

PLANNING PROPOSAL TO AMEND

MARRICKVILLE LOCAL ENVIRONMENTAL PLAN (MLEP) 2011:

To include 75 new Heritage Items & 2 new Heritage Conservation Areas; to amend 1 existing Heritage Item and 3 existing Heritage Conservation Areas & to correct various errors and anomalies to Schedule 5 of the MLEP 2011

Introduction

At its meeting of 21 July 2015 Council considered a report on the recommendations of three heritage projects commissioned by Council in 2014. The report recommended that Council resolve to prepare a planning proposal incorporating matters identified in the report, being:

- 75 new Heritage Items;
- 2 new Heritage Conservation Areas;
- Amendment of 1 existing Heritage Item;
- Amendment of 3 existing Heritage Conservation Areas.

The report also recommended that various minor errors, anomalies and/or omissions within Part 1 and Part 2 of Schedule 5 (Environmental Heritage) and/or the Heritage Map of the MLEP 2011 be rectified.

Following consideration of the report, Council resolved inter alia, to prepare a planning proposal incorporating matters raised in the report.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

To amend the Marrickville Local Environmental Plan 2011 to include 75 additional Heritage Items, 2 additional Heritage Conservation Areas; to amend the existing listing of 1 Heritage Item and 3 Heritage Conservation Areas; and to rectify identified minor errors, anomalies and/or omissions within Part 1 and Part 2 of Schedule 5 (Environmental Heritage) and/or MLEP Heritage Map.

The intended outcome is to provide additional protection for heritage within the Marrickville Local Government Area through new heritage listings, and to ensure current heritage listings are correctly identified and described. Heritage listings proposed include items in the private and public domain, as well as State Government assets derived from relevant s.170 registers.

PART 2: EXPLANATION OF PROVISIONS

The intended outcomes of the planning proposal will be achieved by the following amendments to the MLEP 2011:

- **Including 75 Heritage Items within Schedule 5 (Environmental Heritage) and on the Heritage Map of the MLEP 2011 as follows;**

HERITAGE ITEMS - NEW

Locality	Item Name	Address	Item No.
Camperdown	Electricity Substation 142 (whole site)	111 Victory Lane	I314
Dulwich Hill	Electricity Substation 1458 (whole site)	208 Denison Road	I315
Dulwich Hill	Dulwich Hill Railway Station Group	Ewart Street	I316
Dulwich Hill	Electricity Substation 238 (building only)	49A Ewart Street	I317
Dulwich Hill	Electricity Substation 96 (whole lot)	Hercules Street	I318
Dulwich Hill	Ness Avenue brush box street trees	Ness Avenue (both sides)	I319
Dulwich Hill	Electricity Substation 169 (whole site)	127A Wardell Road	I320
Enmore	Electricity Substation 1493 (whole site)	13 Metropolitan Road, Enmore (rear)	I321
Lewisham	Lewisham Railway Substation	Alfred Street (known as Railway Land West Street)	I322
Lewisham	Railway underbridge at Old Canterbury Road, Lewisham	Old Canterbury Road	I323
Lewisham	Two-storey Federation Queen Anne style residence	17 Railway Terrace	I324
Marrickville	Beauchamp Street - brick footpath paving	Beauchamp Street (east side only south of Riverside Crescent)	I325
Marrickville	"The Glen" - Federation Queen Anne style house	13 Beauchamp Street	I326
Marrickville	"Heatherbrae" – Victorian Filigree style house	75 Beauchamp Street	I327
Marrickville	Bruce Street - mature eucalyptus street trees	Bruce Street (southern side)	I328
Marrickville	Cahill Place sandstone rock face	Cahill Place (on elevated side of the street, along the	I329

