

15/4738

26 July 2017

Sandy Chappel,  
Director, Sydney Region East Planning Services  
Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

Dear Sandy,

**PLANNING PROPOSAL TO AMEND  
MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011  
(MLEP 2011 (AMENDMENT NO. 4))**

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, inconsistencies and omissions and improve communication in the Plan. The planning proposal also includes other amendments to Marrickville Local Environmental Plan 2011 as detailed in the attached documentation.

The planning proposal, and associated supporting documentation, was forwarded to the Department on 2 May 2016 for Gateway Determination.

The Department, by letter dated 7 July 2016 (Your ref 16/08957), raised a number of issues with the planning proposal submission and recommended that the planning proposal be separated into different elements.

Council officers met with representatives of the Department of Planning and Environment on 10 August 2016.

It was agreed that many of the matters contained within the planning proposal were obvious errors in Marrickville Local Environmental Plan 2011 (MLEP 2011) consisting of misdescriptions, wrong cross-referencing, spelling errors, grammatical mistakes, missing words, and missing notations on maps and that a number of other matters within the planning proposal to address matters in the principal instrument were of a "*consequential, transitional, machinery or other minor nature*".

At the meeting it was agreed that the best approach for dealing with those housekeeping matters and errors and unintended omissions from the LEP was via a submission under Section 73A of the Environmental Planning and Assessment Act.

A separate submission, under Section 73A of the Environmental Planning and Assessment Act was forwarded to the Department on 16 September 2016, requesting the making of an amending local environmental plan under Section 70 and Section 73A of the Act for those amendments. That amendment, referred to as Marrickville Local Environmental Plan No. 7, was gazetted on 26 May 2017.

The original planning proposal has been amended to exclude those matters.

A number of matters contained within the original planning proposal were progressed as a separate standalone planning proposals. Those matters included:

- i. A planning proposal to protect employment lands by limiting residential development in the B7 Business Park zone and on certain other business zoned land (Department's Ref: PP 2017 IWEST 004\_00). That amendment, referred to as Marrickville Local Environmental Plan 2011 (Amendment No. 9) was gazetted on 2 June 2017;
- ii. A planning proposal 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 (Department's Ref: PP 2017 IWEST 002\_00). That amendment, referred to as Marrickville Local Environmental Plan 2011 (Amendment No. 8) was gazetted on 16 June 2017;
- iii. A planning proposal to reclassify a parcel of land at 180 Princes Highway, St Peters, owned by the former Bankstown City Council, from Community Land to Operational Land (Department's Ref: PP 2017 IWEST 001\_00). That amendment, referred to as Marrickville Local Environmental Plan 2011 (Amendment No. 12) was gazetted on 14 July 2017; and
- iv. A planning proposal to include as a local heritage item the property known as 34 Belmore Street, Enmore (Lot 4, DP 136) (Department's Ref: PP 2017 IWEST 007\_00). That amendment, referred to as Marrickville Local Environmental Plan 2011 (Amendment No. 13) is yet to be gazetted.

The original planning proposal has also been amended to exclude those matters.

A number of additional matters/issues arose as part of the consideration of the original submitted Section 73A request. Those additional matters/issues unable to be progressed in the Section 73A request have been incorporated into the planning proposal. The planning proposal also includes some additional matters to correct obvious mapping errors that have come to light since the preparation of the original reports.

#### Revised Planning Proposal

A revised planning proposal has been prepared which incorporates the remaining matters contained in the original planning proposal submitted to the Department on 2 May 2016 as well as some matters that arose in the consideration of the Section 73A request.

The revised planning proposal contains background information and details in relation to each proposed amendment contained within the revised planning proposal and an explanation of the rationale and justification for each proposed change.

The explanation, rationale and justification of each of the proposed changes have been extracted from the reports considered by the former Marrickville Council on Draft Marrickville Local Environmental Plan 2011 (Amendment No. 4) detailed below:

- i. Item No: IP1215 Item 2 Infrastructure, Planning and Environmental Services Committee Meeting on 1 December 2015; and
- ii. Item No: IP0416 Item 2 Infrastructure, Planning and Environmental Services Committee Meeting on 5 April 2016.

Additional details and documentation are included in the revised planning proposal to address the other issues raised in the Department's letter, including maps identifying each site where mapping

changes are proposed showing current mapping control(s) and proposed mapping control(s) for each of those sites.

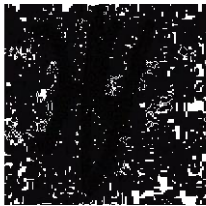
The Department's letter, dated 7 July 2016 noted that *"the planning proposal does not include a request for Council to be granted delegation of the Greater Sydney Commission's plan making powers. While these have been generally delegated to Councils, they must be requested and individually formally delegated for each planning proposal, except for the proposed re-classification planning proposal, which cannot be delegated to Council"*.

The revised planning proposal includes a request for the Inner West Council to be granted delegation of the Greater Sydney Commission's plan making powers.

The submission of this revised planning proposal for Gateway Determination is in accordance with a resolution of the former Marrickville Council on this matter from its 5 April 2016 meeting, in so far as it relates to those matters which were not covered by the submission under Section 73A of the Environmental Planning and Assessment Act that dealt with certain housekeeping matters and errors and unintended omissions from the LEP contained in the original planning proposal, and those matters now the subject of standalone planning proposals. Other relevant documentation is attached.

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

Yours sincerely



Harjeet Atwal  
**Manager, Planning Operations**  
Trim: 83885.17

#### Attachments

Planning Proposal MLEP 2011 (Amendment No. 4)

#### Planning Proposal Attachments

- i. Part A: Proposed Written Instrument Amendments;
- ii. Part B: Proposed Land Zoning Map Amendments;
- iii. Part C: Proposed Floor Space Ratio Map Amendments;
- iv. Part D: Proposed Height of Buildings Map Amendments;
- v. Part E: Proposed Land Reservation Acquisition Map Amendments;
- vi. Part F: Proposed Heritage Map Amendments;
- vii. Part G: Proposed Archaeological Sites; and
- viii. Part H: Proposed Key Sites Map and miscellaneous map Amendments.