, create a laneway through the centre of the site (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and subdivide the remainder of the land into thirty four (34) lots and erect a two storey dwelling house on each allotment be **DEFERRED** and the following course of action be adopted by the Council:* ***A.** **THAT** Council prepare a draft Local Environmental Plan to create a laneway through the centre of the site (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and rezone the remainder of the site to Residential 'A' under Marrickville Local Environmental Plan 2001.* ***B.** **THAT** Department of Planning be advised in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979.* ***C.** **THAT** a copy of Council's report on the application and a copy of the Draft Plan, supporting material and completed LEP Pro-forma Evaluation criteria for Category 1: Spot Rezoning LEP be forwarded to Sydney South West Regional Office of the Department of Planning with the following advice:* *(i) The Draft Plan is inconsistent with the some of the Schedule of Directions under Section 117(2) of the EP&A Act relevant to the proposed rezoning. However it is considered that there are circumstances that warrant those particular provisions to be varied or excluded having regard to the provisions of Section 5 of the Environmental Planning and Assessment Act.* *(ii) the Draft Plan is not considered to be inconsistent with any State Environmental Planning Policies or Regional Environmental Plans;*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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63 Grove Street St Peters					
02/03/2010 Council Meeting		*(iii) Council is of the opinion that an Environmental Study is not necessary for the reason that the proposed change is considered to be of a minor nature; and* *(iv) Council requests Written Authorization to Exercise Delegation from the Director- General be granted to Council to exercise the functions under Section 65 and Section 69 of the Environmental Planning and Assessment Act, 1979 in relation to the Draft Plan.* **D.** ***THAT*** *a further report be prepared for the Council's consideration following the exhibition of the Draft Plan.* ***E.*** ***THAT*** *the applicant be advised that:* *(i) a number of design issues need resolving as detailed in the body of this report including a reduction in the number of proposed allotments fronting Grove Street; and* *(ii) discussions should be held with Council officers to resolve those issues whilst the draft LEP is on exhibition.* ***F.*** ***THAT*** *further consideration of the draft LEP and development application be undertaken upon the satisfaction of matters A, B, C, D and E referred to above and the issues raised in the report.* ***G.*** ***THAT*** *those persons who lodged a submission in respect of the proposal be advised of Council's decision."* A copy of that report is **ATTACHED** to the rear of this report as **ATTACHMENT 1**. In accordance with Parts A to C of the above recommendation, Council Officers wrote to the NSW Department of Planning in September 2006 advising pursuant to Section 54 of the Environmental Planning and Assessment Act, 1979 (the Act) that the Council resolved to prepare a draft Local Environmental Plan to rezone the subject land from its current Industrial zoning to a Residential 2 (A) zone and seeking a written authorisation to exercise delegation for functions under Section 65 and Section 69 of the Environmental Planning and Assessment Act, 1979. The Department, in correspondence to Council dated 4 October 2006, raised several concerns regarding the proposed rezoning including in part the following: *"The proposed draft amendment is not supported as conversion of industrial land to residential in this location is inconsistent with section 117 Directions No 16 – Industrial Zones and No 12 - Development near Licensed Aerodromes. The Department is concerned about the cumulative impacts of proposals for the conversion of industrial land to residential use outside of agreed strategies. This amendment is therefore premature given that Council's Urban Strategy and the Sub-regional Strategy are not complete.* *[…]* *I* [Director General for the Department of Planning] *have determined that an Authorisation will not be issued in this instance and therefore the Council will not be able to exercise any functions under the delegation in respect of the draft LEP referred to above."*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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63 Grove Street St Peters					
02/03/2010 Council Meeting	Council Officers further wrote to the Department in May 2007 advising that Council adopted the draft Marrickville Urban Strategy and in part provided the following comments in that correspondence: *"Renewal approach No. 3 is for Council to rezone select industrial sites. These select industrial sites would be subject to strict rezoning criteria. The Urban Strategy, as adopted, identifies Grove Street, St Peters, as a potential site to be rezoned for residential purposes. Therefore, draft Amendment 36 is consistent with the Marrickville Urban Strategy."* Further details and an assessment of the proposal against the relevant Section 117 Directions, including justification for the inconsistencies was also provided in that correspondence from Council Officers to the Department. Council Officers also requested the Department to reconsider its position regarding the draft LEP. In response to the additional information submitted to the Department and Council's request to reconsider its position on the draft LEP, the Department, in correspondence to Council dated 6 June 2007, in part provided the following response: *"In response to the information you have now provided and your request for reconsideration the matter has again been carefully reviewed. However the Department's position remains unchanged. The reasons the proposed draft amendment is not supported are that:* • *It is inconsistent with the Metropolitan Strategy which seeks to protect and enhance strategic employment lands around Sydney airport and Port Botany;* • *It is inconsistent with section 117 directions No 12 - Development near Licensed Aerodromes and No 16 - Industrial Zones;* • *It is likely to set an adverse precedent which may facilitate similar rezoning applications in respect of other industrial zoned land adjoining and in the vicinity of the site;* • *It is not justified by a comprehensive review of industrial land supply in the LGA with consideration of the impact of rezoning of industrial lands in the LGA; and* • *It would result in increased residential development in an area where noise exposure forecasts exceed 25 and in part exceed 35 ANEF.* *Council was previously advised to complete its strategic work relating to employment lands in the context of the CBD - Airport Corridor and Council's Urban Strategy prior to further considering the rezoning of this land. Receipt of the Urban Strategy is acknowledged and it is noted that the Council has amended its Urban Strategy to change the status of this site from being identified as strategic employment land to indicate that it might be considered for rezoning for residential purposes. At this stage the Department is not in a position to endorse that outcome. The Department is currently considering Council's Urban Strategy and will provide a comprehensive response shortly.* *As the Employment Audit work is more relevant to this proposal and has implications for the Urban Strategy, it is recommended that Council work towards completing that work as soon as possible so that the two strategic documents can be considered together."* In December 2008 and March 2009, Council Officers wrote to the Department seeking a further review of the proposed rezoning in light of Council completing the Marrickville Employment Lands Study. Additional information addressing the Department's concerns regarding the setting of an undesired precedence and aircraft noise impacts was also submitted	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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63 Grove Street St Peters					
02/03/2010 Council Meeting	to the Department for consideration. In response, the Department, in correspondence to Council dated 28 July 2009, in part provided the following response: *"I* [Director General for the Department of Planning] *am writing in response to Council's letter dated 6 March 2009 seeking further consideration of the Department's decision not to support a rezoning of land at 63 Grove Street, St Peters from General Industrial 4(a) to residential 2(a) under Marrickville Local Environmental Plan 2001.* *I have again carefully reviewed my decision in response to the additional information provided by Council and further consideration by the LEP Review Panel. I have also taken into consideration the recently released Sydney Airport 2029 ANEF and comments from the Federal Minister for Infrastructure, Transport, Regional Development and Local Government concerning the rezoning of the subject land for residential uses and that this may be in the public interest.* *I am now of the view that the matter could be reconsidered and that Council may proceed with the preparation of the draft local environmental plan to rezone the subject site to residential in this instance. In doing so, Council may wish to particularly take into consideration the strategic planning work that Council is currently undertaking for the preparation of its new draft comprehensive local environmental plan. I understand that under this process, Council is reviewing land use within similarly affected areas in St Peters.* *Council should ensure that relevant section 117 Directions are adequately addressed prior to exhibition of the draft Plan. Where any applicable section 117 Directions require the Director General to form an opinion or be satisfied as to certain matters, you need to ensure that this issue is addressed in submitting the draft Plan under section 64.* *You will be aware that an instrument of my delegation for my local environmental plan making functions was executed on 16 February 2006. Use of the delegation for a draft local environmental plan is conditional on receipt by Council of a Written Authorisation to Exercise Delegation. As an authorisation is not being issued on this occasion, Council should submit the draft Plan to the Department when seeking a section 65 certificate."* In light of the above, on 1 October 2009 Council Officers sent a revised Section 54 notification and request for written authorisation to exercise delegation for functions under Section 65 and Section 69 of the Environmental Planning and Assessment Act, 1979, for the Department's consideration. The Department, in correspondence to Council dated 4 December 2009, in part provided the following response: *"The Council may now continue with the preparation of the draft LEP.* *Council is advised that it would be prudent when exhibiting the draft LEP to:* • *Include a copy of the recently released Master Plan for Sydney Airport which indicates over the next 20 years the number of daily aircraft flights over areas immediately to the north of the airport will increase.* • *Explain that land in Grove Street is forecast to have a noise exposure which will be in the order of 25-30 ANEF; and* • *Exhibit all relevant studies including the Marrickville Urban Study and relevant Acoustic Studies and Traffic Studies and AS2021.*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting		*I note that this plan is inconsistent, or is likely to be inconsistent, with section 117 Direction 1.1 Business and Industrial Lands and 3.5 Development near Licensed Aerodromes. I have formed the opinion that the inconsistencies are justified in this instance. My further approval in regard to these directions is therefore not required.* *I have now issued an Authorisation, together with guidelines on its use, which is attached. This will enable Council to certify the draft LEP."* It is noted that the Director General's written authorisation to exercise delegation relates only to the functions under Section 65 of the Act and not Section 69 as requested. The following delegations were granted as attached to the abovementioned letter: *"Subject to the Delegation and the terms and conditions specified in Schedule 1 to this Authorisation, the following functions are delegated to Marrickville Council ('Council') for the draft local environmental plan the subject of notification by Council to the Director General under section 54(4) of the Environmental Planning and Assessment Act 1979 ('EP&A Act') dated 1 October 2009, being a draft amendment to Marrickville Local Environmental Plan 2001 to rezone land known as 63 Grove Street, St Peters (Lot 101 DP 793978) from Light Industrial 4 (A) to Residential 2 (A) ('Draft LEP').* *- Section 65(1)* *[…]* ***Schedule 1*** *The exercise of the function(s) under the Delegation is subject to:* *1. the Draft LEP complying with any relevant Ministerial Direction issued pursuant to section 117 of the EP&A Act, except where the Director General has formed the opinion that an inconsistency is justified; and* *2. the Draft LEP not being the subject of an unresolved objection by a public authority or body; and* *3. the Draft LEP not containing provisions suspending laws pursuant to section 28 of the EP&A Act; and* *4. compliance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 entitled, 'LEP5 and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council'."* As mentioned above, a copy of the draft LEP was referred to the Department of Planning and based on the delegations issued by the Director General, the draft environmental planning instrument may legally be made. The proposed rezoning is consistent with the relevant State Environmental Planning Policies and all but two (2) of the relevant directions issued by the Minister for Planning under Section 117 (2) of the Environmental Planning and Assessment Act, 1979. The proposed development is also inconsistent with the objectives of the Draft South Subregional Metropolitan Strategy to the extent that the site is identified as a Category 1 industrial site to be retained. It is noted however that the site was identified in the Marrickville Urban Strategy as being suitable for residential uses and the Director General has advised of the support for the proposal in the correspondence to Council dated 4 December	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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63 Grove Street St Peters					
02/03/2010 Council Meeting	2009. That correspondence also advised that the inconsistencies with Section 117 (2) Direction 1.1 - Business and Industrial Zones and Direction 3.5 - Development near Licensed Aerodromes *"are justified in this instance"*. In accordance with the resolution of the Development and Environmental Services Committee at its meeting on 1 August 2006 (Item DA 75 DES Meeting 07/06), Parts A, B, C and G have been actioned to the extent that the draft LEP has been prepared and notified to the Department of Planning under Section 54 of the Environmental Planning and Assessment Act, 1979 along with the accompanying draft LEP, supporting material and completed LEP Pro forma evaluation criteria and persons who lodged submissions in respect of the proposal were notified of the Council's decision. This report is in response to parts D, E and F of the Council's resolution. Part E of the Council's resolution reads: *"**E.** **THAT** the applicant be advised that:* *(i) a number of design issues need resolving as detailed in the body of this report including a reduction in the number of proposed allotments fronting Grove Street; and* *(ii) discussions should be held with Council officers to resolve those issues whilst the draft LEP is on exhibition."* The design issues discussed in the report considered by the Council relate to the inconsistency of the proposed subdivision pattern with the existing subdivision pattern, adequate levels of solar access not being achieved and the proposed private open space areas for some of the proposed dwellings not complying with Council's minimum 45sqm requirement. Other issues were also mentioned in the report relating to site contamination and streetscape impacts however these issues were not discussed in great detail. Pursuant to the resolution, Council Officers met with the applicant's Architect to discuss the outstanding issues. The outstanding issues are addressed in detail in Part 2 of this report which contains an assessment of the proposed development. In general, the outstanding issues have been resolved. Those matters are discussed in more detail in the assessment of the proposed development contained in Part 2 of this report. As Parts A, B, C, D and E of the resolution have been satisfied, this report contains an assessment of the draft LEP and Development Application in accordance with Part F of the Council's resolution *"**THAT** further consideration of the draft LEP and development application be undertaken upon the satisfaction of matters A, B, C, D and E referred to above and the issues raised in the report"*. **2. Section 68 Considerations** Under Section 68 of the Environmental Planning and Assessment Act, 1979, Council, when considering a draft plan is required to consider the following and submit such details for the Director General's consideration: *"(a) details of all submissions,* *(b) the report of any public hearing,* *(c) the draft local environmental plan and the reasons for any alterations made to the plan pursuant to subsection (3), and*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting		*(d) a statement:* *(i) to the effect that the provisions of sections 66 and 67 and this section relating to public involvement in the preparation of the draft plan have been complied with,* *(ii) specifying the environmental planning instruments and directions under section 117 that have been taken into consideration,* *(iii) giving details of any inconsistency between the draft plan and any instrument or direction referred to in subparagraph (ii) and the reasons justifying the inconsistency, and* *(iv) giving details of the reasons justifying the exclusion of provisions of the draft plan under subsection (5) or the exclusion from the application of the draft plan of any land under that subsection."* The following sections of this report discuss the above matters. (a) <u>Details of all Submissions</u> The public exhibition of the draft LEP was carried out between Tuesday 12 January 2010 and Friday 12 February 2010. The draft LEP with accompanying documentation were placed on exhibition at the local libraries and at the Citizens' Service Centre, on Council's website and an advertisement was placed in the local newspapers. One (1) submission was received in respect to the public exhibition of the draft LEP. Details of that submission and an assessment of the concerns raised are provided later in this report under the heading "Public Exhibition and Submissions". It is also noted that three (3) submissions (one (1) in objection and two (2) generally in support but raising some concerns) were received from the public in response to the notification of the original combined Rezoning and Development Application and a further five (5) submissions (three (3) in objection and two (2) generally in support but raising some concerns) were received in response to the notification of the amended Development Application. The concerns raised in those submissions relate to various aspects of the proposed development of the site and consequently are more relevantly covered later in Part 2 of this report. Three (3) submissions were received from public authorities in response to the Section 62 consultation process. The concerns raised in those submissions are discussed later in this report under the heading "Section 62 Consultation". The Department's previous correspondence to Council dated 4 December 2009 included the following requirements in regards to the exhibition of the draft LEP: *"Council is advised that it would be prudent when exhibiting the draft LEP to:* • *Include a copy of the recently released Master Plan for Sydney Airport which indicates over the next 20 years the number of daily aircraft flights over areas immediately to the north of the airport will increase.* • *Explain that land in Grove Street is forecast to have a noise exposure which will be in the order of 25-30 ANEF; and* • *Exhibit all relevant studies including the Marrickville Urban Study and relevant Acoustic Studies and Traffic Studies and AS2021."* The draft LEP exhibition package included a copy of the Sydney Airport Master Plan 2009 with the accompanying information kit noting *"Sydney Airport Master Plan 2009 which indicates over the next 20 years that the number of daily*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

St Peters					
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63 Grove Street St Peters					
02/03/2010 Council Meeting		*aircraft flights over areas immediately to the north of the airport will increase"*. A copy of the current Australian Noise Exposure Forecast (ANEF) (2029) Contour Map was also provided in the exhibition package highlighting the location of the subject site as being situated within the 25 - 30 contours. The Marrickville Urban Strategy and a copy of Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction were also included in the public exhibition package. Accordingly, the requirements of the Department have been met in relation to the public exhibition of the draft LEP. **Section 62 Consultation** Council officers carried out consultation with public authorities and bodies in accordance with Section 62 of the Environmental Planning and Assessment Act, 1979. Council received three (3) responses from public authorities in response to the Section 62 Consultation. Sydney Airport Corporation Limited (SACL) lodged a submission in relation to the draft plan. The submission from SACL, in part, states: *"Height Restrictions* *The site lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of this Corporation.* *The site provided also lies beneath the prescribed airspace for Sydney (K-S) Airport. Prescribed airspace is defined in the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996.* *The prescribed airspace for Sydney over 63 GROVE STREET, ST PETERS consists of Procedures for Air Navigation Systems Operations (PANS-OPS) and Obstacle Limitation Surfaces (OLS).* *Any intrusion into prescribed airspace would constitute a controlled activity and as such, must be referred to Sydney Airports Corporation Ltd (SACL) for an approval process (Airports Act 1996 Section 186).* *[…]* *The height of the PANS OPS Surfaces at the site is approx 35.0 metres above Australian Height Datum (AHD).* *This is not a letter of approval.* *Consideration during the planning stages should be given to the operating heights of all construction cranes (short-term controlled activities) necessary for the proposed controlled activity.* *SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct as the height of this equipment is generally significantly higher than the proposed structure, therefore approval may not be granted.* *[…]*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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63 Grove Street St Peters					
02/03/2010 Council Meeting		***Planning for Aircraft Noise*** *As you are aware, current planning provisions (s.117 Direction 12 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council shall use as the land use planning tool for Sydney Airport was endorsed by Airservices Australia on 17 December 2003.* *Please note that in reference with this ANEF, the subject site lies mainly in the 30-35 ANEF zone. In accordance with AS2021-2000-Acoustics-Aircraft Noise Intrusion- Building site and construction and Direction 12, a rezoning for residential uses would be acceptable in areas below 20 ANEF, conditionally acceptable in the 20-25 ANEF, and would not be recommended in zones above 25 ANEF. Council should therefore seek further advice in regards to the suitability of this and other rezoning proposals in noise affected areas.* *The Commonwealth Department of Transport and Regional Services (www.dotrs.gov.au/airDorts/discussionDapers.pdf) has released a discussion paper "Expanding Ways to Describe and Assess Aircraft Noise" to explore alternatives to the ANEF system. The N70 measure (number of events above 70dB) is viewed as a more practical system as it enables members of the public to assess the impact of noise events in easy to understand terms. Whilst not intended to replace the ANEF system, it is viewed as a viable alternative model for assessing the impact of aircraft noise in urban areas."* The comments provided from SACL regarding height restrictions can adequately be addressed through the imposition of conditions on any consent granted for the development proposal requiring the additional information to be submitted for SACL's approval before commencing works. It is noted that since the above submission was made, the Sydney Airport Master Plan 2009 was adopted which includes new ANEF (2029) contours. The subject site is now situated within the 25 - 30 ANEF (2029) contours. As SACL's submission above states, *"a rezoning for residential uses would be acceptable in areas below 20 ANEF, conditionally acceptable in the 20-25 ANEF, and would not be recommended in zones above 25 ANEF."* The SACL submission provides details regarding a more practical alternative assessment of developments to the ANEF system, including use of the N70 measure identified in the Commonwealth Department of Transport and Regional Services' (now Department of Infrastructure, Transport, Regional Development and Local Government) discussion paper titled "Expanding Ways to Describe and Assess Aircraft Noise." A review of the abovementioned discussion paper revealed that the use of N70 measure is more intended towards providing comprehensible noise information regarding aircraft noise to enable individuals to gain a clearer understanding of aircraft noise exposure patterns around airports which enables them, for example, to factor this information into decisions about house purchase. Therefore, the use of the N70 measure as a tool to establish whether the proposed development would be acceptable within the 25 - 30 ANEF (2029) contour would not be appropriate. Rather, it is considered appropriate to refer back to AS2021-2000. AS2021-2000 provides guidance on the siting and construction of buildings in the vicinity of airports to minimise aircraft noise intrusion through an assessment of potential aircraft noise exposure based on the ANEF system. While it has been acknowledged in various aviation discussion papers that the ANEF system alone is not the best approach to determining land use planning applications, no alternative system has been introduced to appropriately determine such applications. Table 2.1 of AS2021-2000 indicates that development for the purpose of house, home unit, flat, etc would	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting	be unacceptable within the 25 - 30 ANEF (2029) noise exposure. Notwithstanding this, the notes section to table 2.1 includes the following note: *"This Standard does not recommend development in unacceptable areas. However, where the relevant planning authority determines that any development may be necessary within existing built-up areas designated as unacceptable, it is recommended that such development should achieve the required ANR determined according to Clause 3.2. For residences, schools, etc., the effect of aircraft noise on outdoor areas associated with the building should be considered."* An Aircraft Noise Assessment for the proposal, prepared by Koikas Acoustics Pty Ltd in 2005 assesses the potential aircraft noise impacts the operation of Sydney's Kingsford Smith International Airport would have on the proposed development on the site. The following comments, in part, were provided in that assessment: *"2.0 AIRCRAFT NOISE ASSESSMENT* *2.1 AIRCRAFT NOISE CRITERIA* *Table 3.3 of AS 2021-2000, gives recommended indoor design sound levels for various types of occupancy. For houses, home units and flats, the recommended indoor design sound level for:* • *sleeping areas, dedicated lounges is 50 dB(A);* • *other habitable spaces such as kitchen/dining is 55 dB(A), and* • *bathrooms, toilets and laundries is 60 dB(A).* *These levels are judged to be non-intrusive by an "average" listener during aircraft flyovers.* *It is noted, that where the kitchen/dining/living spaces are linked (i.e. open as one space), an indoor noise level limit of 55 dB(A) is considered.* *2.2 CALCULATION OF EXTERNAL AIRCRAFT NOISE LEVELS USING AUSTRALIAN STANDARD 2021 - 2000* *Australian Standard 2021-2000 "Acoustics - Aircraft Noise Intrusion - Building Siting and Construction" provides a method for noise assessment of building constructions based on Australian Noise Exposure Forecast (ANEF) contours for airports.* *The Federal Airports Corporation publishes ANEF contour maps of Airports from which sound levels around the airport can be predicted. The prediction procedure is normally based on the distance of the new site to the runway, the types and number of aircraft using the runway, and whether the aircraft are taking off or landing.* *The ANEF contours depicted on the chart taken from the Sydney (Kingsford Smith) Airport Draft Noise Management Plan (June 1994) was used to calculate the distances which relate to the maximum external aircraft noise levels for take offs and landings for the relevant runway(s).*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting		*As stated previously, the Federal Aviation Authority (FAC) has advised that these ANEF contours are no longer current. However, these are not necessary for the calculation of take offs and landings of different types of aircraft and therefore, do not affect the outcome of the calculated external aircraft noise levels.* *2.3 CALCULATED RESULTS* *The measured distance coordinates for the subject site relative to the aerodrome runway are as follows:* *i. DS which is the distance in metres from the proposed building site to the extended runway centre-line along the sideline projection (i.e. a line drawn perpendicular to the extended runway centre-line and passing through the proposed building site);* *ii. DL which is the distance in metres from the closer end of the runway to the intersection of the extended runway and centre-line along the sideline projection;* *iii. DT which is the distance in metres from the furthest end of the runway to the intersection of the runway centre-line along the sideline projection.* *Aerodrome and site elevations have been considered in the calculations. The coordinates (DS , DL) and (OS , DT) for the proposed development site with respect to the Third/Parallel and North South runways which are most likely to have an impact on the proposed development are as follows:* *<u>Third/Parallel runway</u>* • *landings of all aircraft groups (675 , 4212)* • *take offs of domestic jet aircraft (675 , 6669)* • *take offs of international aircraft (675 , 6669)* • *take offs of light aircraft (675 , 6669)* *<u>North South runway</u>* • *landings of all aircraft groups (351 , 1566)* • *take offs of domestic jet aircraft (351 , 5724)* • *take offs of international aircraft (351 , 5724)* • *take offs of light aircraft (351 , 5724)* *Aircraft noise levels were then determined for take offs and landings for the two runways most likely to impact on the proposed development.* *Table 1 illustrates the maximum external aircraft noise levels for take offs and landings of relevant aircraft types calculated by using AS 2021-2000 calculation procedure.*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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02/03/2010 Council Meeting		*Table 1 Calculated Aircraft Noise Levels*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

Aircraft Type	NOISE LEVEL [dB(A)]			
	Third/Parallel Runway		North South Runway	
	Take-offs	Landings	Take-offs	Landings
Boeing 747-400 Long Range	-	-	89	81
Boeing 747-400 Short Range	-		81	
737-300, 737-400, Airbus A320	72	65	78	74
Boeing 767 Long Range	-	67	83	76
Boeing 767 Short Range	75		80	
BAe 146	70	61	77	71
SAAB 340, Boeing Dash 8, Fokker F50	61	59	66	67
Corporate jet	70	57	75	68
General Aviation Aircraft	65	58	70	66

Based on Sydney Airport Master Plan 2003/04 prepared by Sydney Airport Corporation Limited aircraft:

- *Boeing 727 Hush Kitted have been phased out;*
- *Boeing 747-200B have been phased out; and*
- *Boeing 747-400 and long range aircraft rarely use the ThirdlParallel Runway.*

Therefore, noise levels in Table 1 are indicative of the relevant expected aircraft noise levels for the type of aircraft using the runways at Sydney (Kingsford Smith) Airport most likely to have an aircraft noise impact on the development.