Locality	Item Name	Address	Item No.
		street frontage to elevated footpath)	
Marrickville	Electricity Substation 151 (whole site)	Calvert Street	I330
Marrickville	Pair of Victorian period semidetached houses – “Waratah” (No. 17) and “Essendene/Elmside” (No. 19)	17 & 19 Cary Street	I331
Marrickville	Electricity Substation 221 (whole site)	2B Church Street	I332
Marrickville	Day Street - eucalyptus street trees	Day Street (street section between Hampden Avenue and Illawarra Road)	I333
Marrickville	Group of three Inter-war Georgian Revival style residential flat buildings – No. 66 – “Rothesay”; No. 68 – “Windsor”; No. 70 - “Warwick”	66, 68 & 70 Ewart Street	I334
Marrickville	“Calthorpe” – Victorian filigree style villa	40 Excelsior Parade	I335
Marrickville	Electricity Substation No. 42 (former - whole site)	58 Fitzroy Street	I336
Marrickville	Electricity Substation 283 (building only)	Henson Street	I337
Marrickville	High Street - street trees various	High Street (on the south-eastern side of the street only Belmore Street - ficus and other street trees)	I338
Marrickville	Illawarra Road - ficus street trees	Illawarra Road (South of Renwick Street, along the street edge of the park opposite the block between Wallace Street and Wharf Road)	I339
Marrickville	Church of Christ	389 Illawarra Road	I340
Marrickville	Red pillar post box	398 Illawarra Road (located on footpath)	I341
Marrickville	“Roseen-Dhu” – detached house	294 Livingstone Road (Corner Warren Road)	I342
Marrickville	Victorian Filigree style villa	298 Livingstone Road (corner Harnett Avenue)	I343
Marrickville	Electricity Substation 154 (whole site)	Marrickville Avenue	I344
Marrickville	Osgood Avenue - brush box street trees	Osgood Avenue (both sides)	I345
Marrickville	Victorian Filigree style freestanding villa	23 Premier Street	I346

Locality	Item Name	Address	Item No.
Marrickville	Princes Street - mature eucalyptus street trees	Princes Street (western side)	I347
Marrickville	"Sarnie House" - Victorian Filigree style house	94 Renwick Street	I348
Marrickville	Sandstone stonemason's cottages	30 & 32 Schwebel Street	I349
Marrickville	Electricity Substation 111 (whole site)	1 Shepherd Street	I350
Marrickville	Group of three pairs of Federation Queen Anne style semi-detached houses	2-12 Warburton Street	I351
Marrickville	Group of three Victorian Filigree style villas	6, 8 & 10 Warren Road	I352
Marrickville	Pair of Inter War Art Deco style residential flat buildings (No. 50 a converted 19th century house)	50 & 52 Warren Road	I353
Marrickville	Victorian Italianate villa	61 Warren Road (Corner Stinson Lane)	I354
Marrickville	Wharf Road Sewer Pumping Station 68	Wharf Street	I355
Newtown	Electricity Substation 1446a (whole site)	33A College Street	I356
Newtown	'I Have a Dream' mural	305 King Street (eastern wall)	I357
Newtown	Electricity Substation 1508 (whole site)	123 Probert Street	I358
Petersham	Electricity Substation 1447 (building and immediate surrounds only)	30 Brighton Street	I359
Petersham	Electricity Substation 251 (building only)	30 Chester Street	I360
Petersham	'Beynon and Hayward' building	6 Livingstone Road	I361
Petersham	Mural - Building interiors only	36 Terminus Street	I362
Stanmore	Railway underbridge, Stanmore	Trafalgar Street	I363
St Peters	Brickfield workers' terrace housing	28 – 44 Campbell Street	I364
St Peters	Modest worker's cottage	82 Campbell Street	I365
St Peters	Cooks River Container Terminal	20 Canal Road	I366
St Peters	Federation warehouse	45 Edith Street	I367
St Peters	Victorian period corner shops	48, 50 & 51 Frederick Street (Corner Henry Street)	I368
St Peters	Electricity Substation 549 (whole site)	Princes Highway (Lot 1 DP 190505)	I369

Locality	Item Name	Address	Item No.
St Peters	Whitehorse Hotel	161 Princes Highway (Corner Victoria Street)	I370
St Peters	Sandstone kerbing and/or guttering	<ul style="list-style-type: none"> - Grove Street, St Peters - Alfred Street ,St Peters - Mary Street, St Peters - Robert Street, St Peters - Silver Street, St Peters - Brown Street, St Peters - Campbell Street, St Peters - Victoria Street, St Peters (Princes Highway to Church Street) - Church Street, St Peters - St Peters Street, St Peters - Lackey Street, St Peters - Applebee Street, St Peters - Short Street, St Peters - Albert Street, St Peters - Victoria Street, St Peters - Smith Street, St Peters - Barden Street, St Peters - Fanning Street, St Peters - Wentworth Street, St Peters - Hart Street, St Peters 	1371
St Peters	Brick kerbing and/or guttering	<ul style="list-style-type: none"> - Grove Street, St Peters - Alfred Street ,St Peters - Mary Street, St Peters - Robert Street, St Peters - Silver Street, St Peters - Brown Street, St Peters - Campbell Street, St Peters - Victoria Street, St Peters (Princes Highway to Church 	I372

