



New South Wales

# Marrickville Local Environmental Plan 2001

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.  
(R97/00235/PC)

Minister for Urban Affairs and Planning

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## 2001 No 324

Marrickville Local Environmental Plan 2001

Contents

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# Contents

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	Page
<b>Part 1 Preliminary</b>	
1 Name of plan	5
2 Area covered by this plan	5
3 Relationship to other environmental planning instruments	5
4 Consent authority	5
5 Definitions and interpretation	5
<b>Part 2 Planning principles</b>	
6 Aim	7
7 Objectives	7
<b>Part 3 Zoning provisions</b>	
8 Zones indicated on the map	8
9 Zone objectives and development control	8
10 Residential 2 (A) zone	8
11 Residential 2 (B) zone	9
12 Residential 2 (C) zone	10
13 General Business 3 (A) zone	11
14 Neighbourhood Business 3 (B) zone	12
15 General Industrial 4 (A) zone	13
16 Light Industrial 4 (B) zone	14
17 Special Uses 5 (A) zone	15
18 Special Uses 5 (B) Railway zone	16
19 Open Space 6 (A) zone	16
20 Private Open Space 6 (B) zone	17
21 Local Open Space 9 (A) Reservation zone	18
22 Special Uses 9 (B) Reservation zone	19
23 Arterial Road and Arterial Road Widening 9 (C) Reservation zone	20
24 Local Road and Local Road Widening 9 (D) Reservation zone	20
25 Complying and exempt development	21

	Page
<b>Part 4 General restrictions on development</b>	
26 Subdivision controls	23
27 Temporary uses	23
28 Development within areas affected by aircraft related noise	23
29 Flood prone land	24
30 Development on public roads	24
31 Nuclear activities	24
32 Conversion of industrial buildings to residential flat buildings	25
<b>Part 5 Specific restrictions on development</b>	
33 Floor space ratios	27
34 Height of certain buildings in Residential 2 (B) and 2 (C) zones	27
35 Dual occupancy development standards	28
36 Multi unit housing development on land zoned Residential 2 (A)	28
37 Landform modification	28
38 Use of existing commercial buildings in residential zones	29
39 Light industrial use of land in business zones	29
40 Offices, showrooms and shops in industrial zones	29
41 Advertisements and advertising structures	30
42 Child care centres	30
43 Professional consulting rooms in residential zones	31
44 Premises used for prostitution	31
45 Development of certain land for particular purposes	32
46 Restriction of development by proposed road realignment	33
<b>Part 6 Heritage conservation controls</b>	
47 Objectives	34
48 Protection of heritage items, heritage conservation areas and relics	34
49 Development consent not required for certain minor works	36
50 Notice of applications to local Aboriginal communities and the National Parks and Wildlife Service	37
51 Notification of demolition to the Heritage Council	37
52 Development in the vicinity of a heritage item	37
53 Development of known or potential archaeological sites (including places of Aboriginal cultural heritage significance)	38

## 2001 No 324

Marrickville Local Environmental Plan 2001

### Contents

---

	Page
54 Conservation incentives	39
55 Matters to take into account in heritage conservation areas	40
<b>Part 7 Environmental management provisions</b>	
56 Protection of trees	41
57 Development involving acid sulfate soils	41
58 Waste management	42
59 Energy, water and stormwater efficiency	43
60 Landscaping and biodiversity	43
61 Development in the vicinity of Alexandra Canal	43
<b>Part 8 Social planning provisions</b>	
62 Community safety	45
63 Retention of low-cost rental accommodation	45
64 Accessibility	46
<b>Part 9 Special provisions</b>	
65 Acquisition and development of land reserved for roads	47
66 Acquisition of certain land reserved for Council	48
67 Acquisition of land reserved for special uses	49
68 Pending applications	50
69 Classification and reclassification of public land as operational land	50
70 Classification and reclassification of public land as community land	51
71 Suspension of certain covenants etc	51
<b>Schedules</b>	
1 Definitions	52
2 Additional development	66
3 Classification and reclassification of public land as operational land	71
4 Classification and reclassification of public land as community land	72
5 Identification of heritage items	73

## Marrickville Local Environmental Plan 2001

### Part 1 Preliminary

#### 1 Name of plan

This plan is *Marrickville Local Environmental Plan 2001*.

