

OUR REF: 15/4738

3 January 2017

Helen Wilkins,
Senior Planner, Sydney Region East, Planning Services
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Helen,

Planning Proposal: 85 Margaret Street, Petersham

Following our recent discussions, the above planning proposal has been amended to address the matters raised in your email of 22 December 2016.

Background

The former Marrickville Council, at its meeting on 5 April 2016 resolved (in part) to prepare a planning proposal to amend MLEP 2011 and submit the draft planning proposal to the Department of Planning and Environment for Gateway determination.

The planning proposal, referred to as MLEP 2011 (Amendment No. 4), seeks to make a number of amendments to Marrickville Local Environmental Plan 2011.

The proposed amendments are primarily housekeeping matters that seek to amend misdescriptions, mapping anomalies and omissions and improve communication in the Plan. The planning proposal also includes other amendments to Marrickville Local Environmental Plan 2011.

Planning Proposal

Some of those amendments recommended related to a request, on behalf of Petersham TAFE to prepare a planning proposal to rezone the land referred to as 85 Margaret Street, Petersham.

Planning consultants on behalf of Petersham TAFE, by email dated 8 December 2016, have requested that their Planning Proposal request to rezone the Petersham TAFE site at No 85 Margaret Street, Petersham, be excised from the planning proposal known as Marrickville Local Environmental Plan 2011 (Amendment No. 4) and progressed as a separate stand alone planning proposal.

Council officers discussed the request with officers from the Department who raised no objection in principle to the matter being progressed as a separate stand alone planning proposal.

Customer Service Centres

Petersham | P (02) 9335 2222 | E council@marrickville.nsw.gov.au | 2-14 Fisher Street, Petersham NSW 2049

Leichhardt | P (02) 9367 9222 | E leichhardt@lmc.nsw.gov.au | 7-15 Wetherill Street, Leichhardt NSW 2040

Ashfield | P (02) 9716 1800 | E info@ashfield.nsw.gov.au | 260 Liverpool Road, Ashfield NSW 2131

Please find attached a planning proposal to amend Marrickville Local Environmental Plan 2011 to rezone the property known as 85 Margaret Street, Petersham from SP2 Educational Establishment to R2 Low Density Residential with appropriate floor space ratio and height of building development standards.

Submission of this planning proposal for Gateway determination is in accordance with Council's resolution on this matter from its 5 April 2016 meeting. Other relevant documentation, including the proponent's planning proposal submission and an extract from the Council officer's report to the 5 April 2016 meeting in relation to the matter, are included in the submission.

Should your office have any queries please contact Peter Wotton, Strategic Planning Projects Coordinator, Marrickville on 9335 2260.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jamie Erken', with a stylized flourish at the end.

Jamie Erken

Acting Manager, Planning Services, Marrickville

Encl

TRIM NO:

**PLANNING PROPOSAL TO AMEND
MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 (MLEP 2011)
85 MARGARET STREET, PETERSHAM
JANUARY 2016**

Introduction

This planning proposal seeks Gateway approval to amend Marrickville Local Environmental Plan 2011 (MLEP 2011) to amend the planning controls relating to the property known as 85 Margaret Street, Petersham.

At its meeting on 5 April 2016 Council considered a report which recommended that Council resolve to prepare a draft Planning Proposal to make a number of amendments to Marrickville Local Environmental Plan 2011. The proposed amendments were referred to as Draft Marrickville Local Environmental Plan 2011 (Amendment No. 4).

Some of those amendments recommended related to a request, on behalf of Petersham TAFE to prepare a planning proposal to rezone the land referred to as 85 Margaret Street, Petersham.

An extract from the report considered by Council in relation to the matter is reproduced below (individual maps which show the current planning controls applying to the subject land and the proposed planning controls are incorporated into the extract):

85 Margaret Street, Petersham

A request to prepare a planning proposal to rezone the land referred to as 85 Margaret Street, Petersham, was submitted to Council on 29 February 2016.

The land forms part of the site (Lot 1 DP749931) known as 25 Crystal Street, Petersham, owned by the Minister for Education containing Petersham TAFE. The land referred to as 85 Margaret Street, Petersham, contains a single storey dwelling house. The dwelling house is not used in association with the TAFE. Determination No. 201400132 dated 6 June 2014 approved an application to carry out internal renovations and external repairs and use the building known as 85 Margaret Street as a dwelling.

A photograph of the premises referred to as 85 Margaret Street, Petersham, is provided below:

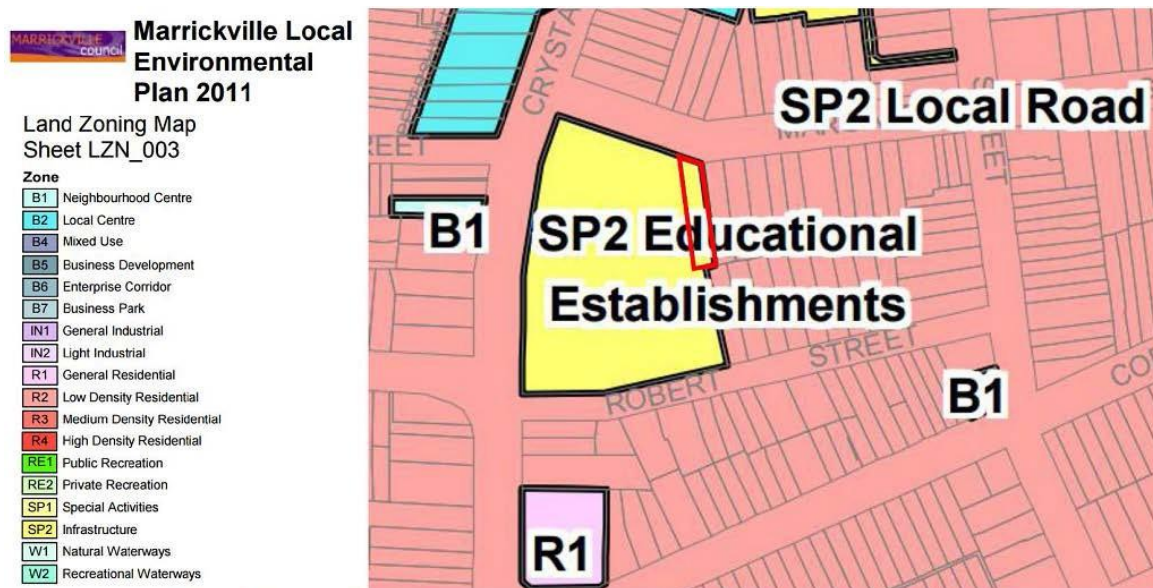


*Image 1:
The Site referred to as 85 Margaret
Street, Petersham*

The request seeks an amendment to MLEP 2011 to rezone the land from SP2 Educational Establishments to R2 Low Density Residential. The reason given for the requested amendment was to *"allow the TAFE College to sell, exchange or otherwise dispose of or deal with 85 Margaret Street as a standalone entity"*.

It is proposed to subdivide the TAFE college land into 2 lots to excise the land referred to as 85 Margaret Street from the remainder of the TAFE college land. A development application is to be submitted for the proposed subdivision. The rezoning request includes a subdivision plan. The proposed lot for the land referred to as 85 Margaret Street has an area of approximately 298sqm and a width of approximately 7.5 metres. The proposed lot is in keeping with the subdivision pattern of other residential properties along this section of Margaret Street.

An extract from the rezoning request identifying the site referred to as 85 Margaret Street, Petersham, with a thick red line and showing the zoning of land under MLEP 2011 in the locality, is reproduced below:



No FSR or HOB controls apply to the subject land under MLEP 2011. The request also seeks amendments to MLEP 2011 to introduce a maximum building height of 9.5 metres and a maximum floor space ratio of 0.6:1 for the subject land.

All the residentially zoned properties in the immediate area are zoned R2 Low Density Residential under MLEP 2011. Those properties have a floor space ratio control of 0.6:1 with land identified with a thick red line and labelled F on Floor Space Ratio Map and a maximum 9.5 metre (J (9.5m)) height control applies to the land under MLEP 2011. The requested FSR and HOB controls for the property 85 Margaret Street, Petersham, are considered appropriate.

The planning proposal is consistent with applicable State Environmental Planning Policies and Section 117 Directions.

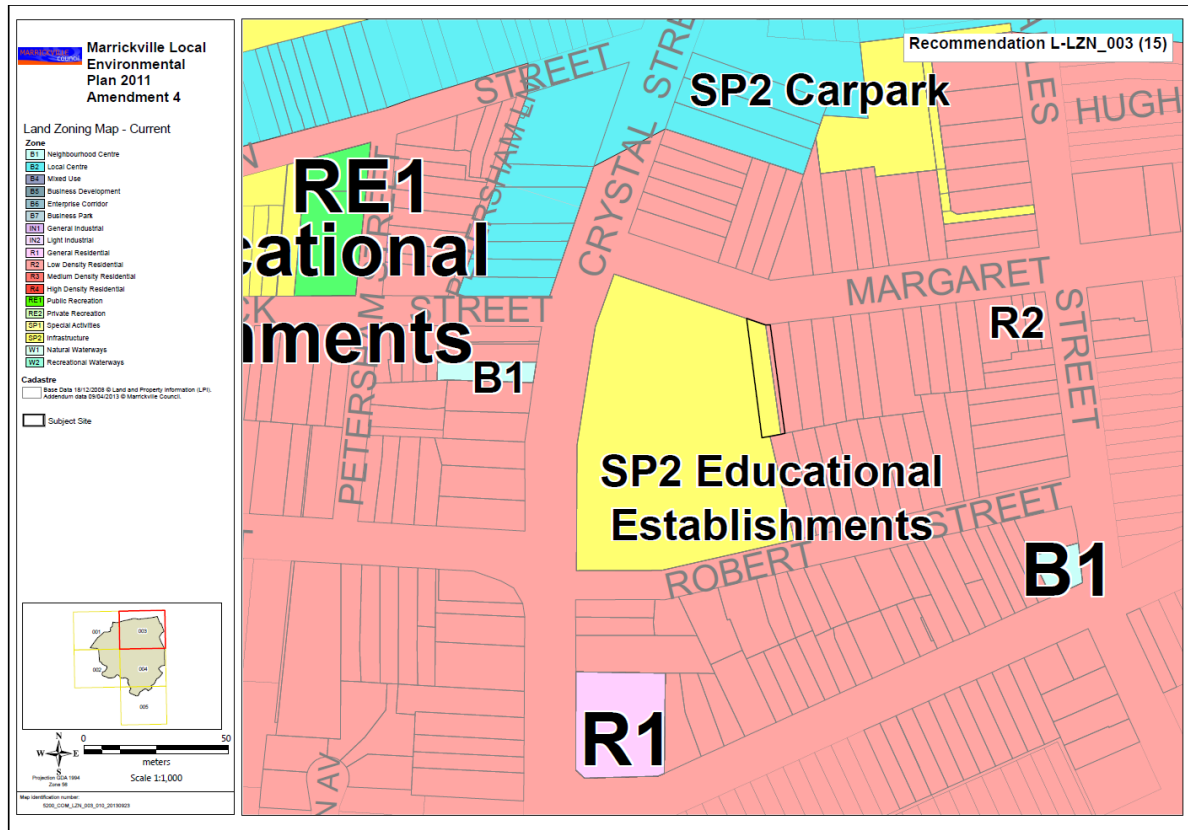
It is recommended that the rezoning request be incorporated into the planning proposal submitted to the Department for gateway determination.

