

PLANNING PROPOSAL

MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 (AMENDMENT NO. 4)

PART D: PROPOSED HEIGHT OF BUILDINGS MAP AMENDMENTS

MLEP 2011: Height of Buildings Maps

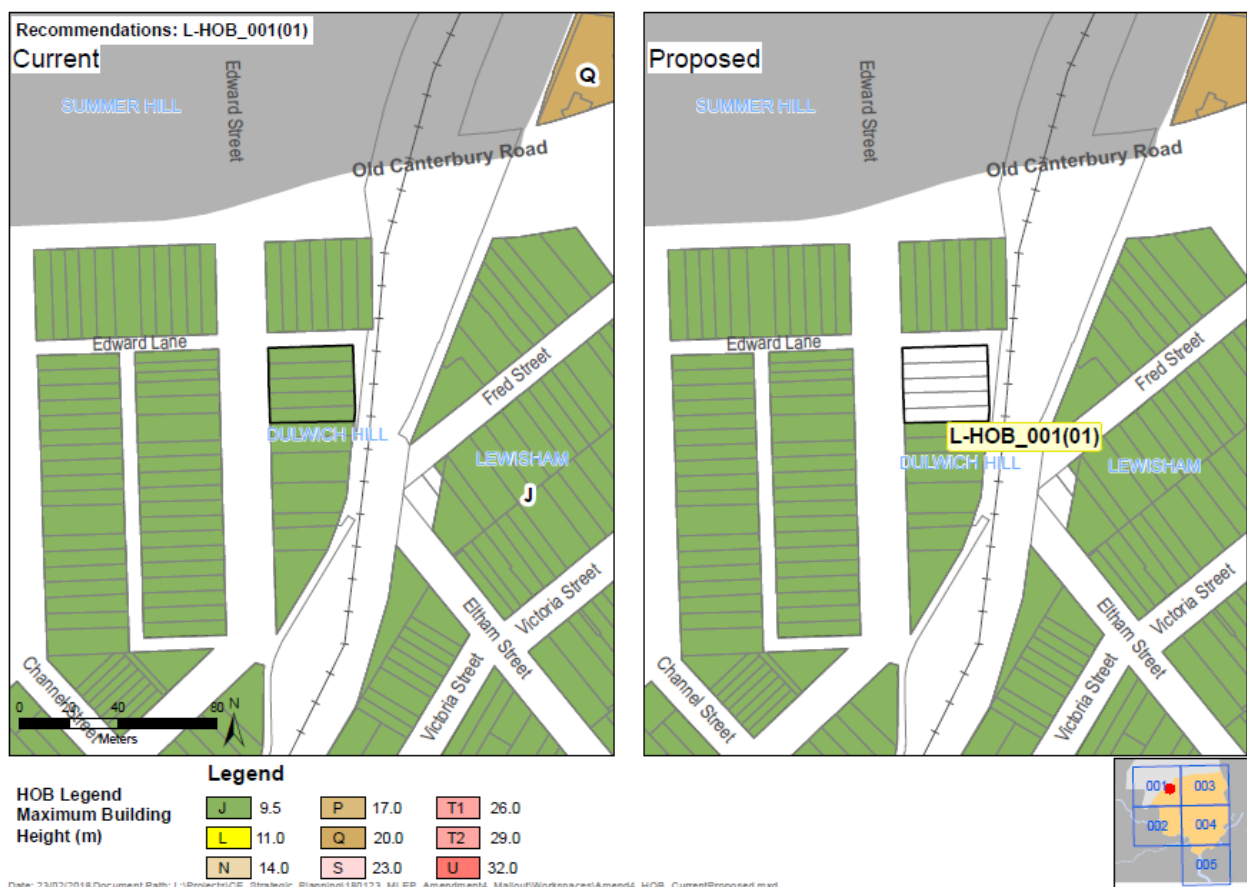
1-9 Weston Street, Dulwich Hill

The subject properties are owned by the Sydney Water Corporation and have a HOB control of "J (9.5m)" on the Height of Buildings Map. Other similar zoned properties do not have a HOB control. To be consistent with other such properties the HOB control for the property should be deleted.

Recommendation L-HOB_001 (01):

That the height of building control on the Height of Buildings Map (HOB_001) for the properties 1-9 Weston Street, Dulwich Hill be deleted.

Diagram showing Current Map and Proposed Map



Lot 2 DP 1125319 on the south western corner of Old Canterbury Road and Barker Street, Lewisham (formerly part of the property 40 Old Canterbury Road, Lewisham)

See comments in relation to the rezoning of the lot.

Lot 2 DP 1125319 is land labelled “J” on the Height of Buildings Map.

The land which is recommended to be rezoned SP2 Classified Road (refer to Recommendation L-LZN_001 (03)) should have no HOB control applying to the land.

Recommendation L-HOB_001 (02):

That the height of building control on the Height of Buildings Map (HOB_001) for Lot 2 DP 1125319 on the south western corner of Old Canterbury Road and Barker Street, Lewisham (formerly part of the property 40 Old Canterbury Road, Lewisham) be deleted.

Note: The Diagram showing Current Map and Proposed Map for this recommendation has been incorporated into the Diagram relating to Recommendation L-HOB_001 (02A).

Alfred Street, Lewisham

Alfred Street, Lewisham is labelled “J” on the Height of Buildings Map. No height of building control should apply to the land.

Recommendation L-HOB_001 (02A):

That the height of building control on the Height of Buildings Map (HOB_001) for Albert Street, Lewisham be deleted.

Diagram showing Current Map and Proposed Map



62 Constitution Road, Dulwich Hill

Refer to comments in relation to *Recommendation L-FSR_001 (04)*.

The property known as 62 Constitution Road, Dulwich Hill is small a triangular shaped island site that is bounded by Constitution Road to both the north-eastern and southern boundaries and the Light Rail/GreenWay corridor along the western boundary. The site has an area of approximately 253sqm. The site currently contains a 3 storey brick building that is built to all boundaries.

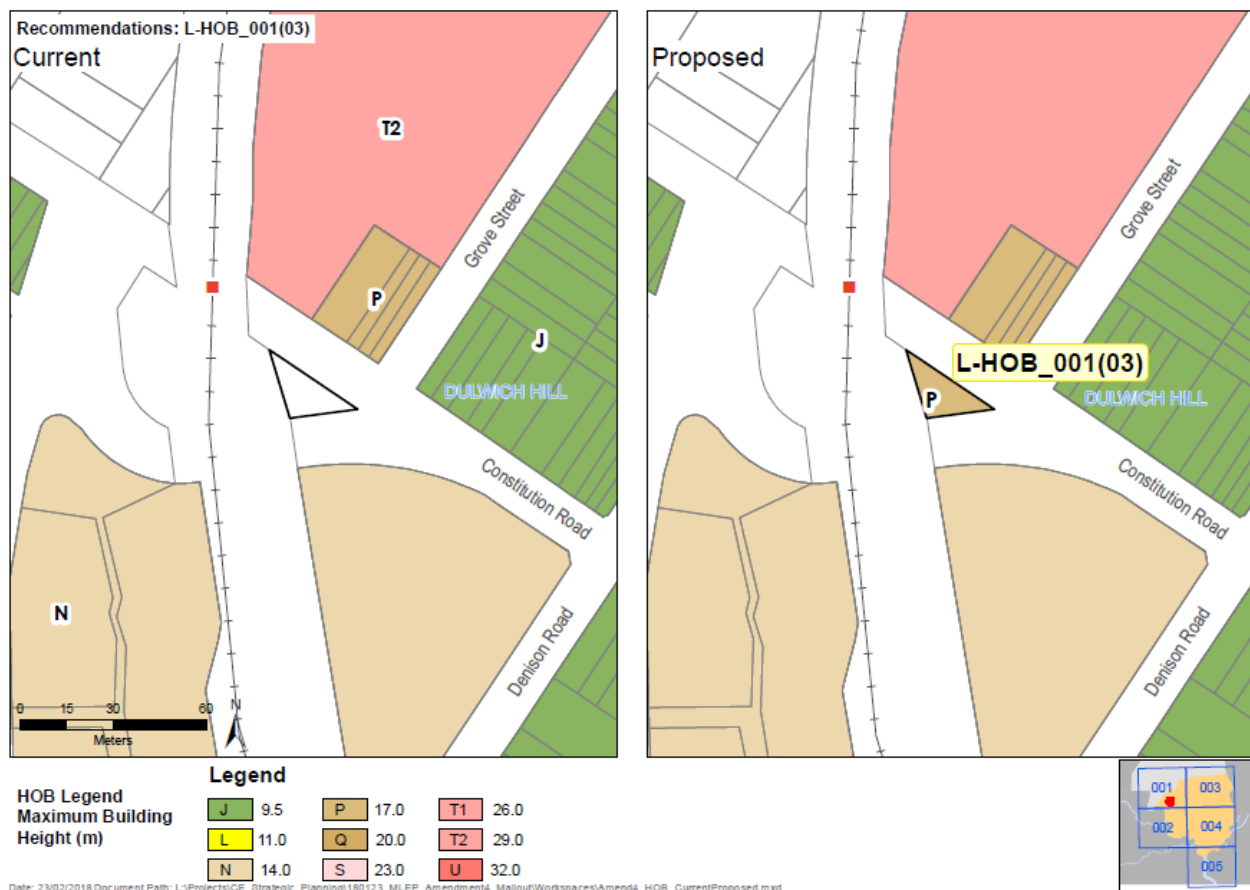
The property is zoned B4 Mixed Use under MLEP 2011. Inadvertently no FSR or HOB controls apply to the property under MLEP 2011.

As previously discussed in the comments relating to *Recommendation L-FSR_001 (04)* it was recommended that any development on the land be restricted to a maximum of 5 storeys in order to be responsive to its location between the various surrounding height of building limitations. It is recommended that a 17 metre HOB control be applied to the property.

Recommendation L-HOB_001 (03):

That a label of “P (17.0m)” be added to Height of Buildings Map (HOB_001) for the property 62 Constitution Road, Dulwich Hill.