#### 2 Area covered by this plan

This plan applies to all land within the Marrickville local government area.

#### 3 Relationship to other environmental planning instruments

- (1) This plan repeals all local environmental plans and deemed environmental planning instruments which, immediately before the day on which this plan took effect, applied to the land to which this plan applies.
- (2) *State Environmental Planning Policy No 4—Development Without Consent* is amended by inserting at the end of Schedule 1 the following words:  
*Clause 57 of Marrickville Local Environmental Plan 2001*
- (3) *State Environmental Planning Policy No 60—Exempt and Complying Development* is amended by omitting the word “Marrickville” from subclause (1) of Part 1 of Schedule 1.

#### 4 Consent authority

Marrickville Council is the consent authority for the purposes of this plan, subject to the Act.

#### 5 Definitions and interpretation

- (1) Definitions used in this plan are set out in Schedule 1.
- (2) In this plan:
  - (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and

**2001 No 324**

Clause 5           Marrickville Local Environmental Plan 2001

Part 1             Preliminary

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- (b) a reference to a map is a reference to a map deposited in the office of the Council, and
  - (c) a reference to land within a zone specified in clauses 10–24 is a reference to land shown on the map in the manner indicated in the respective clauses as a means of identifying land of the zone so specified.
- (3) Notes to this plan and the list of its contents are not part of this plan.

## Part 2 Planning principles

### 6 Aim

The aim of this plan is to establish the framework for future development within the Marrickville local government area.

### 7 Objectives

The objectives of this plan are:

- (a) to consolidate and update planning controls in the area, and
- (b) to create a land use framework which allows detailed provisions to be made in development control plans, and
- (c) to enhance the quality of life and promote the well-being of the local community, and
- (d) to encourage new development to apply the principles of ecologically sustainable development, in particular, energy, water and stormwater efficiency, waste reduction and biodiversity conservation, and
- (e) to identify and conserve those items and localities which contribute to the local, built form, environmental and cultural heritage of Marrickville, and
- (f) to ensure that there are adequate controls to minimise aircraft noise impact upon residential and community uses, and
- (g) to encourage housing affordability, diversity and choice, and
- (h) to promote an accessible and safe living environment, and
- (i) to maximise business and employment opportunities, particularly in Marrickville's existing commercial centres.

## **2001 No 324**

Clause 8                   Marrickville Local Environmental Plan 2001

Part 3                     Zoning provisions

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### **Part 3 Zoning provisions**

#### **8 Zones indicated on the map**

- (1) Clauses 10–24 describe the objectives for each zone, what development is allowed without development consent (including exempt development) or only with development consent and what development is prohibited in each zone.
- (2) The following zones are created by this plan:
  - Residential 2 (A) zone
  - Residential 2 (B) zone
  - Residential 2 (C) zone
  - General Business 3 (A) zone
  - Neighbourhood Business 3 (B) zone
  - General Industrial 4 (A) zone
  - Light Industrial 4 (B) zone
  - Special Uses 5 (A) zone
  - Special Uses 5 (B) Railway zone
  - Open Space 6 (A) zone
  - Private Open Space 6 (B) zone
  - Local Open Space 9 (A) Reservation zone
  - Special Uses 9 (B) Reservation zone
  - Arterial Road and Arterial Road Widening 9 (C) Reservation zone
  - Local Road and Local Road Widening 9 (D) Reservation zone

#### **9 Zone objectives and development control**

The objectives of the zone are required to be taken into consideration by the consent authority in determining whether to grant development consent to a development application relating to land within that zone.

#### **10 Residential 2 (A) zone**

- (1) **How is the zone shown on the map?**  
Coloured pink.



**(2) What are the objectives of the zone?**

The objectives of this zone are:

- (a) to identify areas suitable for predominantly single dwelling residential development, and
- (b) to provide opportunities for non-residential development which is of a type and scale that is compatible with the surrounding land, and
- (c) to enable sites with an area greater than 1,500 square metres to be developed for multi unit housing.