Locality	Item Name	Address	Item No.
		<ul style="list-style-type: none"> Street) - Church Street, St Peters - St Peters Street, St Peters - Lackey Street, St Peters - Applebee Street, St Peters - Short Street, St Peters - Albert Street, St Peters - Victoria Street, St Peters - Smith Street, St Peters - Barden Street, St Peters - Fanning Street, St Peters - Wentworth Street, St Peters - Hart Street, St Peters 	
Sydenham	Sandstone kerbing and/or guttering	<ul style="list-style-type: none"> - Park Road, Sydenham - Hogan Avenue, Sydenham - Frederick Street, Sydenham - Sutherland Street, Sydenham - 	1371
Sydenham	Brick kerbing and/or guttering	<ul style="list-style-type: none"> - Park Road, Sydenham - Hogan Avenue, Sydenham - Frederick Street, Sydenham - Sutherland Street, Sydenham 	1372
Sydenham	Electricity Substation No. 43 (whole site)	204 Unwins Bridge Road	1373
Tempe	Pair of sandstone semi-detached houses	31 & 33 Cook Street	1374
Tempe	Former Methodist Chapel	47 Hart Street	1375
Tempe	Jane O'Brien's house - Federation Arts & Crafts style house	24 Quarry Street	1376
Tempe	"Glenora" – Victorian Italianate style villa	6 Lymerston Street	1377

Locality	Item Name	Address	Item No.
Tempe	Potential archaeological site (including sandstone wall facing Berne Street)	370 Princes Highway	I378
Tempe	St Peters & St Paul Catholic Church & Presbytery	545 Princes Highway (Church) & 2 Samuel Street (Presbytery)	I379
Tempe	Former Commonwealth Bank – Inter-war Functionalist style building	838 Princes Highway	I380
Tempe	WWI War widow's houses – No. 4 Tramway St – "Pozieres"; No. 6 Tramway St – "Coramie"; No. 8 Tramway St – "Messines"	4, 6 & 8 Tramway Street	I381
Tempe	Former Church of Christ, now Siaolo (Tongan) Congregation Uniting Church	62 Union Street	I382
Tempe	Quarry Master's residence	139 Unwins Bridge Road	I383
Tempe	"Skelton" – Quarryman's cottage	149 Unwins Bridge Road	I384
Tempe	Belmore Street – street trees various	Belmore Street (ficus and other street trees on the western side of the street only)	I385
Tempe	Sandstone kerbing and/or guttering	<ul style="list-style-type: none"> - Union Street, Tempe - Samuel Street, Tempe - Lymerston Street, Tempe - John Street, Tempe - Foreman Street, Tempe - Terry Street, Tempe - Belmore Street, Tempe 	I371
Tempe	Brick kerbing and/or guttering	<ul style="list-style-type: none"> - Union Street, Tempe - Samuel Street, Tempe - Lymerston Street, Tempe - John Street, Tempe - Foreman Street, Tempe - Terry Street, Tempe - Belmore Street, Tempe 	I372
Tempe	Electricity Substation 200 (whole site)	589A Princes Highway	I386
Tempe	Electricity Substation 36 (front portion of site only - excludes rear lot)	11 Union Street	I387
Tempe	Marrickville railway substation	Tempe Railway Station,	I388

Locality	Item Name	Address	Item No.
		Griffiths Street	

- Including 2 Heritage Conservation Areas within Schedule 5 (Environmental Heritage) and on the Heritage Map of the MLEP 2011 as follows;

HERITAGE CONSERVATION AREAS - NEW

HCA number (as shown on Schedule 3 & LEP Map)	Boundaries	Map
C37.	<p>Heritage Conservation Area C37 – Lackey Street & Simpson Park, St Peters</p> <p>(shown contained within red outline on map)</p> <p>Including Nos. 19-53 Lackey Street, Council land at rear of properties and Simpson Park, St Peters.</p>	
C38.	<p>Heritage Conservation Area 38 – Camden Street & James Street, Enmore</p> <p>(shown contained within red outline on map)</p> <p>Including Nos. 89A-89E & 91 Camden Street and Nos. 11-19 James Street, Enmore.</p>	

- Amending the name, including additional properties and adding additional street trees to the current Heritage Item for Carrington Road, Marrickville (I68) and correct minor errors and anomalies as follows:

HERITAGE ITEM – AMENDED

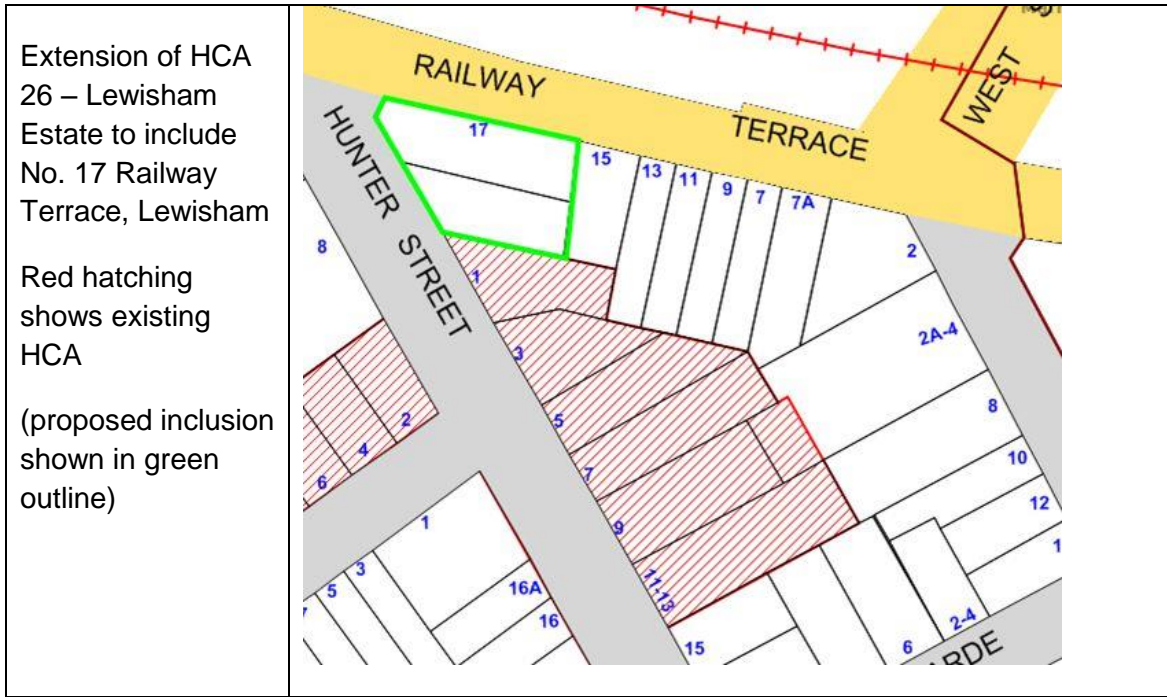
Marrickville	<p>Amend Heritage Map HER_004</p> <p>Amendment to include additional properties and trees to this listing</p>	<p>Existing listing:</p> <ul style="list-style-type: none"> - 10 Carrington Road (façade and front bay) - 47 Carrington Road (façade only) - Palm trees on 	I68
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		<p>footpath outside 6 & 10 Carrington Road</p> <p>Add to existing listing:</p> <ul style="list-style-type: none"> - 6 Carrington Road - 16 Carrington Road (central brick building only) - 30 Carrington Road - Ficus street trees on western side of Carrington Road, northern side of Renwick Street and southern side of Warren Road (adjacent to no. 49 Carrington Road) 	
Marrickville	<p>Amend LEP Heritage Map HER_002</p> <p>Amendments to location of label 187</p> <ul style="list-style-type: none"> - Relocate label Item No. 187 to correctly respond to 9 Hilltop Avenue 	9 Hilltop Avenue	187
Marrickville	<p>Amend LEP Heritage Map HER_002</p> <p>Amendments to location of label 197</p> <ul style="list-style-type: none"> - Relocate label Item No. 197 to be positioned between rear of 560 Illawarra Road and the identified quarry face 	560 Illawarra Road	197
Marrickville	<p>Amend LEP Heritage Map HER_003</p> <p>Amendment to include parcel of land between 24 & 28 Illawarra Road as part of this item (Lot 622</p>	142 Addison Road	166