The maximum calculated expected external aircraft noise level of 89 dB(A) for take offs of Boeing 747-400 Long Range aircraft using the North South Runway was used in our calculations in order to determine the required building materials."

The assessment goes on to recommend materials to be used in the construction of various aspects of the development to ensure that the proposal is able to comply with the ANR's determined in accordance with AS2021-2000. The report concludes with the following:

"When the recommendations in this report are faithfully implemented noise emanating from aircraft take offs and landings using any of the three Sydney International and Domestic runways and deviations over the proposed dwellings at No. 63 Grove Street, St. Peters will not exceed indoor sound levels recommended in AS 2021-2000."

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02/03/2010 Council Meeting	The assessment was conducted in 2005 and considerable time has passed since that assessment was conducted. Notwithstanding this, there have been significant advances over this time in the aircraft industry with the introduction of the new generation of quieter aircraft which is anticipated to continue into the future. Sydney Airport also released a new Master Plan in 2009 which acknowledges these advances and states the following: *"SACL is actively supporting the introduction of the new generation of quieter, cleaner and more fuel efficient aircraft, including the A380, B787 and A350XWB (see below). As these aircraft are much quieter than the ones they will replace, the increasing use of these aircraft by many airlines regularly using Sydney Airport will, over time, help to minimising the growth of aircraft noise impacts in areas around Sydney Airport.* *[…]* *Aviation technology has therefore played an important role in reducing aircraft noise impacts around airports and will continue to do so throughout the planning period. Only aircraft meeting the most stringent noise requirements are permitted to operate at Sydney Airport on a regular basis.* *[…]* *In particular, the more recent technologies being used across all sectors of the aviation industry will reduce noise impacts in communities around airports. This is especially true for the new quieter, cleaner and more fuel efficient aircraft such as the A380. Airservices Australia has released a report showing that the A380 is between 2.3 and 6.7 decibels quieter than the 747-400 when departing Sydney Airport (Airservices Australia, 2008). Airservices Australia's data (Table 14.3) shows the results for various noise monitoring terminals (NMTs) located in suburbs around Sydney Airport.* *Airservices Australia indicates in its report that "a three decibel reduction is regarded as a halving of an aircraft's noise energy."*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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63 Grove Street St Peters					
02/03/2010 Council Meeting		**Table 14.3 Airservices Australia Noise Monitoring Data**	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

Location of NMT	Aircraft type	Arriving or Departing	Average LA max dB(A)	Reduction in noise
Sydenham	A380	Departing	87.7	- 4.4
	B747-400	Departing	92.1	
	A380	Arriving	93.9	- 2.6
	B747-400	Arriving	96.5	
Leichhardt	A380	Departing	81.7	- 3.9
	B747-400	Departing	85.6	
	A380	Arriving	84.4	- 2.1
	B747-400	Arriving	86.5	
Annandale	A380	Departing	71.5	- 5.5
	B747-400	Departing	77.0	
St Peters	A380	Departing	73.6	- 6.7
	B747-400	Departing	80.3	
Croydon	A380	Departing	76.7	- 2.3
	B747-400	Departing	79.0	

Of particular note, the above table demonstrates that noise monitoring by Airservices Australia at St Peters identified a departing noise level of 80.3 dB(A) for the B747-400 as compared to the departing noise level of 73.6 dB(A) for the A380 which is a reduction of 6.7 dB(A). The measured noise level for the B747-400 is also some 9 dB(A) lower than the levels recorded in 2005 by the applicant's Acoustic Consultant. Although a definite conclusion cannot be drawn from this information, the data is an indication that over time, there have been improvements in the aircraft noise levels over the subject site.

As also mentioned above, *"a three decibel reduction is regarded as a halving of an aircraft's noise energy"*. It is worth noting here that ANEF levels are measured in terms an aircraft's noise energy and so a reduction in aircraft noise energy levels should theoretically result in a decreased ANEF level. However, the reality is that not all aircraft using Sydney Airport are A380's and so the data provided above cannot be generalised to assume a reduced **ANEF level.**

Given the above and the information submitted in the Acoustic Assessment, it is not considered unreasonable that the site be rezoned to Residential to permit development for residential purposes. Although the site is situated under the north south runway flight path, it is noted that aircraft do not, ordinarily, fly directly over the subject site and so the acoustic impacts from aircraft would be slightly less than if the aircraft did fly over the site. Sydney Airport Corporation Limited have not raised any fundamental concerns regarding the site's proposed rezoning. Although the site is situated within unacceptable ANEF contour levels for residential development under AS2021-2000, Sydney Airport operates with stringent curfews so that aircraft noise over the site and surrounding areas would not be constant throughout the night ceasing at 11:00pm. The Acoustic Assessment concludes that the indoor noise levels of the proposed dwelling houses could meet the requirements of AS 2021-2000 and suitable conditions could be imposed on any consent granted for residential development on the site.

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02/03/2010 Council Meeting	It is also noted that there are existing residential uses within the Marrickville Local Government Area that are situated within the 25-30 ANEF (2029) contours. Therefore, residential development within the 25-30 ANEF (2029) contours has some level of community acceptance. Council also received a response from the NSW Department of Environment and Conservation (DEC) (now known as the Department of Environment, Climate Change and Water). The submission from DEC, in part, states the following: *"Environment Protection* *<u>Water Management</u>* *[…]* *DEC recommends that appropriate site-specific stormwater targets be developed and incorporated into the planning requirements for the site (eg. via the LEP objectives), supported by more detailed measures in the DCP, requiring the development to implement the principles of WSUD…* *[…]* *<u>Noise and Vibration</u>* *The DEC advises that the proposal should be designed, constructed, operated and maintained so that here are no adverse impacts from noise (including traffic noise and roads providing access to industrial areas)…* *[…]* *Contaminated Land* *Any potential land contamination as a result of past and current activities needs to be assessed and considered in terms of determining future land use. Without these studies, a full appreciation of the implications of developing, these lands and specifying a suitable land use cannot be determined. This also has implications in terms of whether there are any other possible offsite impacts caused as a result of these activities. Under the Contaminated Land Management Act it is also the responsibility of the property owner to ensure they advise the DEC if the site assessment reveals the site is a significant risk of harm…"* Clauses 4 and 5 of Ministerial Direction No. 6.3 - Site Specific Provisions issued under Section 117 of the Environmental Planning and Assessment Act, 1979 set out what Council must do if the specific direction applies and includes: *"(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended."*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting	The recommendation by DEC that site specific stormwater development controls be incorporated into the draft LEP would be inconsistent with the direction. The broad objectives of water sensitive development of the site can be achieved through the existing energy, water and stormwater efficiency controls contained in Marrickville Local Environmental Plan 2001, Marrickville Development Control Plan No. 32 - Energy Smart Water Wise and Marrickville Development Control Plan No. 35 - Urban Housing which will need to be taken into consideration in the assessment of any Development Application for the proposal. An assessment of those matters is provided in Part 2 of this report. The above matter regarding noise and vibration can adequately be addressed through the imposition of conditions on any consent granted for development of the site. In relation to the contamination of the land, under the provisions of State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) and Marrickville Development Control Plan No. 29 - Contaminated Land Policy and Development Controls (DCP 29), spot rezonings of land from industrial uses to residential require an analysis to be made of whether the site would be suitable for the proposed change in land use in terms of possible site contamination. The general requirements of SEPP 55 and DCP 29, as prescribed in DCP 29 are reproduced below: *"Council must consider contamination issues in zoning and rezoning proposals. Council will not include land in a zone that would permit more sensitive land uses unless:* • *Council has considered whether the land is contaminated.* • *If the land is contaminated, Council is satisfied that the land is suitable in its contaminated state for all the purposes for which land in the zone concerned is permitted to be used.* • *If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, Council is satisfied that provisions exist to ensure that contamination is satisfactorily addressed at the Development Application stage."* The combined Rezoning and Development Application were accompanied with a contamination assessment undertaken by Douglas Partners which found that there was some chemical contamination and asbestos contamination on the site. The report identified three hot spots of lead and benzo(a)pyrene and asbestos contaminated fill and the location of an underground storage tank (referred to as 'UST' in the report) which has associated contamination. The report recommends remediation of the site. Relevant parts of the report are reproduced in part below: *"the hotspot with respect to lead ... may be due to the solid metal materials being present in the bore, immediately below the horizon where the sample was collected. On this basis, this material may not pose a risk to human health. Further assessment of this hotspot at the time of remediation will be required to determine if remedial work is required for lead at this location.* *The identified hotspots, the UST and associated fuel lines and the asbestos contaminated filling will require management/removal to render the site suitable under the above land-use scenario.* *The filling material at the site (including hotspot materials) is classified as asbestos contaminated waste. On this basis the following is recommended before remediation of the site:*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting		• *Removal of the UST and validation of the resulting excavation;* • *Removal of the hotspot materials … and validation of the resulting excavations;* • *Bulk excavation (and waste classification) of the filling materials;* • *Validation of the bulk excavation for the contamination;* • *Capping of any landscaped areas with at least 0.5m of clean soil;* • *Use of validated clean fill VENM [virgin excavated natural materials] as backfill or the offsite disposal/reuse of and where required.* *Alternatively if the bulk excavation is not conducted at the site, on-site management through cap and containment may be the most feasible option (this may be subject to auditor approval). The requirements of the capping layer may need to be verified via a Risk Assessment (depending on auditor requirements). A RAP [Remedial Action Plan] and an Environmental Management Plan (EMP) (including an asbestos management plan) are likely to be required to detail on-going management requirements if the contaminated material is to be retained on-site."* The applicant was required by Council to address the issue of the former use of the site for the purposes of plastics manufacturing as this had been omitted from the site history contained in the site contamination report submitted with the application. Additional information including a supplementary contamination report, prepared by Douglas Partners was submitted to Council in March 2006. This supplementary contamination report concluded the following: *"The main potential source of contamination from the plastics manufacture is considered to be minor, localised spillage of phthalates which are the only chemical recorded as being stored in significant quantities in liquid form at the site.* *Furthermore it is considered that any contamination from this source is likely to be localised in nature, and that the site could be rendered suitable for residential or commercial land use following remediation of phthalate contamination if identified at the site during development works.* *The storage location of the phthalates is not known, and no signs of concern with regards to phthalates were observed in the 17 bores placed systematically across the site during the Phase 2 Contamination Assessment. Nevertheless, on this basis it is considered that the most appropriate method to address the potential for localised phthalate contamination would be after demolition when the exposed soils could be inspected for any observable signs of phthalate contamination (eg oily staining, odours), and targeted laboratory analysis conducted on soils (and/or groundwater)."* A Remedial Action Plan (RAP) for remedial works is required to be submitted to Council with any application for rezoning where the presence of contaminants on a site has been confirmed. A RAP for the site was submitted to Council in May 2006. DCP 29 states the following requirements for RAPs: *"The RAP should:* • *Set the remediation goals that ensure the remediation site will be suitable for the proposed use and will pose no unacceptable risk to human health or to the environment.*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting		• *Document in detail all procedures and plans to be implemented to reduce the risks to acceptable levels for the proposed site use.* • *Establish the environmental safe guards required to complete the remediation in an environmentally acceptable manner.* • *Identify and include proof of the necessary approvals and licenses required by regulatory authorities.* • *A copy of the Site Remedial Action Plan is to be provided to Council as required by the Environmental Planning and Assessment Act, 1979 and or Contaminated Land Management Act, 1997.* • *Refer to the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites 1998 for exact details on compiling a Remedial Action Plan."* Council Officer's previous report considered by the Development and Environmental Services Committee at its meeting on 1 August 2006 (Item DA 75 DES Meeting 07/06) mentioned that any RAP *"must include action(s) to address phthalate contamination if its presence is confirmed on site"*. As mentioned above, the supplementary contamination report submitted to Council in March 2006 concluded that *"the storage location of phthalates is not known, and no signs of concern with regards to phthalates were observed…"* Accordingly, the RAP does not include actions to specifically address phthalate contamination, rather, the RAP includes actions to address contamination in general and includes a contingency plan that states *"If the proposed excavation and disposal of contaminated soils fails to remove all contaminants, excavation and disposal will continue until all contaminants are removed and the site assessment criteria is met"*. In general, the RAP is consistent with the requirements of SEPP 55 and DCP 29. The RAP documents the remedial works required to be undertaken at the site and also contains an environmental management plan and occupational health and safety plan for the remedial works in accordance with the requirements of DCP 29. Council also received a response from Sydney Water Corporation with the following comments provided, in part: *"There is no 'in-principle' objection to Council's proposed rezoning, however Council should be aware that the effect of development as a result of rezoning on Sydney Water infrastructure and systems will be examined when applications for a Section 73 Compliance Certificate including Council's Conditional Approval are lodged by the developer with Sydney Water (see below).* *Section 73 Compliance Certificate* *The developer will be required to obtain a Section 73 Compliance Certificate from Sydney Water. Issuing of the Certificate will confirm that the developer has met Sydney Water's detailed requirements, which include:* • *Correctly sized water and wastewater mains; extensions and amplifications to existing water and wastewater systems (if necessary);* • *Building over! adjacent to Sydney Water's existing water, sewerage or stormwater infrastructure;* • *Payment of Sydney Water charges; and* • *The completion of any other requirements.*	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting		*The developer will be responsible for funding any adjustments to Sydney Water infrastructure resulting from the development. Developers are advised to engage the services of a Water Servicing Coordinator (WSC) to obtain a Section 73 Certificate and manage the servicing aspects of their projects. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au.* *Fire Fighting Capacity* *Sydney Water does not consider the firefighting capability of the mains as part of the Section 73 Certificate Application process. Assessment of firefighting capability is the responsibility of the applicant and Sydney Water's role is limited to indicating modelled pressures at flows nominated by the applicant on a standard pressure enquiry form submitted with the applicable Schedule Fee."* As the comments state, the matters raised are all able to be addressed through the imposition of conditions on any consent granted for proposed development of the land. **Public Exhibition and Submissions** Draft Marrickville Local Environmental Plan 2001 (Amendment No. 36) was publicly exhibited between Tuesday 12 January 2010 and Friday 12 February 2010. The draft LEP with accompanying documentation was placed on public exhibition at the local libraries and at the Citizens' Service Centre, on Council's website and an advertisement was placed in the local newspapers. One (1) submission was received in respect to the public exhibition of the draft LEP. The submission raised the following concern: *(i) I note that this site is in a 25-30 ANEF area and almost in a 30-35 ANEF area, and that the Section 117 Direction 3.5(5) (a) states that "A planning proposal must not rezone land for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25".* *I oppose the rezoning, agreeing with the State Government Direction that Council should not put more residences under the flight paths.* The above matter is comprehensively addressed throughout other relevant sections of this report including under the heading "Section 62 Consultation" earlier in this report. It is also noted that three (3) submissions (one (1) in objection and two (2) generally in support but raising some concerns) were received from the public in response to the notification of the original combined Rezoning and Development Application and a further five (5) submissions (three (3) in objection and two (2) generally in support but raising some concerns) were received in response to the notification of the amended Development Application. The concerns raised in those submissions relate to various aspects of the proposed development of the site and consequently are more relevantly covered later in Part 2 of this report. (b) <u>Public Hearings</u> No public hearings were required to be held in respect of the draft plan.	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting	(c) <u>Alterations to the Draft Plan</u> The draft LEP was amended to correct errors identified in the drafting of the instrument. The alterations relate to the proposed site specific development controls for the site. The original draft instrument included requirements for land to be dedicated for specific purposes, i.e. lane widening and footpath construction with approximate dimensions listed in the proposed control in relation to the widths of the laneways and footpaths to be achieved. However, upon closer inspection of the proposed plans and Council's records regarding the existing widths of the surrounding laneways, it was revealed that some of the laneways consisted of variable widths and so the dimensions listed in the proposed site specific development controls needed refinement to be more specific. To ensure that the same outcome would be achievable and that suitable amounts of land would be dedicated for the intended purposes of lane widening and footpath construction, the reference to the end value lane widths and footpath widths have been deleted from the proposed site specific development controls. To gain a better understanding of the alterations made, the original site specific development controls, as amended, are provided below. The text containing strikethrough indicates deleted text while the text contained within the brackets [ ] indicates new text added to the controls. *"(a) Development shall not be carried out on land to which this plan applies unless arrangements have been made with the consent authority for the dedication of the following land to the public for road widening and public road purposes:* *(i)* dedication *and construction of an 8.0 metre wide laneway at the rear of the property for an extension of Alfred Street to Albion Lane consisting of a 5.5 metre wide road pavement from kerb to kerb, a 2.0 metre wide footpath adjacent to the site and a 0.5 metre wide footpath opposite the site; and* *(ii) dedication of* a *6.0 metre wide strip of land to allow for the construction of a 6.0 metre wide service lane through the centre of the site consisting of a 5.0 metre road pavement from kerb to kerb and a 0.5 metre wide footpath on both sides of the service lane; and* *(iii) dedication of* a *1.2 metre wide strip of land along the Albion Lane frontage to allow for the construction of a footpath; and* *(iv) dedication of* a *1.7 metre wide strip of land along the Rolfe Lane frontage to allow for* widening of the *road pavement from kerb to kerb and the construction of a footpath; and* *(v) dedication of land to allow for 2.0 metre x 2.0 metre splays at all intersections to public roads."* As can be seen above, the changes are minor and have no real significance in terms of achieving the same outcome as the originally drafted instrument. The changes remove any inconsistencies with the existing laneway widths and continue to allow the proposed development of the site to provide for laneway widening and footpath construction. A copy of that revised written instrument is **ATTACHED** to the rear of this report as **ATTACHMENT 2**. (d) <u>Statement</u> The provisions of Sections 66 and 67 of the Act have been complied with in the preparation of this draft LEP. Council was issued a Written Authorisation to Exercise Delegation from the Director-General of the Department of Planning dated 4 December 2009. The Written Authorisation delegated to Marrickville Council functions under Section 65 (1) of	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting	the Environmental Planning and Assessment Act 1979, subject to conditions as specified. The following environmental planning instruments and Section 117 Directions have been taken into consideration in the preparation of the draft LEP: • Metropolitan Strategy - Draft South Subregional Strategy; • State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land); • State Environmental Planning Policy No. 55 - Remediation of Land; • Direction No. 1.1 - Business and Industrial Zones; • Direction No. 3.1 - Residential Zones; • Direction No. 3.4 - Integrating Land Use and Transport; • Direction No. 3.5 - Development near Licensed Aerodromes; • Direction No. 4.1 - Acid Sulfate Soils; and • Direction No. 6.3 - Site Specific Provisions. The draft LEP is not considered inconsistent with planning instruments and the majority of Schedule of Directions under Section 117 (2) of the Environmental Planning and Assessment Act, 1979 with the exception of Direction 1.1 - Business and Industrial Zones and Direction 3.5 - Development near Licensed Aerodromes. The Director General has advised through the Written Authorisation to Exercise Delegation that the inconsistencies with those directions *"are justified in this instance"*. **3. Conclusion** Draft Marrickville Local Environmental Plan 2001 (Amendment No. 36) proposes to create a laneway through the centre of the property at 63 Grove Street, St Peters (running parallel to Grove Street) and dedicate land for an extension of Alfred Street to Albion Lane and rezone the remainder of the land from Industrial to Residential 2 (A). This rezoning would facilitate the subdivision of the land into thirty four (34) lots and construction of a dwelling house on each of the subdivided lots. It is recommended that Council request the Minister of Planning to make the LEP.	34	ANEF: 25-30	MLEP 2001 General Industrial 4A