**(3) What does not require development consent?**

Development for the purpose of:

- public utility undertakings

Exempt development

**(4) What requires development consent?**

Development for the purpose of:

- |  |   |
|--|---|
| • bed and breakfast accommodation                        | • home industries                             |
| • boarding houses containing not more than ten residents | • home occupations which involve prostitution |
| • child care centres                                     | • hospitals                                   |
| • community facilities                                   | • places of public worship                    |
| • dual occupancies                                       | • public buildings                            |
| • dwelling houses  | • recreation areas                            |
| • educational establishments                             | • remediation                                 |

Demolition

**(5) What is prohibited?**

Development not included in subclause (3) or (4).

**11 Residential 2 (B) zone****(1) How is the zone shown on the map?**

Coloured pink with red edging and lettered 2 (B).

**(2) What are the objectives of the zone?**

The objectives of this zone are:

- (a) to identify areas suitable for multi unit housing and residential flat buildings to a maximum of two storeys in appearance, and

## 2001 No 324

Clause 11 Marrickville Local Environmental Plan 2001

Part 3 Zoning provisions

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(b) to provide opportunities for non-residential development which is of a type and scale that is compatible with the surrounding area.

(3) **What does not require development consent?**

Development for the purpose of:

- public utility undertakings

Exempt development

(4) **What requires development consent?**

Development for the purpose of:

- bed and breakfast accommodation
- boarding houses
- child care centres
- community facilities
- dual occupancies
- dwelling houses
- educational establishments
- home industries
- home occupations in dwelling houses which involve prostitution
- hospitals
- multi unit housing
- places of public worship
- public buildings
- recreation areas
- remediation
- residential flat buildings
- serviced apartments

Demolition

(5) **What is prohibited?**

Development not included in subclause (3) or (4).

## 12 Residential 2 (C) zone

(1) **How is the zone shown on the map?**

Coloured pink with red edging and lettered 2 (C).

(2) **What are the objectives of the zone?**

The objectives of this zone are:

- (a) to identify areas suitable for multi unit housing and residential flat buildings to a maximum of three storeys in appearance, and
- (b) to provide opportunities for non-residential development which is of a type and scale that is compatible with the surrounding area, and
- (c) to enable large sites to be developed for multi unit housing and residential flat buildings exceeding three storeys in appearance.

(3) **What does not require development consent?**

Development for the purpose of:

- public utility undertakings

Exempt development

(4) **What requires development consent?**

Development for the purpose of:

- bed and breakfast accommodation
- boarding houses
- child care centres
- community facilities
- dual occupancies
- dwelling houses
- educational establishments
- home industries
- home occupations in dwelling houses which involve prostitution
- hospitals
- multi unit housing
- places of public worship
- public buildings
- recreation areas
- remediation
- residential flat buildings
- serviced apartments

Demolition

(5) **What is prohibited?**

Development not included in subclause (3) or (4).

**13 General Business 3 (A) zone**

(1) **How is the zone shown on the map?**

Coloured blue.

(2) **What are the objectives of the zone?**

The objectives of this zone are:

- (a) to identify areas suitable for business and commercial activities, and
- (b) to permit a variety of ancillary and complementary land uses, and
- (c) to facilitate residential development in conjunction with other permissible uses in the zone.

## 2001 No 324

Clause 13 Marrickville Local Environmental Plan 2001

Part 3 Zoning provisions

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(3) **What does not require development consent?**

Development for the purpose of:

- public utility undertakings

Exempt development

(4) **What requires development consent?**

Development not included in subclause (3) or (5).

(5) **What is prohibited?**

Development for the purpose of:

- |  |                                       |
|--|---------------------------------------|
| • airline terminals  | • heliports                           |
| • amusement centres  | • industries                          |
| • bulk stores  | • institutions                        |
| • caravan parks  | • junk yards                          |
| • car repair stations  | • liquid fuel depots                  |
| • dual occupancies   | • mines                               |
| • dwellings, multi unit housing,<br>residential flat buildings, serviced<br>apartments that are not attached to<br>a permissible use | • offensive storage<br>establishments |
| • hazardous storage establishments   | • panel beating workshops             |
| • helipads   | • timber yards                        |
|  | • transport terminals                 |
|  | • warehouses                          |

### 14 Neighbourhood Business 3 (B) zone

(1) **How is the zone shown on the map?**

Coloured dark blue.