Diagram showing Current Map and Proposed Map



Rear of 103 Denison Road, Dulwich Hill (Lot 42 DP 134604)

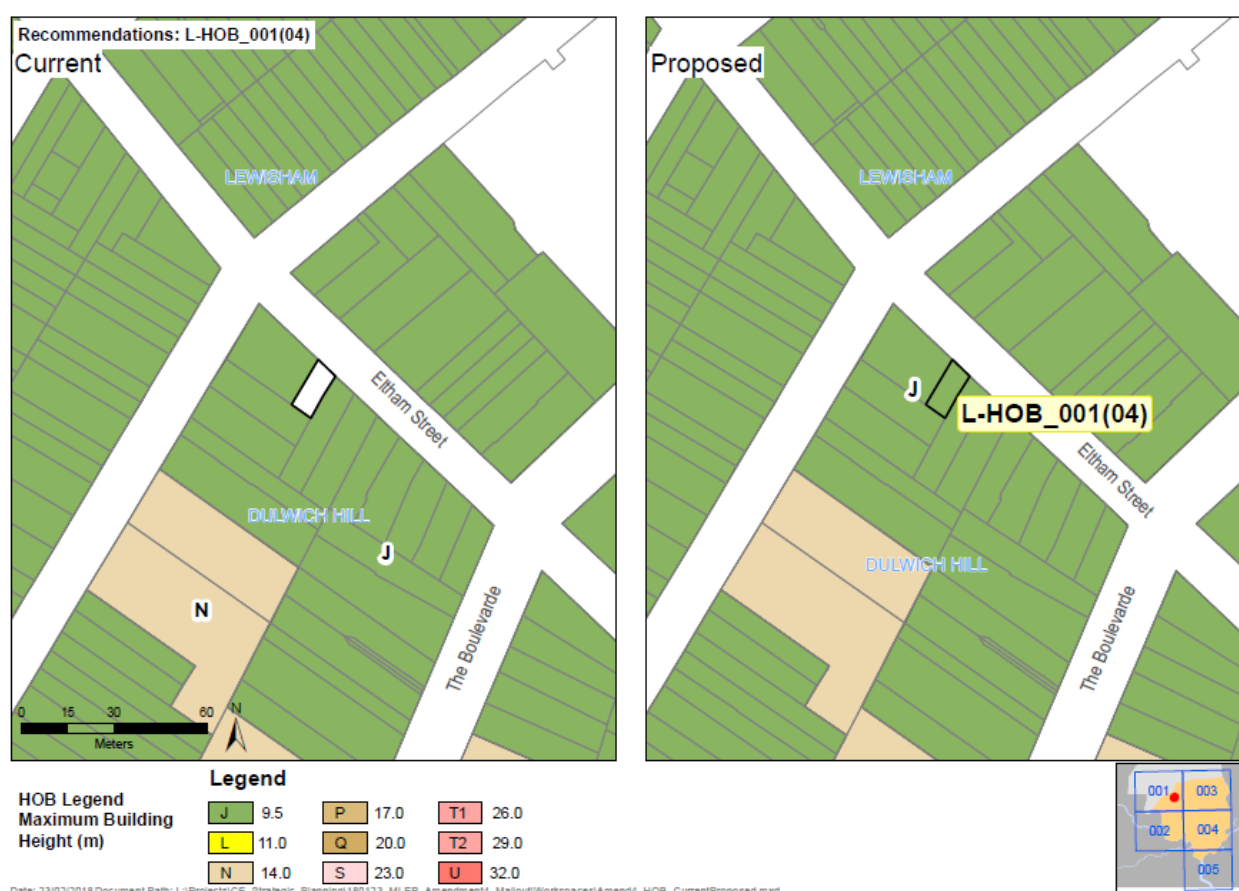
The property known as 103 Denison Road, Dulwich Hill is comprised of two allotments being Lots 41 and 42 DP 134604.

Both lots are zoned R2 Low Density Residential under MLEP 2011. A FSR control of “F” and a HOB control of “J” 9.5m apply to that part of the property with the property description Lot 41 DP 134604. No FSR or HOB controls apply to the rear lot (Lot 42 DP 134604) under MLEP 2011. The same FSR and HOB controls should apply to Lot 42 DP 134604 as those that apply to the remainder of the property.

Recommendation L-HOB_001 (04):

That the rear of the property known as 103 Denison Road, Dulwich Hill (Lot 42 DP 134604) be labelled “J” 9.5m on Height of Buildings Map (HOB_001) to be in accordance with the HOB control of the remainder of the property.

Diagram showing Current Map and Proposed Map



24A Pigott Street, Dulwich Hill (formerly part of 171 Denison Street)

Refer to Recommendation LZN_001 (01)

The subject land is access handle from Pigott Street to the property known as 24A Pigott Street which is currently zoned SP2 – Local Road. Recommendation LZN_001 (01) recommends that the zoning of the subject land be amended to “R2 Low Density Residential”.

No HOB control applies to the subject land under MLEP 2011.

The adjoining properties are zoned R2 Low Density Residential and comprise land identified with a thick red line and labelled “J (9.5m)” on the Height of Buildings Map HOB_001.

The land recommended to be rezoned R2 Low Density Residential should have the same HOB control as the adjoining properties.

Recommendation L-HOB_001 (05):

That a “J (9.5m)” height of building control be included on Height of Buildings Map (HOB_003) for the access handle (R.O.W) to the property known as 24A Pigott Street, Dulwich Hill (Lot 2 DP 1048701) recommended to be rezoned to “R2 Low Density Residential” (refer to Recommendation LZN_001 (01)).

Diagram showing Current Map and Proposed Map



299B Livingstone Road, Marrickville

The subject land is zoned SP2 Telecommunications Facilities. The land is owned by Telstra Corporation Ltd. The land has a HOB control of “N (14.0m)” on the Height of Buildings Map. Other similar zoned properties owned by Telstra, such as the 8 Mary Street, Newtown do not have a HOB control. To be consistent with other such properties the HOB control for the property should be deleted.

Recommendation L-HOB_002 (01):

That the height of building control on the Height of Buildings Map (HOB_002) for the property 299B Livingstone Road, Marrickville be deleted.

Diagram showing Current Map and Proposed Map



Lot 2 DP 607012 (Sydney Water Corporation land off Illawarra Road, between the properties 438 Illawarra Road and 460 Illawarra Road, Marrickville)

The subject land is zoned SP2 Sewerage System. The land has a HOB control of “P 17.0m” on the HOB Map. Other similar zoned properties owned by Sydney Water do not have a HOB control. To be consistent with other such properties the FSR control for the property should be deleted.

Recommendation L-HOB_002 (02):

That the height of building control on the Height of Buildings Map (HOB_002) for the land Lot 2 DP 607012 (Sydney Water Corporation land off Illawarra Road, between the properties 438 Illawarra Road and 460 Illawarra Road, Marrickville) be deleted.

Diagram showing Current Map and Proposed Map



2 Albany Road, 1-7 Albany Road and 20-26 Bridge Road, Stanmore

The properties 2 Albany Road, 1-7 Albany Road and 20-26 Bridge Road, Stanmore on the western side of Bridge Road are zoned B5 Business Development.

There is no height limit for the above properties on Height of Buildings Map HOB_003. All other properties zoned B5 Business Development under MLEP 2011 have a height specified on the relevant Height of Buildings Map. All other non residential zoned land on the western side of Bridge Road have a maximum height of 14 metres ("N (14.0m)") specified on the Height of Buildings Map HOB_003. It is recommended that a 14 metre height control be imposed on the subject properties.

Recommendation L-HOB_003 (01):

That a maximum 14 metre ("N" 14.0m) height control be placed on the properties 2 Albany Road, 1-7 Albany Road and 20-26 Bridge Road, Stanmore on Height of Buildings Map (HOB_002).

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (14) and Recommendation L-HOB_003 (16).



Properties 305-317 King Street and 5 Eliza Street, Newtown

Council resolved that the land reservation relating to the properties 309-317 King Street and 3-5 Eliza Street be removed (Council resolution Item 2 June 2014 IPES Meeting).

There is currently no HOB control applying to the reserved land. There is also no HOB control applying to the western and northern sides of the property 309 King Street and the rear of the properties 305 King Street and 307 King Street.

The remainder of all of the properties referred to above have a 14 metre height control applying to the land. It is recommended that a "N (14.0m)" HOB control be applied to the subject land.

Recommendation L-HOB_003 (02):

That a maximum ("N (14.0m)") be added to the Height of Buildings Map (HOB_003) for the section of land formerly reserved for Local Road on the Land Reservation Acquisition Map for the properties 311 King Street, 313 King Street, 315 King Street and 317 King Street, Newtown, and 5 Eliza Street, Newtown and for the western and northern sides of the property 309 King Street, Newtown and the rear of the properties 305 King Street and 307 King Street, Newtown.

Note: The Diagram showing Current Map and Proposed Map for this recommendation has been incorporated into the Diagram relating to Recommendation L-HOB_003 (04).

3 Eliza Street, Newtown

Council resolved that the land reservation on the above property (and the properties 309-317 King Street, Newtown) be removed (Council resolution Item 2 June 2014 IPES Meeting).

There is currently no HOB control applying to the reserved land. The remainder of the property has a 14 metre height control applying to the land. A subsequent recommendation (Recommendation L-HOB_003 (04)) recommends that the HOB control for the property 3 Eliza Street, Newtown be amended to "J (9.5m)". It is recommended that a "J (9.5m)" HOB control be applied to the land.

Recommendation L-HOB_003 (03):

That a maximum ("J (9.5m)") be added to the Height of Buildings Map (HOB_003) for the section of land formerly reserved for Local Road on the Land Reservation Acquisition Map for the property 3 Eliza Street, Newtown.

Note: The Diagram showing Current Map and Proposed Map for this recommendation has been incorporated into the Diagram relating to Recommendation L-HOB_003 (04).

1-5 Mary Street, 6 Mary Street, 11-19 Mary Street, 2-8 Lennox Street, the rear lot (Lot 1 DP 542155) facing Lennox Street of No. 259 King Street and No. 3 Eliza Street, Newtown

In considering a development application for No. 19 Mary Street, Newtown (DA201300142) the suitability of the standard 1.5:1 FSR and 14.0m HOB that applies to properties within the B2 Local Centre zoned area in north-eastern part of King Street (from Australia Street to Church Street) was brought into question for this and similar residential, and low scale commercial/industrial properties that fall or should fall within the North Kingston Estate (Camperdown-Newtown) HCA 11.

To take pressure off inappropriate redevelopment occurring for Nos. 1-5, No. 6 and Nos. 11-19 Mary Street, Nos. 2-8 Lennox Street, the rear lot (Lot 1 DP 542155) facing Lennox Street of No. 259 King Street and No. 3 Eliza Street, that would impact on HCA 11, staff recommended that FSR and HOB controls for those properties should be lowered to 1.2:1 FSR and 9.5m HOB. Such FSR / HOB reductions have been utilised previously as part of the MLEP 2011, on the edge of other centres and for other sensitive sites as exceptions to the generic development standards, to control inappropriate redevelopment.