St Peters					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
63 Grove Street St Peters					
02/03/2010 Council Meeting Approved	**PART 2 - ASSESSMENT OF PROPOSED DEVELOPMENT** **Marrickville Local Environmental Plan 2001** <u>Aircraft Noise (Clause 28)</u> The subject property is located within the 25 - 30 Australian Noise Exposure Forecast (2029) Contour. The proposed dwelling houses would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. A condition to such effect should be imposed on any consent granted. The issue concerning aircraft noise affectation on the subject property has been discussed in detail within Part 1 of this report. An Aircraft Noise Assessment for the proposal, prepared by Koikas Acoustics Pty Ltd in 2005 assessed the potential aircraft noise impacts the operation of Sydney's Kingsford Smith International Airport would have on the proposed development on the site. The assessment recommends materials to be used in the construction of various aspects of the development to ensure that the proposal is able to comply with the ANR's determined in accordance with AS2021-2000. A condition is recommended to be imposed on any consent granted for the proposal requiring the recommendations of the Aircraft Noise Assessment to be incorporated into the development.	34	ANEF: 25-30	MLEP 2001 General Industrial 4A
25/06/2010	**Published LW 25 June 2010** **Marrickville Local Environmental Plan 2001 (Amendment No 36)** under the Environmental Planning and Assessment Act 1979 **1. Name of Plan** This Plan is *Marrickville Local Environmental Plan 2001 (Amendment No 36)*. **2. Commencement** This Plan commences on the day on which it is published on the NSW legislation website. **3. Land to which Plan applies** This Plan applies to Lot 101, DP 793978, known as 63 Grove Street, St Peters, as shown edged heavy black and coloured pink on the map marked "Marrickville Local Environmental Plan 2001 (Amendment No 36)" deposited in the office of Marrickville Council. **4. Amendment of Marrickville Local Environmental Plan 2001** **Schedule 1 Definitions** Insert in appropriate order in the definition of *the map*: Marrickville Local Environmental Plan 2001 (Amendment No 36)				
28/06/2010	**<u>Determined Under Delegated Authority</u>** <u>Premises</u>: 63 Grove Street, St Peters <u>Applicant</u>: Domain Holdings Pty Ltd <u>Proposal</u>: To demolish the existing improvements, subdivide the remainder of the land into thirty four (34) lots and erect a two storey dwelling house on each allotment. <u>Determination</u>: Consent subject to conditions <u>DA No</u>: 200500749				

MARRICKVILLE

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
10/06/1998 Approved	**28 Philpott Street Marrickville**	D147/98 to demolish the existing improvements, subdivide the land into 6 lots and erect a two storey dwelling house on each lot	6	**ANEF: 30-35**	MLEP 2001 Residential 2A
24/03/1999 Approved	**18 Cecilia Street Marrickville**	D603/98 Former Marrickville Council Depot Site to erect a residential flat complex comprising three x three storey residential flat buildings over basement carparking containing a total of 105 dwellings with off street parking for 132 spaces and to strata subdivide the development into 105 lots	105	ANEF: 25-30	MLEP 2001 Residential 2B & Residential 2C
28/04/1999 Approved	**108-110 Illawarra Road Marrickville**	DA199900407 To erect a residential flat complex containing 12 X three bedroom dwellings with basement off street carparking for 24 vehicles and to strata subdivide the development into 12 lots.	12	ANEF: 25-30	MLEP 2001 Residential 2B
23/04/1999 Approved	**342A Marrickville Road Marrickville**	D836/98 "to demolish the existing service station and erect a residential flat building containing 34 dwellings with basement car parking for 44 vehicles and to strata subdivide the premises into 34 lots."	34	ANEF: 25-30	MLEP 2001 Special Uses A
10/06/1999 Approved	**198-204 Marrickville Road Marrickville**	D211/09 "to demolish the existing improvements and erect a four part six storey building, over basement car parking area containing 5 retail areas, two (2) professional suites on the ground floor and forty nine (49) dwellings with off street car Parking."	49	ANEF: 25-30	MLEP 2001 General Business A
06/12/2000 Approved	**252-254 Illawarra Road Marrickville**	DA200000422 to demolish the existing improvements and erect a five storey building containing ground floor retail/commercial and 19 apartments with basement car parking and off street car parking for 31 vehicles.	19	ANEF: 25-30	MLEP 2001 General Business A
30/05/2000 Approved	**11-13 Gordon Street Marrickville**	DA199900638 to carry out alterations to the premises to convert the industrial building into 117 residential apartments with off street parking for 117 vehicles and kerbside parking in Gordon Street and Perry Street and to strata subdivide the premises into 117 lots	117 Modified	**ANEF: 30-35**	**Rezoned From:** General Industrial 4A **Zoned To:** MLEP 2001 Residential 2C
18/05/2001		**Marrickville Local Environmental Plan 2001** **Published Gazette No 86, 18 May 2001, page 2678** **Schedule 2** **Additional development Number 29**			
03/10/2002 Approved		DA200200317 carry out alterations to the premises to convert the building into a residential flat building containing 104 dwellings with off street car parking for 107 vehicles and to strata subdivide the premises into 104 lots.	104		
13/06/2002 Approved	**2-6 Schwebel Street Marrickville**	DA200100665 to demolish the existing dwelling houses and erect a three storey residential flat building above basement carpark containing 14x2 bedroom and 1x1 bedroom dwellings with off street carparking for 19 vehicles & to strata subdivide the premises into 15 lots	15	ANEF: 25-30	MLEP 2001 Residential 2A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Marrickville Hospital Site	**182-186 Livingstone Road and 313-319 Marrickville Road, Marrickville**				
18/05/2001	**Marrickville Hospital Site-182-186 Livingstone Road and 313-319 Marrickville Road, Marrickville** **Marrickville Local Environmental Plan 2001** **Published Gazette No 86, 18 May 2001, page 2678** **Schedule 2** **Additional development Number 32** Land known as the **Marrickville Hospital** site, fronting Lilydale Street and Livingstone and Marrickville Roads, Marrickville, on that part of the site zoned Special Uses. Part Lot 2, DP 872693 Development on the land within the Special Uses 5 (A) zone for the purpose of a child care centre, public building, open space, commercial premises, car parking, community facilities **or residential uses**, but only if the floor space ratio of all buildings on the land within the Special Uses 5 (A) zone does not exceed 2:1. In respect of this requirement, gross floor area excludes the floor area of any heritage items retained within the Special Uses 5 (A) zone.	92 MUS & MLEP 2011	ANEF: 25-30	**Rezoned from:** MLEP 2001 Special Uses 5 A **Zoned to:** MLEP 2011 B2 Local Centre & R4 High Density Residential
12/12/2011	**Marrickville Local Environmental Plan 2011** **Published LW 12 December 2011**				
In 2008 the Department of Planning agreed with Marrickville Council to actions to be undertaken in areas impacted by ANEF >25 in the preparation of the new MLEP **The Marrickville Urban Strategy states that some 69 percent of the land area in Marrickville is impacted on by ANEF >25. The strategic planning work done in the Marrickville Urban Strategy relied upon the 2023/24 ANEF.** **<u>Rezone select Special Uses sites</u>** **Marrickville Council Administration Centre Petersham & Marrickville Hospital Site** A submission regarding the future planning controls for the Marrickville Hospital site and the Petersham Administration Centre on behalf of Council's Major Projects Section has been submitted for consideration as part of the LEP process. The submission has been overseen by Council's Major Projects Steering Committee and has been evaluated by the Planning Projects Team with draft planning controls for these sites included in the draft LEP. The controls in the draft LEP for the Administration Centre are consistent with those sought in the submission and provide for an FSR of 3.2:1 on the Administration Building site and 2.2:1 on the Administration Centre car park. Both sites have a proposed maximum height of 23 metres which is equivalent to a 6 storey building. Both sites are zoned B4 Mixed Use which will provide opportunities for a range of land uses on the sites to be considered. Further advice is required from Air Services Australia concerning any height limitations that may apply due to airport operations. The development standards for the Marrickville Hospital site provide for a floor space ratio of 2.1:1 being commensurate with the average floor space ratio across the whole precinct. This approach has been used to provide flexibility in the future design of the site and avoid the need to seek variations to the floor space ratio control if the densities sought in some precincts on the site cannot be achieved and need to be transferred to other parts of the site. The front portion of the site provides for a maximum building height of 9 storeys with 8 storeys on the rear portion of the site. These proposed heights have been accommodated in the Height of Buildings Map. The front portion of the site is zoned B2 Local Centre with the rear area zoned R4 High Density Residential. The submission includes detailed development controls for a range of matters including traffic, parking, urban design, heritage which will be incorporated into the DCP controls for the site.				

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
10/07/2012 Council Meeting	**Marrickville Hospital Site** **182-186 Livingstone Road and** **313-319 Marrickville Road** **Marrickville**	**Marrickville Hospital Site Early Works** **Development in areas subject to Aircraft Noise (Clause 6.5)** Clause 6.5 applies to development on that part of the land that is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise. The subject property is located within the 25 - 30 Australian Noise Exposure Forecast (2029) Contour. **Marrickville Urban Strategy Potential Urban Renewal Approaches** **Rezone Select Special Use Sites** **The Old Marrickville hospital site, Livingstone Road, Marrickville.** **MUS Page 19**	92 MUS & MLEP 2011	ANEF: 25-30	**Rezoned from:** MLEP 2001 Special Uses 5 A **Zoned to:** MLEP 2011 B2 Local Centre R4 High Density Residential
18/09/2002 Approved	**295 Victoria Road Marrickville**	**DA200200438** to demolish the existing improvements and construct a three part four storey building containing one ground floor shop and 23 dwellings with basement parking, and to strata subdivide the premises into 24 lots.	23	**ANEF: 30-35**	MLEP 2001 General Business A
02/04/2003 Approved	**1-9 Empire Lane Marrickville**	DA200200700 to carry out a conversion of the existing warehouse building into 9 dwellings with ground level parking for 8 vehicles and to strata subdivide the premises.	9	ANEF: 25-30	MLEP 2001 Residential 2A
06/08/2003 Approved	**151-153 Illawarra Road Marrickville**	DA200200808 demolish the two existing dwellings and to construct a two storey residential flat building containing eight (8) dwellings with basement car parking for ten (10) vehicles and to strata subdivide the premises into eight (8) lots	8	ANEF: 25-30	MLEP 2001 Residential 2A

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
05/07/2002	**24-26 Perry Street Marrickville**	**Marrickville Local Environmental Plan 2001 (Amendment No 9)** **Published Gazette No 111, 5 July 2002, page 5128** **To the extent that this plan rezones land to the Residential 2(B) zone, it applies to land known as 24-26 Perry Street, Marrickville**	Rezone	**ANEF: 30-35**	**Rezoned From:** MLEP 2001 Residential 2A **Zoned To:** MLEP 2001 Residential 2B Amendment No. 9
03/09/2003 Approved		DA200300236 demolish the existing childcare centre and erect a two storey development over basement car park containing 9 townhouses with off-street parking for 11 vehicles and to strata subdivide the premises into 9 lots	9		
18/12/2003 Approved	**1A Cowper Street Marrickville**	DA200300433 convert the existing industrial building into 6 dwellings over basement parking for 8 vehicles and strata subdivide the premises into 6 allotments	6	**ANEF: 30-35**	MLEP 2001 Residential 2A
05/07/2002	**1-13 Garners Avenue Marrickville**	**Rezone from Light Industrial 4B to Residential 2B** **Marrickville Local Environmental Plan 2001 (Amendment No 9)** **Published Gazette No 111, 5 July 2002, page 5128**	Rezone	**ANEF: 30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2001 Residential 2B Amendment No.9
08/08/2002 Approved		**DA200200247** To demolish the existing improvements and erect a three part four storey residential flat complex over basement carpark containing 56 dwellings with off street car parking for 70 vehicles and to strata subdivide into 56 lots **Applicant: SKALKOS** **Deferred Commencement**	56		
03/02/2004 Approved		**DA200200247** to demolish the existing improvements and erect a three part four storey residential flat complex over basement carpark containing 56 dwellings with off street car parking for 70 vehicles and to strata subdivide into 56 lots.			
02/12/2003 Approved	**299-301 Marrickville Road and** **88 Petersham Road Marrickville**	DA200300668 to demolish the existing dwelling at 88 Petersham Road, and the buildings at 299-301 Marrickville Road excluding the front elevations and erect a mixed commercial/residential development containing three commercial suites/shops and 19 dwellings with off street parking	19	ANEF: 25-30	MLEP 2001 General Business A
1/02/2011 Council Meeting Approved	**Development Assessment Committee Meeting 1 February 2011** **Application under Section 96 of the Environmental Planning and Assessment Act to modify DA200300668-02/3396.11** Determination No. 200300668, dated 2 December 2003, to carry out various internal modifications to the basement and dwelling floor layouts and modify the roof form and external building façade. **Marrickville Local Environmental Plan 2001 (MLEP 2001)** **Noise attenuation measures** being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000. Reason: To reduce noise levels within the proposed development from aircraft.				

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
07/02/2003	**176 Marrickville Road Marrickville** .	**Victoria Road Car Park - Rezone of Marrickville Council Car Parks** **Marrickville Local Environmental Plan 2001 (Amendment No10)** **Published in Gazette No 39 of 7 February 2003, page 1529** **Marrickville Urban Strategy Potential Urban Renewal Approaches** **Apartments above commercial space on corner Marrickville Road and Victoria Road.** **This type of development may occur if this renewal approach is pursued.** **MUS Page 19**	Rezoned	**ANEF: 30-35**	**Rezoned From:** MLEP 2001 Special Uses A **Zoned To:** MLEP 2001 General Business A MLEP 2001 Amendment No.10
06/11/2002		**DA200200509** To demolish the existing carpark, consolidate the land and erect a 5 part 7 storey building over basement carpark containing 2 ground floor commercial suites and 26 dwellings with off street car parking for 40 vehicles and to strata subdivide the premises **Deferred Commencement**	26 Modified		
02/06/2004 Approved		**DA200400086** Amended application to erect a 5 part 7 storey building over basement car parking containing ground floor commercial space and 27 dwellings with off street car parking for 35 vehicles and to strata subdivide into 29 lots. **Applicant: Mars**	27		

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
27/09/2005 Submitted 09/02/2006 Refused	**276-278 Marrickville Road Marrickville**	DA200500651 to demolish the existing improvements and erect a four storey building over basement car parking containing 4 ground floor shops and 15 dwellings with off street car parking for 20 vehicles. **Applicant: P M A & C Haralambis**	15	ANEF: 25-30	MLEP 2001 General Business A
10/11/2005 Court Approved		CA200900020 Class 1 Appeal in Land and Environment Court Appeal Upheld Approved			
04/09/2007 Council Meeting Approved		DA200500651 A report on an application under Section 96 of the Environmental Planning and Assessment Act to modify Land and Environment Court Determination No. 1138 of 2005 to replace the approved aluminium sliding privacy screens with panels of timber screens (with operable windows behind) and adjustable louvers; provide additional plant and equipment on the roof; extend the western boundary wall on level 3; enclose the internal fire stairs; provide additional residential storage areas; make internal amendments to some dwellings and other associated changes was last considered by Council as Item DA 40 DES Meeting 07/07. The Committee deferred consideration of the matter to the September DES Meeting.			
	Aircraft Noise The subject property is located within the 25-30 Australian Noise Exposure Forecast (2023/24) Contour. The proposed dwellings would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. A condition to such effect should be imposed on any consent granted. Land and Environment Court Determination No. 11338 of 2005, dated 7 April 2006, approved an application to demolish the existing improvements and erect a four (4) storey over basement car parking containing four (4) ground floor retail / commercial tenancies and fifteen (15) dwellings with off street parking and to carry out works in Alex Trevallian Plaza to facilitate pedestrian access to the premises.				
15/08/2006 Submitted	**29-35 Cowper Street Marrickville**	DA200600405 to demolish part of the premises and carry out alterations and additions to convert the premises into a residential flat complex containing 34 dwellings with basement car parking for 44 vehicles with access from Cowper Street and to strata subdivide the premises into 34 lots	34	**ANEF: 30-35**	MLEP 2001 Residential 2A
05/03/2008 Council Meeting Approved		**Aircraft Noise (Clause 28)** The subject property is located within the 30-35 Australian Noise Exposure Forecast (2023/24) Contour. The proposed dwellings would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. A condition to such effect could be imposed on any consent granted.			

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
06/08/2009 Submitted 30/10/2009 Withdrawn 04/11/2009 JRPP	**359 Illawarra Road Marrickville**	**Former Marrickville RSL** **DA200900288** to demolish the existing improvements and erect a mixed use development containing 128 dwellings, 6072sqm of retail/commercial uses, and a club (Marrickville RSL Club) (612sqm) with off street car parking for 396 vehicles **Applicant: Abadeen Marrickville Pty Ltd**	128 Withdrawn	ANEF: 25-30	MLEP 2001 General Business A
19/03/2010 Submitted 12/08/2010 JRPP 19/08/2010 Approved		**DA201000115** to demolish the existing improvements and erect a mixed use development containing approximately 663 sq.m. of retail floor space along the Illawarra Road frontage, 17 studio units, 73 one bedroom dwellings and 90 two bedroom dwellings and two basement levels accommodating 171 vehicles, 39 bicycle spaces, ancillary storage and garbage storage rooms **Applicant: Abadeen Marrickville Pty Ltd**	180	Application assessed by Council under ANEF: 2023/4 25-30	
	Marrickville Local Environmental Plan 2001 (MLEP 2001) ***Aircraft Noise (Clause 28)*** *The subject property is located within the 25-30 Australian Noise Exposure Forecast (2029) Contour. The proposed dwellings would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. A condition to such effect should be imposed on any consent granted. However, is should be noted that the more stringent noise attenuation measures under State Environmental Planning Policy (Infrastructure) 2007 would apply to the proposed development.* Clause 87 of the SEPP relates to the impact of rail noise or vibration on non-rail development, in this case, the development is required to demonstrate compliance with the following measures: *"(a) in any bedroom in the building—35 dB(A) at any time between 10.00pm and 7.00am* *(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time."* The applicant submitted an *Environmental Noise and Vibration Assessment, Report No.2009408/2502A/R3/BW, dated 10 March 2010, prepared by Acoustic Logic Consultancy* in regards to Clause 87 of the SEPP. The Environmental Noise and Vibration Assessment concluded the following: ***CONCLUSION*** *This report provides the results of Environmental Noise Study for the proposed 359 Illawarra Road, Marrickville development site. Noise at the site has been measured and acoustic goals have been set in accordance with the requirements of the relevant statutory/regulatory authorities including local council and the DECC and the SEPP (Infrastructure) 2007.*			

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
359 Illawarra Road Marrickville			180 Modified	Application assessed by Council under ANEF: 2023/4 25-30	MLEP 2001 General Business A
19/03/2010 Submitted 12/08/2010 JRPP 19/08/2010 Approved	*Determination of noise assessment criteria based on the DECC's Industrial Noise Policy been determined based on both unmanned and manned noise monitoring conducted at the proposed development.* *The assessment included the investigation and testing of the environmental noise and vibration to establish compliance criteria for:* *• Traffic noise assessment* *• Carpark loading dock noise assessment* *• Railway noise and vibration assessment* *• Aircraft noise assessment* *• Building services assessment* *Provided the recommendations in this report are complied with noise emission from site affecting neighbouring residents levels will comply with the relevant DECCs criteria (section 5), SEPP and Australian Standards."* *A condition should be imposed on any consent granted requiring the development to be noise attenuated in accordance with the recommendations under Environmental Noise and Vibration Assessment, Report No. 2009408/2502A/R3/BW, dated 10 March 2010, prepared by Acoustic Logic Consultancy.* *69. Noise attenuation measures being incorporated into the development in accordance with the recommendations contained in the Environmental Noise and Vibration Assessment Report prepared by Acoustic Logic Consultancy complying with requirements contained in State Environmental Planning Policy (Infrastructure) 2007 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of State Environmental Planning Policy (Infrastructure) 2007.* *Reason: To reduce noise levels within the proposed development from the adjacent rail corridor.* *70. Noise attenuation measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.* *Reason: To reduce noise levels within the proposed development from aircraft.*				
18/04/2011 Submitted 18/07/11 Approved	**359 Illawarra Road Marrickville**	**DA201000115.01** under Section 96 of the Environmental Planning and Assessment Act to modify Determination No. 201000115 dated 18 August 2010 to change the unit mix and reduce the number of dwellings from 180 to 174 dwellings, increase the retail floor area by approximately 86 sqm, the retail area to be provided as 7 shop spaces, minor addition to balconies at the eastern end of Building C, minor changes to fenestration, increase the number of carspaces from 168 to 191 spaces, reallocate carspaces (1 space per dwelling and 17 retail/visitor spaces), rearrange carparking layout, relocate goods lift and reconfigure waste storage rooms **Applicant: Abadeen Marrickville Pty Ltd**	174 Modified		

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
05/11/2012 Submitted 12/02/2013 Approved Council Meeting	**359 Illawarra Road Marrickville**	**DA201000115.02** under Section 96 of the Environmental Planning and Assessment Act to modify Modified Determination No. 201000115 dated 18 July 2011 to increase the retail floor space from 697.5m2 to approximately 720m2, change the dwelling mix from 17 studios, 52 one bedroom dwellings, 100 two bedroom dwellings and 5 three bedroom dwellings to 12 studios, 64 one bedroom and 103 two bedroom dwellings, increase car parking from 187 spaces to 191 spaces and modify condition 68 to require conduits to be placed in the footpath area outside the property to facilitate the future undergrounding of the overhead power cables adjacent to the site and the existing overhead cables being bundled and defective electricity poles replaced **Applicant: Deicorp Construction Pty Ltd**	184 Modified	Application assessed by Council under ANEF: 2023/4 25-30	MLEP 2011 Local Centre B2
	Development in areas subject to Aircraft Noise (Clause 6.5) *Clause 6.5 applies to development on that that (in part) is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise.* ***The subject property is located within the 25-30 Australian Noise Exposure Forecast (2029) Contour.*** *It is considered that the proposed development is likely to be affected by aircraft noise. The matter of aircraft noise was considered in the previous application for the redevelopment of the subject land under Modified Determination No. 201000115 and appropriate conditions were imposed requiring the development to be noise attenuated in accordance with AS2021. In light of this, it is considered that the proposed development is acceptable in terms of aircraft noise.*				
25/11/2013 Submitted 05/02/2014 Approved	**359 Illawarra Road Marrickville**	**DA201000115.03** application under Section 96 to modify Modified Determination No. 201000115 dated 13 February 2013 to carry out alterations to convert 2 x 3 bedroom dwellings into 4 x 1 bedroom dwellings	186		
27/05/2009 Submitted 03/11/2009 Council Meeting Approved	**21-27 Garners Avenue Marrickville**	DA200900171 to demolish the existing improvements on 21-27 Garners Avenue and erect a multiunit housing development containing 14 dwellings with basement parking for 18 vehicles on 21-25 Garners Avenue	14	ANEF: 25-30	MLEP 2001 Residential 2A
	Aircraft Noise (Clause 28) The subject property is located within the 25-30 Australian Noise Exposure Forecast (2029) Contour. The proposed dwellings would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. A condition to such effect should be imposed on any consent granted. Noise attenuation measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000. Reason: To reduce noise levels within the proposed development from aircraft.				