(2) **What are the objectives of the zone?**

The objectives of this zone are:

- (a) to identify areas appropriate for low scale business and commercial activities, and
- (b) to permit a variety of ancillary and complementary land uses, and
- (c) to facilitate residential development only in conjunction with business and commercial development.

**(3) What does not require development consent?**

Development for the purpose of:

- public utility undertakings

Exempt development

**(4) What requires development consent?**

Development for the purpose of:

- |   |  |
|---|--|
| • advertisements                          | • hospitals  |
| • advertising structures                  | • hotels   |
| • bed and breakfast accommodation         | • motels   |
| • boarding houses                         | • multi unit housing attached to a permissible use |
| • car parking                             | • places of assembly                               |
| • child care centres                      | • places of public worship                         |
| • clubs                                   | • professional consulting rooms                    |
| • commercial premises                     | • public buildings                                 |
| • community facilities                    | • refreshment rooms                                |
| • dwellings attached to a permissible use | • remediation                                      |
| • educational establishments              | • retail plant nurseries                           |
| • high technology industries              | • service stations                                 |
| • home industries                         | • shops  |
|   | • swimming pools and spas                          |

Demolition

**(5) What is prohibited?**

Development not included in subclause (3) or (4).

**15 General Industrial 4 (A) zone****(1) How is the zone shown on the map?**

Coloured purple.

**(2) What are the objectives of the zone?**

The objectives of this zone are:

- (a) to identify areas suitable for industrial and warehousing activities, and
- (b) to permit a range of support and ancillary uses.

## 2001 No 324

Clause 15 Marrickville Local Environmental Plan 2001

Part 3 Zoning provisions

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(3) **What does not require development consent?**

Development for the purpose of:

- public utility undertakings

Exempt development

(4) **What requires development consent?**

Development not included in subclause (3) or (5).

(5) **What is prohibited?**

Development for the purpose of:

- |  |  |
|--|--|
| • airline terminals  | • hazardous storage establishments   |
| • amusement centres  | • helipads   |
| • bed and breakfast accommodation  | • heliports  |
| • boarding houses  | • hospitals  |
| • bulky goods salesrooms or showrooms  | • institutions   |
| • caravan parks  | • mines  |
| • commercial premises (other than banks and timber yards)                                  | • offensive industries   |
| • dwellings and multi unit housing that are not used in conjunction with a permissible use | • offensive storage establishments   |
| • dual occupancies   | • professional consulting rooms  |
| • dwelling houses  | • restricted premises  |
| • hazardous industries   | • residential flat buildings   |
|  | • serviced apartments  |
|  | • shops (other than chemists' shops, take-away food bars, fruit shops and newsagents' shops) |

### 16 Light Industrial 4 (B) zone

(1) **How is the zone shown on the map?**

Coloured purple with red edging and lettered 4 (B).

(2) **What are the objectives of the zone?**

The objectives of this zone are:

- (a) to identify areas suitable for light industrial and warehousing activities, and
- (b) to permit a range of support and ancillary uses.

**(3) What does not require development consent?**

Development for the purpose of:

- public utility undertakings

Exempt development

**(4) What requires development consent?**

Development not included in subclause (3) or (5).

**(5) What is prohibited?**

Development for the purpose of:

- |  |  |
|--|--|
| • airline terminals  | • hospitals  |
| • amusement centres  | • industries (other than high technology industries or light industries)                     |
| • bed and breakfast accommodation  | • institutions   |
| • boarding houses  | • junk yards   |
| • bulky goods salesrooms or showrooms  | • laundries  |
| • car repair stations  | • liquid fuel depots   |
| • commercial premises (other than banks)   | • mines  |
| • dual occupancies   | • offensive storage establishments   |
| • dwelling houses  | • panel beating workshops  |
| • dwellings and multi unit housing that are not used in conjunction with a permissible use | • professional consulting rooms  |
| • hazardous storage establishments   | • residential flat buildings   |
| • helipads   | • restricted premises  |
| • heliports  | • road transport terminals   |
|  | • serviced apartments  |
|  | • shops (other than chemists' shops, take-away food bars, fruit shops and newsagents' shops) |

**17 Special Uses 5 (A) zone****(1) How is the zone shown on the map?**

Coloured yellow.