It should also be noted that in dealing with a report (Item 3 C0715) at its meeting on 21 July 2015 in relation to the Marrickville Heritage Review 2014 Council resolved (in part) *"In connection with FSR.1 and HOB.1 it has been identified that No. 6 Mary Street and No. 3 Eliza Street should be*

moved from the King Street and Enmore Road HCA 2 to North Kingston Estate (Camperdown-Newtown) HCA 11 to align with the appropriate HCA statement of significance, changing the alignment of the boundary between the HCAs.”

Recommendation L-HOB_003 (04):

That the HOB control on the Height of Buildings Map (HOB_003) for the properties 1-5 Mary Street, 6 Mary Street, 11-19 Mary Street, 2-8 Lennox Street, the rear lot (Lot 1 DP 542155) facing Lennox Street of No. 259 King Street and No. 3 Eliza Street be amended to “J (9.5m)”.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (02) and Recommendation L-HOB_003 (03).



65 Newington Road, Marrickville

The property is zoned R2 Low Density Residential, has a FSR control applying to the land but has no HOB control applying to the land. In previous environmental planning instruments the subject land was reserved for local road purposes. However the property is not included on the Land Reservation Acquisition Map for local road purposes.

The property has a FSR control but no HOB control. That is an oversight. Other properties in the immediate area fronting Newington Road have a “J” (“J” 9.5m) HOB control applying to their land. It is recommended that a “J (9.5m)” HOB control be applied to the subject land.

Recommendation L-HOB_003 (05):

That a maximum (“J (9.5m)”) be added to the Height of Buildings Map (HOB_003) for the property 65 Newington Road, Marrickville.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (11).



94 Audley Street, Petersham (rear of property)

As discussed previously, the rear of property known as 94 Audley Street, Petersham has no height control. A HOB of “P (17.0m)” applies to the majority of the property. It is recommended that the rear of the property have a HOB control of “P” to be consistent with the HOB control for the remainder of the property.

Recommendation L-HOB_003 (06):

That a maximum 17 metre (“P (17.0m)”) HOB control be placed on the entire property known as 94 Audley Street, Petersham on Height of Buildings Map (HOB_003).

Diagram showing Current Map and Proposed Map



31 Station Street, Newtown

The subject property has a HOB control of “P (17.0m)” however the colour on the HOB map for the above property is the colour which relates to height of building control “Q (20.0m)”. The colour needs to be changed to be in accordance with that applicable for the “P (17.0m)” height control.

Recommendation L-HOB_003 (07):

That the colour on Height of Buildings Map (HOB_003) for the property 31 Station Street, Newtown be amended to the colour applicable for the HOB code “P (17.0m)”.

Note: The need for the amendment detailed in Recommendation L-HOB_003 (07) is no longer needed. A HOB control of “P (17.0m)” was placed on the property 31 Station Street, Newtown as part of Marrickville Local Environmental Plan 2011 (Amendment No. 14) which was gazetted on 1 December 2017.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (13).



Sydney Water Corporation and Ausgrid land on the south western corner of Chester Street and Albert Street, Petersham

The subject land is zoned SP2 Water Supply and SP2 Electricity Supply. The land has a HOB control of “J 9.5m” on the Height of Buildings Map. Other similar zoned properties do not have a HOB control. To be consistent with other such properties the HOB control for the property should be deleted.

Recommendation L-HOB_003 (08):

That the height of building control on the Height of Buildings Map (HOB_003) for the Sydney Water Corporation and Ausgrid land on the south western corner of Chester Street and Albert Street, Petersham be deleted.

Diagram showing Current Map and Proposed Map



2-14 Station Street, Newtown

The subject land is owned by the Sydney Water Corporation and is zoned SP2 Water Systems and has a HOB control of “N (14.0m)” on the Height of Buildings Map. Other similar zoned properties do not have a HOB control. To be consistent with other such properties the HOB control for the property should be deleted.

Recommendation L-HOB_003 (09):

That the height of building control on the Height of Buildings Map (HOB_003) for the Sydney Water Corporation land known as 2-14 Station Street, Newtown be deleted.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (13).



Ausgrid land adjacent to 264 Stanmore Road, Petersham (Lot 12 DP 614800)

The subject land is zoned SP2 Electricity Supply. The land has a HOB control of “J (9.5m)” on the Height of Buildings Map. Other similar zoned properties do not have a HOB control. To be consistent with other such properties the HOB control for the property should be deleted.

Recommendation L-HOB_003 (10):

That the height of building control on the Height of Buildings Map (HOB_003) for the Ausgrid land adjacent to 264 Stanmore Road, Petersham (Lot 12 DP 614800) be deleted.

Diagram showing Current Map and Proposed Map



Ausgrid land off Alma Avenue, Enmore (Lot 1 DP 180283)

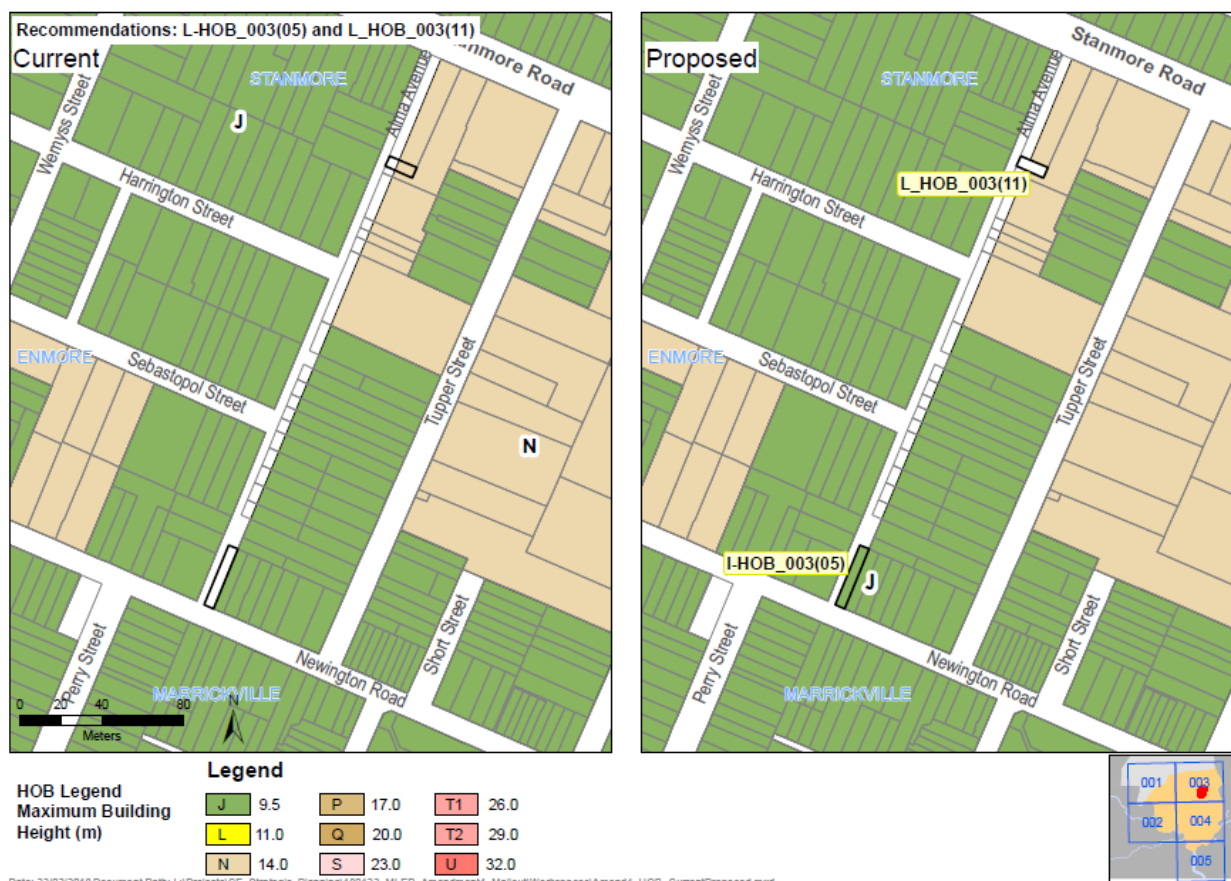
The subject land is zoned SP2 Electricity Supply. The land has a HOB control of “N (14.0m)” on the Height of Buildings Map. Other similar zoned properties do not have a HOB control. To be consistent with other such properties the HOB control for the property should be deleted.

Recommendation L-HOB_003 (11):

That the height of building control on the Height of Buildings Map (HOB_003) for the Ausgrid land off Alma Avenue, Enmore (Lot 1 DP 180283) be deleted.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (05).



Lots 1, 2 and 3 DP 1057614 (Land at the rear and or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham)

See comments in relation to the proposed rezoning of the lots (Recommendation L-LZN_003 (09))

No HOB control applies to the subject lots under MLEP 2011.

The lots have been acquired by the land owners of the adjoining properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham. Those adjoining properties are zoned R2 Low Density Residential and have a "J (9.5m)" HOB control on the Height of Buildings Map HOB_003.

The land at the rear and/or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham known as Lots 1, 2 and 3 DP 1057614 recommended to be rezoned R2 Low Density Residential (refer to Recommendation L-LZN_003 (09)) should have the same HOB control as the adjoining properties.

Recommendation L-HOB_003 (12):

That a "J (9.5m)" height of building control be included on Height of Buildings Map (HOB_003) for the land at the rear and/or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham known as Lots 1, 2 and 3 DP 1057614 recommended to be rezoned R2 Low Density Residential (refer to Recommendation L-LZN_003 (09)).

Diagram showing Current Map and Proposed Map



Lot 1 DP 1124143 (Air space adjacent to 52-60 Enmore Road, Newtown)

The air space projecting onto the road reserve in front of 52-60 Enmore Road, Newtown has a HOB control of "N (14.0m)" on the HOB Map. Other balconies that project over the road reserve do not have a HOB control on the respective HOB Maps. The height control should be deleted.

Recommendation L-HOB_003 (13):

That the height of building control on Height of Buildings Map (HOB_003) for the property Lot 1 DP 1124143 (Air space in front of 52-60 Enmore Road, Newtown) be deleted.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (07).



5-43 Bridge Road, Stanmore (properties on the eastern side of Bridge Road between Parramatta Road and Salisbury Road)

An earlier recommendation recommends “That the properties 5 Bridge Road, 29 Bridge Road, 31-41 Bridge Road and 43-53 Bridge Road, Stanmore on Land Zoning Map (LZN_003) be rezoned “B5 Business Development” (*Recommendation L-LZN_003 (11)*). Refer to comments in Attachment B: Proposed Land Zoning Map Amendments (pages 37-39).