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
07/04/2010 Submitted 24/06/2010 Approved	**16-18 Gorman Street Marrickville**	DA201000135 to demolish part of the premises and carry out alterations and additions to the premises to create a residential flat complex containing 8 townhouses with off street car parking for 10 verhicles and to strata subdivide the premises into 8 lots	8	ANEF: 25-30	MLEP 2001 Residential 2A
12/07/2010 Submitted 17/11/2010 JRPP 09/12/2010 Approved	**80 Victoria Road Marrickville**	DA201000288 to carry out alterations to Bethesda House and Stead House for their adaptive reuse for the purpose of residential flat buildings, construct two free standing residential flat buildings to the south and west of Stead House identified as Blocks D and E, with Block D containing 4 dwellings and Block E containing 6 dwellings, construct a three storey addition to the rear of Bethesda House containing 6 dwellings, construct a third floor on top of Bethesda House, construct two separate basement car parking areas containing a combined total of 48 spaces with bike racks, garbage storage areas, storage areas and plant room, to consolidate the land and strata subdivide the development into 43 lots **Applicant: Enmore Park One Pty Ltd**	45	ANEF: 25-30	MLEP 2001 Residential 2A
	Aircraft Noise (Clause 28) The subject property is located within the 25-30 Australian Noise Exposure Forecast (2029) Contour. The proposed dwellings need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. A condition to such effect could be imposed on any consent granted.				
05/08/2010 Submitted 07/12/2010 Approved	**80-84 Illawarra Road Marrickville**	DA201000338 to demolish the existing improvements and erect a two (2) storey residential complex over basement car parking level containing thirteen (13) townhouses with off-street car parking for seventeen (17) vehicles **Applicant: Soelmaan Pty Limited**	13	ANEF: 25-30	MLEP 2001 Residential 2A
16/02/2012 Submitted 11/05/2012 Refused Delegated Authority	**6-8 Holmesdale Street Marrickville**	DA201200051 to demolish the existing improvements, subdivide the land into 5 lots and erect a two storey dwelling house on each allotment **Applicant: Benson McCormack Pty Ltd**	5	ANEF: 25-30	MLEP 2011 Low Density Residential R2
05/06/2012 Court Approved		CA201200013 Class 1 Appeal in the Land and Environment Court **Consent Orders Amended Plans** **Appeal upheld**			
29/11/2012 Submitted 06/12/2012 Approved Delegated Authority		DA201200051.01 under Section 96 of the Environmental Planning and Assessment Act to modify Land and Environment Court Order No. 10541 of 2012 dated 10 August 2012 to correct plan references in condition 1			

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
07/08/2012 Submitted 11/12/2012 Council Meeting Approved	**123 Marrickville Road Marrickville**	**DA201200311** to demolish the existing improvements and erect a five storey mixed use development containing 2 ground floor commercial tenancies, 2 x studio, 4 x 1 bedroom, 5 x 2 bedroom and 1 x 3 bedroom dwellings on the levels above over 2 basement car parking levels with off street car parking for 10 vehicles and to strata subdivide the premises into 14 lots **Applicant: Chanine Design - Bella Ikea Pty Ltd**	12 Modified	ANEF: 25-30	MLEP 2011 Local Centre B2
	Development in areas subject to Aircraft Noise (Clause 6.5) Clause 6.5 applies to development on land that (in part) is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise. The subject property is located within the 25-30 Australian Noise Exposure Forecast (2029) Contour. It is considered that the proposed development is likely to be affected by aircraft noise and that the carrying out of proposed development would result in an increase in the number of people affected by aircraft noise. The proposed development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report accompanied the application which details that the proposed development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. It is recommended that the report be referenced as part of the approved plans and documents listed in condition 1 of any consent granted for the proposal. **Airspace Operations (Clause 6.6)** Clause 6.6 of MLEP 2011 requires consideration be given to Airspace Operations. The subject property is located within an area identified on the "Obstacle Limitation Surface Map" where the "Limitation or Operations Surface level is set at 51 AHD and the building has a maximum height of RL 19.60. Therefore, the proposed development would not penetrate that Limitation or Operations Surface level.				
04/04/2013 Submitted 12/06/2013 Approved	**123 Marrickville Road Marrickville**	DA201200311.01 under Section 96 of the Environmental Planning and Assessment Act to modify Determination No. 201200311 dated 12 December 2012 to add an additional level to the approved development containing two dwellings with roof terraces and to make internal changes to the approved units and split unit 2 into two one bedroom dwellings to create a six storey mixed use development containing 2 ground floor commercial tenancies with 15 dwellings on the levels above **Applicant: Chanine Design - Bella Ikea Pty Ltd** **Stage/Decision: Staged Decision**	15		

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Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
04/11/2008	**8 Cowper Street Marrickville**		Rezoning Work MLEP 2011	**ANEF: 2023/4 30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 R3 Medium Density Residential
In 2008 the Department of Planning agreed with Marrickville Council to actions to be undertaken in areas impacted by ANEF >25 in the preparation of the new MLEP **The Marrickville Urban Strategy states that some 69 percent of the land area in Marrickville is impacted on by ANEF >25. The strategic planning work done in the Marrickville Urban Strategy relied upon the 2023/24 ANEF.** *At the 4 November 2008 Development and Environmental Services meeting (Meeting 09/08, Item PS 15) Council considered an update report on the LEP/DCP Project and resolved that:* *1. It accept the policy position of the Department of Planning concerning industrial precincts where there is a conflict between the Marrickville Urban Strategy and the draft South Subregional Strategy, with the exception of Meeks Road, Marrickville, and Grove Street, St Peters;* **Addison Road** *Accept DoP categories. Appropriate zoning and development controls to be Developed as part of the LEP/DCP but no detailed master planning work is required to implement.*					
12/12/2011	**Marrickville Local Environmental Plan 2011 Published LW 12 December 2011**		Gazette	ANEF: 2029 25-30	
26/02/2013 Submitted 13/08/2013 Approved Council Meeting	**8 Cowper Street Marrickville**	DA201300070 to demolish part of the premises and carry out alterations and additions to convert the premises into a two storey residential flat building over basement car parking level containing 22 dwellings with off street car parking for 22 vehicles and to strata subdivide the premises into 22 lots **Applicant: CVMA Architects/ McGill Street Investments Pty Limited**	22	ANEF: 2033 25-30	
Development in areas subject to Aircraft Noise (Clause 6.5) Clause 6.5 applies to development on that that (in part) is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise. The subject property is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour and it is considered that the proposed development is likely to be affected by aircraft noise and would result in an increase in the number of people affected by aircraft noise. The proposed development would need to be noise attenuated in accordance with AS2021:2000. An *Aircraft Noise Intrusion Assessment*, Report No. 3214R001.MH.130209, dated 15 February 2013 was prepared by Acoustic Dynamics Pty Ltd and accompanied the application which details that the proposed development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. It is recommended that the report be referenced as part of the approved plans and documents listed in condition 1 of any consent granted for the proposal.					

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Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
04/11/2008	**23-29 Addison Road Marrickville**		Rezoning Work MLEP 2011	**ANEF: 2023/4 30-35**	**Rezoned From**: MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B5 Business Development
In 2008 the Department of Planning agreed with Marrickville Council to actions to be undertaken in areas impacted by ANEF >25 in the preparation of the new MLEP **The Marrickville Urban Strategy states that some 69 percent of the land area in Marrickville is impacted on by ANEF >25. The strategic planning work done in the Marrickville Urban Strategy relied upon the 2023/24 ANEF.** *At the 4 November 2008 Development and Environmental Services meeting (Meeting 09/08, Item PS 15) Council considered an update report on the LEP/DCP Project and resolved that:* *1. It accept the policy position of the Department of Planning concerning industrial precincts where there is a conflict between the Marrickville Urban Strategy and the draft South Subregional Strategy, with the exception of Meeks Road, Marrickville, and Grove Street, St Peters;* **Addison Road** *Accept DoP categories. Appropriate zoning and development controls to be Developed as part of the LEP/DCP but no detailed master planning work is required to implement.*					
12/12/2011	**Marrickville Local Environmental Plan 2011** **Published LW 12 December 2011**		Gazette	ANEF: 2029 25-30	
19/03/2013 Submitted 11/02/14 Approved Council Meeting	**23-29 Addison Road Marrickville**	DA201300025 to demolish the existing improvements and erect a six storey mixed use development containing a ground floor commercial/retail tenancy and 59 car spaces with residential accommodation above consisting of 21 x 1 bedroom, 33 x 2 bedroom and 6 x 3 bedroom dwellings and widen Fotheringham Street and Stevens Lane **Applicant: Robmet Investments**	60	ANEF: 2033 25-30	
Development in areas subject to Aircraft Noise (Clause 6.5) The property is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour and is considered likely to be affected by aircraft noise. The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts. Appropriate conditions are included in the recommendation to ensure the requirements recommended by the Acoustic Report are incorporated into the development.					
Visual and Acoustic Privacy (Part 2.6) Part 2.6 of MDCP 2011 contains controls promoting visual and acoustic privacy between and within sites. The greatest potential for impact arising from the development is noted to include the following: • Noise associated with exposure to aircraft noise; • Apartment layouts – co-location of bedrooms next to active habitable spaces (lounge rooms, kitchens, bathrooms and the like) of neighbouring apartments; and • Privacy impacts associated with multi-storey residential development and insufficient separation distances (refer to discussion of Part 5 controls). In relation to dot point 1 above, the application was supported by an acoustic impact statement that indicates the development is capable of complying with the relevant Australian Standards and conditions have been included accordingly in the recommendation.					

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
23-29 Addison Road Marrickville			60	ANEF: 2033 25-30	**Rezoned From**: MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B5 Business Development
In relation to the potential for noise transference between active and passive living spaces, those matters will be captured by the BCA at CC stage and require the applicant to construct the internal walls in a such a manner that noise transference is reduced. Subject to the northern facing balconies to Stevens Lane being recessed to achieve a minimum 6 metres from the crest of the road, the development will achieve separation distances and allow for visual and acoustic amenity. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction), in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000. **VARIATION TO DEVELOPMENT STANDARDS** **Development standard to be varied:** Clause 4.4 - Floor Space Ratio **Justification of variation:** The built form is consistent with Council's controls for the area that reflect an up lift in height and density. The proposal does not impact on the environmental amenity or aesthetic character of the area. **Extent of variation:** 20.20% **Concurring authority:** Council under assumed concurrence of the Director General of the Department of Planning **Date DA determined:** 13/02/2014					

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Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
04/11/2008	**65-69 Addison Road Marrickville**		Rezoning Work MLEP 2011	**ANEF: 2023/4 30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B5 Business Development
In 2008 the Department of Planning agreed with Marrickville Council to actions to be undertaken in areas impacted by ANEF >25 in the preparation of the new MLEP **The Marrickville Urban Strategy states that some 69 percent of the land area in Marrickville is impacted on by ANEF >25. The strategic planning work done in the Marrickville Urban Strategy relied upon the 2023/24 ANEF.** At the 4 November 2008 Development and Environmental Services meeting (Meeting 09/08, Item PS 15) Council considered an update report on the LEP/DCP Project and resolved that: **1.** It accept the policy position of the Department of Planning concerning industrial precincts where there is a conflict between the Marrickville Urban Strategy and the draft South Subregional Strategy, with the exception of Meeks Road, Marrickville, and Grove Street, St Peters; **Addison Road** *Accept DoP categories. Appropriate zoning and development controls to be Developed as part of the LEP/DCP but no detailed master planning work is required to implement.*					
12/12/2011	**Marrickville Local Environmental Plan 2011 Published LW 12 December 2011**		Gazette	**ANEF: 2029 30-35**	
02/08/2014 Submitted 10/06/2015 Approved Council Meeting	**65-69 Addison Road Marrickville**	DA201300346 to carry out alterations and additions to an existing mixed use development to construct ground floor commercial premises and parking with 10 residential apartments above **Applicant: Benson McCormack Pty Ltd**	10	**ANEF: 2033 30-35**	
Marrickville Local Environmental Plan 2011 **Development in areas subject to Aircraft Noise (Clause 6.5)** The land is located within the 30-35 Australian Noise Exposure Forecast (2033) Contour. The development is likely to be affected by aircraft noise and the carrying out of the development would result in an increase in the number of people affected by aircraft noise. The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. Conditions are included in the recommendation to ensure that the requirements recommended within the Acoustic Report are incorporated into the development					

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Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
11/06/2014	**65-69 Addison Road Marrickville**	**VARIATION TO DEVELOPMENT STANDARDS** **Development standard to be varied:** Clause 4.4 - Floor Space Ratio **Justification of variation:** The proposal achieves compliance with the objectives of the development standard; The size of the land and requirement to retain the existing façade create significant site constraints; The proposal has a compliant building height, setbacks and building envelope; The proposal will achieve a good urban design outcome and streetscape through appropriate articulation, use of varying materials and finishes and internal void/atrium that will reduce the perceived visual bulk; The proposal provides additional residential accommodation in close proximity to public transport services; Strict compliance with the development standard would not allow for the orderly and economic development of the land; and the proposal will have no adverse amenity and material impacts on the street or adjoining properties. **Extent of variation:** 1.98:1 proposed / 1.75:1 permitted (13.14% variation) **Concurring authority:** Council under assumed concurrence of the Director General of the Department of Planning **Date DA determined:** 11/06/2014	Rezoning Work MLEP 2011	**ANEF: 2023/4 30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B5 Business Development
04/11/2008	**31-33 Addison Road Marrickville**	**In 2008 the Department of Planning agreed with Marrickville Council to actions to be undertaken in areas impacted by ANEF >25 in the preparation of the new MLEP** **The Marrickville Urban Strategy states that some 69 percent of the land area in Marrickville is impacted on by ANEF >25. The strategic planning work done in the Marrickville Urban Strategy relied upon the 2023/24 ANEF.** *At the 4 November 2008 Development and Environmental Services meeting (Meeting 09/08, Item PS 15) Council considered an update report on the LEP/DCP Project and resolved that:* *1. It accept the policy position of the Department of Planning concerning industrial precincts where there is a conflict between the Marrickville Urban Strategy and the draft South Subregional Strategy, with the exception of Meeks Road, Marrickville, and Grove Street, St Peters;* **Addison Road** *Accept DoP categories. Appropriate zoning and development controls to be Developed as part of the LEP/DCP but no detailed master planning work is required to implement.*	Rezoning Work MLEP 2011	**ANEF: 2023/4 30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B5 Business Development
12/12/2011	**Marrickville Local Environmental Plan 2011** **Published LW 12 December 2011**		Gazette	ANEF: 2029 25-30	

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
02/08/2013 Submitted	**31-33 Addison Road Marrickville**	DA201300345 to demolish existing improvements and construct a 5 storey mixed use development containing a 2 ground floor commercial premises with 24 residential apartments over basement parking for 24 vehicles including strata title subdivision and land dedication **Applicant: Technik Haus Pty Ltd**	24 Modified	ANEF: 2033 25-30	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B5 Business Development
27/06/2014 Approved Delegated Authority		**Development Assessment Committee Meeting 12 August 2014** **Item No:** D0814 Item 1 **Subject:** DELEGATED AUTHORITY DETERMINATIONS (VARIATIONS TO DEVELOPMENT STANDARDS) **Action:** Decision **File Ref:** 555/57885.14 **Prepared By:** Harjeet Atwal - Team Leader, Development Assessment **Authorised By:** Judy Clark - Manager, Development Assessment **SUMMARY** This report concerns applications, which involved the variation of development standards, determined under delegation granted to designated officers within the Planning & Environmental Services Division and pursuant to the Environmental Planning & Assessment Act, 1979. It is recommended that the report be received and noted. **Applicant:** Technik Haus **Proposal:** Mixed Use Development **Determination:** Deferred Commencement Consent **DA No:** 201300345 **Lot and DP:** Lot 10 in DP 1175426 and Lot 2 DP 102780 **Category of Development:** Mixed Use Development **Environmental Planning Instrument:** Marrickville Local Environmental Plan 2011 **Zoning of Land:** B5 – Business Development **Development Standard(s) varied:** Clause 4.4 Floor Space Ratio **Justification of variation:** Proposal is consistent with approval granted for adjoining property and the desired future character of the area **Extent of variation:** 6% **Concurring Authority:** Council under assumed concurrence of the Secretary NSW Planning and Environment **Date of Determination:** 27/6/2014			

MARRICKVILLE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
27/06/2014 Approved Delegated Authority	**31-33 Addison Road Marrickville**	**APPLICANT'S STATEMENT OF ENVIRONMENTAL EFFECTS** ***Clause 6.5 Development in Areas subject to aircraft noise*** The subject land is located within the 25-30 Australian Noise Exposure Forecast (2029) Contour. Under Clause 6.5 of MLEP 2011, Council is required to take into consideration the guidelines provided in Australian Standard AS2021 - 2000 - Acoustics - Aircraft noise intrusion - Building Siting and Construction (AS2021 - 2000) regarding noise reduction for residential purposes where the ANEF exceeds 20. The proposed development will be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft Noise Intrusion-Building Siting and Construction. An Acoustic Report, prepared by Acoustic Solutions Australia based on the requirements of AS2021-2000 is submitted with the application under separate cover. The report concluded: *"As the acoustical study above shows, we certify that the internal noise attenuation levels for the proposed development at No. 31-33 Addison Rd, Marrickville will satisfy the requirements of the AS 2021-2000 provided that the above recommended materials are used in construction. The internal noise levels in the proposed units will enable reasonable amenity for the occupants. The STC indices for the roof, ceiling, windows and walls will comply with tables E1 through E4 of the above standard."*	24 Modified	ANEF: 2033 25-30	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B5 Business Development
05/09/2014 Submitted 22/04/2015 Approved		DA201300345.02 under Section 96 of the Environmental Planning and Assessment Act to modify Determination No. 201300345 dated 27 June 2014 to reduce the size of commercial unit 2, provide an additional 1 bedroom dwelling on the ground floor level and provide an additional 3 bedroom dwelling on level 4	26		
27/06/2014		**<u>VARIATION TO DEVELOPMENT STANDARDS</u>** **Development standard to be varied:** Clause 4.4 - Floor Space Ratio **Justification of variation:** Proposal is consistent with approval granted for adjoining property and the desired future character of the area. **Extent of variation:** 6% **Concurring authority:** Council under assumed concurrence of the Director General of the Department of Planning **Date DA determined:** 27/06/2014			

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Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
04/11/2008	**97 Marrickville Road Marrickville**		Rezoning Work MLEP 2011	**ANEF: 2023/4 30-35**	**Rezoned From:** MLEP 2001 General Industrial 4A **Zoned To:** MLEP 2011 B5 Business Development
In 2008 the Department of Planning agreed with Marrickville Council to actions to be undertaken in areas impacted by ANEF >25 in the preparation of the new MLEP **The Marrickville Urban Strategy states that some 69 percent of the land area in Marrickville is impacted on by ANEF >25. The strategic planning work done in the Marrickville Urban Strategy relied upon the 2023/24 ANEF.** *At the 4 November 2008 Development and Environmental Services meeting (Meeting 09/08, Item PS 15) Council considered an update report on the LEP/DCP Project and resolved that:* *1. It accept the policy position of the Department of Planning concerning industrial precincts where there is a conflict between the Marrickville Urban Strategy and the draft South Subregional Strategy, with the exception of Meeks Road, Marrickville, and Grove Street, St Peters;* 97 Marrickville Road Marrickville was rezoned from LEP 2001General Industrial 4A to LEP 2011 B5 Business Development.					
12/12/2011	**Marrickville Local Environmental Plan 2011 Published LW 12 December 2011**		Gazette	ANEF: 2029 25-30	
09/05/14 Submitted 09/12/14 Approved Council Meeting	**97 Marrickville Road Marrickville**	DA201400212 to demolish the existing improvements and erect a 4 part 5 storey mixed use development over basement car parking containing ground floor retail. Cafe and restaurant tenancies and car parking and 38 serviced apartments on levels 1 to 4 **Deferred Commencement**	38	ANEF: 2033 25-30	
Development Assessment Committee Meeting 6 December 2014 ***Development in areas subject to Aircraft Noise (Clause 6.5)*** *The land is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour.* *The development is likely to be affected by aircraft noise. The carrying out of the development would result in an increase in the number of people affected by aircraft noise.* *The development would need to be noise attenuated in accordance with AS2021:2000. A noise impact assessment report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000.* *Conditions are included in the recommendation to ensure that the requirements recommended within the noise impact assessment report are incorporated into the development.* *The property lies within the 25 - 30 Australian Noise Exposure Forecast (ANEF) Contour (2033), as advised by the Commonwealth Department of Aviation, and it would be advisable to noise attenuate the development in accordance with Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.*					

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
10/12/14	**97 Marrickville Road Marrickville**	**<u>VARIATION TO DEVELOPMENT STANDARDS</u>** **Development standard to be varied:** Clause 4.3 - Height of Buildings and 4.4 - Floor Space Ratio **Justification of variation:** The proposal has high quality architectural qualities for the corner site location; The proposal has the 5 storey building element on the corner to promote the gateway site location; The proposal has the height and building mass presenting to both street edges to create a defined street wall built form outcome; The proposal has commercial activation in both street frontages; The proposal has high quality streetscape presentation; distributes the additional building height and mass across the site to generate; – a graduated transition of mass; a positive impact on streetscape; minimal impact on existing residents; and the coordinated redevelopment the east of the site; **Extent of variation:** 31% **Concurring authority:** Council under assumed concurrence of the Director General of the Department of Planning **Date DA determined:** 10/12/2014	38	ANEF: 2033 25-30	**Rezoned From:** MLEP 2001 General Industrial 4A **Zoned To:** MLEP 2011 B5 Business Development

MARRICKVILLE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
04/11/2008	**110 Addison Road Marrickville**		Rezoning Work MLEP 2011	**ANEF: 2023/4 Part 30-35 & Part 35-40**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use
In 2008 the Department of Planning agreed with Marrickville Council to actions to be undertaken in areas impacted by ANEF >25 in the preparation of the new MLEP **The Marrickville Urban Strategy states that some 69 percent of the land area in Marrickville is impacted on by ANEF >25. The strategic planning work done in the Marrickville Urban Strategy relied upon the 2023/24 ANEF.** *At the 4 November 2008 Development and Environmental Services meeting (Meeting 09/08, Item PS 15) Council considered an update report on the LEP/DCP Project and resolved that:* *1. It accept the policy position of the Department of Planning concerning industrial precincts where there is a conflict between the Marrickville Urban Strategy and the draft South Subregional Strategy, with the exception of Meeks Road, Marrickville, and Grove Street, St Peters;* **Addison Road** *Accept DoP categories. Appropriate zoning and development controls to be Developed as part of the LEP/DCP but no detailed master planning work is required to implement.*					
12/12/2011	**Marrickville Local Environmental Plan 2011 Published LW 12 December 2011**		Gazette	**ANEF: 2029 30-35**	
03/10/2014 Submitted	**110 Addison Road Marrickville**	**DA201400496** to demolish existing improvements and construct a 4 storey mixed use development with 3 commercial tenancies and associated car parking on the ground floor, 33 dwellings on the upper floors with basement car parking **Applicant: Chanine Design** **Stage/Decision 5.Deemed Refusal**	33	**ANEF: 2033 30-35**	
03/06/2015		CA201500012 **Class 1 Appeal in Land and Environment Court** to demolish existing improvements and construct a 4 storey mixed use development with 3 commercial tenancies and associated car parking on the ground floor, 33 dwellings on the upper floors with basement car parking **Applicant: Dazzle International Pty Ltd** **PENDING**			
03/06/2015 Submitted Public Notice Closing 23/06/2015		Applicant submitted with additional information and the application was advertised again.			