MLEP 2011: Land Zoning Maps

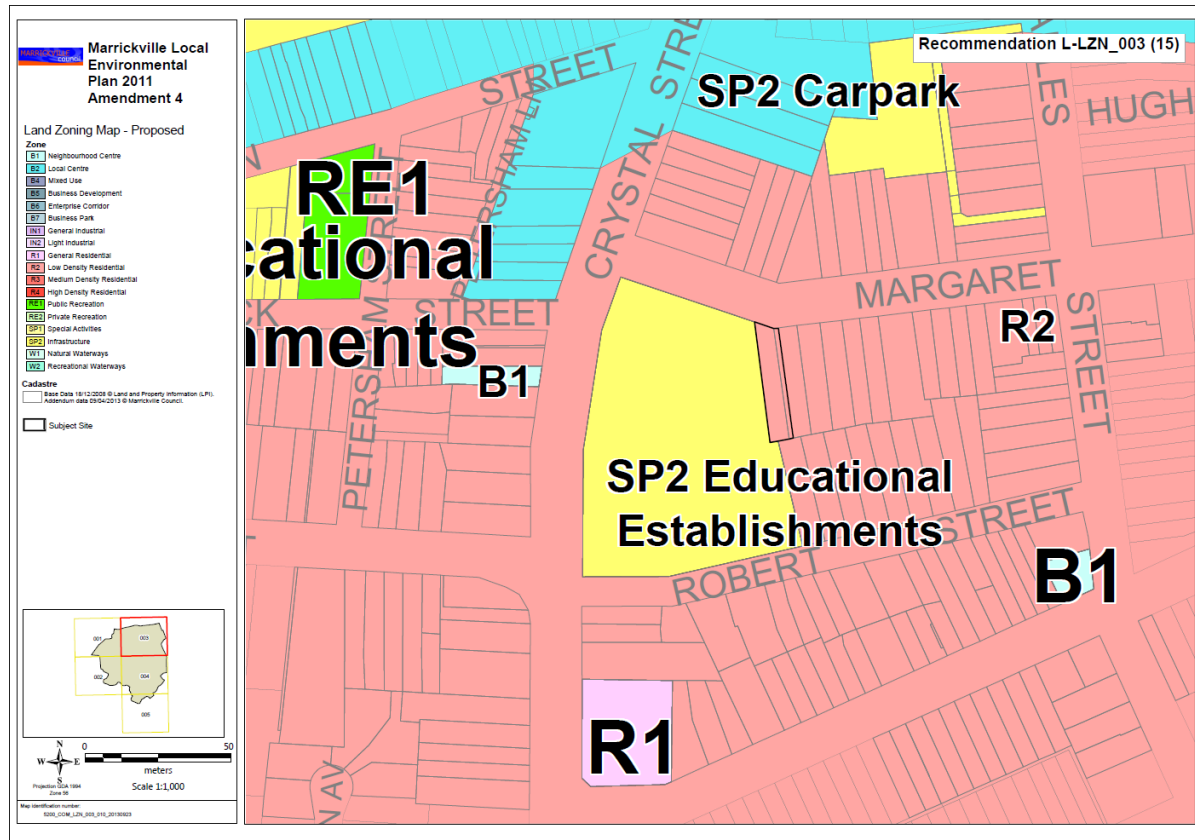
Recommendation L-LZN_003 (15):

That the zoning on Land Zoning Map (LZN_003) for the property 85 Margaret Street, Petersham, be amended to R2 Low Density Residential.

Current Land Zoning Map:



Proposed Land Zoning Map:

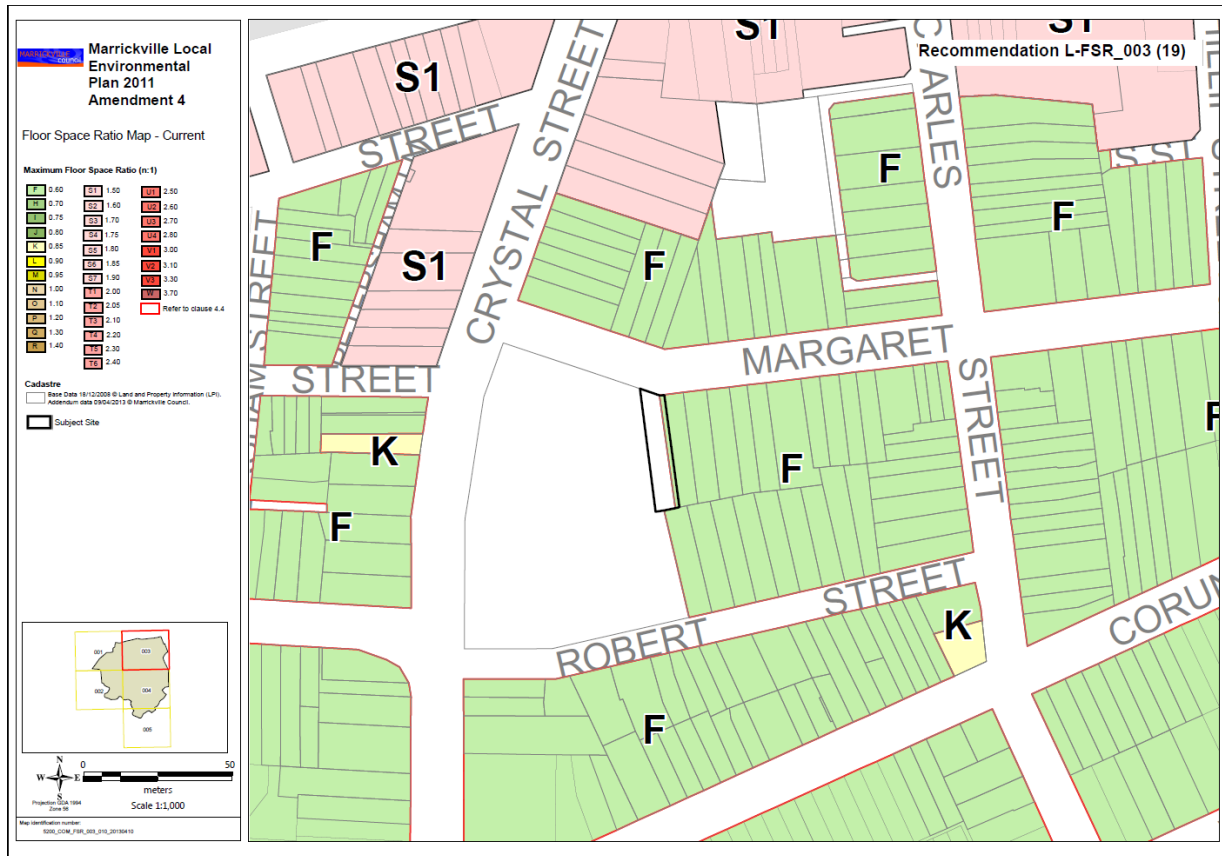


MLEP 2011: Floor Space Ratio Maps

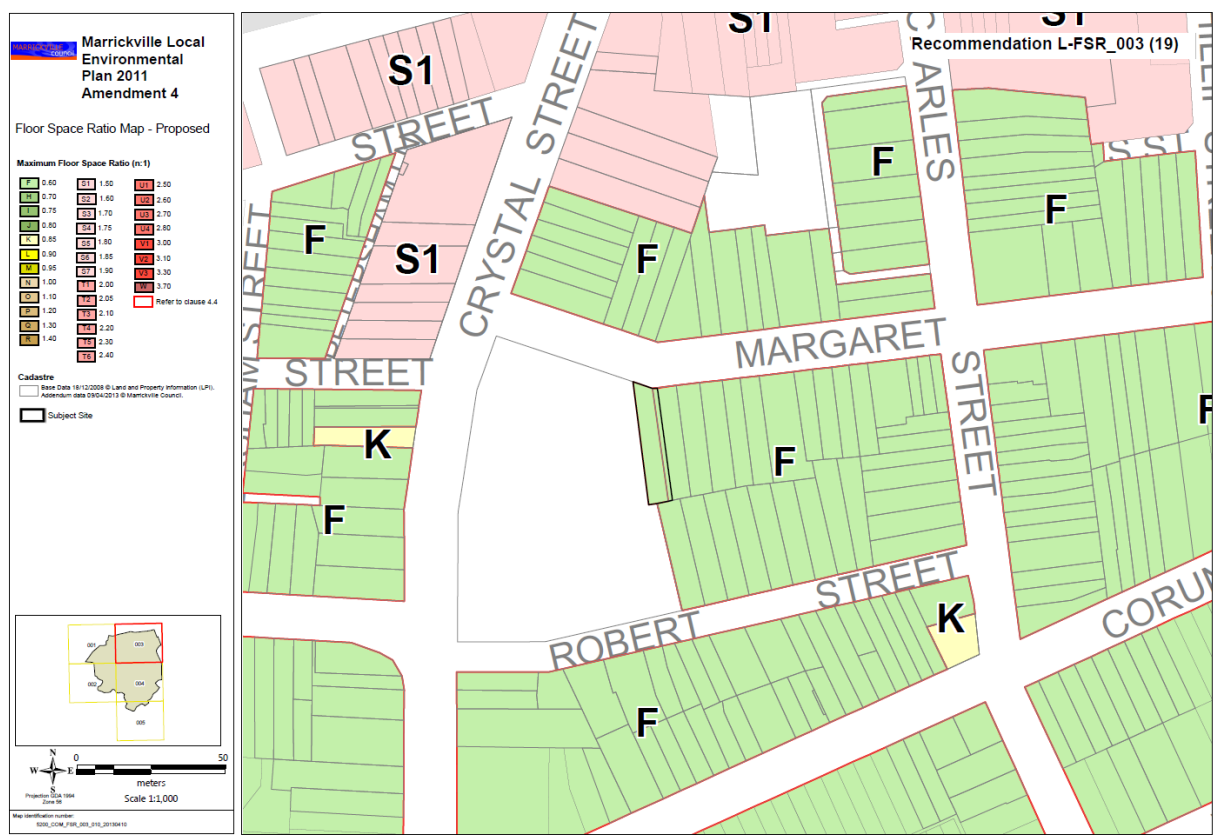
Recommendation L-FSR_003 (19):

That a label of **F (0.6:1)** be added to the property 85 Margaret Street, Petersham, and the land identified with a thick red line and labelled **F** on Floor Space Ratio Map (FSR_003).