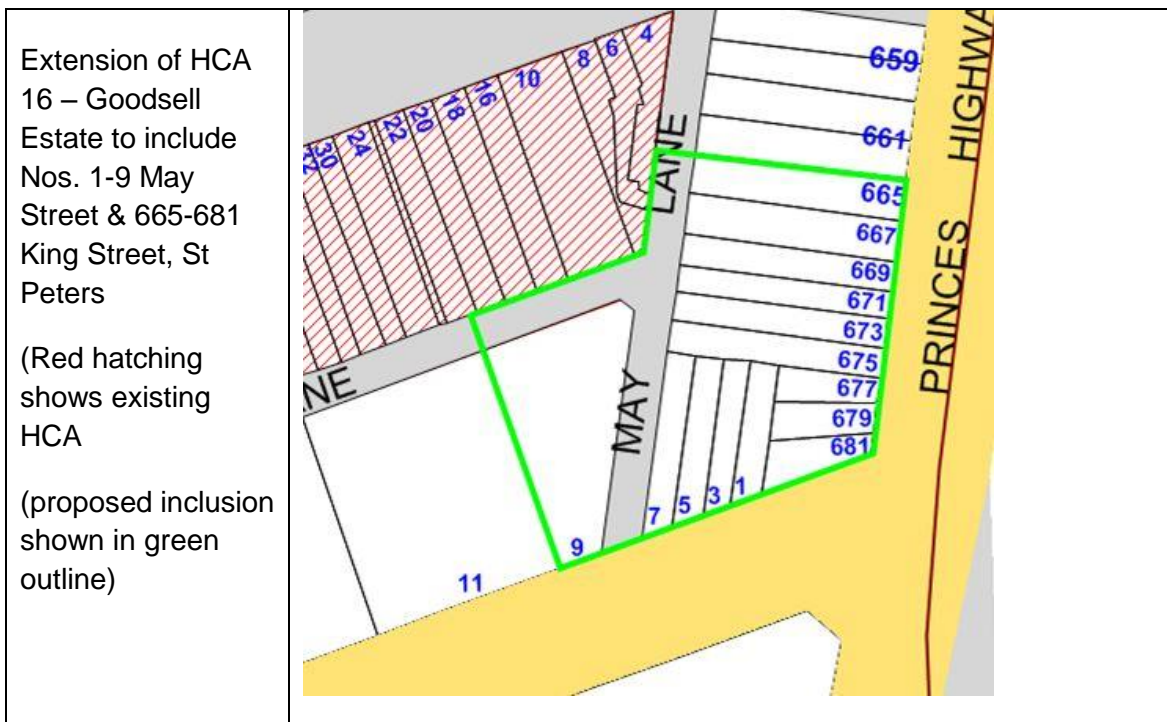
	DP 720759)		
Petersham	<p>Amend LEP Heritage Map HER_003</p> <p>Include yellow dot to demarcate location of horse trough on Trafalgar Street (near the intersection with Gordon Street)</p>	Trafalgar Street	I228
Petersham	<p>Amend LEP Heritage Map HER_003</p> <p>Include yellow dot to demarcate location of horse trough in closed section of John Street</p>	Closed section of John Street (next to 298 Stanmore Road)	I194
Various	<p>Boundaries of HCAs generally only extend to the property boundaries and do not include the road reserve in front of properties. For example, part of the heritage significance of properties fronting King Street (HCA 2) relates to their awnings, balconies which are located over footpaths.</p> <p>Boundaries are amended to include the road reserve.</p>	See LEP map sheets	

- Extending boundaries of HCA 26 – Lewisham Estate Heritage Conservation Area to include No. 17 Railway Terrace, Lewisham, as shown below:

HERITAGE CONSERVATION AREA – AMENDED



- Extending boundaries of HCA 16 – Goodsell Estate Heritage Conservation Area to include Nos. 1-9 May Street & 665-681 King Street, St Peters, as shown below:



- Extending boundaries of HCA 29 – South Dulwich Hill Heritage Conservation Area to include Nos. 231-245 Wardell Road, Dulwich Hill.

Extension of HCA 29 – South Dulwich Hill to include Nos. 231-245 Wardell Road, Dulwich Hill

(Red hatching shows existing HCA)

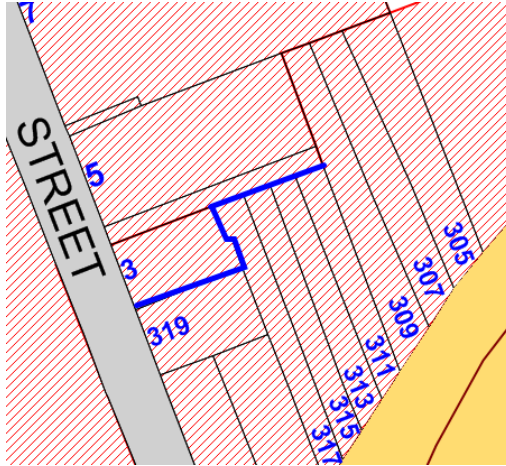
(proposed inclusion shown in green outline)



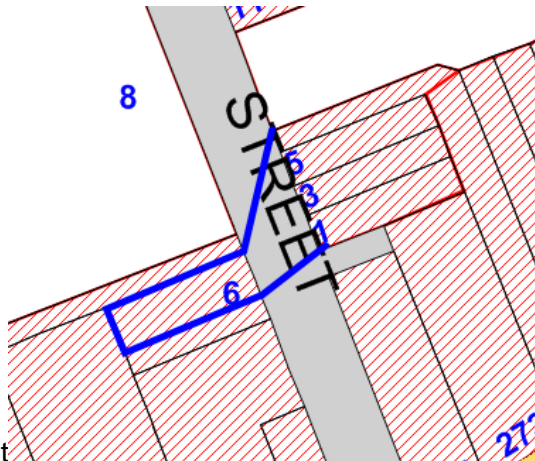
- Amend HCA 2 and HCA 11 to relocate No. 6 Mary Street & No. 3 Eliza Street from HCA 2 to HCA 11

No. 6 Mary Street & No. 3 Eliza Street to be relocated from HCA 2 (King St & Enmore Road) to HCA 11 (North Kingston Estate) to align with the HCA statements of significance. This will amend the alignment of the boundary between the two HCAs.