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
01/05/2014	**110 Addison Road Marrickville**				
		Response to Council 1 May 2014 *"Attention: Harjeet Atwal* *We refer to recent correspondence dated 23rd March 2015 received pertaining to the proposed development and issues raised by council. We have reviewed all the issued raised in correspondence and have attended to design medications to alleviate and address the said issues: We provide a summary of key Issues raised and our reply to each below."* **Marrickville Local Environmental Plan 2011** <u>Floor Space Ratio</u> Proposed building exceeds MLEP 2011 maximum floor space ratio of 1.75:1 with a proposal of 1.97:1 and 1.93:1 as submitted with Cl 4.6 Variation *The proposed development has been revised to include an amended FSR of 1.82:1. The allowable FSR of 1.75:1 permits a GFA of 2612.4sqm. The proposed development provides for a GFA of 2725.6sqm which is no more than a 4.33% variation.* The bulk of the units fail to meet the minimum internal area recommendations of the Residential Flat Design Code – a reduction in the density of the development is essential in reference with the FSR controls *The units have been noted with all correct areas as per the minimum apartment sizes as per the 'rules of thumb' of the RFDC.* <u>Acid Sulfate Soil</u> Any works within the site below 5 metres AHD and by which the water table is likely to be lowered below 1 metre AHD, an Acid Sulfate Soils Management Plan is required to be prepared in accordance with the Acid Sulfate Soils Manual (Clause 6.1 of MLEP 2011) This matter is required to be addressed within any DA lodged in Council's Pre-DA letter of 1 August 2014 and remains an outstanding information issue *An Acid Sulphate Soils Assessment has been undertaken and is attached.* **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings** <u>Principle 1: Context</u> - The proposal presents a more horizontally monolithic expression in Addison Road, and relatively bland architectural expression in the upper level that does not adequately address the corner/gateway/landmark location of the site *The proposal seeks a design that accentuates the horizontal form rather than the vertical form as it is a development that is limited to 3 storeys along the boundary and a forth storey recessed back off the main building face in accordance with the DCP envelope controls.* - The corner site should present a high quality outcome exhibiting strong articulation, modulation, visual interest and high quality materials and finishes on the corner *The corner has been designed to provide a high quality outcome with respect to visual interest, articulation and modulation, through the use of natural and contrasting materials such as off from concrete, vertical metal screens, aluminium cladding and paint finishes within the same family of colours. The corner has been further developed with vertical bars to provide a shroud across the corner allowing both outlook and privacy for the occupants of the corner dwellings.* - The desired future character statements in MDCP 2011 Part 9.47 are not met in this respect *The proposed development is not dissimilar to other shop top housing developments approved along Addison Road. High quality materials and finishes have been adopted and will provide development consistent with others in line with the future character of the area.*	33	**ANEF: 2033** **30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use

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Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
01/05/2014	**110 Addison Road Marrickville**				
		Principle 2: Scale - The building envelopes are generally not complied with and provide an inappropriate built form outcome especially on the southern edge with a 4.185 metre setback that should be at least 6 metres *The side setback has been proposed at 4.245m and allows for a **'feathering out' of the built form rather** than a dead end to the elevation. The under croft is recessed well beyond the 6m which allows the above form to float over further reducing any perceived impact. The Top Floor is setback 8m from the southern boundary. The proposed form at this interface allows the building to step down in bulk to the southern dwellings.* - The outcome causes unreasonable overshadowing of neighbours, as well as an open sided car park that has the potential to create unreasonable noise impacts, also overlooking from the upper level terraces *The overshadowing is considered marginal and of little to nil impact as such elevational shadow diagrams over No1 Illawarra Rd have been provided. The open sided car park is limited to only the commercial parking which operates under specific time limits. The addition of landscaping and other service zones is envisaged to dampen any perceived noise issues. The openness further assists the development by way of natural ventilation. A sound barrier fence is proposed to limit transmission.* - The desired future character statements in Draft MDCP 2011 Part 9.47 are not met in this respect which seek to ensure excellence in design and a high quality architectural design of future buildings *The proposed development aims to achieve a high quality architectural outcome through form, articulation and materiality. The modified scheme provides a recessed ground floor activated along its entirety with upper levels boasting high quality materiality to enhance the aesthetics.* Principle 3 and 4: Built form and Density - The provision of up to 38 apartments on the site is inconsistent with local and regional planning strategies which seek to ensure that built-form response is appropriate in the context through compliance with FSR, setbacks and building envelopes *The development has been reduced by 5 units providing a total of 33 apartments. With this the FSR has been reduced to 1.82:1 from 1.93:1 which equates to only a 4.33% increase over the permissible FSR. The additional FSR has been created with the increase in Ground Floor Commercial to ensure activation of the full frontage of the site.* - *In this case, the building envelopes are generally not complied with and provide an inappropriate built form outcome excessive in building depth* *The proposal has been modified and building generally complies with all the relevant building envelopes with the exception of a minor encroachment of the L2 southern end of the building, however, this encroachment will not have any adverse impacts to the proposed building depths which currently sits at 18m on average.* Principle 5: Resource, Energy and Water Efficiency - The flooding and storm water management strategy has not been provided for the proposal *The modified design has been raised to ensure the proposed development does not sit below the Flood Levels prescribed by council.* Principle 6: Landscape - The proposal provides virtually no landscaping between buildings and within areas of open space throughout the site *Through the redesign of the development, landscaping has been afforded to several areas including the frontage along Addison Road and Illawarra Rd in controlled planter beds, throughout the pedestrian link between Illawarra Rd and Handley Street along the boundary and up against the carpark wall, and the majority of the southern corner of Level 1.* - The landscape design has not been addressed by providing an adequate landscape plan and maintenance schedule demonstrating how the appearance and amenity of the development is enhanced through landscaping	33	**ANEF: 2033** **30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use

MARRICKVILLE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
01/05/2014	**110 Addison Road Marrickville**				
		The landscape along the frontage aids in masking the level change and ramps between the public way and the forecourts immediately in front of the commercial units. - Insufficient deep soil landscape planting is provided in the side/rear setback where the unattractive facade of the building may be visually screened from view of the public domain and neighbours *The landscape area provided in the pedestrian link and on L1 will be built up allowing capability for deep soil planting. This will further allow screening to both this development and adjoining developments.* Principle 7: Amenity - Room dimensions and shapes do not meet RFDC high quality standards at 3.01, 3.04, 3.06 and 3.09 *All room dimensions have been provided in accordance with all relevant codes and standards.* - Ceiling heights do not meet RFDC high quality standards at 3.19 with 3.3m at the first floor in mixed use buildings required to be provided at 2.7 metres proposed *The ceiling heights have been proposed at 3.3m for the ground floor and 3.0m for all floors which will generate a 2.7m ceiling throughout in compliance with RFDC standards for residential floors.* - Access to sunlight do not meet RFDC high quality standards at 3.34, 3.35, 3.36, 3.37, 3.38 and 3.39 *Sunlight has been afforded to all units as required and compliant.* - Natural ventilation do not meet RFDC high quality standards at 3.40, 3.41, 3.42 and 3.43 *Natural ventilation has been afforded to all units as required and compliant.* - Visual and acoustic privacy do not meet RFDC high quality standards 3.12 and 3.13 *Visual and acoustic privacy has been afforded to all units* - Efficient layouts and service areas do not meet RFDC high quality standards at Part 3 Internal Circulation Better Design Practices as it does not provide clear sight lines and does not avoid tight corners *The building has been designed to provide effective layouts throughout the entire development* - Outlook does not meet RFDC high quality standards poor interface design at the side boundaries expressing unacceptable visual separation, appearance, dominance and intrusion to the south of the site *Through the redesign of the development, the interfaces at the side boundary, separation, appearance and dominance has been readdressed with better façade design to sides and rear.* - Ease of access do not meet RFDC high quality standards with unclear and visually recessive entries, unacceptable unit adaptability *Access throughout the development has been readdressed and improved including unit adaptability. Clear lines of sight into Residential Lobby at ground floor have been achieved with a high quality outcome to the Ground floor.* Principle 8: Safety and Security - Proposal provides a large pump room located where a commercial tenancy should be located *The ground floor has been rearranged to provide for commercial spaces that have more street address and are accessible off a common public forecourt along both frontages of Addison Road and Illawarra Road.* - Residential lobby and particularly the car parking area is unacceptable due to insufficient passive surveillance opportunities and access controls	33	**ANEF: 2033** **30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use

MARRICKVILLE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
01/05/2014	**110 Addison Road Marrickville**				
		Through the redesign of the ground floor, the residential lobby was rearranged to maximise all passive surveillance and access controls with direct unimpeded lines of sight out into the public domain. The carparking area has been rearranged to ensure that there is a single entry point of access and egress. The open but screened car park wall along the southern boundary has been employed to promote passive surveillance along the pedestrian link at all times. Principle 9: Social Dimensions and Housing Affordability - DCP requires 20% of dwellings to be designed as adaptable dwellings, whilst 8 adaptable units are required and 8 are proposed, they are not sufficiently adaptable to achieve AS4299 *The provision of adaptable units have been provided as per the DCP. A qualified access consultant has been engaged to sign off and certify the selected units in both the pre and post adaptable state. The adaptability allows for units to be retro fitted upon request. All measures are proposed to be in place prior to the need to be made adaptable such as preplumbing etc. In all situations the units have been designed to require minimal change to make adaptable.* Principle 10: Aesthetics - Further improvement is considered necessary in order to provide a sufficiently positive contribution to the streetscape and amenity of open space *The streetscape has now been afforded by a continuous landscape planter along Addison Rd and Illawarra Rd. The raised commercial level and forecourt provides for virtual zoning of public and semi private spaces.* - The proposal is considered to present an unsatisfactory appearance due to excessive side walls of untreated off-form concrete in highly visible locations *The side walls will be treated with articulation of both colour and material use to provide a visually interesting appearance to side walls. In the case of off the form concrete, its simplicity will combined with simple coloured features such as window boxes and coloured panelling to alleviate any perceived excessiveness of untreated walls.* - The design of the upper level is unacceptably discordant and unattractive when compared with remainder of the scheme and is considered to detract from the appearance of the building *The upper floor has been redesigned. The design of the upper level is intentionally meant to appear as a stand alone while the proposed materials to be used are meant to tie in the scheme with the rest of the building. The use of metal claddings in various colours and tones will achieve this.* **Residential Flat Design Code** Apartment Layouts and Minimum Areas - 14 out of 38 units comply with the RFDC unit layout for high quality apartments, which means 63% of units do not comply under the RFDC *All units have been designed and proposed to be in excess of the 'rules of thumb' table for minimum apartment sizes of the RFDC. Majority of units exceed the minimum but are mindful of ensuring affordability in the marketplace.* - Units 2, 3, 4, 17, 18, 19, 36, 37 and 38 have balconies that are excessively narrow and/or deep, with widths of 1.8 metres which does not comply *All balconies have been designed with a minimum depth/width of 2m.* - The width of 2.7 metres is considered unacceptable for primary bedrooms due to the inadequacy of the dwelling mix *All primary bedrooms have been designed with at least one side having a minimum dimension of 3m.*	33	**ANEF: 2033** **30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use

MARRICKVILLE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
01/05/2014	**110 Addison Road Marrickville**				
- The 2.4 metre depth and 5.6 metres width of the light wells is insufficient and unacceptable due to inadequate light, ventilation, privacy and outlook, and does not meet SEPP 65/ Residential Flat Design Code and DCP requirements *Light wells have been deleted from the amended design* - Clear glass balustrades fronting Addison Road and Illawarra Road will provide no privacy for units, particularly the lower levels *All balustrading to all levels will be obscure / frosted glass to allow privacy.* <u>Ceiling Heights</u> - The proposed residential component does not fully comply with the ceiling height guidelines provided in the RFDC Part 03.19 for mixed use buildings *Residential Ceiling heights propose 2.8m exceeding RFDC 2.7m.* - Proposed building does not meet with the building depth requirements as it is 30 metres long *The building depth has been redesigned to be no more than 18m on average* - Solar access and ventilation are problematic from the majority of units with only Unit 1, 16 and 31 being truly cross-ventilated – 32 of 38 units are not cross ventilated (84%) *Solar access is available to 29 out of 33 which equates to 87.8% of units compliant with the minimum 70% required. 22 out of 33 units will also receive cross ventilation which is 66.6% above the required 60% minimum required* - The light well should measure 9 metres by 9 metres (81m2) in area and fails this requirement by 84% (2.4 metres by 5.6 metres) *The light well has been deleted from the proposal and is no longer relied upon* - Daylight access for all windows is not achieved as the windows are facing north and south and are overshadowed by the parapets above both morning and afternoon *Daylight will be afforded to all windows facing north and south regardless of the overhead detail as all balcony projections have been limited to a depth of 2m and therefore solar access is complied with under the RFDC.* - The non-compliant light-wells mean the bedrooms have low amenity and the variations are not supported in units 11, 12, 26, 27, 35 and 36 *The light well has been deleted from the proposal and is no longer relied upon* <u>Daylight Access</u> - Only 45% of proposed units are capable of receiving a minimum of 3 hours direct sunlight between 9am – 3pm in midwinter *29 apartments out of the 33 will receive the required 3hrs solar access as required which is calculated to be 87.8% in access of the minimum 70% required* - The maximum number of directly south face units prescribed in the rules of thumb is exceeded *The number of directly south facing units has been eliminated through the modified deisgn.* **Marrickville DCP 2011** - Bathrooms shown in Units 6, 9, 21, 24, 27, 28, 32 and 34 do not comply with the relevant Australian Standards as they are not sufficiently adapted *All bathrooms proposed in the adaptable units will be constructed to the correct adaptable size with the pre-plumbing completed in order for retro fitting at a later date – which is an industry acceptable standard.*	33	**ANEF: 2033** **30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use

MARRICKVILLE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
01/05/2014	**110 Addison Road Marrickville**				
- In relation to solar access and overshadowing, the building should be redesigned to comply with the minimum requirements set out within Part 2.7.3 of MDCP 2011 *Through the redesign all solar access and overshadowing is compliant with respect to the MDCP 2011* - Vehicular access and associated car parking shall be designed in accordance with AS 2890.1-2004, particularly AS2890.6-2009 *The carparking has been designed in accordance with the relevant codes and standards.* - Part 2.10 of MDCP 2011 requires a total of 8 motorcycle parking spaces – redesign is vital to comply with this requirement *The provisions of Part 2.10 of MDCP 2011 requires 5% of car spaces available as motor cycle provisions, therefore only 2 motorcycle spaces are provided* - **Council's Resource Management Section have** raised concerns regarding the proposals waste collection system from the laneway, examples include unacceptable streetscape impacts, the position of bins, garbage chute requirements. *A waste collection area has been provided in the basement with a garbage chute system from the units. A waste holding area has also been provided at grade level to the rear of the development off Handley Street with direct access for collection.* - A preliminary site investigation is to be submitted to identify any contamination issues *Attached to this submission.* **Architectural Excellence Panel** - The Architectural Excellence Panel does not support the proposal, and the following recommendations are made to assist the re-design process: i. Provision of sufficient detail, in elevations, sections and photo montages, on the scale and features of developments adjoining the site. This is required to determine appropriate scale, floor levels and facade composition so that an acceptable design response to those features is incorporated into the design *The development has been designed in context with the immediate adjoining developments and have been indicated in elevations and plans accordingly. Relatively, the development is limited by the RFDC requirements of ceiling heights and DCP controls to the building envelope itself, which creates the bulk and mass of the proposed development.* ii. Improvements to visibility and identify of residential lobby entry *The residential lobby has been redesigned now to appear prominent and easily identifiable in the overall façade and promotes clear visibility both directly and indirectly* iii. Provision of rear public pedestrian access way, with adequate surveillance between Illawarra Road and Handley Street *The pedestrian link has been incorporated into the redesigned to provide boundary landscaping, a paved thoroughfare with shared zone activity for couriers etc. and a widened area which has passive surveillance from the screened back of house area of the commercial ground floor area* iv. Response to the Masterplan objective for an artwork to signify the site as a precinct gateway *Façade artwork has not been incorporated into the modified scheme as the amended design adequately addresses the issues raised*	33	**ANEF: 2033** **30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use

MARRICKVILLE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
01/05/2014	**110 Addison Road Marrickville**				
		v. Improved internal amenity for apartments by inclusion of internal courtyards and/or reduction in building depth and reduction in apartment numbers to adequately resolve lack of solar access, outlook and cross ventilation to many apartments *The redesigned typical floor plate of the development has additionally improved solar access, outlook and cross ventilation. The building depth has been brought back into line with RFDC guidelines. The reduction of units has also afforded the development with an internal common open area which further promotes unit amenity* vi. Appropriate treatment of the Illawarra Road/Addison Road corner at Ground Level *The corner treatment of the Illawarra Rd and Addison Road corner has been readdressed with perimeter landscaping, accessible ramps and stairs at the direct corner to promote active use between the public and semi public zones* vii. Inclusion of increased open space and softening materials and greenery *The open space has been substantially increased in size with provisions for greenery and softening materials such as decking areas within the common open space. Greenery and landscape along the street frontages assists with this.* viii. Protection of the amenity at No.1 Illawarra Road including minimising overshadowing, overlooking, bulk and noise *Several measures have been employed at the interface with No 1 Illawarra Rd with the inclusion of a pedestrian link between Illawarra Rd and Handley Street. The boundary has been planted out with screen planting and no openable clear windows permitted to address the southern boundary.* **Public Submissions** 51 submissions against the development were received by council raising the following concerns: - Overshadowing of adjoining neighbours is unacceptable *The overshadowing has been prepared and demonstrated to be acceptable and in accordance with Council DCP requirements.* - Bulk and Scale out of context *The bulk and scale of the development is in context of the site as per the controlling DCP controls* - No room for bins in the rear lane *Waste holding room provide at grade accessible off the rear lane / street* - Impact on residential amenity for existing residents – increase south boundary setback *Development redesigned to increase separation to all southern boundary developments* - Exceeds FSR *Excess FSR has been justified as a minor increase which does not constitute substantial impact to adjoining developments.* - Widening of driveway impacts existing access to neighbours *The driveway will not impact any adjoining developments as all proposed works are within the confines of the development and behind the boundary line* - Architectural response out of context *The architectural response to the development is subjective and will always vary. The architectural response is an interpretation of the direction of built form and function relative to the use of the development*	33	**ANEF: 2033** **30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use

MARRICKVILLE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
01/05/2014	**110 Addison Road Marrickville**				
- Loss of privacy for neighbours *All aspects of maintaining privacy for adjoining developments has been considered as most units address the street frontages* - Noise from air conditioners *The placement of AC will not be located at the rear of the development but more likely on a balcony and will not constitute in a lot of noise* - Ventilation of the basement impacting residential amenity *Ventilation is designed by a qualified engineer to relevant standards that don't permit loss of amenity* - Car parking deficiency of 10 spaces *Car parking rates comply with MDCP* - Loading and unloading via rear lane results in unsafe traffic impacts *A dedicated off street loading space has been provided within the development* - Traffic Impact Assessment is not valid, traffic counts not accurate *Traffic report has been prepared by a qualified traffic engineer* - Housing affordability is not catered for in the proposal *Unit sizes aim to promote housing choice and affordability in an area which is becoming more unaffordable.* *"We trust the reply and address of all issues raised and amended plans submitted satisfied council and look forward to favourable and timely determination of the application. Please do not hesitate to contact our office, should you have any further questions or comments regarding the above mentioned application."* **Jacob Yammine B Arch (UNSW) Reg No: 8395 CD Architects** **DRAWING LIST** DA000 COVER SHEET DA100 BASEMENT 1 FLOOR PLAN DA101 GROUND FLOOR PLAN DA102 LEVEL 1 FLOOR PLAN DA103 LEVEL 2 FLOOR PLAN DA104 LEVEL 3 FLOOR PLAN DA105 ROOF PLAN DA200 ELEVATIONS - SHEET 1 DA201 ELEVATIONS - SHEET 2 DA300 SECTIONS DA310 DRIVEWAY & CARPARK ENTRY DETAILS DA400 SITE PLAN DA401 SITE ANALYSIS PLAN DA402 DEMOLITION PLAN DA500 PRE + POST ADAPTABLE UNIT LAYOUT - SHEET 1 DA501 PRE + POST ADAPTABLE UNIT LAYOUT - SHEET 2 DA502 PRE + POST ADAPTABLE UNIT LAYOUT - SHEET 3 DA503 BASIX INFORMATION SHEET DA600 PROPOSED BUILDING SHADOW ANALYSIS DA601 NEIGHBOUR COURTYARD SHADOW ANALYSIS DA602 SHADOW DIAGRAM OF NO. 1 ILLAWARRA RD - NORTH ELEVATION DA700 AREA SCHEDULE & GFA CALCULATIONS DA701 SOLAR ACCESS & CROSS VENTILATION DIAGRAM DA703 3D VIEWS DA800 FINISHES SCHEDULE		33	**ANEF: 2033** **30-35**	**Rezoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use