Current Floor Space Ratio Map:



Proposed Floor Space Ratio Map:

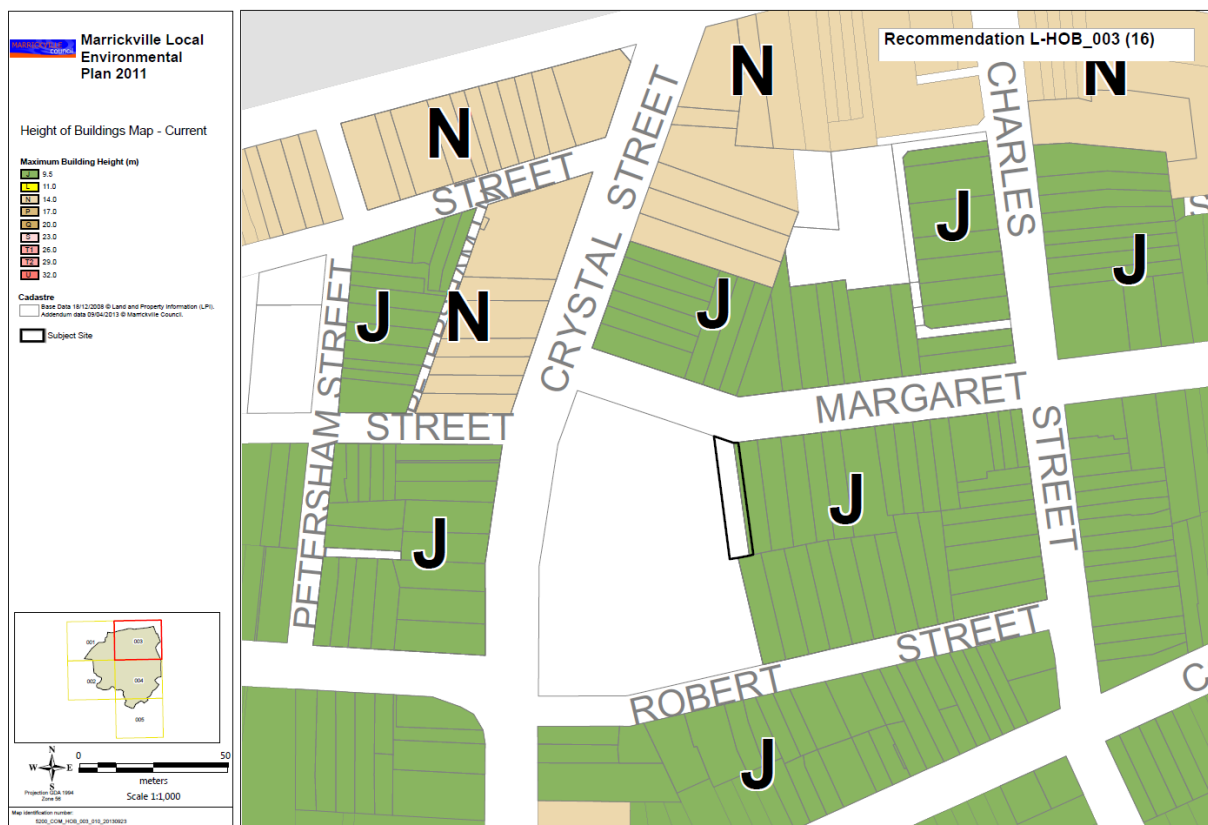


MLEP 2011: Height of Buildings Maps

Recommendation L-HOB_003 (16):

That a maximum 9.5 metre (**J (9.5m)**) height control be placed on the property known as 85 Margaret Street, Petersham, on Height of Buildings Map (HOB_003).

Current Height of Buildings Map:



Marrickville Local Environmental Plan 2011

Height of Buildings Map - Proposed

Maximum Building Height (m)

9.5
11.0
14.0
17.0
20.0
23.0
26.0
29.0
32.0

Cadastre

Blank Data 18/12/2008 © Land and Property Information (LPI)
 Appended Data 09/04/2013 © Marrickville Council

□ Subject Site

Recommendation L-HOB_003 (16)

Streets: PETERSHAM STREET, CRYSTAL STREET, MARGARET STREET, ROBERT STREET, CHARLES STREET

Scale 1:1,000

Map Identification Number: E006_C006_HOB_003_010_201308023

Planning consultants on behalf of Petersham TAFE, by email dated 8 December 2016, have requested that their Planning Proposal request to rezone the Petersham TAFE site at No 85 Margaret Street, Petersham, be excised from the planning proposal known as Marrickville Local Environmental Plan 2011 (Amendment No. 4) and progressed as a separate stand alone Planning Proposal.

Council officers discussed the request with officers from the Department who raised no objection in principle to the matter being progressed as a separate stand alone planning proposal.

The objectives of the Planning Proposal are:

- i. To amend Marrickville Local Environmental Plan 2011 to rezone the land known as 85 Margaret Street, Petersham, from SP2 Educational Establishment to R2 Low Density Residential with appropriate floor space ratio and height of building development standards; and
- ii. *"To enable the zoning of the site to reflect its present use as a detached dwelling house consistent with surrounding residential land."*

The Planning Proposal seeks to rezone the land known as 85 Margaret Street, Petersham, to R2 Low Density Residential. The subject land is currently part of the Petersham TAFE site. The subject land contains a dwelling house. The subject land was previously on its own lot

before it was amalgamated into the Petersham TAFE site.

The proposed rezoning would reflect the present use of the land as a detached dwelling house. The proposed rezoning is consistent with the zoning of residential land in the immediate area and the proposed floor space ratio and height of building controls are consistent with the controls that apply to residentially zoned land in the immediate area.

PART 3: JUSTIFICATION

Section A – Need for the planning proposal

1. Is the planning proposal the result of any strategic study or report?

The applicant advised that *"The planning proposal is a result of a strategic intention of Petersham TAFE College to allow the site to be rezoned to reflect its use"*.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The applicant advised that *"The rezoning of the site is the best means for achieving a zoning that reflects the current use of the site as a residential dwelling house."*

3. Is there a net community benefit?

The net community benefits from the planning proposal are summarised as follows:

- 85 Margaret Street, Petersham

A request was submitted, on behalf of Petersham TAFE, to prepare a planning proposal to rezone the land referred to as 85 Margaret Street, Petersham. The land referred to as 85 Margaret Street, Petersham, contains a single storey dwelling house. The dwelling house is not used in association with the TAFE.

The request seeks an amendment to MLEP 2011 to rezone the land from SP2 Educational Establishments to R2 Low Density Residential. The reason given for the requested amendment was to *"allow the TAFE College to sell, exchange or otherwise dispose of or deal with 85 Margaret Street as a standalone entity."*

The planning proposal includes the rezoning of that land, as requested, with appropriate floor space ratio and height of building development standards.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the objectives and actions contained within the applicable regional or sub-regional strategy including the Sydney Metropolitan Strategy.

The Greater Sydney Commission's Draft Central District Plan includes actions for educational establishments such as "Action L16: Support planning for school facilities". Those actions relate specifically to schools and not to tertiary institutions such as a TAFE establishment.

The Draft Plan states that *"In accordance with Action 3.1 of A Plan for Growing Sydney, making the District a great place to live requires the provision of the infrastructure and services that people need, from birth to the end of life"* (page 118). Whilst not specifically including tertiary institutions in the range of services listed, the Draft Plan states *"The*

delivery of these services is the responsibility of many agencies and organisations that need to consider existing and future demand.”

The subject land has been deemed, by Petersham TAFE, to be surplus to their existing and future needs and as such the planning proposal is considered to be consistent with the objectives and actions contained within the Greater Sydney Commission's Draft Central District Plan.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The *Marrickville Community Strategic Plan (Our Place, Our Vision)* was adopted in 2010 to define the long term aspirations and strategic directions for the community. That document, the result of an extensive community engagement process, established four 'key result areas' that summarise the objectives and strategies for the Marrickville community over the next decade. The plan was reviewed and updated in 2012/2013. The Plan's 4 key result areas are as follows:

- *A diverse community that is socially just, educated, safe and healthy;*
- *A creative and cultural Marrickville;*
- *A vibrant economy and well planned, sustainable urban environment and infrastructure; and*
- *An innovative, effective, consultative and representative Council.*

The planning proposal is consistent with Marrickville Council's Strategic Plan, Marrickville Community Strategic Plan (Our Place, Our Vision) which defines the long term aspirations and strategic directions for the community.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The planning proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs) as detailed below. Based on that assessment, Council has concluded that overall, the planning proposal is consistent with all relevant SEPPs as follows:

- SEPP No. 1 – Development Standards

This SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary. No matters within this planning proposal relate to amendments to development standards. Notwithstanding the above, by virtue of Clause 1.9(2) of MLEP 2011, SEPP No. 1 does not apply to land to which MLEP 2011 applies.

- SEPP No. 19 - Bushland in Urban Areas

This SEPP aims to protect and preserve bushland within certain urban areas as part of the natural heritage or for recreational, educational and scientific purposes. It is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared. No matters within this Planning Proposal alter the degree to which urban bushland will be protected under MLEP 2011. The Planning Proposal is consistent with this SEPP.

- SEPP No. 21 - Caravan Parks

This SEPP ensures that where caravan parks or camping grounds are permitted

under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years. This planning proposal does not include any provisions relating to caravan parks. The Planning Proposal is consistent with the SEPP.

- SEPP No. 30 - Intensive Agriculture

This SEPP requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority. The Planning Proposal is consistent with this SEPP.