As part of the discussion in relation to the rezoning of the land it was recommended that the maximum FSR for those properties be increased from 0.85:1 to 2:1; as previously resolved by Council and that a maximum height of building control of 14 metres apply to the subject land.

Recommendation L-HOB_003 (14):

That a maximum 14 metre (“N” 14.0m) height control be placed on the properties 29 Bridge Road, 31-41 Bridge Road and 43-53 Bridge Road, Stanmore on Height of Buildings Map (HOB_003).

Diagram showing Current Map and Proposed Map

Note:The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (01) and Recommendation L-HOB_003 (16).



No height is prescribed on the HOB Map for the subject properties. The properties are zoned R2 Low Density Residential. A HOB of 9.5m ("J") applies to other R2 Low Density Residential zoned land in the immediate area. It is recommended that a height of building control of 9.5m ("J") be included on the Height of Buildings Map for the subject properties.

That a “J (9.5m)” height of building control be included on Height of Buildings Map (HOB_003) for the properties 29A West Street and 29B West Street, Lewisham.

Current

Proposed

Legend

HOB Legend Maximum Building Height (m)

J 9.5	P 17.0	T1 26.0
L 11.0	Q 20.0	T2 29.0
N 14.0	S 23.0	U 32.0

0 15 30 Meters

Scale: 0, 15, 30 Meters

North Arrow

Inset Map: Lewisham

Land zoned SP2 Stormwater Management Systems (rear of properties on the eastern side of Bridge Road, Stanmore)

The subject land has a HOB control. To be consistent with other such zoned properties the HOB map for the land should exclude a HOB control for the land.

Recommendation L-HOB_003 (16):

That the height of building control on Height of Buildings Map (HOB_003) for the land zoned SP2 Stormwater Management Systems (rear of properties on the eastern side of Bridge Road, Stanmore) be deleted.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (01) and Recommendation L-HOB_003 (14).



Lot 1 DP 437179 (Sydney Water land between Llewellyn Street and Empire Lane), Marrickville

The subject land is a narrow strip of land which runs from Llewellyn Street and Empire Lane between the properties 1-9 Empire Lane and 12 Llewellyn Street and 14 Llewellyn Street, Marrickville. The land contains a stormwater channel. The land is owned by the Sydney Water Corporation Ltd. The land is zoned R2 Low Density Residential. The zoning of the land is incorrect. As part of Amendment No. 4 it is proposed to rezone the land SP2 Stormwater Management Systems.

The subject land has a HOB control of “J 9.5m” on the Height of Building Map. To be consistent with other such zoned properties the HOB control on the property should be deleted.

Recommendation L-HOB_003 (17):

That the height of building control on Height of Buildings Map (HOB_003) for the property Lot 1 DP 437179 (Sydney Water land between Llewellyn Street and Empire Lane) be deleted.

Note:The Diagram showing Current Map and Proposed Map for this recommendation has been incorporated into Recommendation L-HOB_003 (18).

13 Victoria Road, Marrickville (Lot 1 DP 440432)

The subject land is a narrow strip of land which runs from Victoria Road and Empire Lane between the properties known as 8 Empire Lane and 35 Victoria Road and 37 Llewellyn Street, Marrickville. The land contains a stormwater channel. The land is owned by the Sydney Water Corporation Ltd. The land is zoned SP2 Sewerage Systems. The zoning of the land is incorrect. The land is proposed to be rezoned SP2 Stormwater Management Systems (Recommendation L-LZN_004 (23)).

The subject land has a HOB control of “J 9.5m” on the Height of Building Map. To be consistent with other such zoned properties the HOB control on the property should be deleted.

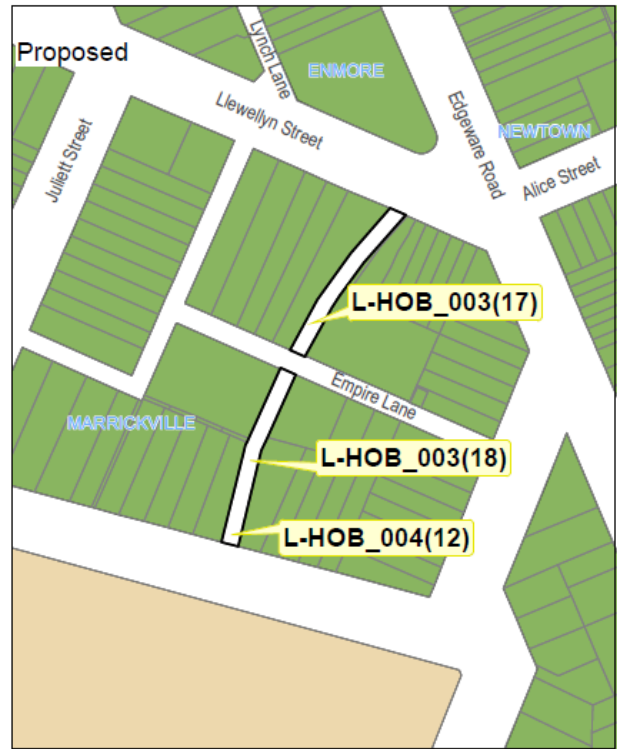
Note:The property known as 13 Victoria Road, Marrickville is located partly on the Height of Buildings Map (HOB_003) and partly on Height of Buildings Map (HOB_004). A separate recommendation (Recommendation L-HOB_004 (12)) relates to the amendment of the height of buildings control for that part of the property located on Height of Buildings Map (HOB_004).

Recommendation L-HOB_003 (18):

That the height of building control on Height of Buildings Map (HOB_003) for the property 13 Victoria Road, Marrickville (Lot 1 DP 440432) be deleted.

Diagram showing Current Map and Proposed Map

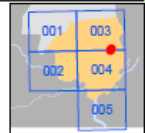
Note:The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (17) and Recommendation L-HOB_004 (12).



HOB Legend
Maximum Building Height (m)

J	9.5	P	17.0	T1	26.0
L	11.0	Q	20.0	T2	29.0
N	14.0	S	23.0	U	32.0

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94A-114 Pile Street and 89-101 Livingstone Road, Marrickville

The colour on the height of buildings map for the above properties is “J” but the map has not been labelled “J”.

Recommendation L-HOB_003 (19):

That a label of “J” be added to the Height of Buildings Map (HOB_003) for the properties 94A-114 Pile Street and 89-101 Livingstone Road, Marrickville.

Note: In view of the nature of this amendment, diagrams showing the Current Map and Proposed Map have not been prepared at this stage. The proposed mapping amendment will be incorporated into the documentation submitted to the Department of Planning and Environment seeking final approval and gazettal of the planning proposal.

2-10 Morgan Street and 51-53 Livingstone Road, Petersham

The colour on the height of buildings map for the above properties is “J” but the map is not been labelled “J”.

Recommendation L-HOB_003 (20):

That a label of “J” be added to the Height of Buildings Map (HOB_003) for the properties 2-10 Morgan Street and 51-53 Livingstone Road, Petersham.

Note: In view of the nature of this amendment, diagrams showing the Current Map and Proposed Map have not been prepared at this stage. The proposed mapping amendment will be incorporated into the documentation submitted to the Department of Planning and Environment seeking final approval and gazettal of the planning proposal.

81 Railway Road, Sydenham

The land forms part of Sydenham Green. The land is currently zoned R2 Low Density Residential under MLEP 2011. As part of Amendment No. 4 it is proposed to rezone the land RE1 Public Recreation. The HOB control (Labelled “J” on the Height of Buildings Map) on the property should be deleted.

Recommendation L-HOB_004 (01):

That the height of building control on the Height of Buildings Map (HOB_004) for the property 81 Railway Road, Sydenham be deleted.

Diagram showing Current Map and Proposed Map



292 Illawarra Road and land at the rear of 280-290 Illawarra Road, Marrickville

The above land was zoned Local Road and Local Road Widening Reservation under MLEP 2001 as an extension of Tuohy Lane. The extension of Tuohy Lane was abandoned in MLEP 2011. Whilst a FSR control applies to the land under MLEP 2011 no HOB control applies to the subject land. The remainder of the properties all have a “Q (20.0m)” HOB Control. It is recommended that a HOB control of Q be placed on the subject land.

Recommendation L-HOB_004 (02):

That a maximum 20 metre (“Q (20.0m)”) height control be placed on the properties 292 Illawarra Road, Marrickville and the rear of the properties 280-290 Illawarra Road, Marrickville on Height of Buildings Map (HOB_004).

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_004 (05) and Recommendation L-HOB_004 (06).



15 Hutchinson Street, St Peters

The majority of the property is zoned B7 Business Park and has a HOB control N (14.0m). However the rear of the property is zoned B5 Business Development and has a HOB control P (17.0m). As discussed previously it has been recommended that the entire property be zoned B7 Business Park. In light of the above it is recommended that a HOB Control of N (14.0m) apply for the entire property.

Recommendation L-HOB_004 (03):

That a maximum 14 metre ("N (14.0m)") height control be placed on the entire property known as 15 Hutchinson Street, St Peters on Height of Buildings Map (HOB_004).

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_004 (08) and Recommendation L-HOB_004 (08A).



Sydney Water Corporation Land between Garners Lane and Frampton Lane (Part Lot 3 DP 1169431), Marrickville

The subject land is owned by the Sydney Water Corporation and is part of the western channel. The land is zoned SP2 Stormwater Management Systems. The land has a HOB control of “J 9.5m” on the Height of Buildings Map. Other similar zoned properties do not have a HOB control. To be consistent with other such properties the HOB control for the property should be deleted.

Recommendation L-HOB_004 (04):

That the height of building control on the Height of Buildings Map (HOB_004) for the Sydney Water Corporation Land between Garners Lane and Frampton Lane (Part Lot 3 DP 1169431), Marrickville be deleted.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_004 (11).



274 Illawarra Road, Marrickville and 276 Illawarra Road, Marrickville

Refer to comments in relation to recommendation (Recommendation L-LZN_004 (14) which recommends that the rear of the properties (approximately 2 metres in depth) be rezoned SP 2 Local Road and reserved for that purpose on the Land Reservation Acquisition Map with no FSR Control or HOB Control applying to that part of the respective properties.

Recommendation L-HOB_004 (05):

That the height of building control on the Height of Buildings Map (HOB_004) for the rear of the properties known as 274 Illawarra Road, Marrickville and 276 Illawarra Road, Marrickville recommended to be rezoned SP2 Local Road (refer to Recommendation L-LZN_004 (14)) be deleted.