**(2) What are the objectives of the zone?**

The objective of this zone is to identify areas appropriate for the provision of community facilities.

## 2001 No 324

Clause 17 Marrickville Local Environmental Plan 2001

Part 3 Zoning provisions

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(3) **What does not require development consent?**

Development for the purpose of:

- public utility undertakings

Exempt development

(4) **What requires development consent?**

Development for the purpose of:

- car parking
- child care centres
- community facilities
- educational establishments
- hospitals
- places of public worship
- public buildings
- public purposes

Demolition

(5) **What is prohibited?**

Development not included in subclause (3) or (4).

### 18 Special Uses 5 (B) Railway zone

(1) **How is the zone shown on the map?**

Coloured dark grey.

(2) **What are the objectives of the zone?**

The objective of this zone is to identify areas appropriate for railway development.

(3) **What does not require development consent?**

Development for the purpose of:

- public utility undertakings

(4) **What requires development consent?**

Development not included in subclause (3) or (5).

(5) **What is prohibited?**

Nil.

### 19 Open Space 6 (A) zone

(1) **How is the zone shown on the map?**

Coloured dark green.



(2) **What are the objectives of the zone?**

The objective of this zone is to identify land appropriate for use as open space and for public recreational purposes.

(3) **What does not require development consent?**

Development for the purpose of:

- public utility undertakings
- works (but not buildings) involved in landscaping, gardening or bushfire hazard reduction authorised by a plan of management in respect of the land adopted by the Council under section 40 of the *Local Government Act 1993*

Exempt development

(4) **What requires development consent?**

Development for the purpose of:

- car parking
- child care centres
- open space maintenance facilities
- recreation areas
- show grounds
- tourist facilities

Demolition

(5) **What is prohibited?**

Development not included in subclause (3) or (4).

**20 Private Open Space 6 (B) zone**

(1) **How is the zone shown on the map?**

Coloured dark green with yellow edging.

(2) **What are the objectives of the zone?**

The objectives of this zone are:

- (a) to identify land appropriate for use as open space and for recreational purposes, and
- (b) to facilitate the use of privately owned land for sporting activities and associated uses.

## 2001 No 324

Clause 20            Marrickville Local Environmental Plan 2001

Part 3                Zoning provisions

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(3) **What does not require development consent?**

Development for the purpose of:

- public utility undertakings
- works (but not buildings) involved in landscaping

Exempt development

(4) **What requires development consent?**

Development for the purpose of:

- car parking
- child care centres
- clubs
- open space maintenance facilities
- recreation areas
- recreation facilities
- show grounds

Demolition

(5) **What is prohibited?**

Development not included in subclause (3) or (4).

### 21 Local Open Space 9 (A) Reservation zone

(1) **How is the zone shown on the map?**

Coloured light green with black edging.

(2) **What are the objectives of the zone?**

The objective of this zone is to identify land intended to be acquired by the Council for open space and public recreational purposes.

(3) **What does not require development consent?**

Development for the purpose of:

- public utility undertakings
- works (but not buildings) involved in landscaping, gardening or bushfire hazard reduction

Exempt development

**(4) What requires development consent?**

Development for the purpose of:

- car parking
- child care centres
- open space maintenance facilities
- recreation areas
- show grounds

Demolition

**(5) What is prohibited?**

Development not included in subclause (3) or (4).

**22 Special Uses 9 (B) Reservation zone****(1) How is the zone shown on the map?**

Coloured yellow with dark green edging.

**(2) What are the objectives of the zone?**

The objectives of this zone are:

- (a) to identify land reserved for future acquisition by the Council for the provision of community facilities, and
- (b) to identify land reserved at the request of a public authority for future acquisition for development for a public purpose for which the authority is responsible.