- SEPP No. 33 - Hazardous and Offensive Development

This SEPP amends the definitions of hazardous and offensive industries and includes provisions relating to such developments. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of the proposal. The consent authority must carefully consider the specifics the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are potentially hazardous or potentially offensive as defined in the policy. The definitions contained within the SEPP were incorporated into the Standard Instrument and the Dictionary to MLEP 2011 includes those definitions. The planning proposal does not relate to any of those uses and is therefore consistent with the objectives of the SEPP.

- SEPP No. 50 - Canal Estate Development

This SEPP aims to prohibit canal estate development in order to ensure that the environment is not adversely affected by the creation of new developments of that kind. The planning proposal, and the Council resolution, do not propose any changes in the instrument relating to provisions for canal estate developments. The Planning Proposal is consistent with this SEPP.

- SEPP No. 55 - Remediation of Land

This SEPP introduced a State wide planning approach to the remediation of contaminated land across NSW. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must be undertaken before the land is developed. The planning proposal does not include any provisions relating to the remediation of land as the property is currently used as a dwelling house. The Planning Proposal is consistent with this SEPP.

- SEPP No. 62 - Sustainable Aquaculture

This SEPP encourages the sustainable expansion of the aquaculture industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are

potential environmental risks. The Planning Proposal is consistent with this SEPP.

- SEPP No. 64 - Advertising and Signage

This SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. None of the matters in this Planning Proposal raise issues in relation to this SEPP. The Planning Proposal is consistent with this SEPP.

- SEPP No. 65 - Design Quality of Residential Apartment Development

This SEPP aims to improve the quality of design of residential apartment development across the NSW through the application of design principles. It provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential apartment development and involvement of a qualified designer throughout the design, approval and construction stages. The Planning Proposal is consistent with this SEPP.

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

This SEPP encourages the development of quality accommodation for the ageing population and for people who have disabilities, in keeping with the local neighbourhood. The Planning Proposal does not include any provisions that would, directly or indirectly, affect housing for seniors or people with a disability, nor would it affect any provision within the SEPP. The Planning Proposal is consistent with this SEPP.

- SEPP (Building Sustainability Index: BASIX) 2004

This SEPP operates in conjunction with EP&A Amendment (Building Sustainability Index: BASIX) Regulation 2004 to implement consistent building sustainability provisions across NSW. The Planning Proposal does not include any provisions that would, directly or indirectly, affect BASIX or any provision that relates to building sustainability. The Planning Proposal is consistent with this SEPP.

- SEPP (State Significant Precincts) 2005

This SEPP aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, and to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

The Planning Proposal does not include any provisions that would, directly or indirectly, affect any provision within the SEPP. The Planning Proposal is consistent with this SEPP.

- SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development. The Planning Proposal is consistent with this SEPP.

- SEPP (Temporary Structures) 2007

This SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. None of the matters in this Planning Proposal raise issues in relation to the SEPP. The Planning Proposal is consistent with this SEPP.

- SEPP (Infrastructure) 2007

This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW. It is intended to provide greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The planning proposal responds to a rezoning request on behalf of Petersham TAFE, to rezone the land referred to as 85 Margaret Street, Petersham.

Practice Note PN10-001 *Zoning for infrastructure in LEPs* provides guidance for councils on zoning public infrastructure land. Of relevance to this planning proposal are Principles 2, 3 and 5 in the Practice Note.

Principle 2:

The planning proposal seeks to rezone part of the TAFE site (the land known as 85 Margaret Street, Petersham) to R2 Low Density Residential, the same zone that applies to land adjacent to the site to the east.

Principle 3:

The site is less than 20 hectares in area, it does not provide a range of facilities that can also be used by the surrounding community and is not of regional significance. As such the TAFE site is not considered a “strategic site”.

Principle 5:

The current use of the site as a dwelling house is not associated with Petersham TAFE. The proponent advised that “*The planning proposal is a result of a strategic intention of Petersham TAFE College to allow the site to be rezoned to reflect its use*”. The subject land is surplus to Petersham TAFE’s needs.

The subject land is not subject to a site compatibility certificate. The planning proposal seeks to rezone the land as a compatible land use.

In light of the above, the Planning Proposal is consistent with this SEPP.

- SEPP (Exempt and Complying Development Codes) 2008

This SEPP simplifies assessment processes for development that complies with specified development standards. It identifies types of minor development that may be carried out without development consent, or carried out in accordance with a complying development certificate. The Planning Proposal is consistent with this SEPP.

- SEPP (Affordable Rental Housing) 2009

This SEPP establishes a consistent planning regime for the provision of affordable rental housing. The planning proposal is consistent with this SEPP.

- SEPP (State and Regional Development) 2011

The aims of this Policy are to identify development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to

determine development applications. None of the matters in the Planning Proposal raise issues in relation to this SEPP. The Planning Proposal is consistent with this SEPP.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the planning proposal against all relevant s.117 Directions is provided below. From that assessment, Council has concluded that the planning proposal is consistent with all applicable Ministerial Section 117 Directions.

2 Environmental and Heritage

- Direction 2.3: Heritage Conservation

This Direction applies when a relevant planning authority prepares a planning proposal and states that the planning proposal must, inter alia, contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.

Part of the Petersham TAFE site is identified as a heritage item under MLEP 2011 (Heritage Item I185 Petersham TAFE, including interiors). The property description in Schedule 5 of MLEP 2011 is Lot 1, DP 749931. That property description relates to the entire site (including the land known as 85 Margaret Street, Petersham) but the heritage item identified on the Heritage Map (HER_003) identifies the heritage item on the southern half of the property. The heritage item identified on the map does not include land along the Margaret Street frontage of the property, including the land the subject of the proposed rezoning known as 85 Margaret Street.

A development application was lodged seeking approval to subdivide the TAFE land (Lot 1 DP 749931) into two lots to excise the land the subject of the rezoning request from the remainder of the property. (The plan submitted with that application identify the proposed lot relating to the land known as 85 Margaret Street, Petersham, as **Lot 100**) The subdivision application was approved by Modified Determination No. 201600163 dated 5 October 2016. The approved plan of subdivision creating a separate lot for the property known as 85 Margaret Street, Petersham, is yet to be registered. Upon the registration of the plan of subdivision the property description of the heritage item in MLEP 2011 should be amended to relate to the new property description for the item.

3 Housing, Infrastructure and Urban Development

- Direction 3.1: Residential Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within either an existing or proposed residential zone (including the alteration of any existing residential zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.

Direction 3.1 is relevant to the planning proposal as the proposal seeks to rezone land for residential purposes. The proposed rezoning of that part of the TAFE land referred to as 85 Margaret Street, Petersham, would not result in significant residential development being permitted on that land. It should be noted that the subject land contains a dwelling house and that the land was

previously zoned for residential purposes before being acquired for educational purposes.

In light of the above, Council considers the planning proposal to be consistent with this Direction.

- Direction 3.4: Integrating Land Use and Transport

The objectives of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) *increasing the choice of available transport and reducing dependence on cars, and*
- (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) *supporting the efficient and viable operation of public transport services, and*
- (e) *providing for the efficient movement of freight."*

This direction applies to a planning proposal that *will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.*

The planning proposal includes an amendment that *will create, alter or remove a zone or a provision relating to urban land.*

The amendment relating to the rezoning of land known as 85 Margaret Street, Petersham, is in response from a request on behalf of Petersham TAFE. The subject land contains a single storey dwelling house. The proposed rezoning of the land reflects the current development on the land.

It is considered that the planning proposal is consistent with the aims and objectives of this Direction.

- Direction 3.5: Development Near Licensed Aerodromes

The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes; (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. This direction applies to a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

The property is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour and consequently the proposed amendment is technically inconsistent with the subject Section 117 Direction.

Notwithstanding the above the proposed new zoning is the same as that applies to the other residential properties fronting Margaret Street in the immediate area, the subject land was previously zoned for residential purposes and the property currently contains a dwelling house. The proposed rezoning would not result in the creation of a new dwelling or an increase in the number

of people affected by aircraft noise.

In view of the circumstances, the non compliance with the Direction is considered acceptable.

4 Hazard and Risk

- Direction 4.1: Acid Sulfate Soils

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

The subject land is not identified on the Acid Sulfate Soils Map.

The planning proposal is consistent with this Direction.

- Direction 4.3: Flood Prone Land

This Direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

The subject land is not identified as flood liable land. The planning proposal is consistent with this Direction.

6 Local Plan Making

- Direction 6.1: Approval & Referral Requirements

This Direction applies when a relevant planning authority prepares a planning proposal and states, inter alia, that the planning proposal must minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of the appropriate Minister or public authority, and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

The planning proposal is consistent with this Direction.

- Direction 6.3: Site Specific Provisions

This direction applies to the planning proposal. The objective of the direction is to discourage unnecessarily restrictive site specific planning controls. The Direction requires a planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must 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 additional development standards or requirements; or*
- (c) *allow that land use on the relevant land without imposing any additional development standards or requirements.*

The planning proposal includes site specific provisions for the property known as 85 Margaret Street, Petersham, owned by Petersham TAFE, which contains a single storey dwelling house from SP2 Educational

Establishments to R2 Low Density Residential. The proposed floor space ratio and height site specific planning controls for the property are consistent with the controls that relate to the R2 Low Density Residential zoned land in the immediate area.

The site specific components of the planning proposal are consistent with the subject Direction.

7 Metropolitan Planning

- Direction 7.1: Implementation of A Plan for Growing Sydney

This Direction applies to the planning proposal. *A Plan for Growing Sydney "provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space".*

In view of the nature of the planning proposal the directions and actions contained within *A Plan for Growing Sydney* are not particularly relevant to the planning proposal.

Direction 1.10 – *"Plan for education and health services to meet Sydney's growing needs"* of the Plan includes the following action:

"Action 1.10.2: Support the growth of complementary health and tertiary education activities in strategic locations"

The land is not located within one of the *"significant metropolitan health and education precincts"* identified under the Plan. As stated previously the current use of the site as a dwelling house is not associated with Petersham TAFE. The proponent advised that *"The planning proposal is a result of a strategic intention of Petersham TAFE College to allow the site to be rezoned to reflect its use"*. The subject land is surplus to Petersham TAFE's needs. The land is relatively small, having an area of less than 300sqm, and is considered of insufficient size to enable the institution *"to grow and attract complementary activity"*.

In light of the above, the planning proposal is considered to be consistent with the NSW Government's *'A Plan for Growing Sydney'*, and as such Council considers the planning proposal to be consistent with this Direction.