3 Eliza Street
Proposed new HCA boundary in blue



6 Mary Street
Proposed new HCA boundary in blue



PART 3: JUSTIFICATION

Section A – Need for the planning proposal

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

The planning proposal is the result of Marrickville Council's ongoing process of heritage identification and protection. Council undertook additional heritage studies during the preparation of the Marrickville LEP (MLEP) 2011. During its consideration of the draft MLEP 2010 Council resolved that a further report be prepared outlining the scope and estimated cost for a further heritage study process. Following consideration of heritage study options, Council resolved to undertake the additional heritage studies which form the contents of this planning proposal.

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

Yes, amending the current MLEP 2011 is the best way to achieve the aims of the planning proposal to protect properties and places within the local government area assessed as having heritage significance.

This planning proposal incorporates all the findings of the recent heritage studies, as well as other unrelated heritage matters, in an attempt to reduce the number of LEP amendment process undertaken by Marrickville Council.

Section B – Relationship to strategic planning framework

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

Yes, the planning proposal is consistent with objectives of all relevant strategic documents. 'A Plan for Growing Sydney' (2014) includes the following:

Action 3.4.4: Identify and re-use heritage sites, including private sector re-use through the Priority Precincts program.

'A Plan for Growing Sydney' notes that 'Heritage studies identify buildings and places to be listed as heritage items or heritage conservation areas in a Local Environmental Plan to enable their ongoing protection and management.' These proposed new and/or amended heritage listings are part of this ongoing process of local government protection of local heritage places.

The draft South Subregional Strategy (dSSS) was released for public exhibition in 2007. Although never formally adopted, it remains the most relevant strategic document addressing local government areas. The dSSS includes the key direction to 'Protect scenic,

heritage and environmental assets of the subregion'. It is considered this planning proposal is consistent with this direction.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

In June 2013 Council adopted its Community Strategic Plan named 'Our Place: Our Vision'. This document provides a ten year plan for progressing long-term projects and addresses community priorities, needs and complex problems that cross council boundaries and involve all levels of government, businesses and the community.

The Community Strategy Plan includes:

Key Result Area 3: A vibrant economy and well planned, sustainable urban environment and infrastructure

Key Result Area 3 includes:

Action 3.9: Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability.

The contents of this planning proposal are consistent with the aims of the Community Strategic Plan to ensure that development does not occur at the cost of heritage conservation. Identifying additional heritage items and areas is consistent with this objective.

Marrickville Council has also developed the Marrickville Urban Strategy which was adopted by Council in 2007 and provides the planning context for future development across the Marrickville local government area. Heritage protection is addressed within the Marrickville Urban Strategy. The Strategy notes that heritage is highly valued in the community and significantly adds to the character of the area. The Marrickville Urban Strategy includes the following action in relation to heritage:

Action 1.7: Protect heritage from inappropriate development.

This planning proposal is consistent with this action as it will protect more properties from inappropriate development through identifying their heritage values and ensuring these buildings are retained into the future.

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

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

- **SEPP (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 this Planning Proposal raise issues in relation to this SEPP, and Council has concluded that the Planning Proposal is consistent with this SEPP.

- **SEPP (Affordable Rental Housing) 2009**

SEPP (Affordable Rental Housing) 2009 establishes a consistent planning regime for the provision of affordable rental housing. None of the matters in this Planning Proposal raise issues in relation to this SEPP, and Council has concluded that the Planning Proposal is consistent with this SEPP.

- **SEPP (Exempt and Complying Development Codes) 2008**

This SEPP simplifies assessment processes for development that complies with specified development standards. It identifies types of minor development that may be carried out without development consent, or carried out in accordance with a complying development certificate. None of the matters in this Planning Proposal raise issues in relation to this SEPP, and Council has concluded that the Planning Proposal is consistent with this SEPP.