Note:The Diagram showing Current Map and Proposed Map for this recommendation has been incorporated into the Diagram relating to Recommendation L-HOB_004 (06).

326-330 Marrickville Road, Marrickville

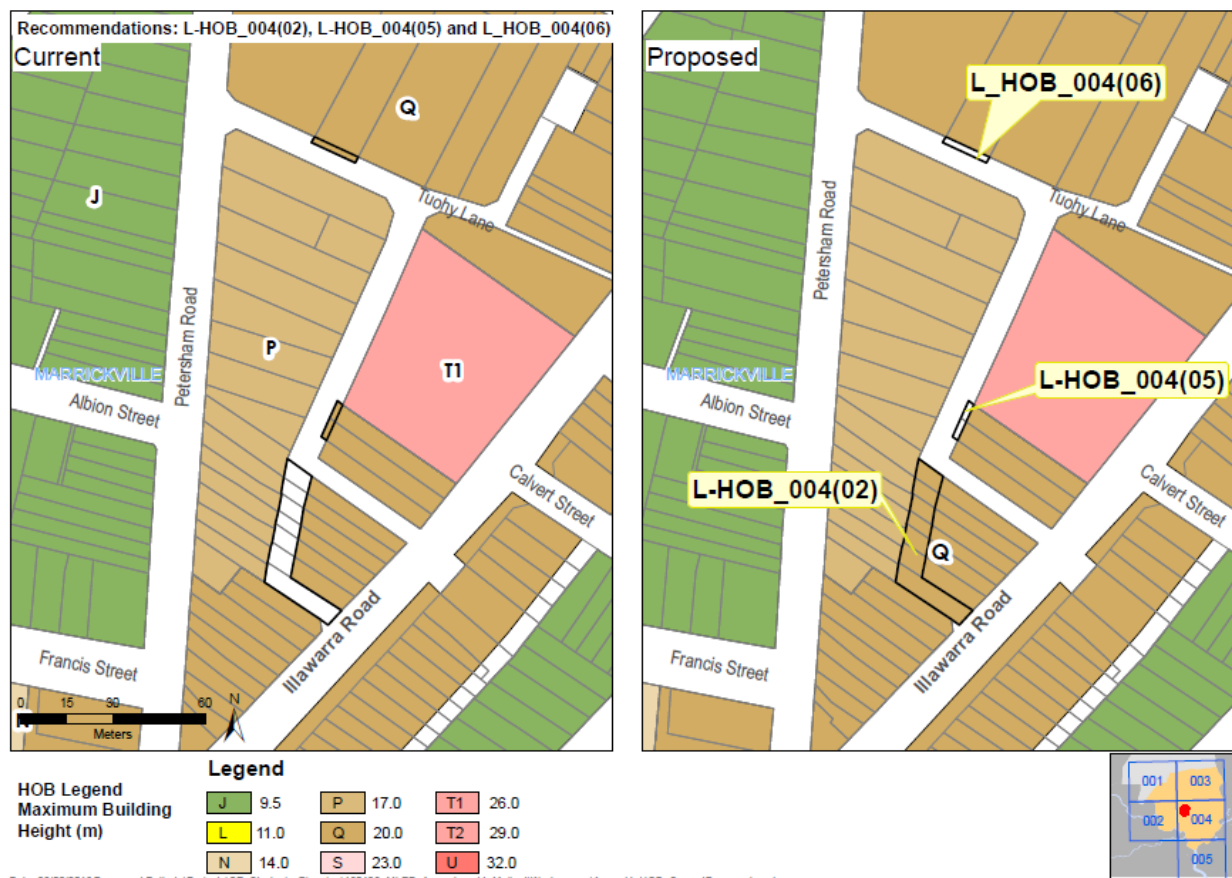
Refer to comments in relation to recommendation (Recommendation L-LZN_004 (15) which recommends that the rear of the property (approximately 2 metres in depth) be rezoned SP2 Local Road and reserved for that purpose on the Land Reservation Acquisition Map with no FSR Control or HOB Control applying to that part of the property.

Recommendation L-HOB_004 (06):

That the height of building control on the Height of Buildings Map (HOB_004) for the rear of the property known as 326-330 Marrickville Road, Marrickville recommended to be rezoned SP2 Local Road (refer to Recommendation L-LZN_004 (14)) be deleted.

Diagram showing Current Map and Proposed Map

Note:The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_004 (02) and Recommendation L-HOB_004 (05).



22 Cook Street, Tempe

Refer to comments in relation to recommendation (Recommendation L-LZN_004 (16) which recommends that the rear of the property be rezoned R2 Low Density Residential.

The R2 Low Density Residential zoned portion of the property has a “J (9.5m)” HOB control.

No HOB control applies to the B6 Enterprise Corridor zoned portion of the property on the Height of Buildings Map.

The HOB control for the rear of the property (i.e. that part currently zoned B6 Enterprise Corridor) should be amended to be in accordance with the HOB control that applies to the remainder of the property.

Recommendation L-HOB_004 (07):

That the height of building control on the Height of Buildings Map (HOB_004) for the rear of the property known as 22 Cook Street, Tempe recommended to be rezoned R2 Low Density Residential (refer to Recommendation L-LZN_004 (15)) be amended to be in accordance with the HOB control of “J (9.5m)” that applies to the remainder of the property (i.e. that part of the property zoned R2 Low Density Residential).

Diagram showing Current Map and Proposed Map



41-45 Princes Highway, St Peters

The property is comprised of 2 lots being Lot 4 DP 24550 and Lot 5 DP 24550. A HOB control of “S (23.0m)” applies to Lot 4 and no HOB control applies to Lot 5.

When MLEP 2011 was gazetted both lots had a HOB control of “S (23.0m)”.

As part of MLEP 2011 (Amendment No. 1) Council resolved *“that Nos 31, 41-45 and 129 Princes Highway, St Peters retain their B6 Enterprise Corridor zoning under MLEP 2011 and that the height and FSR controls for the subject sites be amended to accord with those for other B6 Zoned land on the Princes Highway enterprise corridor.”* (Recommendation (1g)).

Other B6 Enterprise Corridor zoned properties along the Princes Highway do not have a HOB control.

As part of MLEP 2011 (Amendment No. 1) the HOB control for that part of the property comprised of Lot 5 DP 24550 was deleted (i.e. there is no HOB control for Lot 5) but the HOB control for that part of the property comprised of Lot 4 DP 24550 was not changed.

The following recommendation would need to be adopted to address the matter:

“That the height of building control on the Height of Buildings Map (HOB_004) for that part of the property 41-45 Princes Highway, St Peters comprised of Lot 4 DP 24550 be deleted.”

Before determining whether to incorporate the above recommendation into the Planning Proposal, as previously noted, a submission has been received to reinstate the FSR and HOB controls that applied to the properties 31 Princes Highway, 41-45 Princes Highway and 129 Princes Highway, St Peters prior to the gazettal of Marrickville Local Environmental Plan 2011 (Amendment No. 1). (Refer to discussion in relation to Recommendation L-FSR_004 (14)).

Further discussion in relation to that request follows.

31 Princes Highway, 41-45 Princes Highway and 129 Princes Highway, St Peters

The land referred to above with the exception of that part of the property 41-45 Princes Highway, St Peters known as Lot 4 DP 24550 has no HOB control under MLEP 2011. As detailed previously a HOB control of “S (23.0m)” applied to the land when MLEP 2011 was originally gazetted.

As part of the previous discussion it has been recommended that the HOB control that previously applied to the property 129 Princes Highway be reinstated.

The situation is somewhat different for the properties 31 Princes Highway and 41-45 Princes Highway, St Peters. Whilst it is considered appropriate that the previous HOB control of “S (23.0m)” should be reinstated for the section of the property fronting the Princes Highway a HOB control of 23.0 metres is considered inappropriate for the rear section of the property fronting Applebee Street where a 3 storey height limit applies to the land under Part 9.25 of MDCP 2011 (Figure 25.5).

The reasoning why a 23 metre height control is considered inappropriate for the rear section of the subject properties and for other properties which have a frontage to the eastern side of Applebee Street is as follows:

51-61 Princes Highway, rear of 63 Princes Highway, rear of 91 Princes Highway, rear of 99 Princes Highway, St Peters, and properties 60-78 Applebee Street, St Peters

The land referred to above has a HOB control of “S (23.0m)”. A 3 storey height limit applies to the land under Part 9.25 of MDCP 2011 (Figure 25.5). The HOB control on the subject land is inappropriate given the maximum number of storeys permitted on the land under the Masterplan.

It should be noted that this is not an error but due to the way HOBs have been mapped i.e. The Height of Buildings Maps under MLEP 2011 specify the maximum height that applies to the land. The HOB control set was required to specify the highest building envisaged even when much lower buildings are envisaged on other parts of the land having regard to local context.

A similar situation existed for a property at 19 Hutchinson Street. That property extends through to Hutchinson Street. As part of MLEP 2011 (Amendment No. 2) Council resolved to lower the HOB Control on the section of the property fronting Hutchinson Street to "N (14.0m)" to relate to the 3 storey height limit that applied to that section of the property under MDCP 2011.

It is recommended that a similar approach be taken in relation to the subject land and the land at the rear of the properties 31 Princes Highway and 41-45 Princes Highway, St Peters. Consequently it is recommended that the height control applying to the land at the rear of 51-61 Princes Highway, rear of 63 Princes Highway, rear of 91 Princes Highway, rear of 99 Princes Highway and properties 60-78 Applebee Street, St Peters be lowered on the HOB Map to N (14.0m).

Because of the irregular subdivision pattern in the area, the different zonings that apply to some properties, permissibility of uses on different parts of some properties it is considered the best approach to address the issue would be change the HOB control for all land fronting the eastern side of Applebee Street not identified as either "F" or "G" on the Key Sites Map KYS_004 to "N (14.0m)" excluding the property known as 1-27 Princes Highway, St Peters.

It should be noted that lowering the HOB controls for the properties as recommended would not unreasonably impact on the development potential of the properties as the FSR set for the properties under MLEP 2011 were based on the building envelopes and height controls (in storeys) in the control diagrams for the St Peters Triangle Masterplan in Part 9.25 of MDCP 2011.

A reduction in the maximum height control to 14 metres for the subject land fronting Applebee Street would not unreasonably impact on the ability of development on the properties to achieve the maximum FSR control that applies to the respective properties under MLEP 2011.