Section C – Environmental, social and economic impact

- 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

All significant issues in relation to critical habitat or threatened species, populations or ecological communities, or their habitats were taken into account in the making of MLEP 2011. The planning proposal does not include any proposed amendments to those controls. Consequently it is considered little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal.

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

There are unlikely to be environmental effects, either individually or cumulatively, as a result of the planning proposal.

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

The planning proposal would result in the zoning of the subject land reflecting its present use as a detached dwelling house consistent with surrounding residential land. As such the proposed rezoning would not cause any social or economic impacts.

Section D – State and Commonwealth Interests

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

The planning proposal seeks to rezone the land known as 85 Margaret Street, Petersham, to R2 Low Density Residential. The subject land was previously zoned for residential purposes and the property currently contains a dwelling house. The proposed rezoning would not result in the creation of a new dwelling. Consequently it is considered that there is adequate public infrastructure for the planning proposal.

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

As this planning proposal has not yet proceeded to Gateway determination, the views of State and Commonwealth public authorities have not been sought, nor is this required at this stage. In accordance with the Gateway determination process, the Department of Planning and Environment will inform Council which State and Commonwealth authorities are to be formally consulted during the public exhibition period.

PART 4: MAPPING

The maps related to this planning proposal are included in this submission. The individual maps show the current planning controls applying to the subject land and the proposed planning controls. The individual maps are referenced by the recommendation number contained within the report considered by Council (e.g. Recommendation L-LZN_003 (15) etc).

PART 5: COMMUNITY CONSULTATION

The former Marrickville Council considered that the planning proposal would have a low impact overall. The planning proposal would not create the need for any additional infrastructure servicing.

The planning proposal would be publicly exhibited in accordance with the requirements of any Gateway determination issued.

PART 6: PROJECT TIMELINE

Following are estimated dates (month/year) for completion of key tasks in the planning proposal process:

- anticipated commencement date (date of Gateway determination) – January 2017;
- anticipated timeframe for the completion of required technical information – January 2017;
- timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) – to be determined after Gateway determination;
- commencement and completion dates for public exhibition period – January/February 2017;

- dates for public hearing (if required) – N/A at this stage;
- timeframe for consideration of submissions – February 2017;
- timeframe for the consideration of a proposal post exhibition – March 2017;
- date of submission to the Department to finalise the LEP – April 2017; and
- anticipated date RPA will forward to the Department for notification – April 2017.

INFORMATION CHECKLIST

Attachment 1

Marrickville Local Environmental Plan 2011 (Amendment No. X) – 85 Margaret Street, Petersham

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|---|---|
| • Objectives and intended outcome | • Explanation of provisions |
| • Mapping (including current and proposed zones) | • Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
| • Community consultation (agencies to be consulted) | |

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Existing site plan (buildings vegetation, roads, etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with relevant sub-regional strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Building mass/block diagram study (changes in building height and FSR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with Threshold Sustainability Criteria	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Development yield analysis (potential yield of lots, houses, employment generation)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Description/Context			Economic Considerations		
• Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Economic impact assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Site photos/photomontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic and Transport Considerations			• Employment land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Local traffic and transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social and Cultural Considerations		
• TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Heritage impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Aboriginal archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Cycle and pedestrian movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Open space management	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Considerations			• European archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Bushfire hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Social and cultural impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Acid Sulfate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Stakeholder engagement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Noise impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Infrastructure Considerations		
• Flora and/or fauna	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Soil stability, erosion, sediment, landslip assessment, and subsidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Miscellaneous/Additional Considerations		
• Water quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	List any additional studies		
• Stormwater management	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
• Flooding	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
• Land/site contamination (SEPP55)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
• Sea level rise	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Marrickville Local Environmental Plan 2011 (Amendment No. X) – 85 Margaret Street, Petersham

Checklist for the review of a request for delegation of plan making functions to councils
Local Government Area: Inner West Council (Plan only relates to land in the former Marrickville LGA)
Name of draft LEP: Marrickville Local Environmental Plan 2011 (Amendment No. X)
Address of Land (if applicable): 85 Margaret Street, Petersham
Intent of draft LEP:
<p>The intent of the draft LEP is:</p> <ul style="list-style-type: none"> i. To amend Marrickville Local Environmental Plan 2011 to rezone the property known as 85 Margaret Street, Petersham, from SP2 Educational Establishment to R2 Low Density Residential with appropriate floor space ratio and height of building development standards; and ii. <i>"To enable the zoning of the site to reflect its present use as a detached dwelling house consistent with surrounding residential land."</i>
Additional Supporting Points/Information:
<p>Applicant's Planning Proposal request (Trim 23371.16)</p> <p>Council Minutes Item No: IP0416 Item 2 IPES Meeting 5 April 2016 (Trim doc: 40491.16)</p> <p>MLEP 2011 Mapping Amendments:</p> <ul style="list-style-type: none"> i. Land Zoning Map – LZN_003; ii. Floor Space Ratio Map – FSR_003; and iii. Height of Buildings Map – HOB_003

Marrickville Local Environmental Plan 2011 (Amendment No. X) – 85

Margaret Street, Petersham

Evaluation criteria for issuing an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)	Council response		Department	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
Minor Mapping Error Amendments	NO			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		N/A		
Heritage LEPs	NO			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		

Evaluation criteria for issuing an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)	Council response		Department	
	Y/N	Not relevant	Agree	Not agree
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications	NO			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot rezonings	YES			
Will the proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?	No			

Evaluation criteria for issuing an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)	Council response		Department	
	Y/N	Not relevant	Agree	Not agree
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	No			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	No			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	Yes			
Does the planning proposal create an exception to a mapped development standard?	No			
Section 73A Matters	NO			
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>				

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.



A REQUEST TO MARRICKVILLE COUNCIL TO PREPARE A PLANNING PROPOSAL FOR LAND REZONING

No 85 Margaret Street, Petersham

Prepared for
TAFE NSW – Sydney Institute

By
BBC Consulting Planners

Job No. 15-269
Final
February 2016

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1. INTRODUCTION

This request to Marrickville Council for the preparation of a Planning Proposal contains an explanation of the intended effect and justification for a proposed amendment to the Marrickville Local Environmental Plan 2011 ("Marrickville LEP"). The Planning Proposal would be prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and the relevant Department of Planning Guidelines including '*A Guide to Preparing Local Environmental Plans*' and '*A guide to preparing planning proposals*' ("the Guidelines").

The request to prepare a Planning Proposal seeks an amendment to the Marrickville LEP to rezone the following site from its existing zoning being SP2 (Educational Establishments) to R2 (Low Density Residential):-

- Lot 100 in the proposed plan of subdivision of Lot 1 in DP749931 being 85 Margaret Street Petersham.

The above property is herein referred to as "the site". The site to which this Planning Proposal relates is shown in **Appendix 1**.

2. SITE AND SURROUNDING CONTEXT

2.1 Site Characteristics

The land to which this planning proposal relates is known as No 85 Margaret Street, Petersham ("herein referred to as "the site"). The location of the site is shown on **Figure 1**.

The site is located on the south side of Margaret Street. Aerial photographs provided at **Figures 3A** and **3B** illustrate features of the site relative to its surrounding context.

As existing, the site is located within the north-eastern portion of the Petersham TAFE College (Crystal Street Campus). The College is a secondary-education facility that comprises various buildings, classrooms, education facilities, and other ancillary amenities.

2.2 Real Property Description and Ownership

The land to which this request relates is Lot 100 in the proposed plan of subdivision of Lot 1 in DP749931, being 85 Margaret Street as shown in **Appendix 1**.

This Planning Proposal request has been submitted concurrent with a development application lodged to Marrickville Council for the land subdivision of Lot 1 in Deposited Plan 749931 to create the site.

Lot 1 in Deposited Plan 749931 is owned by the Minister for Education.

2.3 Site Improvements, Area and Frontages

The site contains a single-storey detached residential dwelling house set within a broadly rectangular-shaped allotment. The front portion of the site contains the dwelling house and the rear portion contains a hardstanding concrete area and a garage structure.

The use of the site as a dwelling is not associated with Petersham TAFE. Consent to DA No 201400132 approved on 6 June 2014 granted consent for alterations and additions including internal renovations and external repairs and use of the building as a dwelling house.

The site has a total area of 298.1 square metres. It has a primary north-facing street frontage of 8.2 metres to Margaret Street, an east-facing side boundary of 38.1 metres to No 83 Margaret Street, a west-facing side boundary of 41.7 metres and south-facing rear boundary of 7.5 metres.

2.4 Parking and Site Access

Pedestrian and vehicular access to the site is provided directly off Margaret Street. Car parking is provided on site.

The site benefits from close proximity to public transport links. The nearby bus stops along Parramatta Road provide frequent bus services to the surrounding suburbs, including Glebe, Ashfield and Leichhardt, and to the Sydney CBD and beyond. Furthermore, the site is within comfortable walking distance (approximately 10 minutes) to the Petersham Train Station.

2.5 Vegetation and Landscape Character

The small garden to the street-facing frontage contains a single tree. That aside, the site contains no other vegetation coverage or landscaping features.

2.6 Topography

The gradient of the site is relatively flat, albeit there is a gentle slope toward Margaret Street.

2.7 Site Services

The site is served by existing infrastructures services and connections that are available to the dwelling house including water, electricity, gas, stormwater, and telecommunications.

2.8 Contamination

The only known use of the site is as a residential dwelling house. There is no evidence that it might be contaminated or associated with any activities that may generate contamination.

2.9 Heritage

As indicated on the Marrickville Local Environmental Plan 2011, the two storey brick building located on the south portion of the Petersham TAFE College (including interiors) is identified as a heritage item of local significance (Heritage ID: I185). A physical description of the heritage item is provided by the NSW Office of Environment and Heritage as follows:-

“This is a two storey red brick building with moulded brick detailing to the door and window openings and a tiled roof. The two entries to Crystal Street have semicircular arches, as does one of the windows. The other windows have segmental arches and feature coloured panes of glass to their upper half. The building has triple gables with rough cast render and vertical timber boarding.”

Notwithstanding, the site to which this Planning Proposal request relates is separated from the listed building by a car parking area and other buildings associated with the Petersham TAFE College.

2.10 Surrounding Context

The site is set within an established residential area to the north of Petersham and Stanmore.

Beyond the site, the immediate surrounding area is distinctly suburban, characterised by low density housing in the form of one- and two- storey detached and semi-detached dwellings. The Planning Proposal has no impact on the surrounding context.

The site is accessible in a local and regional context given its proximity to Parramatta Road. It has pedestrian connectivity to local shops, amenities and services.