MARRICKVILLE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
13/03/15 Submitted Current	**11-13 Fotheringham Lane Marrickville**	DA201500133 to subdivide the property into 7 lots and erect a 3 storey dwelling house on each lot **Stage/Decision 3a.Additional Information requested** **Applicant: Addison Projects Brian Metledge** 11 Fotheringham Lane Marrickville (Department of Planning) 13 Fotheringham Lane Marrickville (RTA)	7	ANEF: 25-30	MLEP 2011 R2 Low Density Residential

SYDENHAM

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
17/06/2009 Submitted 17/09/2009 Approved	**45 Unwins Bridge Road Sydenham**	DA200900208 to carry out alterations to the premises and use the premises as a 7 bedroom boarding house **Approved Delegated Authority**	7	**ANEF: 35-40**	MLEP 2001 Residential 2A
28/01/2011 Submitted 06/05/2011 Refused	**268-270 Unwins Bridge Road Sydenham**	DA201100036 to demolish the existing improvements and erect a three part four storey mixed development containing a ground floor shop and 8 dwellings with off street parking for 4 vehicles and to strata subdivide the premises into 9 lots **Applicant: Chanine Design** **Refused Delegated Authority**	8 Refused	**ANEF: 30-35**	MLEP 2001 General Business A
06/06/2011 Submitted		DA201100036.01 review request under Section 82A of the Environmental Planning and Assessment Act to review Determination No. 201100036, dated 6 May 2011, being a refusal of an application to demolish the existing improvements and erect a three part four storey mixed use development containing a ground floor shop and 8 dwellings with off street parking for 4 vehicles and to strata subdivide the premises into 9 lots. The review request is accompanied by amended plans reducing the number of dwellings to seven (7) and a reduction of the height to three (3) storeys	7		
07/09/2011 Approved Council Meeting		**Development Assessment Committee Meeting 6 September 2011** **Prepared By:** Ali Hammoud - Senior Development Assessment Officer **SYNOPSIS** Review request under Section 82A of the Environmental Planning and Assessment Act to review Determination No. 201100036, dated 6 May 2011, being a refusal of an application to demolish the existing improvements and erect a three part four storey mixed use development containing a ground floor shop and 8 dwellings with off street parking for 4 vehicles and to strata subdivide the premises into 9 lots. The review request is accompanied by amended plans reducing the number of dwellings to seven (7) and a reduction of the height of the proposed development to three (3) storeys. The review request was notified in accordance with Council's notification policy and four (4) submissions were received. The matter is referred to the Committee for determination due to the original application being refused under delegated authority and the issues raised in the submissions. **The Section 82A review request is considered suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.**			

SYDENHAM					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
07/09/2011 Approved Council Meeting	**268-270 Unwins Bridge Road Sydenham**	**As the site is situated within the 30 - 35 Australian Noise Exposure Forecast (2029) Contour**, the proposed development would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. The noise attenuation works required for such a high ANEF level would ensure that adequate levels of acoustic privacy are achieved for future occupants of the dwellings and adjoining properties. An Acoustic Report, prepared by Acoustic Logic was submitted with the amended proposal which assesses the potential acoustic impacts from traffic and aircraft noise. The report recommends a series of construction requirements to be included in the proposal to ensure the development will comply with the requirements of Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. It is recommended that suitable conditions be imposed on any consent granted for the proposal requiring the recommendations contained in the report to be included in amended plans to be submitted to the Certifying Authority's satisfaction. Overall, the amended proposal is considered to have been designed in such a manner that would ensure adequate levels of visual and acoustic privacy levels are provided for future occupants of the development. 42. Noise attenuation measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with the recommendations set out in the Environmental Noise Assessment, prepared by Acoustic Logic, reference No. 20101165.1/1701A/R2/JG, dated 1 June 2011. Details being submitted to the Certifying Authority's satisfaction <u>before the issue of a Construction Certificate</u> together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000. **Reason: To reduce noise levels within the proposed development from aircraft.** a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate) for the development, a report being prepared and submitted to Council's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 as set down in the subject conditions of this consent. Such report shall include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part b) of this condition. **Reason:** To reduce noise levels within the development from aircraft noise and to ensure that the proposed noise attenuation measures incorporated into the development satisfactorily comply with the relevant sections of Australian Standard 2021-2000. **RECOMMENDATION** THAT the review request under Section 82A of the Environmental Planning and Assessment Act to review Determination No. 201100036, dated 6 May 2011 be APPROVED and a DEFERRED COMMENCEMENT CONSENT be issued approving the application to demolish the existing improvements and erect a three storey mixed use development containing a ground floor shop and 7 dwellings with off street parking for 4 vehicles and to strata subdivide the premises into 8 lots subject to terms and conditions.	7	**ANEF: 30-35**	MLEP 2001 General Business A

SYDENHAM					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
04/10/2011 Submitted 9/02/2012 Approved Delegated Authority	**286 Unwins Bridge Road Sydenham**	DA201100477 to demolish the existing improvements and construct a three storey mixed use development containing a ground floor shop and 6 x 2 bedroom dwellings with off street car parking for 4 vehicles. The application is being re-notified as amended plans have been received with a reconfigured ground floor and car parking area layout and amended elevations **Applicant: Michael Stuart Architects Pty Ltd**	6	**ANEF: 30-35**	MLEP 2001 General Business A
13/03/2012 Reported to Council Meeting Approval under delegated authority	**Development Assessment Committee Meeting 13 March 2012** **Item No:** **D0312(1) Item 1** **Subject:** **DELEGATED AUTHORITY DETERMINATIONS (SEPP 1 VARIATIONS)** **Action:** **Decision** **File Ref:** DA201100580/4600.12 **Prepared By:** **Peter Wotton - Team Leader, Development Assessment** **SYNOPSIS** This report concerns applications, which involved the variation of development standards under State Environmental Planning Policy No. 1 – Development Standards, determined under delegation granted to designated officers within the Development & Environmental Services Division and pursuant to the Environmental Planning & Assessment Act, 1979. It is recommended that the report be received and noted. **<u>Applications Determined under Delegated Authority</u>** **Premises:** 286 Unwins Bridge Road, Sydenham **Applicant:** Michael Stuart Architects Pty Ltd **Proposal:** To demolish the existing improvements and construct a three storey mixed use development containing a ground floor shop and 6 x 2 bedroom dwellings with off street car parking for 4 vehicles **Determination:** Consent subject to conditions **DA No:** 201100477 **Lot and DP:** Lot 184 in Deposited Plan 750 **Category of Development:** 9: Mixed **Environmental Planning Instrument:** Marrickville Local Environmental Plan 2001 **Zoning of Land:** General Business **Development Standard varied:** Clause 33 - Floor Space Ratio **Justification of variation:** The subject application is considered to be consistent with the desired future character of the streetscape with the proposed height of the building and the building's bulk and massing being consistent with the recently approved nearby development and existing two storey buildings within the block. Although the proposed development has a FSR greater than that permitted under Clause 33 of MLEP 2001, the proposed development would result in a more cohesive streetscape currently missing which is contributed to by the existing building on this site. The proposed building height and setbacks, built form and building elements are considered appropriate in the streetscape context. The proposed development is considered to be within the acceptable bulk and scale parameters for the business centre as prescribed by Marrickville Development Control Plan No. 28 - Urban Design Guidelines for Business Centres. Consequently, the proposed development is considered to adequately satisfy the floor space ratio objectives contained in Marrickville Development Control Plan No. 28 - Urban Design Guidelines for Business Centres.			

SYDENHAM					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
13/03/2012 Reported to Council Meeting Approval under delegated authority	**286 Unwins Bridge Road Sydenham**	**Extent of variation**: 6.5% **Concurring Authority:** Council under assumed concurrence of the Director General of the Department of Planning and Infrastructure **Date of Determination:** 9 February 2012 **RECOMMENDATION** THAT the report be received and noted. Ken Hawke Director, Planning & Environmental Services	6	**ANEF: 30-35**	MLEP 2001 General Business A
10/02/2012		**VARIATION TO DEVELOPMENT STANDARDS** **Development standard to be varied:** Clause 33 - Floor Space Ratio **Justification of variation:** The subject application is considered to be consistent with the desired future character of the streetscape with the proposed height of the building and the building's bulk and massing being consistent with the recently approved nearby development and existing two storey buildings within the block. Although the proposed development has a FSR greater than that permitted under Clause 33 of MLEP 2001, the proposed development would result in a more cohesive streetscape currently missing which is contributed to by the existing building on this site. The proposed building height and setbacks, built form and building elements are considered appropriate in the streetscape context. The proposed development is considered to be within the acceptable bulk and scale parameters for the business centre as prescribed by Marrickville DCP No 28 - Urban Design Guidelines for Business Centres. Consequently, the proposed development is considered to adequately satisfy the FSR objectives contained in Marrickville DP No. 28 - Urban Design Guidelines for Business Centres. **Extent of variation:** 6.50% **Concurring authority:** Council under assumed concurrence of the Director General of the Department of Planning and Infrastructure **Date DA determined:** 10/02/2012			

SYDENHAM					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
16/11/2012 Submitted **06/03/2012** Approved Delegated Authority	**266 Unwins Bridge Road** **Sydenham**	DA201200510 to demolish the existing improvements and erect a three storey mixed use development containing a ground floor commercial/retail tenancy and 3 x 1 bedroom dwellings with off street car parking for 1 vehicle **Applicant: Chanine Design** **Approved under delegated authority** **'Delegated Authority Determinations' NOT reported to Council Meeting**	3	**ANEF: 30-35**	MLEP 2011 Local Centre B1
22/07/2014 Submitted 11/11/2014 Approved Delegated Authority	**264 Unwins Bridge Road** **Sydenham**	DA201400349 to demolish the premises and construct a 3 storey shop top housing development, containing a ground floor commercial tenancy and 4 x 1 bedroom dwellings above including car parking. **Architect: Rebecca Athos - Michael Stuart Architects Pty Ltd** **Approved under delegated authority** **'Delegated Authority Determinations' NOT reported to Council Meeting** **With the <u>VARIATION TO DEVELOPMENT STANDARDS.</u>**	4	**ANEF: 30-35**	MLEP 2011 Local Centre B1
11/11/2014		**<u>VARIATION TO DEVELOPMENT STANDARDS</u>** **Development standard to be varied:** Clause 4.4 - Floor space ratio **Justification of variation:** Development is compatible with desired future character of the area, complies with the maximum permissible building height and does not cause any adverse impacts for surrounding properties and /or the streetscape. **Extent of variation:** 5% **Concurring authority:** Council under assumed concurrence of the Secretary Department of Planning and Environment **Date DA determined:** 11/11/2014			

SYDENHAM

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
24/08/2012 Submitted 23/11/2012 Refused Delegated Authority	**11-13 Gleeson Street Sydenham**	DA201200345 to demolish the existing improvements and erect a three part four storey building containing a ground floor shop/commercial suite and a boarding house containing 7 boarding rooms **Applicant: Gat & Associates**	7 Refused	**ANEF: 30-35 & 35-40**	MLEP 2011 Local Centre B1
21/02/2013 Submitted 14/05/2013 Approved Council Meeting		DA201200345.01 review request under Section 82A to review Determination No. 201200345 dated 23 November 2012 to demolish the existing improvements and erect a three storey building containing a ground floor commercial suite/shop and a boarding house containing 6 boarding rooms **Applicant: Joe Calavassy**	6		

Development Assessment Committee Meeting 14 May 2013

Prepared By: Ruba Osman - Development Assessment Officer Planning

SYNOPSIS

A review request under Section 82A to review Determination No. 201200345 dated 23 November 2012 to demolish the existing improvements and erect a three storey building containing a ground floor commercial suite/shop and a boarding house containing 6 boarding rooms. The review request was notified in accordance with Council's notification policy and no submissions were received.

The matter is referred to the Council for determination in view of the extent of the departure from the floor space ratio development standard and due to the original application being refused under delegated authority. Council is advised that under the Act the review request has to be determined no later than 23 May 2013.

The Section 82A review request is considered suitable for approval subject to the imposition of appropriate conditions.

The proposed development is contrary to Clause 6.5 (Development in areas subject to aircraft noise) of Marrickville Local Environmental Plan 2011. In particular, the development has not been designed in accordance with the recommendations contained within the Acoustic Report prepared by Acoustic Logic, dated 31 July 2012 to comply with Clause 6.5.
In the planning report considering the original proposal, the assessing officer observed that:

> *"The proposed development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report accompanied the application which details that the proposed development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. However, the recommendations contained within the Acoustic Report have not been incorporated into the design of the proposed development. Furthermore, conditioning those requirements would result in significant redesign of the development and would impact on the amenity of the future lodgers.*
>
> *Clause 6.5(3) of MLEP 2011 requires Council to take into consideration a number of factors before determining a Development Application. This includes whether the application will increase the number of dwellings or people affected by aircraft noise, the criteria set out in Table 2.1 in AS 2021:2000 and whether the development will meet the indoor design sound levels shown in Table 3.3 of AS 2021:2000. The proposal in its current form does not satisfy the provisions of AS2021:2000, while increasing the number of people additionally affected by aircraft noise. Therefore, the proposal is not supported and is recommended for refusal."*

SYDENHAM					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
21/02/2013 Submitted 14/05/2013 Approved Council Meeting	**11-13 Gleeson Street Sydenham** *It is considered that the carrying out of proposed development would result in an increase in the number of people affected by aircraft noise.* *The proposed development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report accompanied the application which details that the proposed development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. It is noted that many of the recommendations of the report have now been adopted in the design of the building and it is recommended that the report be referenced as part of the approved plans and documents listed in condition 1 of any consent granted for the proposal. As such, this aspect of the amended proposal is considered satisfactory subject to the imposition of appropriate conditions.*		**6**	**ANEF: 30-35 & 35-40**	MLEP 2011 Local Centre B1
15/05/2013	**VARIATION TO DEVELOPMENT STANDARDS** **Development standard to be varied:** Clause 4.4 - Floor Space Ratio **Justification of variation:** Minimal impact on adjoining development, site constraints and improved amenity for tenants. **Extent of variation:** 20.80% **Concurring authority:** Council under assumed concurrence of the Director General of the Department of Planning and Infrastructure **Date DA determined:** 15/05/13				

SYDENHAM

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
01/07/2005 Submitted 13/09/2005 Approved	**Railway Land** **117 Railway Road Sydenham**	DA200500503 to carry out remediation of contaminated soil across the whole site. **Applicant: Coffey Geosciences P/L**		**ANEF: 30-35 & 35-40**	**MLEP 2001** Residential 2A Open Space (A) **MLEP 2011** Zoned to R3 Medium Density Residential
14/12/2010 Submitted 05/04/2011 Council Meeting Referred to JRPP		DA201000599 to demolish the existing improvements, remove 21 trees and remediate the land **Applicant: Rail Corporation NSW**		**ANEF: 30-35**	

Development Assessment Committee Meeting 5 April 2011

SYNOPSIS

Application to demolish the existing improvements, including the former station master's cottage, remove 21 trees and remediate the land. Seventeen (17) submissions, including a submission from the Marrickville Heritage Society, and a petition with 314 signatories against the proposal were received. The key concerns raised in submissions included the impact on the locality of the loss of the station master's cottage and the visual and environmental impacts of the loss of trees from the site on the locality.

Although the Station Master's cottage is not a heritage item or located within a Heritage Conservation Area (HCA), nor a draft item or within a draft HCA, the cottage is in close proximity to the State listed Sydenham Railway Station group listing.

Insufficient information was submitted with the application to enable a proper assessment of the application to be carried out in accordance with the requirements under the Environmental Planning and Assessment Act. In view of the circumstances the application is not supported.

The applicant with respect to the application is RailCorp and as such the application is a Crown development application.

Under Section 89 of the Environmental Planning and Assessment Act, Council cannot refuse a Crown development application except with the approval of the Minister. Under Clause 89 (2A) the application "must not be referred to the Minister unless it is first referred to the applicable regional panel."

The application is referred to the Council in view of significant community objection to the application.

In the event the Council wishes to endorse refusal of the application, the matter must be referred to the Sydney East Joint Regional Planning Panel under Clause 89 (2A) of the Environmental Planning and Assessment Act.

It is recommended that the application be referred to the Sydney East Joint Regional Planning Panel and that the Panel be advised that Council considers that the application should be refused on the basis of a lack of information in relation to the heritage potential of the former station master's cottage.

SYDENHAM					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
14/12/2010 Submitted 05/04/2011 Council Meeting Referred to JRPP	**Railway Land** **117 Railway Road Sydenham**	DA201000599 to demolish the existing improvements, remove 21 trees and remediate the land **Applicant: Rail Corporation NSW**		**ANEF: 30-35**	**MLEP 2001** Residential 2A Open Space (A) **MLEP 2011** Zoned to R3 Medium Density Residential
	The proposed use has not been stated in the Statement of Environmental Effects submitted with the application; however all other documentation submitted with the application infers or refers to future residential use. The applicant has stated in letter dated 14 March 2011 that the new zoning of the site under draft Marrickville LEP 2010 will allow for residential and other land uses. RailCorp has also stated in the letter that it is intended to offer the land for sale once remediation has been completed. RailCorp states "the proceeds of the sale have been earmarked for use by the Office of Rail Heritage who will use the funds for heritage projects." ***The proposed R3 zoning of the site is consistent with Council policy to allow for higher densities of properties nearby railway stations. The site is larger than surrounding properties lending itself to greater opportunity for appropriate redevelopment.***				
20/03/2013 Approved Minister JRPP	**JRPP PANEL SECRETARIAT** **Review Report and Recommendation** **BACKGROUND SUMMARY** **The following is a summary of key chronology for the application.** • 13 September 2005 – Council approved an application at 117 Railway Road (the site) to demolish part of the existing improvements (which included the carport, garden shed and outdoor toilet but excluded the Cottage) and carry out Category 1 remediation works for the contaminated soil including the removal of 6 trees. The determination was modified on 13 September 2005 in relation to conditions of consent relating to hours of operation, landscaping and an easement. RailCorp has advised that the demolition of the Cottage was not included in the 2005 application as it was not considered to be financially viable at the time and RailCorp decided works would only be undertaken to remove environmental risks from the site. • 14 December 2010 – The current development application for demolition of existing improvements, tree removal and remediation was lodged by RailCorp with Council. • 20 December 2010 to 20 January 2011 - The proposal was notified and 17 submissions were received. • 14 March 2011 – Letter from RailCorp submitted to Council addressing concerns raised in submissions. • April 2011 – Council's Development Application Assessment Report recommends refusal of the application. • **5 April 2011 - Council resolved to refer the application to the Joint Regional Planning Panel as, under Section 89(1)(a) of the EP&A Act, Council must not refuse its consent to a Crown development application, except with the approval of the Minister for Planning. Under Section 89(2A), the application must not be referred to the Minister unless it is first referred to the applicable regional panel.** • 6 May 2011 – Panel Secretariat receives Crown development application referral from Council. • 30 May 2011 – RailCorp provided comments to the Panel Secretariat on Council's draft without-prejudice conditions of consent. • 30 May and 1 June 2011 – RailCorp provided comments to the Panel Secretariat on Council's reasons for refusal. • 2 June 2011 – Council provides comments to the Panel Secretariat following a review of RailCorp's comments on the draft conditions of consent.				

SYDENHAM					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
20/03/2013 Approved Minister JRPP	**Railway Land** **117 Railway Road Sydenham** **RECORD OF DECISION** **THE SYDNEY EAST REGION PLANNING PANEL** The Panel considered the following application via emails and this is a record of the process and decision. **Business Item** ***ITEM 1 - 2011SYE059 – Marrickville – 201000599*** ***Demolition, removal of trees and remediation of site - 117 Railway Road, Sydenham*** On 19 March 2013, the Panel Secretariat circulated to the Panel members a letter of direction from the Minister of Planning & Infrastructure, dated 14 March 2013 directing the Panel to approve the application, as well as the minutes of Panel Meeting on 15 June 2011. Following the Minister's Direction of 14 March 2013, the application is approved subject to the conditions in Appendix A.			**ANEF: 30-35**	**MLEP 2001** Residential 2A Open Space (A) **MLEP 2011** Zoned to R3 Medium Density Residential

TEMPE

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
06/12/2000	**2A,B,C Union Street Tempe**	DA199902192 to erect a two storey residential flat building complex containing 8 x three bedroom townhouses with off street carparking for 16 vehicles and to subdivide the development into 8 lots.	8	ANEF: 25-30	MLEP 2001 Residential 2A
17/12/2012 Submitted 11/06/2013 Marrickville Council Meeting	**22 Hillcrest Street Tempe**	DA201200573 Application to subdivide the subject site into four (4) allotments, construct three (3) x two (2) storey attached dwellings fronting Way Street with each dwelling on a separate allotment, convert the existing dwelling house into a residential flat building containing four (4) dwellings and construct a fifth dwelling consisting of a two (2) storey dwelling house on the same allotment and then strata subdivide the five (5) dwellings on the allotment fronting Hillcrest Street into five (5) lots.	8	ANEF: 25-30	MLEP 2011 R2 Low Density Residential

Development in areas subject to Aircraft Noise (Clause 6.5)

The subject property is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour. Under Clause 6.5 of MLEP 2011, Council is required to take into consideration the guidelines provided in Australian Standard AS2021:2000 - Acoustics - Aircraft noise intrusion - Building Siting and Construction (AS2021:2000) regarding noise reduction for residential purposes where the ANEF exceeds 20. Under the clause Council must be satisfied that the development will meet the interior noise levels specified in Australian Standard AS2021:2000.

The proposed development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report accompanied the application which details that the proposed development could adequately be noise attenuated from aircraft noise. It is recommended that the report be referenced as part of the approved plans and documents listed in condition 1 of any consent granted for the proposal.