Recommendation L-HOB_004 (08):

That the height of building control on the Height of Buildings Map (HOB_004) for the following properties fronting the eastern side of Applebee Street, being the rear of 31 Princes Highway, St Peters; the rear of 41-45 Princes Highway, St Peters; the rear of 51-61 Princes Highway, St Peters; the rear of 63 Princes Highway, St Peters; the rear of 91 Princes Highway, St Peters; 60 Applebee Street, St Peters; 62 Applebee Street, St Peters; 64 Applebee Street, St Peters; 66 Applebee Street, St Peters; 68 Applebee Street, St Peters; 70 Applebee Street, St Peters; 72 Applebee Street, St Peters; 74 Applebee Street, St Peters; 76 Applebee Street, St Peters; and 78 Applebee Street, St Peters; where the land is not identified as either "F" or "G" on Key Sites Map KYS_004, be amended to "N (14.0m)".

Note: The Diagram showing Current Map and Proposed Map for this recommendation has been incorporated into the Diagram relating to Recommendation L-HOB_004 (08A).

31 Princes Highway, 41-45 Princes Highway and 129 Princes Highway, St Peters

The original report (considered by Marrickville Council on 1 December 2015) recommended that the previous FSR controls, that applied to the above properties when MLEP 2011 was originally gazetted, be reinstated to the above properties (*Recommendation L-FSR_004 (14)*). The report recommended that the HOB control that previously applied to the properties be reinstated except where the land was not identified as either "F" or "G" on Key Sites Map KYS_004. However a recommendation to that effect was not included in the list of recommendations. (A separate recommendation was included for the land that was not identified as either "F" or "G" on the Key Sites Map (as part of *Recommendation L-HOB_004 (08)*).

The following recommendation addresses the issue:

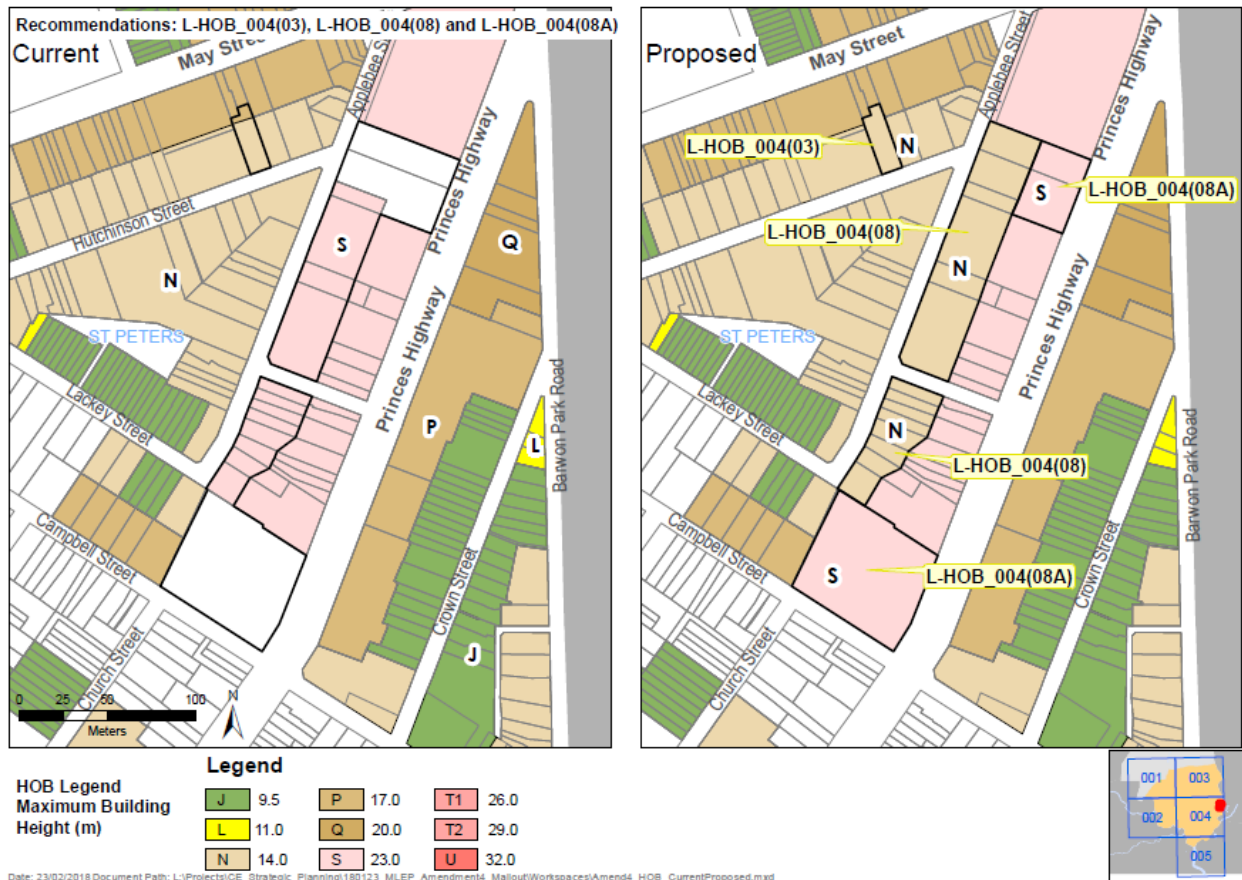
Recommendation L-HOB_004 (08A):

That the height of building control on the Height of Buildings Map (HOB_004) for that part of properties of 31 Princes Highway, St Peters and 41-45 Princes Highway, St Peters identified as "F"

on Key Sites Map and for the property 129 Princes Highway, St Peters identified as “G” on Key Sites Map KYS_004, be amended to “S (23.0m)”.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_004 (03) and Recommendation L-HOB_004 (08).



659-661 King Street, St Peters

The subject properties are zoned B5 Business Development and comprise part of the land identified “E” on the Key Sites Map KYS_004. Schedule 1 of MLEP 2011 permits “residential accommodation, but only as part of a mixed use development” with consent on the land identified “E”.

A HOB control of “S (23.0m)” applies to the properties known as 659-661 King Street, St Peters.

A 6 storey height limit applies to the land fronting the King Street and a 3 storey height limit applies to the rear of the property under Part 9.25 of MDCP 2011 (Figure 25.5).

As with the issues raised in the proceeding sections for other properties in the immediate area the HOB control on the rear of the property is inappropriate given the maximum number of storeys permitted on that part of the properties under the Masterplan.

Control C19 in Part 9.25.10.4 of MDCP 2011 states that the siting, orientation, depth and separation of proposed buildings must conform to the control diagrams in Figure 25.7. Figure 25.7 “Internal amenity, private open space and pedestrian links” specifies a maximum depth of 22 metres for the upper levels of the building from King Street.

On the basis of the control diagrams the HOB control set of 23m should be limited to a distance of 22 metres from the King Street alignment of the property. A HOB control applicable for a 3 storey building should apply to the remainder of the property. Table 1 “Relationship with height in metres with number of storeys” in Part 9.25.10 of MLEP 2011 specifies a height of 14 metres for a 3 storey building.

It should be noted that lowering the HOB control for the rear of the properties as recommended would not unreasonably impact on the development potential of the properties as the FSR set for the properties under MLEP 2011 were based on the building envelopes and height controls (in storeys) in the control diagrams for St Peters Triangle Masterplan in Part 9.25 of MDCP 2011.

A maximum FSR control of “W (3.70:1)” applies to the properties and a reduction in the maximum height control for the rear of the properties to 14 metres would not unreasonably impact on ability of development on the properties to achieve the maximum FSR control that applies to the land under MLEP 2011.

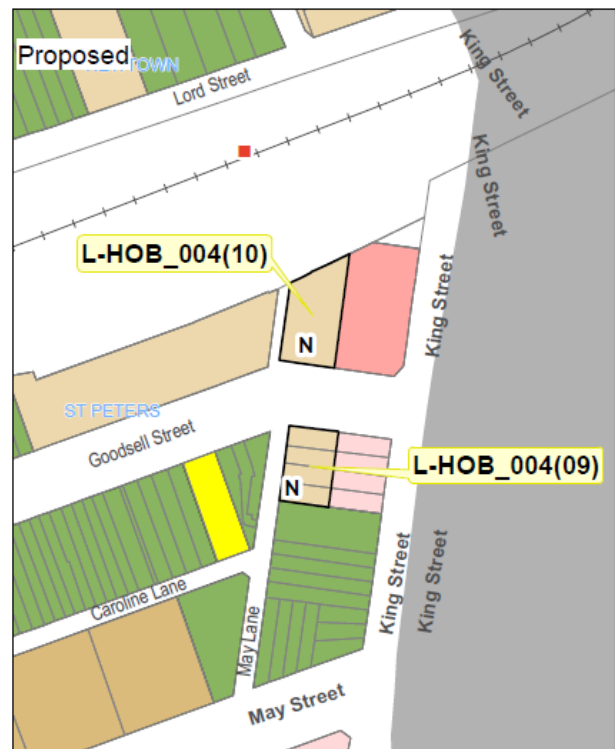
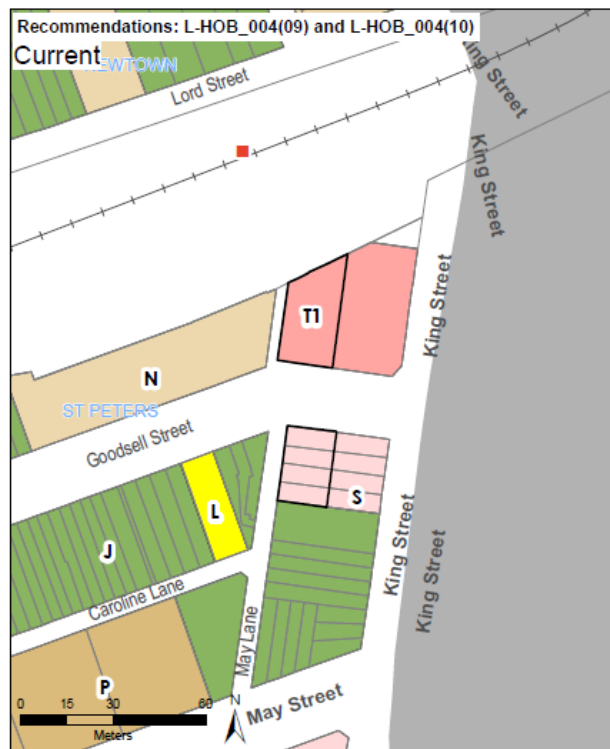
Recommendation L-HOB_004 (09):

That the height of building control on Height of Buildings Map (HOB_004) for the properties 659-651 King Street, St Peters be amended to:

- i. “S (23.0m)” for the front section of the property to a distance of 22 metres from the King Street alignment of the property; and
- ii. “N (14.0m)” for the remainder of the property (the section of the property fronting May Lane).