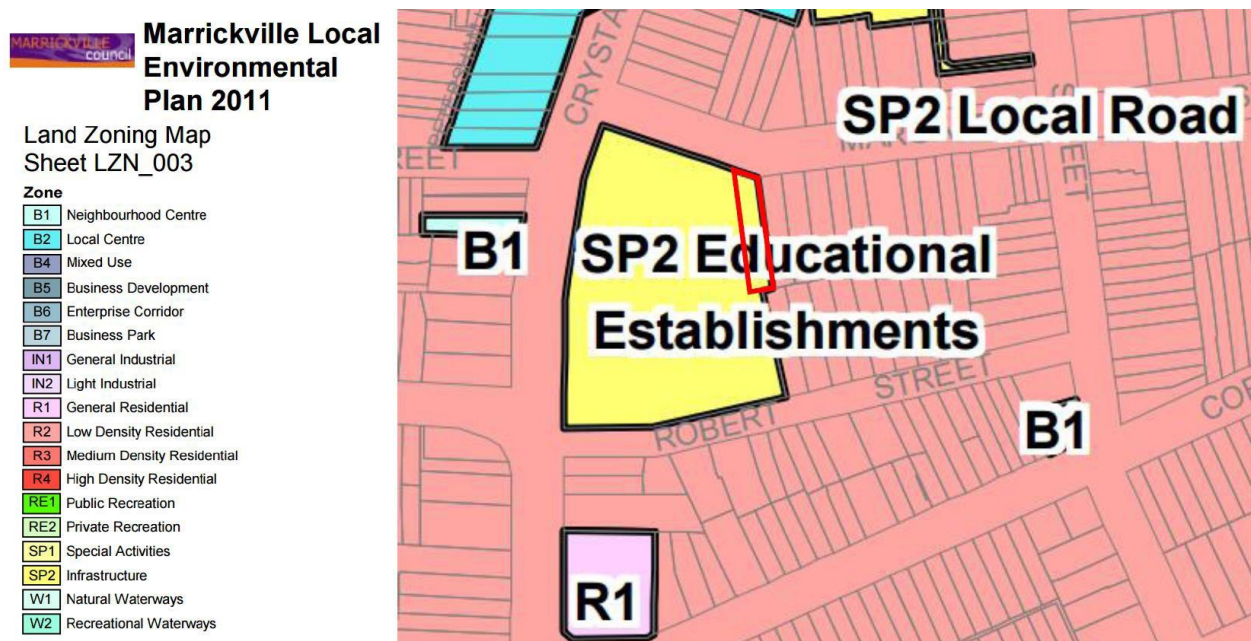
3. PLANNING CONTROLS

This sections details existing development standards and provisions in the Marrickville Local Environmental Plan 2011 (“Marrickville LEP”) which are applicable to No 85 Margaret Street.

3.1 Land Zoning

The site is currently zoned SP2 Infrastructure (Educational Establishments) pursuant to the Marrickville LEP. This zoning is reflective of the site’s association with the TAFE College.

The below annotated extract from the Marrickville LEP Land Zoning MAP identifies the location of the site (in red) within the most easterly portion of the SP2 Zone.



The objectives of the SP2 Zone are:-

- “To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To protect and provide for land used for community purposes.”

Development permitted without consent in the SP2 Zone is:-

“Home occupations”

Development permitted with consent in the SP2 Zone is:-

“Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose”

Development prohibited in the SP2 Zone is:-

“Any development not specified in item 2 or 3”

As identified on the LEP Land Zoning Map, the site lies immediately adjacent to land zoned R2 (Low Density Residential). The R2 Zone extends throughout the Marrickville Local Government Area and generally encompasses the majority of surrounding residential land.

The site to which this Planning Proposal request relates (No 85 Margaret Street) is not used as an educational establishment and is not required for this purpose.

3.2 Floor Space Ratio

Pursuant to LEP Clause 4.4, the site is not currently subject to a maximum Floor Space Ratio (FSR).

3.3 Maximum Building Height

Pursuant to LEP Clause 4.3, the site is not currently subject to a maximum building height.

3.4 Lot Size

Pursuant to LEP Clause 4.1, the site is not currently subject to a minimum lot size.

3.5 Heritage

The site is located within close proximity to a heritage item. The following provisions of LEP Clause 5.10 ('Heritage Conservation') apply to the site:-

“The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.”

3.6 Other Development Standards and LEP Provisions

There are no other development standards or provisions in the Marrickville LEP that affect the site relating to acid sulfate soils, earthworks, additional or miscellaneous permissible uses, preservation of trees or vegetation, flood planning, key sites, terrestrial biodiversity, foreshore building, or airspace operations.

4. PREPARATION OF THE PLANNING PROPOSAL

Section 55(2) of the Environmental Planning and Assessment Act 1979 (“the EP&A Act”) states that a Planning Proposal must address the following components:-

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument;
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument;
- **Part 3** – The justification for those objectives, outcomes and the process for their implementation;
- **Part 4** – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies; and
- **Part 5** – Details of the community consultation that is to be undertaken on the planning proposal.

Part 55(3) of the EP&A Act allows the Director-General to issue specific requirements to be considered in the preparation of a planning proposal. These requirements include:

- Specific matters that must be addressed in the justification (**Part 3**) of the planning proposal; and
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal (the timeline forms **Part 6** of a planning proposal).

The following section demonstrates that the subject Planning Proposal can be prepared in accordance with the above components and with the ‘*Guide to preparing planning proposals*’ issued by the NSW Department of Planning & Infrastructure.

4.1 Part 1 – Objectives of the Proposed Local Environmental Plan

The objective of the subject Planning Proposal is to change the zoning of the site from its existing zoning being SP2 (Educational Establishments) to R2 (Low Density Residential) under the Marrickville Local Environmental Plan 2011.

The site was previously on its own lot (Lot 1 in DP984047) prior to it being amalgamated into Lot 1 in Deposited Plan 749931 (being the existing title of the Petersham TAFE).

The objective of the proposed amendment to the Marrickville LEP is to enable the zoning of the site to reflect its present use as a detached dwelling house consistent with surrounding residential land.

4.2 Part 2 – Explanation of Provisions

The purpose of the Planning Proposal is to achieve the objectives described in **Part 1** by means of amending the Marrickville Local Environmental Plan 2011.

Accordingly, the Planning Proposal seeks the following amendments to the Marrickville LEP:-

- Amend the Marrickville LEP 2011 Land Zoning Map to rezone the site (from SP2 (Educational Establishments) to R2 (Low Density Residential));
- Amend the Marrickville LEP 2011 Height of Building Map to introduce a maximum building height of 9.5 metres on the site; and
- Amend the Marrickville LEP 2011 Floor Space Ratio Map to introduce a maximum floor space ratio of 0.6:1 on the site (and include the site within land to which LEP Clause 4.4 'Floor space ratio' applies).

4.3 Part 3 – Justification

This section sets out the reasons for the proposed outcomes and development standards in the Planning Proposal.

The following questions are set out in the Department of Planning's '*A Guide to Preparing Planning Proposals*' and address the need for the Planning Proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth government agencies.

4.3.1 Section A – Need for the Planning Proposal

The proposed amendments to the Marrickville LEP will allow the TAFE College to sell, exchange or otherwise dispose of or deal with No 85 Margaret Street as a standalone entity.

Q1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is a result of a strategic intention of Petersham TAFE College to allow the site to be zoned to reflect its use.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The rezoning of the site is the best means of achieving a zoning that reflects the current use of the site as residential dwelling house.

4.3.2 Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The Planning Proposal is not inconsistent with the objectives of 'A Plan for Growing Sydney' being the regional metropolitan strategy for Sydney. There are no other exhibited draft strategies that apply to the site or the proposed outcomes for the Planning Proposal.

Q4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes. The Planning Proposal is consistent with the Marrickville Community Strategic Plan which includes reference to implementing planning objectives for increasing the supply of housing. Specifically, Key Result Area 1 seeks to increase housing supply and pursue planning controls that support existing and new supplies of affordable housing. The purpose of the Planning Proposal to rezone land to a residential zoning commensurate with its current use will support key objectives of the Marrickville Community Strategic Plan.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following State Environmental Planning Policies are applicable to the Planning Proposal:

State Environmental Planning Policy		Consistent
SEPP 32	Urban Consolidation (Redevelopment of Urban Land)	✓
SEPP 55	Remediation of Land	✓
SEPP 65	Design Quality of Residential Flat Development	✓
SEPP	(Housing for Seniors or People with a Disability) 2004	✓
SEPP	(Exempt and Complying Development Codes) 2008	✓
SEPP	(Building Sustainability Index: BASIX) 2004	✓
SEPP	(Infrastructure) 2007	✓
SEPP	(Affordable Rental Housing) 2009	✓

The Planning Proposal's compliance and consistency with the above SEPPs would be determined during the assessment of any development application on the subject site.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table identifies the proposal's consistency with the relevant Ministerial Directions.

S.117 Direction Title	Consistency of Planning Proposal
1. Employment and Resources	Consistent.
2. Environment and Heritage	Consistent the site does not contain a heritage item.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones Objectives	Consistent - the proposal contributes to broadening the choice of housing.
(1) The objectives of this direction are:	

(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,

(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and

(c) to minimise the impact of residential development on the environment and resource lands.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),

(b) any other zone in which significant residential development is permitted or proposed to be permitted.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must include provisions that encourage the provision of housing that will:

(a) broaden the choice of building types and locations available in the housing market, and

(b) make more efficient use of existing infrastructure and services, and

(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and

(d) be of good design.

(5) A planning proposal must, in relation to land to which this direction applies:

(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and

(b) not contain provisions which will reduce the permissible residential density of land.

<p>Consistency</p> <p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objective of this direction, and</p> <p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>	
<p>4. Hazard and Risk</p>	<p>Consistent - there are no known risks or hazards.</p>
<p>6.2 Reserving Land for Public Purposes Objectives</p> <p>(1) The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land</p>	<p>Consistent – the Planning Proposal alters the existing zoning of land for public purposes and has the approval of TAFE NSW. This can be confirmed during the gateway process.</p>

for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:

- (a) reserve the land in accordance with the request, and
- (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and
- (c) identify the relevant acquiring authority for the land.

(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:

- (a) include the requested provisions, or
- (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.

(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.