- **SEPP (Infrastructure) 2007**

SEPP (Infrastructure) 2007 provides a consistent planning regime for infrastructure and the provision of services across NSW. It is intended to provide greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The SEPP includes provisions relating to items of local heritage significance relating to development carried out by or on behalf of a public authority if the development which is likely to have an impact that is not minor or inconsequential on a local heritage item (other than a local heritage item that is also a State heritage item) or a heritage conservation area. The planning proposal does proposed heritage listing assets which are currently contained within various Section 170 Registers as per the Heritage Act 1977. Should the planning proposal proceed, these provisions may be invoked for these sites. However, it is not considered that the listing of additional heritage items is inconsistent with the provisions of the 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 this SEPP, and Council has concluded that 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. None of the matters in this Planning Proposal raise issues in relation to this SEPP, and Council has concluded that the Planning Proposal is consistent with this SEPP.

- **SEPP (Major Development) 2005**

This SEPP defines certain developments as 'major projects' to be assessed under Part 3A of the EP&A Act and determined by the Minister for Planning. It also provides planning provisions for State significant sites. None of the resolutions within this Planning Proposal affects relate to sites that have been, or are likely to be, subject to developments defined as major development. Council has concluded that the Planning Proposal is consistent with this SEPP.

- **SEPP (Building Sustainability Index: BASIX) 2004**

This SEPP operates in conjunction with EP&A Amendment (Building Sustainability Index: BASIX) Regulation 2004 to implement consistent building sustainability provisions across NSW. None of the resolutions within this Planning Proposal directly or indirectly affects BASIX or any provision that relates to building sustainability. Council has concluded that the Planning Proposal is consistent with this SEPP.

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

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

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

This SEPP aims to improve the quality of design of residential flat development across the NSW through the application of design principles. It provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development and involvement of a qualified designer throughout the design, approval and construction stages. None of the resolutions within this Planning Proposal directly or indirectly affect residential flat building design provisions, nor does it affect any provision within this SEPP. Council has concluded that the Planning Proposal is consistent with this SEPP.

- **SEPP No. 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, and Council has concluded that 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. This planning proposal is not related to aquaculture. Council has concluded that the Planning Proposal is consistent with the SEPP.

- **SEPP No. 55 - Remediation of Land 1998**

This SEPP introduces planning controls for the remediation of contaminated land across NSW. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must be undertaken before the land is developed. It is likely that various sites within this planning proposal may be affected by this SEPP due to their past uses. However, no provisions contained within this planning proposal are considered to be inconsistent with the aims and objectives of the SEPP. Therefore, Council has concluded that the Planning Proposal is consistent with this SEPP.

- **SEPP No. 50 - Canal Estate Development**

This SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments. This planning proposal is not proposing the development of new canal estates. Therefore, Council has concluded that the Planning Proposal is consistent with this SEPP.

- **SEPP No. 33 - Hazardous and Offensive Development**

This SEPP provides definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. 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. This planning proposal does not relate to any of these uses and is therefore consistent with the objectives of the SEPP.

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

This SEPP aims to ensure the NSW Government's urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. This SEPP was considered in the making of MLEP 2011, and the relatively minor set of amendments within this Planning Proposal will not alter the fundamental direction of MLEP 2011. MLEP 2011 and matters within this Planning Proposal are consistent with all the urban consolidation objectives of this SEPP, as they will create new dwellings and jobs within a well-established inner-urban area. Wherever possible, these new dwellings and jobs have been created within or around activity centres and public transport services within the Marrickville LGA. Council has concluded that the Planning Proposal is consistent with this SEPP.

- **SEPP No. 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. This planning proposal is not related to intensive agriculture. Council has concluded that the Planning Proposal is consistent with this SEPP.

- **SEPP No. 22 - Shops and Commercial Premises 1987**

This SEPP permits a change of use from one kind of shop to another, or one kind of commercial premises to another within a business zone, even if the change of use is prohibited under an environmental planning instrument. These matters are not included within this planning proposal and Council has concluded that 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 is not related to caravan parks. Council has concluded that the Planning Proposal is consistent with the SEPP.

- **SEPP No. 19 - Bushland in Urban Areas 1986**

This SEPP aims to protect and preserve bushland within certain urban areas as part of the natural heritage or for recreational, educational and scientific purposes. It is designed to

protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared. No matters within this Planning Proposal alter the degree to which urban bushland will be protected under MLEP 2011. Council has concluded that the Planning Proposal is consistent with this SEPP.

SEPP No. 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, therefore Council has considered it is consistent with this SEPP.

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

Below the Planning Proposal has been assessed against all relevant s.117 Directions. From this assessment, Council has concluded that the Planning Proposal is consistent with all applicable Ministerial (s.117) Directions.

1. *Employment and Resources*

1.1 Business and Industrial Zones

This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

Although this planning proposal applies to land zoned for business and industrial purposes it does not affect anything other than the heritage status of specific sites. Therefore, Council considers this planning proposal to be consistent with this Direction.