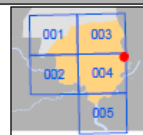
Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_004 (10).



Legend						
HOB Legend Maximum Building Height (m)	J	9.5	P	17.0	T1	26.0
	L	11.0	Q	20.0	T2	29.0
	N	14.0	S	23.0	U	32.0

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641-657 King Street, St Peters

The subject properties are zoned B5 Business Development and comprise part of the land identified "E" on the Key Sites Map KYS_004. Schedule 1 of MLEP 2011 permits "residential accommodation, but only as part of a mixed use development" with consent on the land identified "E".

A HOB control of "T1 (26.0m)" applies to the properties known as 641-657 King Street, St Peters.

A 7 storey height limit applies to the land fronting King Street and a 2 part 3 storey height limit applies to the rear of the property under Part 9.25 of MDCP 2011 (Figure 25.5).

As with the issues raised in the proceeding sections for other properties in the immediate area the HOB control on the rear of the property is inappropriate given the maximum number of storeys permitted on that part of the properties under the Masterplan.

As with the proceeding section it is considered that the HOB control set for the property of 26m should be limited to a distance of 22 metres from the King Street alignment of the property.

It should be noted that lowering the HOB control for the rear of the properties as recommended would not unreasonably impact on the development potential of the properties as the FSR set for the properties under MLEP 2011 were based on the building envelopes and height controls (in storeys) in the control diagrams for St Peters Triangle Masterplan in Part 9.25 of MDCP 2011.

A maximum FSR control of "V2 (3.10:1)" applies to the properties and a reduction in the maximum height control for the rear of the properties to 14 metres would not unreasonably impact on ability of development on the properties to achieve the maximum FSR control that applies to the land under MLEP 2011.

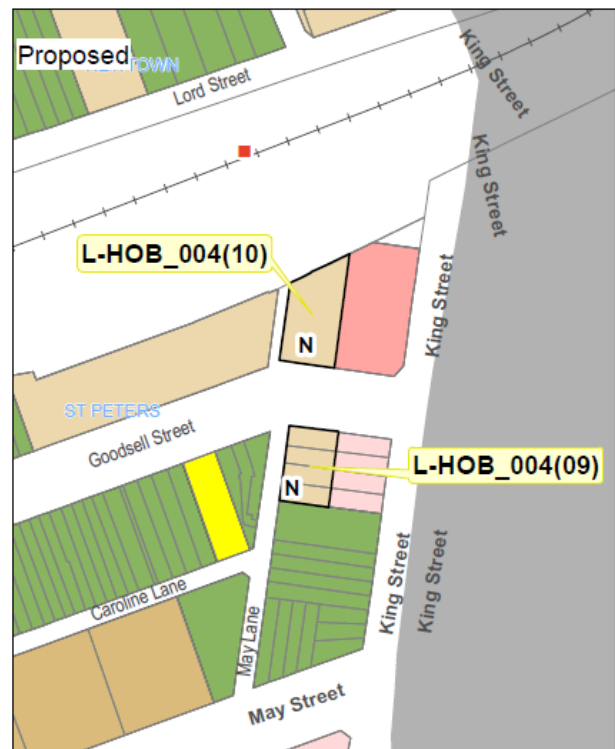
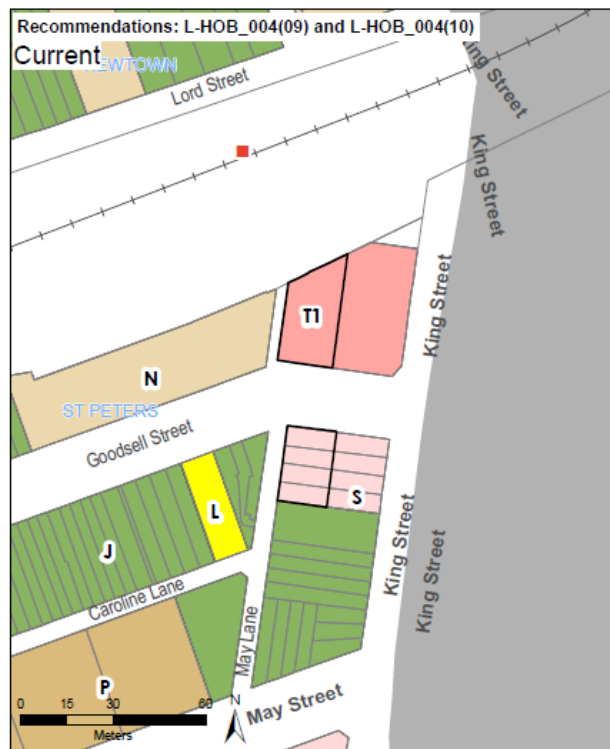
Recommendation L-HOB_004 (10):

That the height of building control on Height of Buildings Map (HOB_004) for the properties 641-657 King Street, St Peters be amended to:

- i. "T1 (26.0m)" for the front section of the property to a distance of 22 metres from the King Street alignment of the property; and
- ii. "N (14.0m)" for the remainder of the property (the section of the property fronting a pedestrian access from Goodsell Street to the railway station).

Diagram showing Current Map and Proposed Map

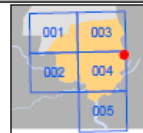
Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_004 (09).



HOB Legend
Maximum Building Height (m)

Letter	Height (m)	Letter	Height (m)	Letter	Height (m)
J	9.5	P	17.0	T1	26.0
L	11.0	Q	20.0	T2	29.0
N	14.0	S	23.0	U	32.0

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125-135 Marrickville Road, Marrickville

The subject property is located on the north western corner of Marrickville Road and Victoria Road. The HOB Map includes a height control for the splay corner. The height control for the splay corner should be deleted. (It should be noted that no FSR control applies to the splay corner on the respective FSR Map).

Recommendation L-HOB_004 (11):

That the height of building control on Height of Buildings Map (HOB_004) for the splay on the corner of Marrickville Road and Victoria Road for the property 125-135 Marrickville Road, Marrickville be deleted.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_004 (04).



13 Victoria Road, Marrickville (Lot 1 DP 440432)

The subject land is a narrow strip of land which runs from Victoria Road and Empire Lane between the properties known as 8 Empire Lane and 35 Victoria Road and 37 Llewellyn Street, Marrickville. The land contains a stormwater channel. The land is owned by the Sydney Water Corporation Ltd. The land is zoned SP2 Sewerage Systems. The zoning of the land is incorrect. The land is proposed to be rezoned SP2 Stormwater Management Systems (Recommendation L-LZN_004 (23)).

The FSR control (Labelled “F” on the Floor Space Ratio Map with a thick red line) on the property should be deleted.

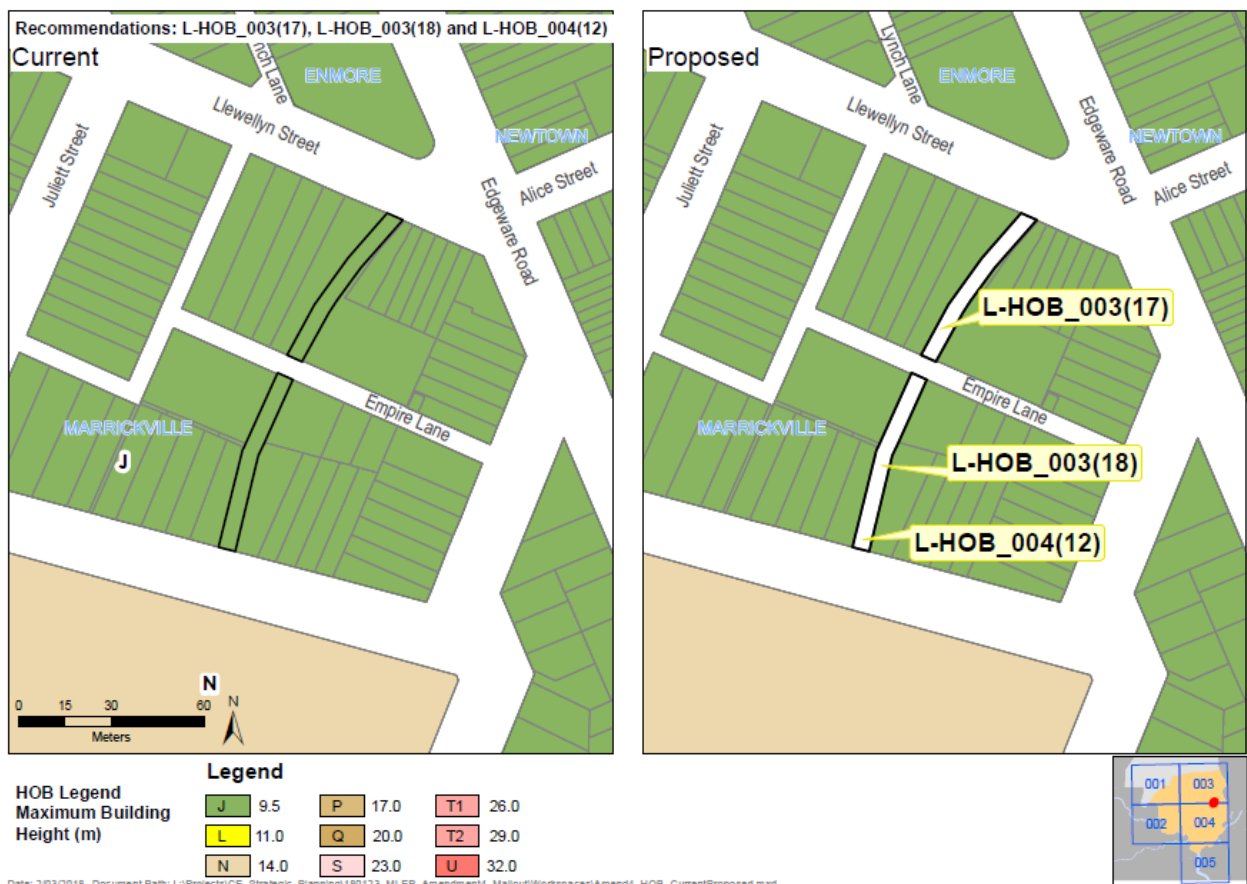
Note: The property known as 13 Victoria Road, Marrickville is located partly on the Height of Buildings Map (HOB_003) and partly on Height of Buildings Map (HOB_004). A separate recommendation (Recommendation L-HOB_003 (18)) relates to the amendment of the height of building control for that part of the property located on Height of Buildings Map (HOB_003).