Consistency

(8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

- (c) with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land

<p>can be determined, or</p> <p>(d) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.</p> <p>Note: Clause 12 of the EP&A Reg 2000 provides that a planning proposal for a proposed local environmental plan:</p> <p>(a) may not contain a provision reserving land for a purpose referred to in section 26 (1) (c) of the EP&A Act, and</p> <p>(b) may not contain a provision in respect of that reservation as required by section 27 of the EP&A Act,</p> <p>unless the public authority responsible for the acquisition of the land has notified the relevant planning authority of its concurrence to the inclusion of such a provision in the planning proposal.</p> <p>In this direction:</p> <p>“public authority” has the same meaning as section 4 of the EP&A Act.</p> <p>the use or reservation of land for a public purpose has the same meaning as in section 26(1)(c) of the EP&A Act.</p>	
<p>7. Metropolitan Planning</p>	<p>Consistent.</p>

Should the Planning Proposal be supported at the Gateway Determination, further detail on consistency with Ministerial Directions can be provided following consultation with the relevant public and private authorities.

4.3.3 Section C – Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal to reclassify the land will not affect or remove the application of overlays in the LEP that relate to biodiversity, riparian land or ecological preservation.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The Planning Proposal is for a change of zoning to reflect the current use of the site. It will not result in any additional environmental impacts.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The rezoning of the site will have social benefits for the community in that it will enable the TAFE College to sell, exchange, or otherwise dispose of the property which will create opportunities for residential redevelopment of the site.

4.3.4 Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The land to which the Planning Proposal relates is adequately served by public infrastructure in that it is located within close proximity to established public transport connections, including bus routes along Parramatta Road and Petersham and Stanmore trains stations.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

At this stage, the appropriate State and Commonwealth public authorities have not been identified or consulted, and the Gateway Determination has yet to be issued by the Minister for Planning. Consultation with Government authorities, agencies and other stakeholders in regard to this Planning Proposal would be undertaken by Marrickville Council.

4.4 Part 4 – Mapping

Relevant mapping would be prepared by Marrickville Council.

4.5 Part 5 – Community Consultation

Community consultation on the Planning Proposal will be undertaken by Marrickville Council (subject to receiving a determination to proceed at the gateway) in accordance with the publication “*A Guide to Preparing Local Environmental Plans*”, published by the Department of Planning. The community consultation will not be commenced prior to obtaining approval from the Minister or Director-General. The notification and consultation process will be initiated after the s.55 submission has been sent to the Department of Planning and Infrastructure.

Council’s consultation methodology will include, but not be limited to:-

- forwarding a copy of the Planning Proposal, the gateway determination and any relevant supporting studies or additional information to State and Commonwealth Public Authorities identified in the gateway determination;
- undertaking consultation if required in accordance with requirements of a Ministerial Direction under section 117 of the EP&A Act and/or consultation that is required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will be or may be adversely affected by the proposed amendment to the LEP;
- giving notice of the public exhibition in the main local newspaper;

- exhibiting the Planning Proposal in accordance with the gateway determination. It is assumed this would require an exhibition period of at least 28 days duration;
- exhibiting the Planning Proposal pursuant to s.57 and all supporting documentation at Council's Administration Centre and on Council's website;
- notifying of the Planning Proposal's exhibition on Marrickville Council's website, including providing copies of the Planning Proposal, all supporting studies and additional information and the gateway determination;
- notifying affected landowners and adjoining land owners where relevant; and
- any other consultation methods deemed appropriate for the proposal.

4.6 Part 7 – Project Timetable

It is anticipated that the Planning Proposal will be processed expeditiously by Council.