NEWTOWN

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
23/01/1998	**131-147 Alice Street Newtown**	D462/97 to demolish the existing industrial buildings and erect a residential flat complex containing 27 x 2 bedroom townhouses with basement car parking for 54 vehicles and to strata subdivide the premises into twenty seven lots	27	ANEF: 25-30	MLEP 2001 Residential 2B
13/04/1999	**Newtown Depot** **Lots 4 & 8 2B Gladstone Street Newtown**	D723/98 to erect a residential flat complex containing 4 x one bedroom, 10 x two bedroom and 2 x three bedroom dwellings with off street car parking for 20 vehicles	16	ANEF: 25-30	MLEP 2001 Residential 2C
24/05/1999	**6-8 Albert Street Newtown**	D847/98 to demolish the existing improvements and erect a residential flat complex containing 24 dwellings with off street car parking for 30 vehicles and to strata subdivide the premises into 24 lots.	24	ANEF: 25-30	MLEP 2001 Residential 2B
06/12/2000	**Crago Flour Mill** **1-3 Gladstone Street Newtown** **MUS Potential Urban Renewal Approaches** **Focus on Residential Density in and around Centres** **Apartment development in Gladstone Street, Newtown.**	DA200000563 subdivide former Cargo Flour Mill site into 2 allotments, demolish part of premises, carry out alterations & additions to convert eastern portion into 59 residential apartments, a small commercial component, off street parking 59 cars, strata sub 59 **Deferred Commencement Approval**	59 Modified	ANEF: 25-30	MLEP 2001 Light Industrial 4B
07/11/2001		DA200100538 to subdivide the property into two lots, demolish part of premises and carry out alterations and additions to convert the eastern portion into 64 dwellings with a small commercial component with off street parking for 63 vehicles & subdivide into 66 lots. **Deferred Commencement Approval**	64 Modified		
27/05/2004		DA200100538 to subdivide the property into two lots, demolish part of premises and carry out alterations and additions to convert the eastern portion into 58 dwellings with a small commercial component with off street parking for 59 vehicles & subdivide into 59 lots.	58 Modified		
10/12/2004 Approved		DA200100538 Modified Determination No. 200100538, dated 10 December 2004, approved an application to subdivide the former Crago Flour Mill into two allotments, demolish part of the premises and carry out alterations and additions to convert the eastern portion into 63 dwellings with off street parking for 63 vehicles and to strata subdivide the premises into 63 lots.	63		
07/07/2004	**3 Pemell Lane Newtown**	DA200400143 to demolish the existing improvements and erect a two storey residential flat building containing 5 dwellings with off street car parking for 3 vehicles and to strata subdivide the premises into 5 lots.	5	ANEF: 25-30	MLEP 2001 Residential 2B

NEWTOWN					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
02/06/2004 Approved	**63-71 Enmore Road Newtown**	DA200300686 to demolish the existing improvements and erect a four storey mixed commercial residential building containing 6 shops and 1 studio, 9 x one bedroom and 9 x two bedroom dwellings with basement car parking for 40 vehicles and to strata subdivide the premises into 29 lots. **Applicant: Exceland Pty Ltd**	19	ANEF: 25-30	MLEP 2001 General Business A
7/11/2008 Submitted 03/02/2009 Approved Council Meeting		200300686.01 Application under Section 96 of the Environmental Planning and Assessment Act to modify Determination No. 200300686, dated 2 June 2004, to alter the configuration of the development to provide a four storey mixed commercial/residential building containing 5 shops, 11 x one bedroom, 13 x one bedroom and study, 4 x two bedroom, 1 x two bedroom and study dwellings with basement car parking for 36 vehicles and to strata subdivide the premises into 34 lots. **Additional information submitted on 23 December 2008**	29		
04/03/2008 Council Meeting LEP Update	**32-72 Alice Street, Newtown** **Area approximately 8,297sqm.**	***Development & Environmental Services Committee Meeting - 02/08*** ***4 March, 2008 (LEP UPDATE)*** **Newtown, Alice Street (submission to MLEP)** The precinct contains the single industrial-zoned property in Alice Street, being number 36 (on the southern side). The Marrickville Urban Strategy identifies this precinct for investigation for mixed use development, including residential development.	MUS & Rezoning Work MLEP 2011	ANEF: 25-30	**Zoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use
01/09/2009 Council Meeting LEP Update		**Development & Environmental Services Committee Meeting** **1 September, 2009 *(LEP UPDATE)*** **Newtown, Alice Street (submission to MLEP)** The submission for this site has sought a mixed residential and business development with proposed building heights of between 2 and 7 storeys and a floor space ratio of approximately 2.0:1. The controls included within the draft Plan provide for a maximum height of 5 storeys on the site and an FSR of 1.85:1. The site is zoned B4 Mixed Use which will require that the ground floor/street level use comprises non-residential uses.			
18/06/2012 Submitted Council & JRPP		DA201200225 To demolish the existing improvements, carry out preparatory site works and erect a mixed use development containing 7 retail tenancies, 206 residential dwellings and 163 car parking spaces, associated landscaping, drainage and related works. **Applicant: Al Maha Pty Ltd/The Registered Proprietors of SP 32809**	206	ANEF: 20-25	
14/08/2012 Court Upheld February 2013		CA201200017 **Class 1 Appeal in Land and Environment Court** - DA201200225 - 32-72 Alice Street Newtown - to demolish the existing improvements, carry out preparatory site works and erect a mixed use development containing 6 retail tenancies, 206 residential dwellings and 158 car parking spaces, associated landscaping, drainage and related works			

NEWTOWN					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Council Report	**Report by Harjeet Atwal, Senior Town Planner - Recommendation Refusal** **Conclusion** The application seeks consent to demolish the existing improvements, carry out preparatory site works and erect a mixed use development containing 7 retail tenancies, 206 residential dwellings and 163 car parking spaces, associated landscaping, drainage and related works. The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application. The proposal exceeds the maximum floor space ratio development standard as prescribed under Marrickville Local Environmental Plan 2011. A submission under Clause 4.6 of Marrickville Local Environmental Plan 2011 in relation to the FSR departure accompanied the application, however the submission is not considered to be well founded. The proposal does not comply with the aims, objectives and design parameters of Marrickville Development Control Plan 2011. The subject site is located within the Camdenville Planning Precinct (Precinct 9.14). The proposed development does not comply with the future desired character and site specific controls prescribed by the strategic context planning controls under Part 9.14 of Marrickville Development Control Plan (MDCP) 2011. The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.		206	ANEF: 20-25	**Zoned From:** MLEP 2001 Light Industrial 4B **Zoned To:** MLEP 2011 B4 Mixed Use
21/11/2012 JRPP Meeting Deferred	**Lodged as deemed refusal appeal** **MINUTES OF THE SYDNEY EAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT PLANNING ASSESSMENT COMMISSION ON WEDNESDAY 21 NOVEMBER 2012 AT 10.30AM** 1. The Panel has considered the planning assessment report and generally agrees with its main premise that the Floor Space Ratio (FSR) of the proposal is too high. 2. The Panel resolves unanimously to defer the application to allow the applicant to submit amended drawings that reduce the FSR substantially. *3.* The reason why the Panel requires a reduction in the FSR is to achieve the *desired future character* for this site, as stated in cl 4.1(b) of the Marrickville LEP 2011. The character of this proposal at its current FSR is quite different from one at a FSR of 1.85:1. The Panel is mindful that even at a FSR of 1.85:1, this site's density is three times that of the surrounding area. 4. The main areas for reducing the FSR is at the frontage of Pearl Street, by setting back the building from Pearl Street, as well as by setting back the sixth level from the Walenore Avenue frontage. The Walenore Avenue façade needs more features providing privacy to the houses on the other side. As for Pearl Street, a wider street should overcome the problem of the vehicular entry which now is from a very narrow street, as well as the loss of on-street parking. In this regard, the Traffic Report needs to be adjusted to take a wider street into account and it needs to be submitted to the planning assessment officer. 5. The Panel requests the applicant to submit amended drawings along the lines indicated by 7 December 2012. The Panel requests the council's planning assessment officer to indicate her preliminary views on the amended plans by 21 December 2012. If the amended plans require re-exhibition, the Panel will determine the matter after it receives the officer's recommendation and a summary of public submissions.				

ENMORE

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
23/12/2004 & 24/06/2005 Submitted 06/03/2006 Approved Council Meeting	**Department of Education &Training 2-12 Metropolitan Road Enmore**	**200400782 & 200500289** **23 December 2004 (rezoning application) 24 June 2005 (development application)** Application to rezone the land to Residential 'C' to permit a residential flat building and a development application to demolish part of the premises and carry out alterations and additions to convert the former school building on the subject land, into a residential flat building containing 15 dwellings, with 19 off street parking spaces and to strata subdivide the premises into 15 lots. **Applicant: Department of Education and Training**	15	ANEF: 25-30	**Rezone from:** MLEP 2001 Special Uses A **Zone to:** MLEP 2001 Residential 2C

<u>G16 Airport Noise</u>

Direction G16 Airport Noise states the following:

"Except where the Councils can satisfy the Director that any particular provision or area should be varied or excluded having regard to the provisions of section 5 of the EP&A Act 1979:

(i) Draft local environmental plans shall not rezone land:

(a) for residential purposes, nor increase residential densities in areas where the Australian Noise Exposure Forecast [ANEF] as from time to time advised by the Civil Aviation Authority exceeds 25 or

(b) for schools, hospitals, churches and theatres where the ANEF exceeds 20 or

(c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.

(ii) Draft local environmental plans which rezone land:

(a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25 or

(b) for hotels, motels, offices or public buildings where the ANEF s between 25 and 30 or

(c) for commercial or industrial purposes where the ANEF is above 30 shall include a provision to ensure that development meets AS 2021 regarding interior noise levels."

The subject land lies between the 25–30 ANEF (2023/24) contours. Any consent granted should contain standard conditions to ensure that the development complies with AS 2021.

Marrickville Local Environmental Plan 2001 (MLEP 2001)

Aircraft Noise

Clause 28 requires consideration of noise impacts and noise attenuation measures for developments in areas bounded by the 20 Australian Noise Exposure Forecast (ANEF) contour. The subject site is located within the 25-30 ANEF (2023/24) contour and as such requires to be designed in accordance with Australian Standard - AS 2021 - 2000 - Acoustics - Aircraft Noise Intrusion -Building Siting and Construction. If approved, a condition should be imposed to ensure the proposed development complies with the above.

Planning Services

The rezoning application and accompanying development plans were referred to Council's Manager Planning Services for comment. Council's Manager Planning Services has provided the following comments:

"The proposed rezoning of the site to Residential 2(C) zone to permit a residential conversion is supported. In terms of strategic planning considerations, it is recognised that a residential use of the site is appropriate in terms of its close proximity to public transport, and the commercial, retail, and entertainment facilities of Enmore Road and Newtown. The Residential 2(C) zone is seen as an appropriate transition from the adjoining General Business 3(A) zone along Enmore Road, and the adjoining Residential 2(B) zone of adjoining and opposite properties along Metropolitan Road, and best suits the scale of the existing heritage building."

STANMORE

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
8/10/1998 Approved	**2 Holt Street Stanmore**	D297/98 Alterations to the premises to convert the existing offices into 17 residential units and strata subdivision of the units and 4 shops into 21 lots	17	**ANEF: 30-35**	MLEP 2001 Neighbourhood Business B
24/11/1998 Approved	**92-96 Percival Road Stanmore**	D203/98 Alterations and additions to the premises to create a mixed commercial/residential development containing 3 shops and caretakers residence and 24 one bedroom dwellings with off street car parking for sixteen vehicles	25	**ANEF: 30-35**	MLEP 2001 General Business A
19/12/2000 Approved	**140 Percival Road Stanmore**	DA200000510 To demolish existing improvements and erect a three storey building with a roof top terrace containing a ground floor commercial space and 10x1 bedroom dwellings with off street parking for six vehicles and to strata the premises into 11 lots.	10	**ANEF: 30-35**	MLEP 2001 General Business A
04/05/2001 Approved	**1-7 Railway Avenue Stanmore**	DA200000824 to demolish existing improvements, remediate the land, subdivide the land into two allotments. On one allotment construct a 4 storey residential flat building containing 17 x 1 bedroom, 14 x 2 bedroom and 1 x 3 bedroom dwelling with basement parking	35	ANEF: 25-30	MLEP 2001 Residential 2B
05/06/2002 Approved	**175-183 Trafalgar Street Stanmore**	DA200100892 to demolish the existing improvements and erect a 3 part four storey mixed commercial/residential development containing a ground floor shop/commercial suites and 11 x one bedroom and 6 x two bedroom dwellings with off street car parking for 22 vehicles.	17	**ANEF: 30-35**	MLEP 2001 Neighbourhood Business B
16/08/2002 Approved	**1-7 Macaulay Road Stanmore**	DA200000826 to rezone the land to Residential 'C7', demolish the existing factory improvements and erect a two part three storey residential flat building over carpark level containing 12x1 bedroom and 2x2 bedroom dwellings with off street parking for 18 vehicles.	16	ANEF: 25-30	MLEP 2001 Residential 2A
11/12/2003 Approved	**1-5 Salisbury Road Stanmore**	DA200200911 Convert the existing building into ten (10) x 3 bedroom dwellings over a basement car park for 17 cars	10	ANEF: 25-30	MLEP 2001 Residential 2A
07/07/2004 Approved	**138 Corunna Road Stanmore & 1A Cannon Street Stanmore**	DA200400154 to demolish the existing residential flat building and dwelling house and erect 6x2 storey dwelling house and subdivide the land into 6 allotments.	6	ANEF: 25-30	MLEP 2001 Residential 2A
26/05/2005 Approved	**111 Percival Road Stanmore**	DA200400292 to demolish the existing improvements and erect a two part three storey building containing 4 ground floor shops and 3 x one bedroom and 5 x two bedroom dwellings with off street car parking for 11 vehicles and to strata subdivide the premises into 12 lots	8	**ANEF: 30-35**	MLEP 2001 General Business A

STANMORE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Cyprus Club 58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore					
11/11/2003 Submitted	**Cyprus Club** **58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore** Site area of approximately 7,119sqm.	DA200300728 Application to rezone the land to Residential 'C' with a floor space ratio control of 1.45:1 and development application to demolish the existing improvements, excluding the substation, and erect 6 new residential buildings (apartments and terraces) containing 92 dwellings, with off street car parking for 116 vehicles, vehicular access from Tupper Street and Alma Avenue, widening of Alma Avenue, landscaping, site works and public domain improvements. **Applicant: Stanisic & Associates**	92	ANEF: 25-30	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation
Additional Information Submitted 13/12/2003 03/03/2004 18/12/2004		**Additional information submitted:** **13 December 2003;** **3 March 2004 and** **18 December 2004**			
Council Meeting 6/09/2005 Deferred	**Director, Development & Environmental Services reports:** **Synopsis** Application to rezone the land to Residential 'C' with a floor space ratio control of 1.45:1 and development application to demolish the existing improvements, excluding the substation, and erect 6 new residential buildings (apartments and terraces) containing 92 dwellings, with off street car parking for 116 vehicles, vehicular access from Tupper Street and Alma Avenue, widening of Alma Avenue, landscaping, site works and public domain improvements. The application was advertised/notified in accordance with Council's policy and forty-nine (49) submissions were received. The proposed development does not comply with many controls and will have a detrimental impact on the area. As the proposed design is unacceptable the proposed rezoning is also not supported. The application has been the subject of extensive and protracted negotiations. Furthermore the applicant has been given every opportunity to address the issues and concerns raised by Council officers. The application is accordingly recommended for refusal. The application is referred to the Committee for determination as the proposal seeks approval for a rezoning of the land.				
	Background Prior to the lodgement of this rezoning/development application Council officers had a Pre-DA meeting with the applicant and forwarded a letter that outlined the instruments, plans and controls applicable to the development and key matters where the Council officers considered that the proposal did not comply with those controls and did not provide a development that was in the public interest. The conclusion to this pre-lodgement letter was as follows: *"Council has no objection to the development of the site for residential purposes. The proposed development, however, is considered to be over ambitious, and does not sit comfortably in its context. While the site provides an opportunity for urban consolidation, Council is unlikely to support a proposal containing buildings that are significantly higher than those that form the context of the site. The proposal presented needs to be reconsidered and reduced to take into account the matters discussed above."* The Rezoning/Development Application was lodged on 11 November 2003. An assessment of the application was undertaken and it was considered that the proposal still had fundamental issues which are outlined in the body of this report. Council sent a letter to the applicant on 29 January 2004, outlining all those issues with the proposal and made the following conclusion:				

STANMORE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Cyprus Club 58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore					
Council Meeting 6/09/2005 Deferred		*"As discussed in the Pre-DA letter, while specific maximum FSR and heights were not prescribed it was clearly stated that the submitted Pre-DA concept design had an FSR and heights which were considered to result in a form and scale that was incompatible with the surrounding residential context and was therefore unacceptable. While the proposed development application contains some improvements from the Pre-DA concept design the proposal does not address these fundamental issues and is therefore still considered to have an unacceptable level of density. The many other detail issues raised also lead Council to the position that the application as a whole is unacceptable and could not be amended within the scope of this application to be acceptable.* *It is therefore recommended that you withdraw the application allowing some of the development application fees to be refunded. If the application is not withdrawn the application would be recommended for refusal and no refund would be given."* *Subsequent to this a meeting was held with the applicant on 17 February 2004 to explain the matters raised and it was agreed to allow the applicant an opportunity to amend the proposal, provided the applicant lodged a written intention of the changes they were willing to undertake.* *The applicant submitted a letter dated 24 February 2004 outlining proposed changes, however those changes were general in nature and Council gave a general confirmation of these changes and suggested that the applicant discuss the application with the then incoming Mayor following the recent elections. Council awaited the submission of amended plans which were never received.* *At the end of last year the applicant verbally agreed to withdraw the application, however a withdrawal letter was not received. In subsequent contact with the applicant in 2005 it was explained that the owners of the subject property did intend to withdraw the Development Application but that further negotiations were proposed between the owners and the Councillors to get indication on what form of development could be acceptable in a future application, and the applicant did not want to withdraw the application until this was negotiated successfully.* *As no further contact has been made by the applicant and many months have passed, this report is now put forward to the Committee for its determination.*	92	ANEF: 25-30	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation
		Section 117(2) Directions Rezoning of the land requires Council to consider a number of ministerial directions under Section 117(2) of the Environmental Planning and Assessment Act 1979. The proposal is not considered to be inconsistent with the Schedule of Directions under Section 117(2) of the EPA Act 1979. **The direction of particular relevance is discussed below:** **G16 – Airport Noise** Direction G16 states the following: *"Except where the Council can satisfy the director that any particular provision or area should be varied or excluded having regard to the provisions of s.5 of the Environmental Planning and Assessment Act 1979:* *(i) Draft local environmental plans shall not rezone land:* *(a) for residential purposes, nor increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) as from time to time advised by the Civil Aviation Authority exceeds 25.* *(b for schools, hospitals, churches and theatres where the ANEF exceeds 20 or* *(c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.*			

STANMORE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Cyprus Club 58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore					
Council Meeting 6/09/2005 Deferred		*(ii) Draft LEPs which rezone land:* *(a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25 or* *(b) for hotels, motels, offices or public buildings where the ANEF s between 25 and 30 or* *(c) for commercial or industrial purposes where the ANEF is above 30 shall include a provision to ensure that development meets AS 2021 regarding interior noise levels."* The subject site is located between the 25-30 ANEF (2023/24) contours. The above-described Direction therefore requires consideration be given to the interior noise levels to ensure that they comply with AS 2021. The applicant has submitted an "Aircraft and Traffic Noise Assessment Report" with the subject application. The report concludes that: *"This report provides the results of an assessment of aircraft and traffic noise intrusion into the proposed residential development at 56-78 Stanmore Road, Stanmore. Noise levels have been assessed using criteria set out in the relevant Australian Standards for the proposed site. Provided the constructions recommended in Section 4 of this report are implemented, internal noise levels will comply with the criteria provided in the recommended Section 3."* Given the above, the proposed rezoning is considered to be consistent with the requirements outlined under Direction G16 – Airport Noise. **State Environmental Planning Policies** (i) <u>State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)</u> SEPP 32 was gazetted November 15, 1991 and aims to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development. The Policy aims to enable: "(i) the location of housing in areas where there are existing public infra-structure, transport and community facilities; and (ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities; and (iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas." SEPP 32 requires that each local Council and the Minister consider whether urban land is no longer needed or used for the purposes for which it is currently zoned, whether it is suitable for redevelopment for multi-unit housing and related development and whether action should be taken to make the land available for such redevelopment. When preparing environmental planning instruments or considering development applications relating to urban land, Councils and the Minister must implement the aims and objectives of this Policy to the fullest extent practicable. It is considered that the land is suitable to be redeveloped for residential purposes and the rezoning the property to enable it to be developed for residential purposes is considered to be consistent with the aims and objectives of SEPP 32.	92	ANEF: 25-30	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation

STANMORE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Cyprus Club 58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore					
Council Meeting 6/09/2005 Deferred	**Marrickville Local Environmental Plan 2001 (MLEP 2001)** **(i) Zoning** The subject site is partially zoned Residential A and partially zoned Special Uses A. The frontage of the property along Alma Avenue is also affected by a Proposed New Alignment under MLEP 2001. The proposed development as a residential flat building/multi-unit housing development is prohibited in these zones. As such a rezoning of the site would be required. The highest density residential zone under MLEP 2001 is the Residential 'C' zone. While a residential use of the site is considered appropriate in principle, the question has always been what density and form of residential development is appropriate for the site. Apart from the Cyprus Club, that may have some associated parking issues, the site currently causes little impact on the area, in terms of amenity. As such, there is no great incentive for Council and the public to want this site to be rezoned and redeveloped at a density that is considered would adversely impact on the locality as discussed in detail below. **(ii) Aircraft Noise** The subject property is located within the 25-30 Australian Noise Exposure Forecast (2023/24) Contour. A condition could be imposed on any consent granted requiring the dwellings to be noise attenuated in accordance with Australian Standard AS 2021- 2000. **Advertising/Notification - Comment** Many of these matters have been addressed in the body of the report. Other matters have not been discussed considering the major issues with the proposal and that the application is not supported. **Conclusion** The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 as of relevance to the application have been taken into consideration. The proposed development does not comply with many controls and will have a detrimental impact on the area. As the proposed design is unacceptable the proposed rezoning is also not supported. The application is accordingly recommended for refusal. A report on an application to rezone the land to Residential 'C' with a floor space ratio control of 1.45:1 and development application to demolish the existing improvements, excluding the substation, and erect 6 new residential buildings (apartments and terraces) containing 92 dwellings, with off street car parking for 116 vehicles, vehicular access from Tupper Street and Alma Avenue, widening of Alma Avenue, landscaping, site works and public domain improvements was considered by the Development & Environmental Services Committee at Meeting 08/05 on 6 September, 2005 as Item No. DA 93. The report recommended refusal of the application based on a large number of reasons. Council resolved that the matter be deferred to the next Development & Environmental Services Committee Meeting. At the 09/05 Meeting on 4 October, 2005 the Committee resolved: 1. the application be DEFERRED for two (2) months to give an opportunity for the applicant to submit amended plans to Council to address the matters raised in the officer's report; 2. upon the submission of the amended plans referred to in Point 1 above, a CONFERENCE be convened between representatives of the club, the community and Councillors." The applicant was advised of Council's resolution by letter, dated 7 October 2005.	92	ANEF: 25-30	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation

STANMORE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Cyprus Club 58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore					
01/11/2005 Council Meeting Deferred	At the Development & Environmental Services Committee Meeting 10/05 on 1 November, 2005 the Committee resolved: *"THAT the Minutes of the Development and Environmental Services Committee Meeting 09/05 held on Tuesday, 4 October, 2005, as circularised, be CONFIRMED subject to Point 1 of Item DA 93 (Page 4 of the Business Paper) being amended to read The application be DEFERRED."*		92	ANEF: 25-30	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation
06/06/2006 Council Meeting	**Comment** A letter was sent to the applicant (Mr Frank Stanisic), dated 20 December 2005, requesting that if he still intended to proceed with the application that he provide a timeframe when the amended plans would be lodged. Frank Stanisic contacted Council by telephone and stated that he no longer was involved with the application and future correspondence should be directed to Cyprus Community of NSW. As he was the applicant Council requested that a formal letter be forwarded transferring authority, in relation to the application, to the Cyprus Community of NSW. Council subsequently considered a report as Item DA 138 DES 11/05 in relation to the Minister for Planning's decision not to proceed with a draft Local Environmental Plan to rezone the properties 72-74 Fitzroy Street, Marrickville. The Minister's decision not to proceed with the plan followed a circular issued by the then Department of Infrastructure, Planning and Natural Resources on 19 August 2005 which provided advice to Councils on the Director General's requirements for reporting to the Minister under Section 69 of the Environmental Planning and Assessment Act 1979. That circular advised that *"Councils are requested to avoid, where possible, resolving to prepare minor amendments to existing plans".* In dealing with that report Council resolved inter alia: **"THAT** Council write to all proponents of current rezoning applications within the Marrickville Council Local Government Area advising them that the Minister will only consider spot rezoning applications where there are "exceptional circumstances". A letter was sent to the applicant in relation to the above resolution on 15 December 2005. That letter stated inter alia as follows: *"I refer to your current combined rezoning/development application lodged with Council for the abovementioned address.* *In August 2005, the then Department of Infrastructure Planning and Natural Resources issued a circular advising that "Councils are requested to avoid where possible resolving to prepare minor amendments to existing plans". In other words, spot rezonings were discouraged.* *Council has now received further advice in response to a specific rezoning proposal, that reinforces clearly the Department of Planning's attitude to "spot rezonings" stating that "to avoid undue delays, costs and unreasonable expectations by proponents in the future, I strongly suggest to Council that, only in exceptional circumstances does it resolve to prepare LEPs in the absence of an overall strategic vision for the area." On this basis, Council suggests that you consider whether or not you wish to proceed with your rezoning, as it appears at this stage it is unlikely to proceed to gazettal unless exceptional circumstances can be established."*				

STANMORE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Cyprus Club 58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore					
06/06/2006 Council Meeting Refused	A further letter was sent, this time to the Michael Christodoulou, President of the Cyprus Community of NSW, dated 2 February 2006, outlining the background and informing them that Council had not received any amended plans for the subject development, nor had Council received a letter from the applicant (Mr Frank Stanisic) transferring ownership of the development application to another person. No further correspondence has been received by Council in relation to the matter. No amended plans have been submitted to Council in an attempt to address the matters raised in the report (Item DA 93 DES 08/05) The President of the Cyprus Club has been advised by telephone that the matter is being considered again. The application was lodged over two and a half years ago on 11 November 2003 and remains the longest undetermined application currently on Council's books. It is considered that the applicant has been given ample opportunity to advise Council of their intentions with respect to the matter. In light of the above, the significant issues with the proposal as detailed in the report on the application to Council and the Minister's decision to only "consider rezoning applications where there are exceptional circumstances" it is recommended that this matter be finalised by refusing the application. **RECOMMENDATION** **THAT** the recommendation as appearing in Item DA 93 of Development and Environmental Services Meeting 09/05 on 4 October, 2005 be **ADOPTED**.		92 Refused	ANEF: 25-30	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation
31/10/2008 Submitted	**Cyprus Club** **58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore** Site area of approximately 7,119sqm	DA200800531 to redevelop the Cyprus Club including alterations and additions to the existing club building comprising a new fourth level, a piazza area with dining facilities, a guest accommodation wing with 7 guest rooms, a new administration area, a gallery at level 1, 10 x 2 bedroom and 46 x 1 bedroom self-contained, self-care, senior living dwellings, with associated basement parking for 315 vehicles **Applicant: Cyprus Community of NSW**	63 Modified	ANEF: 25-30	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation
Additional Information Submitted 14/04/2009		To redevelop the Cyprus Club including alterations and additions to the existing club building comprising a new fourth level, open piazza area with dining facilities, guest accommodation wing with 11 rooms over 2 levels, new administration area, 25 place child care centre, multipurpose cultural education space, 27 x 1 bedroom senior living dwellings with associated basement car parking for 363 spaces.	38	ANEF: 25-30	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation
6/10/2009 Council Meeting Deferred		At that meeting the Committee resolved that the matter be deferred to allow the applicant to submit amended plans within twenty-eight (28) days, including payment of fees in accordance with Council's adopted fees and charges. The development was considered to be an overdevelopment of the site that would result in significant and unacceptable impacts on the residential amenity enjoyed by residents of adjoining and surrounding development. In view of the circumstances the application was recommended for refusal.			

STANMORE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Cyprus Club 58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore					
6/10/2009 Council Meeting Deferred	**Marrickville Local Environmental Plan 2001 (MLEP 2001)** (i) <u>Zoning (Clauses 10, 17 and 45)</u> The property is zoned part Residential 'A' and part Special Uses 'A' under the provisions of Marrickville Local Environmental Plan 2001 (MLEP 2001). Clause 45 (Additional uses development and site specific development controls) of MLEP 2001 applies to lots A, B, and C in DP308880; Lot 1 in DP105806 and Lot 1 in DP121240 and permits additional development on those lots for the purpose of a club. All of the works associated with the club building are located on the subject lots and as such the works are permissible with the consent of Council. The remainder of the proposal including the multipurpose cultural/education building, child care centre and the seniors living accommodation are located on land zoned Residential 'A' or Special Uses 'A' and are permissible with the consent of Council. However little or no detail has been provided as to the future use of the cultural/education building and as such it is difficult to ascertain as to whether the building will satisfy the definition of an *"educational establishment"* as defined under MLEP 2001. The seniors living dwellings are supported by a Site Compatibility Certificate confirming the permissibility of that component of the development. Given the above, the proposed development is generally considered to be permissible with Council's consent under the zoning provisions applying to the land, noting the concerns raised with regard to the cultural/education building. (ii) <u>Aircraft Noise (Clause 28)</u> The property is located in the 25-30 Australian Noise Exposure Forecast (ANEF) 2029 Contour. Any development of the land would need to be noise attenuated in accordance with Australian Standard AS2021-2000 – Acoustics – Aircraft Noise Insulation – Building Siting and Construction. A condition to such effect should be imposed on any consent granted.		38 Modified	ANEF: 25-30	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation
09/11/2009	**Cyprus Club** **58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore**	The applicant submitted amended plans and supporting documentation on 9 November 2009 and paid the applicable fees in accordance with Council's adopted fees and charges on 18 November 2009. The amended development application seeks to redevelop the Cyprus Club including alterations and additions to the existing club building comprising a new fourth level, a piazza area with dining facilities, a guest accommodation wing with 7 guest rooms, a new administration area, a gallery at level 1, 60 x 1 bedroom self-contained, self-care, senior living dwellings, with associated basement parking for 315 vehicles. **Applicant: Mr Angelo Candalepas –Architect**	67	ANEF: 2029 Part 20-25 & 25-30 ANEF: 2033 20-25	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation

STANMORE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Cyprus Club 58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore					
06/04/2010 Council Meeting Deferred	File Ref: DA200800531-04/14887.10 A report on a development application to redevelop the Cyprus Club including alterations and additions to the existing club building comprising a new fourth level, open piazza area with dining facilities, guest accommodation wing with 11 rooms over 2 levels, new administration area, 25 place child care centre, multipurpose cultural education space, 27 x 1 bedroom senior living dwellings with associated basement car parking for 363 spaces was considered by Council at the Development Assessment Committee Meeting on 6 October 2009. The development was considered to be an overdevelopment of the site that would result in significant and unacceptable impacts on the residential amenity enjoyed by residents of adjoining and surrounding development. In view of the circumstances the application was recommended for refusal. At that meeting the Committee resolved that the matter be deferred to allow the applicant to submit amended plans within twenty-eight (28) days, including payment of fees in accordance with Council's adopted fees and charges. The applicant submitted amended plans and supporting documentation on 9 November 2009 and paid the applicable fees in accordance with Council's adopted fees and charges on 18 November 2009. The amended development application seeks to redevelop the Cyprus Club including alterations and additions to the existing club building comprising a new fourth level, a piazza area with dining facilities, a guest accommodation wing with 7 guest rooms, a new administration area, a gallery at level 1, 60 x 1 bedroom self-contained, self-care, senior living dwellings, with associated basement parking for 315 vehicles. The amended application was notified in accordance with Council's Notification Policy and eighteen (18) submissions were received. The subject site is affected by a proposed road realignment pursuant to Clause 46 of Marrickville Local Environmental Plan 2001. The proposed road realignment affects that portion of the site which fronts Alma Avenue and measures 5 metres in depth. The proposed development encroaches on the proposed road realignment. The proposed development also fails to comply with the maximum floor space ratio that applies to that portion of the site to be developed for club purposes as prescribed under MLEP 2001. The proposed seniors living housing development fails to satisfy the maximum floor space ratio and maximum height controls/development standards contained in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Notwithstanding that amendments have been made since the proposal was last considered by the Committee, the amended development is still considered to be an overdevelopment of the site that would result in significant and unacceptable impacts on the amenity enjoyed by residents of adjoining and surrounding development. The application is referred to the Council for determination given the history of the site, the size of the proposed development, the extent of departures from development standards and the number of submissions received. It should be noted that the subject development application was originally submitted on 31 August 2008 and is the oldest undetermined development application. In view of the circumstances the application is recommended for refusal. **RECOMMENDATION**	67	ANEF: 2029 Part 20-25 & 25-30 ANEF: 2033 20-25	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation

STANMORE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Cyprus Club 58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore					
06/04/2010 Council Meeting Deferred	**Aircraft Noise (Clause 28)** The property is located in the 25-30 Australian Noise Exposure Forecast (ANEF) 2029 Contour. Any development of the land would need to be noise attenuated in accordance with Australian Standard AS2021-2000 – Acoustics – Aircraft Noise Insulation – Building Siting and Construction. A condition to such effect should be imposed on any consent granted.		67	ANEF: 2029 Part 20-25 & 25-30 ANEF: 2033 20-25	**MLEP 2001** Residential 2A and Special Uses A. **MLEP 2011** RE2 Private Recreation
06/04/2010 Council Meeting Minutes Deferred	**Motion** now reads: **That:** 1. Determination of Development Application No. DA200800531 for alterations and additions to the existing club and erection of seniors living housing at 58-76 Stanmore Road, 2 Tupper Street, 20 Tupper Street and 3-9 Alma Avenue, Stanmore, be deferred for the officers to prepare a report containing appropriate conditions to be imposed on a development consent for the application. 2. These conditions acknowledge that: a) the road re-alignment for Alma Avenue has been considered by Council and Council agrees that the present plans are supportable with a change to the pedestrian zone from that which is currently shown at 1.2m to a width of 1.8 m; b) the overshadowing and bulk as represented by the applicant in the current proposal is understood and acceptable; c) a no left turn into Alma Avenue when exiting the car park or the Club be installed; d) reduction of height of seniors living buildings in line with the topography to address the issues of overshadowing and bulk of form as it addresses the properties 6-14 Tupper Street; e) improved mix of housing, eg one and two bedroom units, for the seniors' living buildings to meet the changing needs of the seniors' market. **Motion Carried**				
03/08/2010 Council Meeting	The applicant submitted amended plans and additional information on 10 May 2010 and 22 June 2010 which aim to address the Council resolution. While the amended plans were not required to be notified pursuant to the requirements contained in Marrickville development Control Plan No. 39 – Development Notification Policy it is noted that thirteen (13) additional submissions objecting to the proposed development have been received since the application was last considered by Council. The proposed development (as amended) involves a significant departure from the maximum floor space ratio development standard of 0.7:1 that applies to that portion of the site to be developed for club purposes as prescribed under Marrickville Local Environmental Plan 2001. The proposed development (as amended) also involves a significant departure from three (3) development standards relating to height as prescribed under Clauses 40(4) (a), (b) and (c) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that applies to that portion of the site zoned Residential 'A' under Marrickville Local Environmental Plan 2001. The applicant lodged two (2) objections under State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) in relation to the departures from the subject development standards which were assessed in the planning report considered at the Development Assessment Committee Meeting. Council would need to determine whether the applicant's SEPP 1 objections are well founded and provide justification for agreeing to such variations. In the event that the Council does not consider the applicant's SEPP 1 objections to be well founded the development application has to be refused.				

STANMORE					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
Cyprus Club 58-76 Stanmore Road, 3-9 Alma Avenue & 20 Tupper Street Stanmore					
03/08/2010 Council Meeting Approved	As the extent of the variations (129%, 15%, 50% & 200% respectively) from the subject development standards are greater than 10% the application is required to be determined by "full Council". It is recommended that the matter be determined by the Council. It should be noted that the subject development application was originally submitted on 31 August 2008 and is Council's oldest undetermined development application.		67 Modified	ANEF: 2029 Part 20-25 & 25-30	**MLEP 2001** Residential 2A and Special Uses A.
	THAT the development application to redevelop the Cyprus Club including alterations and additions to the existing club building comprising a new fourth level, a piazza area with dining facilities, a guest accommodation wing with 7 guest rooms, a new administration area, a gallery at level 1, 10 x 2 bedroom and 46 x 1 bedroom self contained, self care, senior living dwellings, with associated basement parking for 315 vehicles be **APPROVED** and a **DEFERRED COMMENCEMENT CONSENT** be issued subject to the following terms and conditions:		63	ANEF: 2033 20-25	**MLEP 2011** RE2 Private Recreation
08/08/2008 Submitted 07/07/2009 Approved Council Meeting	**105-107 Percival Road Stanmore**	DA200800382 to demolish the existing improvements and erect a mixed use development containing 2 shops/commercial suites and 9 dwellings with off street car parking for eleven (11) vehicles **Aircraft Noise (Clause 28)** The subject property is located within the 30-35 Australian Noise Exposure Forecast (2023/24) Contour. The proposed development would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. A condition to such effect should be imposed on any consent granted.	9	**ANEF: 30-35**	MLEP 2001 General Business A
20/09/2012 Submitted 31/12/2012	**8 Holt Street Stanmore**	DA201200387 to carry out alterations and additions to an existing residential flat building to create a total of 7 dwellings with 2 studios and 5 x one bedroom dwellings with associated landscaping	7	**ANEF: 30-35**	MLEP 2011 R2 Low Density Residential
04/08/2014 Submitted 15/07/2015 Approved Council Meeting	**14 Holt Street Stanmore**	DA201400368 to demolish part of the premises and carry out alterations and additions to an existing boarding house to provide an additional 4 rooms and include upgrade works to comply with access requirements	13	**ANEF: 30-35**	MLEP 2011 R2 Low Density Residential
	Development in areas subject to Aircraft Noise (Clause 6.5) *Clause 6.5 applies to development on land (in part) that is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise.* ***The site is located within the 30-35 Australian Noise Exposure Forecast (2033) Contour.*** *The development is likely to be affected by aircraft noise. The carrying out of the development would result in an increase in the number of people affected by aircraft noise.* *The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report did not accompany the application. However, the applicant has indicated within the Statement of Environmental Effects that compliance with acoustic provisions will be demonstrated at the construction phase.* *The development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2000.* *A condition could be imposed on any consent granted for the proposal requiring noise attenuation measures to be incorporated into the development complying with Australian Standard 2021:2000 in relation to interior design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction*				

PETERSHAM

Date	Site Address	Details	Dwellings	ANEF@ time of assessment	Zoning
12/11/1997 Approved Court Appeal Upheld	**386-414 Parramatta Road Petersham**	**Land and Environment Court of NSW Appeal No.10326 of 1997** **Pinmark Pty Ltd v Marrickville Council** **Development Consent Granted** This appeal involves a development application for the partial demolition of several buildings. One of these the Petersham Inn is to be mainly retained and restored as a hotel and restaurant. Similarly, 9 shop frontages are to be restored. The application also involves the erection of an attached and incorporated residential flat building containing 92 dwellings and under cover parking for 80 cars, This new building work will contain an additional 3 storeys and is to be set back some 8-9 meters behind the parapets of the existing 2 story building CA200900025 **Class 1 Appeal in Land and Environment Court -** the partial demolition of several buildings at 386-414 Parramatta Road Petersham. One of these buildings, the Petersham Inn is to be mainly retained and restored as a hotel and restaurant. Similarly, nine shop frontages are to be restored. The application also involves the erection of an attached and incorporated residential flat building containing 92 dwellings and under cover parking for 80 cars. This new building work will contain an additional three storeys and is to be set back some 8-9 m behind the parapets of the existing mainly two storey building. **Appeal Upheld Approved**	92	**ANEF: 30-35**	Marrickville Planning Scheme Ordinance (PSO) General Business 3A
04/05/2007 Submitted 07/08/2007 Approved	**107-115 New Canterbury Road Petersham**	DA200700233 to demolish the existing improvements and erect a part three part four storey mixed commercial/residential development containing four (4) ground floor retail/commercial suites and twenty dwellings with off street parking for 48 vehicles and to strata subdivide the premises into twenty-four (24) lots **Noise attenuation** measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to Council's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000. **Reason:** To reduce noise levels within the proposed development from aircraft.	20	ANEF: 25-30	MLEP 2001 General Business A

PETERSHAM					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
31/08/2001	**Eversleigh Hospital Site** **1–3 Coronation Avenue Petersham**	**Marrickville Local Environmental Plan 2001 (Amendment No 1)** **Published in Gazette No 132 of 31 August 2001, page 7427**	MLEP 2001 Amendment No.1	ANEF: 25-30	MLEP 2001 Residential 2C
16/06/2002		DA200200074 to demolish part of the premises and carry out alterations and additions to convert the former Eversleigh Hospital site into a residential flat complex containing 109 dwellings with an outdoor tennis court and pool and off street car parking for 138 vehicles	109		
04/05/2002	**301-313 Stanmore Road Petersham**	DA199901910 to demolish improvements, erect a three storey mixed commercial/residential development containing ground floor shops and 18 x one bedroom and 6 x 2 bedroom dwellings with basement carpark for 25 vehicles and strata subdivide into 29 lots.	24	ANEF: 25-30	MLEP 2001 Neighbourhood Business B
29/10/2003	**299 Stanmore Road Petersham**	DA200300185 to demolish the existing improvements and erect two buildings containing 15 dwellings and a commercial site with off street car parking for 16 vehicles.	15	**ANEF: 30-35**	MLEP 2001 Neighbourhood Business B
29/08/2003	**5 Croydon Street Petersham**	**Marrickville Local Environmental Plan 2001 (Amendment No 19)** **Published in Gazette No 132 of 29 August 2003, page 8983 Page** ***Additional uses development* for the purpose of a residential flat building**	MLEP 2001 Amendment No.19	ANEF: 25-30	MLEP 2001 Residential 2A
13/12/2003		DA200200523 to rezone the land , demolish part of the premises & carry out alterations & additions to convert the former private hospital into a residential flat building containing 25 dwellings with off street car parking for 32 vehicles & to strata subdivide 25 lot	25		
05/02/2010 Submitted 09/07/2010 Approved	**49 New Canterbury Road Petersham**	DA201000042 to carry out alterations and additions to the premises to convert the premises into a mixed use development containing a basement car park, retail space on the ground floor level with 27 dwellings on the upper levels of the development with off street car parking for 18 vehicles	27	ANEF: 25-30	MLEP 2001 General Business A
		Aircraft Noise (Clause 28) The subject property is located within the 25-30 Australian Noise Exposure Forecast (2029) Contour. The proposed development would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. A condition to such effect should be imposed on any consent granted. Noise attenuation measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. Reason: To reduce noise levels within the proposed development from aircraft			

PETERSHAM					
Date	**Site Address**	**Details**	**Dwellings**	**ANEF@ time of assessment**	**Zoning**
09/08/2012 Submitted 12/12/2012 Approved	**58-60 Crystal Street Petersham**	DA201200318 to demolish the existing improvements and erect a three storey mixed use development containing two ground floor commercial tenancies and 14 dwellings with off street car parking for 16 vehicles **Development in areas subject to Aircraft Noise (Clause 6.5)** Clause 6.5 applies to development on land that (in part) is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise. The subject property is located within the 25-30 Australian Noise Exposure Forecast (2029) Contour. It is considered that the carrying out of proposed development would result in an increase in the number of people affected by aircraft noise. The proposed development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report did not accompany the application. It is considered that the proposed development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2000. A condition should be imposed on any consent granted for the proposal requiring noise attenuation measures to be incorporated into the development complying with Australian Standard 2021:2000 in relation to interior design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction), in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000.	14	ANEF: 25-30	MLEP 2011 Local Business B2
Public Notice Closing 16/06/2015	**446 Parramatta Road Petersham**	DA201500260 to demolish the existing improvements and construct a 5 part 6 storey mixed use development with 2 ground floor commercial tenancies, 31 dwellings on the upper floors and 2 basement car parking levels	31	ANEF: 25-30	MLEP 2011 Local Business B2