2. *Environment and Heritage*

2.3 Heritage Conservation

This Direction applies when a relevant planning authority prepares a planning proposal and states that the planning proposal, inter alia, must 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.

This planning proposal is consistent with this Direction as it specific relates to local heritage identification and management through the listing of additional heritage assets as identified within recent studies.

3. Housing, Infrastructure and Urban Development

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.

Although this planning proposal relates to land in residential zones, it does not contain any provisions affecting development standards or options for land. Therefore, this planning proposal is considered to be consistent with the aims of the Direction.

3.3 Home Occupation

This Direction applies when a relevant planning authority prepares a planning proposal. A planning proposal must permit home occupations to be carried out in dwelling houses without the need for development consent.

This planning proposal does not contain any provisions relating to home occupation. Therefore it is considered that this planning proposal is consistent with this Direction.

4. Hazard and Risk

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.

This planning proposal affects a large number of properties and is highly likely to include properties shown on the MLEP 2011 Acid Sulfate Soils Planning Map. However, as the planning proposal only relates to heritage matters and is not introducing provisions to regulate works in acid sulfate soils or proposing an intensification of land uses on these lands it is considered to be consistent with this Direction.

4.2 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.

This planning proposal relates to many properties including some that are flood affected. This planning proposal does not include provisions relating to flooding or rezone any land therefore it is considered to be consistent with this Direction.

6. Local Plan Making

6.1 Approval and 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).

This Direction applies to this planning proposal as it includes the heritage listing of State Authority assets identified within various Section 170 Registers. The local heritage listing of these items will trigger consultation with Council when an authority proposed works that are not minor or inconsequential on a local heritage item or heritage conservation area and is development that may be carried out without consent under the SEPP (Infrastructure) 2007.

Council will consult with the owners of these assets as part of the public exhibition of the planning proposal. It is not considered unreasonable for Council to seek to protect local heritage which has been identified with the authorities' own heritage registers. The consultation provision is not considered to be onerous and provide an opportunity for dialogue between Councils and public authorities to ensure the best outcome for the heritage item.

Therefore, although this planning proposal is inconsistent with this Direction, the inconsistency is considered to be of a minor nature.

6.2 Reserving Land for Public Purposes

This Direction applies when a relevant planning authority prepares a planning proposal. A planning proposal must not create, alter or reduce existing zonings or reservations of land 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).

This planning proposal does not relate to land reserved for a public purpose and therefore is considered to be consistent with this Direction.

7. Metropolitan Planning

7.1 Implementation of the Metropolitan Plan for Sydney 2036

This Direction applies to this planning proposal however it is considered to be consistent with the aims of 'A Plan for Growing Sydney' as discussed in Part 3 Section B of this planning proposal.

Section C – Environmental, social and economic impact

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

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

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

No, there is no likelihood for any other significant environmental effects. This planning proposal relates to heritage matters only.

- 9. Has the planning proposal adequately addressed any social and economic effects?**

It is considered that this planning proposal will have positive social impacts through increased local heritage protection. The planning proposal is not considered likely to have any significant economic impacts. The economic impacts of heritage listing are impossible to determine due to the individual nature of the properties involved.

Section D – State and Commonwealth Interests

- 10. Is there adequate public infrastructure for the planning proposal?**

Yes, the planning proposal is not likely to create additional demand on existing public infrastructure.

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

In accordance with the gateway determination process, State and Commonwealth public authorities have not been formally consulted and it is proposed this will occur at the community consultation stage.

PART 4: MAPPING

PART 5: COMMUNITY CONSULTATION

Council considers the Planning Proposal to be one of low impact as it is not a principal LEP; amendments are consistent with the strategic planning framework and with the pattern of surrounding land use zones and/or land uses; it does not seek to reclassify public land; and presents no significant issues with regard to infrastructure servicing. An exhibition period of 28 days is considered sufficient notification time for the general public to be informed. Notice of the public exhibition on the amended MLEP 2011 will be:

- advertised in all local newspapers that services the Marrickville LGA;
- publicly available on Council's website;
- copies of the draft LEP to be available at Council's administration building and at all local libraries; and
- letters sent out to affected property owners, including public authorities.

All submissions will be reported to Council at conclusion of the public exhibition period.

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) – November 2015;
- anticipated timeframe for the completion of required technical information – N/A as all technical information completed;
- 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 – February 2016
- dates for public hearing (if required) – N/A at this stage;
- timeframe for consideration of submissions –March & April 2016;
- timeframe for the consideration of a proposal post exhibition – May 2016;
- date of submission to the department to finalise the LEP – July 2016;
- anticipated date RPA will make the plan (if delegated) – August 2016.