FIGURES



Source: <http://maps.six.nsw.gov.au>



0 100m

PLANNING PROPOSAL
85 Margaret Street, Petersham

FIGURE 1
Location

Prepared For - TAFE College



Prepared For - TAFE College

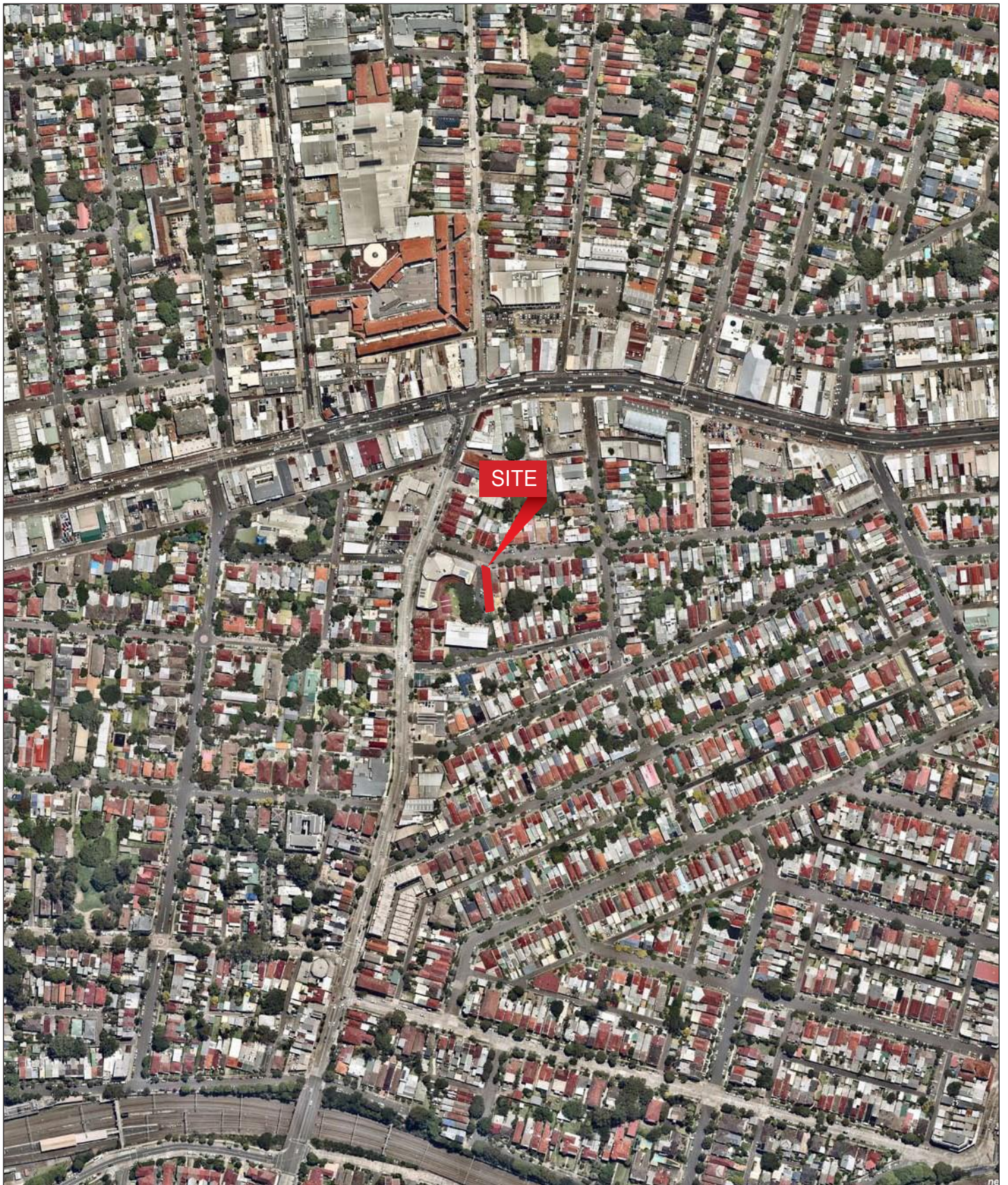


Source: NearMap2016

PLANNING PROPOSAL
85 Margaret Street, Petersham

FIGURE 3A
Aerial Photo - Detail

Prepared For - TAFE College

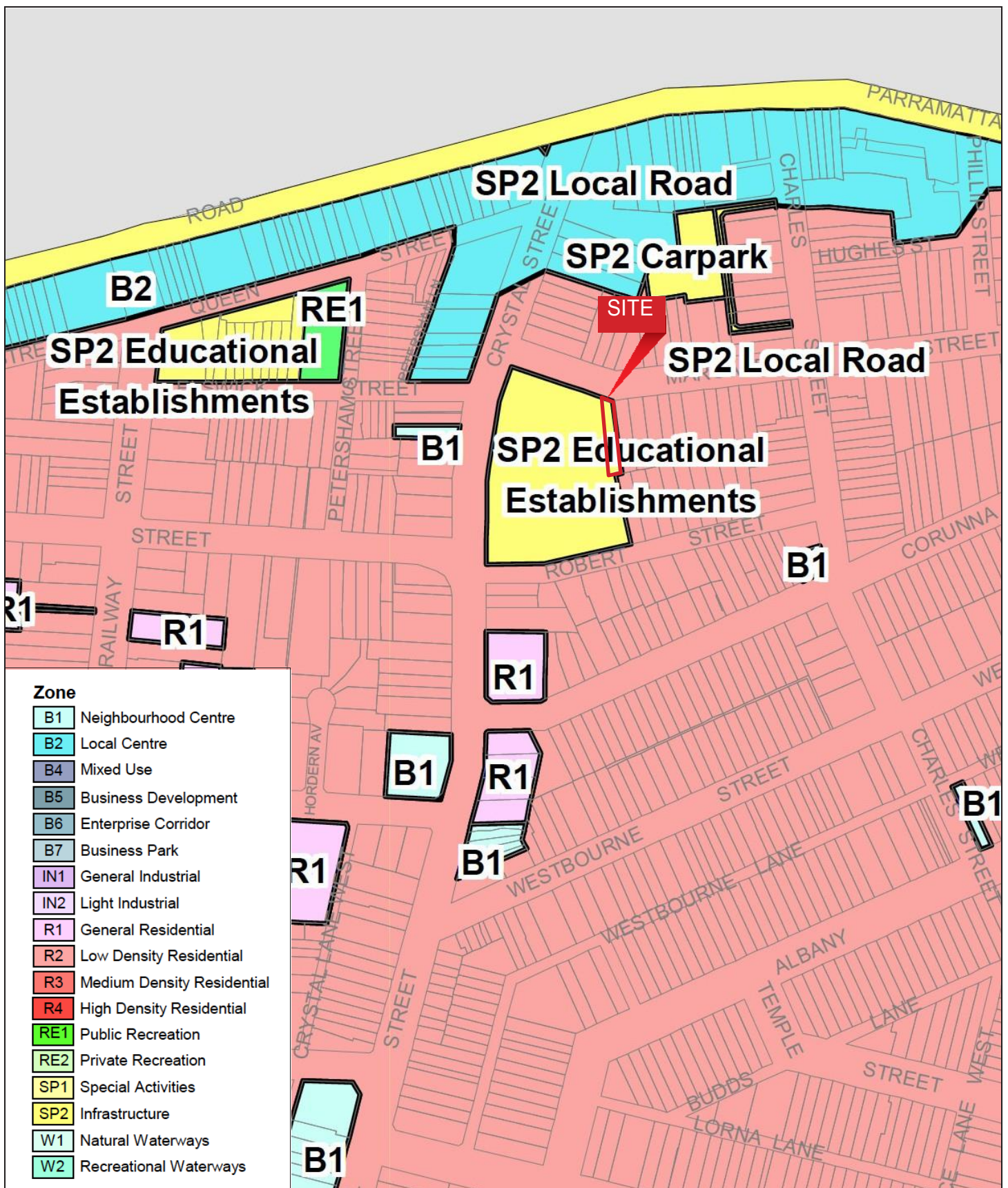


Source: NearMap2016

PLANNING PROPOSAL
85 Margaret Street, Petersham

FIGURE 3B
Aerial Photo - Wider Area

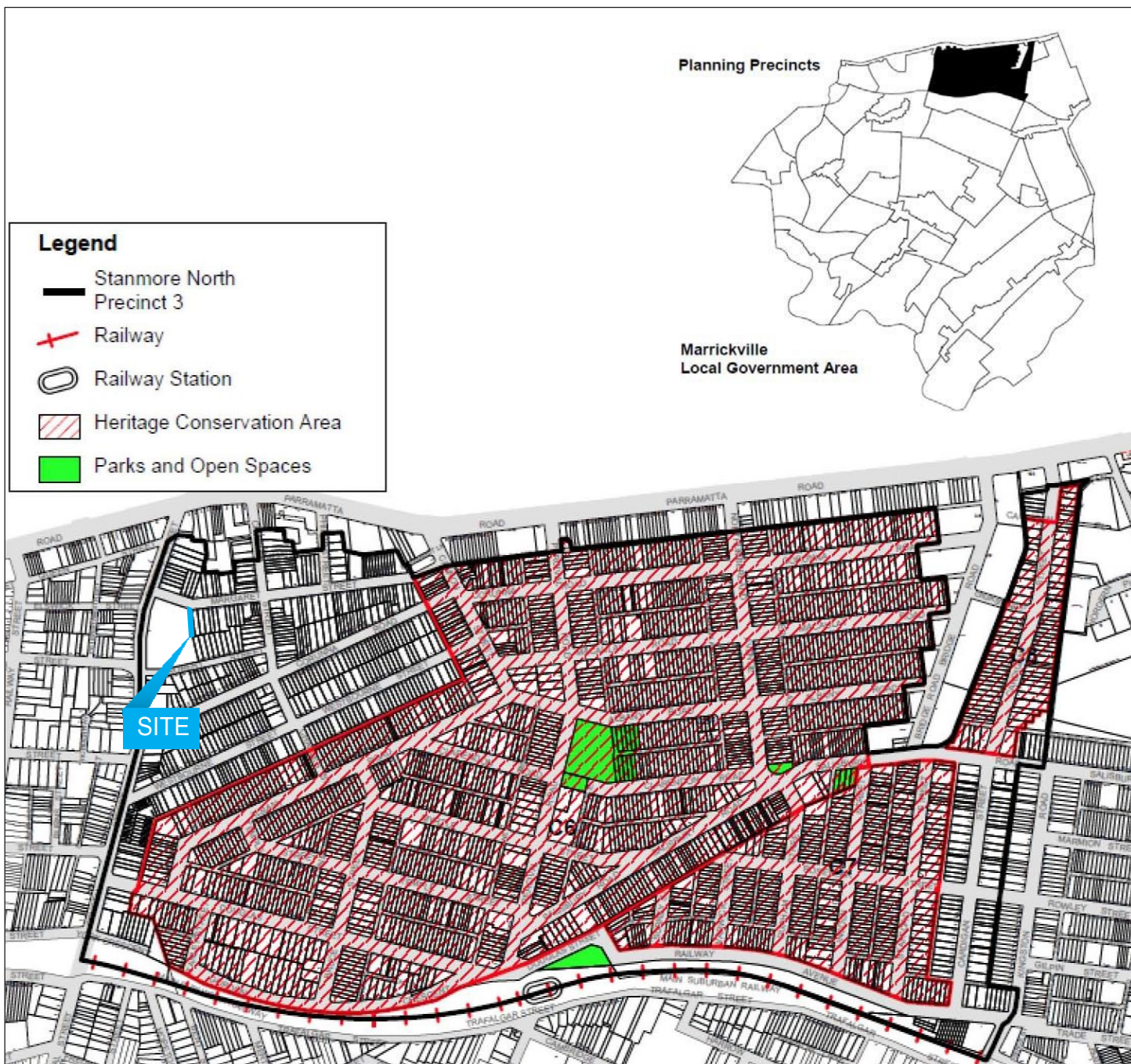
Prepared For - TAFE College



PLANNING PROPOSAL
85 Margaret Street, Petersham

FIGURE 4
Zoning Map - Marrickville LEP 2011

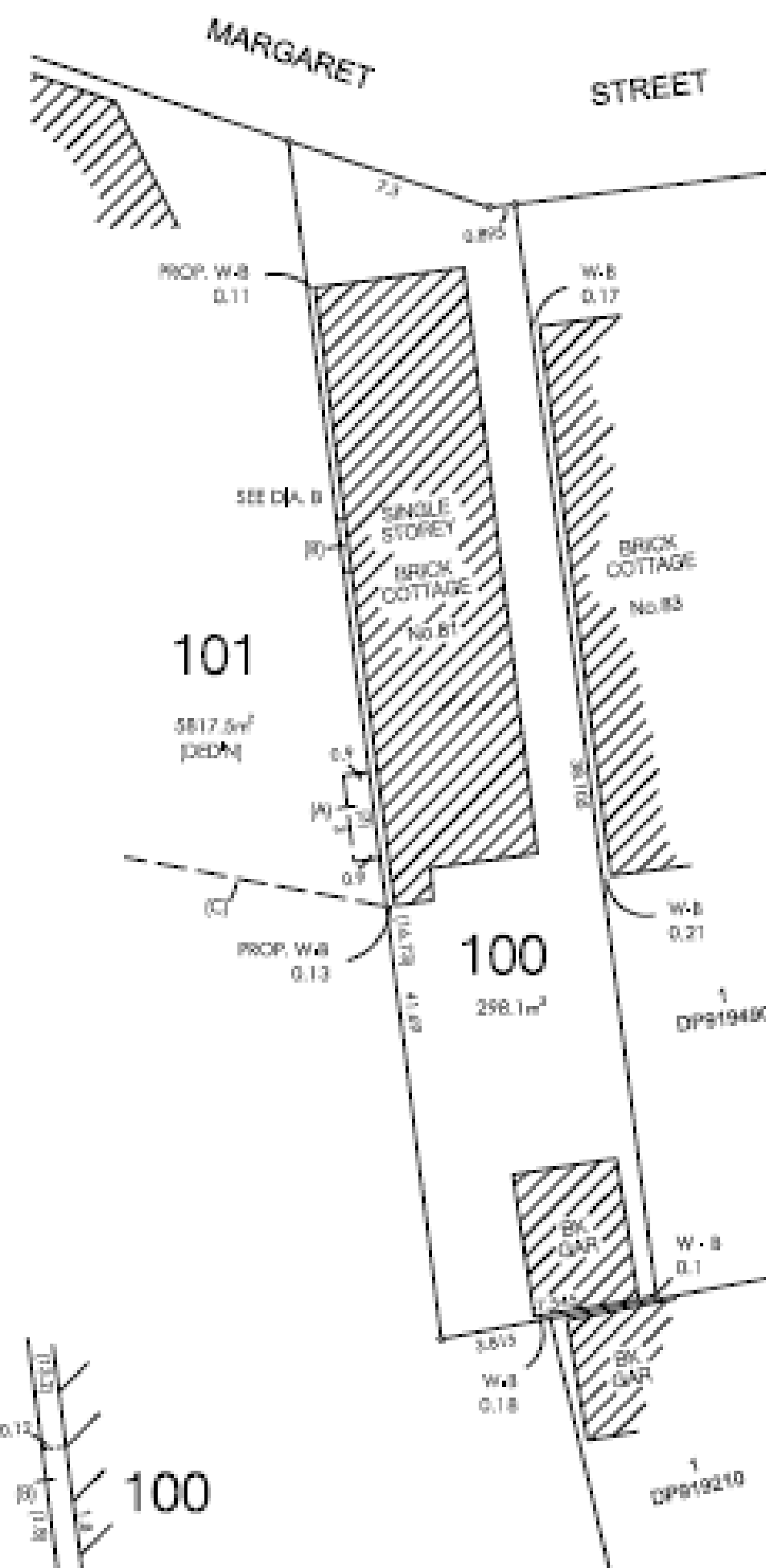
Prepared For - TAFE College



PLANNING PROPOSAL
85 Margaret Street, Petersham

FIGURE 5
Stanmore North (Precinct 3) Map - Marrickville DCP 2011

Prepared For - TAFE College



- (A) EASEMENT FOR LIGHT AND AIR 0.9 WIDE
 (B) EASEMENT FOR SERVICES 0.12 WIDE
 (C) EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES (APPROXIMATE ONLY)

PROP. W-B - PROPOSED WALL - BOUNDARY
 BOUNDARIES, AREAS, DIMENSIONS AND EASEMENTS
 SHOWN HERE ON ARE SUBJECT TO FINAL SURVEY

DIAGRAM B
 (NOT TO SCALE)

101 100

DIAGRAM A
 (NOT TO SCALE)

0 5 10 20 30 40 50

REDUCTION RATIO 1:500 METRES

SURVEYING & SPATIAL INFORMATION SERVICES
 LEVEL 14, MEILL BUILDING
 2 - 24 RAMSON PLACE, STONEY NSW 2068
 TEL: (02) 9372 7989 FAX: (02) 9372 7923
 VERIFIED J CANNINGS 9.2.2016
 VALIDATED A VEERSENA 9.2.2016
 APPROVED MANAGER



Public Works

PETERSHAM COLLEGE

PLAN OF SUBDIVISION
 OF LOT 1 DP749931

PLAN NO 57385

SCALE 1:500 @ A3

DESIGNED DATE 9.2.16

DRAFTED PW PERMITTED

NO IN SET 1

SHEET NO

1