Recommendation L-HOB_004 (12):

That the height of building control on the Height of Buildings Map (HOB_004) for the property 13 Victoria Road, Marrickville (Lot 1 DP 440432) be deleted.

Diagram showing Current Map and Proposed Map

Note: The Diagram showing Current Map and Proposed Map for this recommendation also incorporates Recommendation L-HOB_003 (17) and Recommendation L-HOB_003 (18).



2B Church Street, Marrickville (Lot 1 DP 530179)

The subject land is zoned SP2 Electricity Supply. A floor space ratio control of “Q” 20 metres applies to the land. To be consistent with other similar zoned land the HOB control should be deleted.

Recommendation L-HOB_004 (13):

That the floor space ratio control on the Height of Buildings Map (FSR_004) for the property 2B Church Street, Marrickville (Lot 1 DP 530179) be deleted.

Diagram showing Current Map and Proposed Map



18 Cecilia Street, Marrickville (SP 67635)

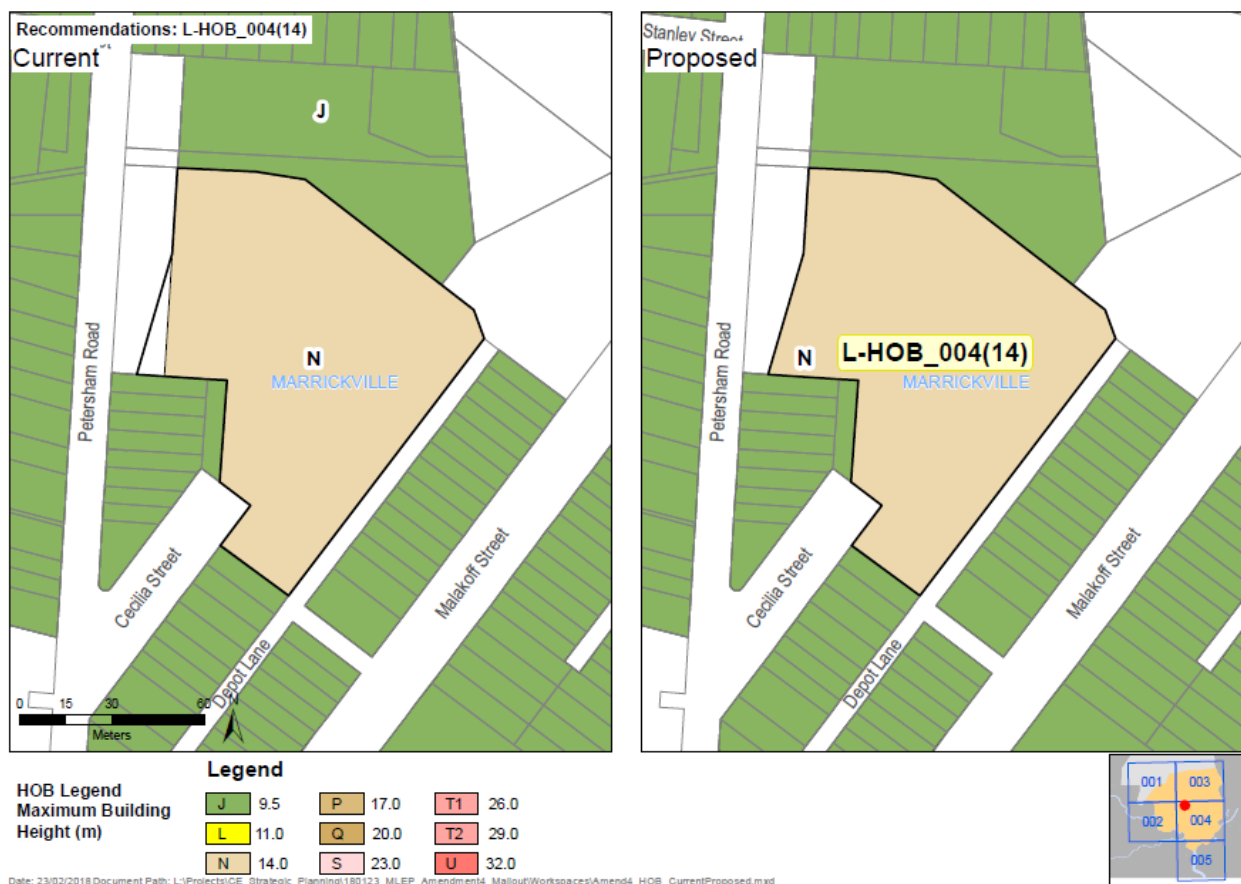
The subject property is currently zoned R4 High Density Residential. A small section of the property is zoned RE1 Public Recreation. The RE1 Public Recreation zoning of that land is an error. That part of the property zoned RE1 Public Recreation is proposed to be zoned R4 High Density Residential like the remainder of the property (refer to Recommendation L-LZN_004 (25))

The land currently zoned RE1 Public Recreation currently has no Height of Building control. The remainder of the property has a "N" 14m HOB control.

Recommendation L-HOB_004 (14):

That the height of building control on the Height of Buildings Map (HOB_004) for the western section of the property known as 18 Cecilia Street, Marrickville recommended to be rezoned R4 High Density Residential (refer to Recommendation L-LZN_004 (25)) be amended to be in accordance with the HOB control of "N (14m)" that applies to the remainder of the property (i.e. that part of the property zoned R4 High Density Residential).

Diagram showing Current Map and Proposed Map



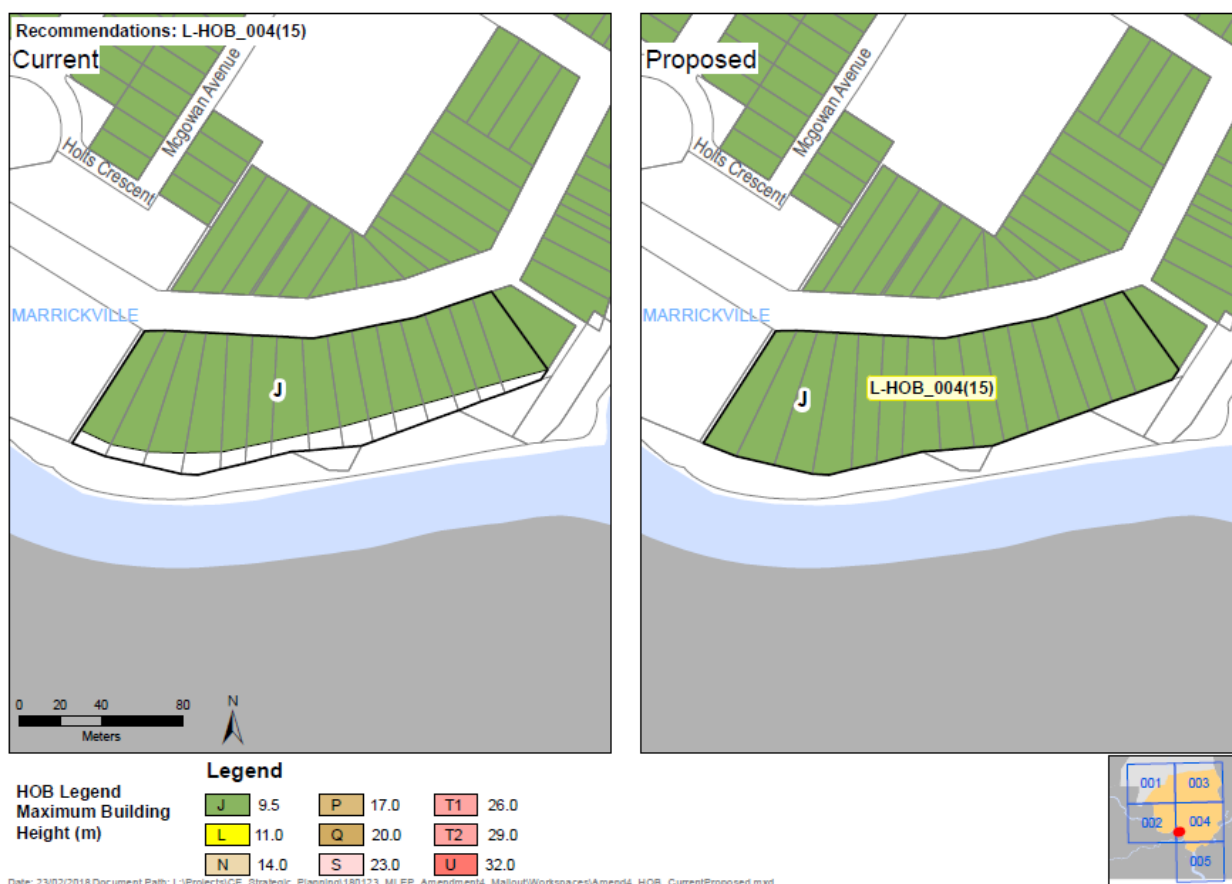
68-96 Thornley Street, Marrickville (rear of properties)

The properties known as 68-96 Thornley Street, Marrickville are all zoned R2 Low Density Residential under MLEP 2011. A FSR control of “F” and a HOB control of “J” 9.5m apply to the majority of the land with the exception of a section at the rear of the properties where no FSR or HOB control apply. It would appear that the land to which no FSR or HOB controls apply is that part of the properties where a Local Open Space Reservation zone previously applied to the land under Marrickville Council's former environmental planning instrument (Marrickville Local Environmental Plan 2001). The land is no longer identified for acquisition for open space purposes. It should be noted that the formerly reserved land is not identified on the Land Reservation Acquisition Map for acquisition for “Local Open Space”. In light of the land no longer being identified for open space purposes under MLEP 2011 the same FSR and HOB controls should apply to rear of the properties as those that apply to the remainder of the property.

Recommendation L-HOB_004 (15):

That the rear of the properties known as 68-96 Thornley Street, Marrickville be labelled “J” 9.5m on Height of Buildings Map (HOB_004) to be in accordance with the HOB control of the remainder of the property.

Diagram showing Current Map and Proposed Map



Alfred Street, St Peters (in front of the properties 60-94 Alfred Street, St Peters)

The section of Alfred Street, St Peters adjacent to the properties 60-94 Alfred Street is labelled “J” on the Height of Buildings Map. No height of building control should apply to the land.

Recommendation L-HOB_004 (16):

That the height of building control on the Height of Buildings Map (HOB_004) for Alfred Street, St Peters adjacent to the properties 60-94 Alfred Street be deleted.

Diagram showing Current Map and Proposed Map