**(3) What does not require development consent?**

Development for the purpose of:

- public utility undertakings

Exempt development

**(4) What requires development consent?**

Development for the purpose of:

- car parking
- child care centres
- community facilities
- educational establishments
- hospitals
- places of public worship
- public buildings
- public purposes
- recreation facilities

Demolition

## 2001 No 324

Clause 22            Marrickville Local Environmental Plan 2001

Part 3                Zoning provisions

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Development for the purpose of the particular use indicated for the land on the map (including development ordinarily incidental or ancillary to that use)

- (5) **What is prohibited?**  
Development not included in subclause (3) or (4).

### 23 Arterial Road and Arterial Road Widening 9 (C) Reservation zone

- (1) **How is the zone shown on the map?**  
Broken red band between firm black lines.
- (2) **What are the objectives of the zone?**  
The objective of this zone is to identify land required by the RTA for new arterial roads, and the widening of existing arterial roads.
- (3) **What does not require development consent?**  
Development for the purpose of:

- arterial roads, including widening of existing arterial roads
- public utility undertakings

Exempt development

- (4) **What requires development consent?**  
Development for the purpose of:

- car parking

Demolition

- (5) **What is prohibited?**  
Development not included in subclause (3) or (4).

### 24 Local Road and Local Road Widening 9 (D) Reservation zone

- (1) **How is the zone shown on the map?**  
Coloured grey between firm black lines.
- (2) **What are the objectives of the zone?**  
The objective of this zone is to identify land reserved for acquisition by the Council for new local roads and local road widening.

**(3) What does not require development consent?**

Development for the purpose of:

- public utility undertakings
- works (but not buildings) involved in roads and road widening

Exempt development

**(4) What requires development consent?**

Development for the purpose of:

- car parking

Demolition

**(5) What is prohibited?**

Development not included in subclause (3) or (4).

**25 Complying and exempt development**

- (1) Development of minimal environmental impact listed as exempt development in *Marrickville Development Control Plan 36—Complying and Exempt Development* as adopted by the Council on 18 April 2000 is exempt development, subject to this clause.
- (2) Development listed as complying development in *Development Control Plan 36—Complying and Exempt Development* as adopted by the Council on 18 April 2000 is complying development if it is local development of a kind that can be carried out with consent on the land on which it is proposed.
- (3) Building work that is ordinarily incidental or ancillary to any building lawfully in existence immediately before the commencement of this plan may be carried out with consent on the site of the building if the building work is listed as referred to in subclause (2) as complying development.
- (4) Subclause (3) does not apply to allow any building work on land that is zoned Local Open Space 9 (A) Reservation, Special Uses 9 (B) Reservation, Arterial Road and Arterial Road Widening 9 (C) Reservation or Local Road and Local Road Widening 9 (D) Reservation.

**2001 No 324**

Clause 25           Marrickville Local Environmental Plan 2001

Part 3               Zoning provisions

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- (5) Development is complying or exempt development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan 36—Complying and Exempt Development*, as adopted by the Council on 18 April 2000.
- (6) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan 36—Complying and Exempt Development* adopted by the Council, as in force when the certificate is issued.

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## Part 4 General restrictions on development

### 26 Subdivision controls

A person must not subdivide land to which this plan applies without development consent.

### 27 Temporary uses

Despite any other provision of this plan, consent may be granted to any use of land or a building, including the erection of temporary structures or the carrying out of temporary works in connection with the use, on any land to which this plan applies, if the consent authority is satisfied that:

- (a) the use is genuinely temporary and will cease within the time fixed or agreed to by the consent authority, and
- (b) suitable arrangements have been made for the removal of any temporary structures or works, and for the reinstatement of the land or building, after the cessation of the temporary use, and
- (c) the granting of consent to the use is reasonable having regard to the nature of the use and the economic use of the land or the building pending its development in accordance with other provisions of this plan, and
- (d) the use will not unreasonably affect the viability of any commercial centre in the locality.

### 28 Development within areas affected by aircraft related noise

- (1) This clause applies to all land within the area bounded by the 20 Australian Noise Exposure Forecast (ANEF) contour as advised from time to time by the airport owner, and endorsed by Airservices Australia.
- (2) The consent authority, in determining whether to grant consent to development, on land to which this clause applies, for:
  - (a) residential purposes where the ANEF exceeds 20, or
  - (b) the purpose of educational establishments, hospitals or nursing homes, where the ANEF exceeds 20, or
  - (c) the purpose of hotels, motels, hostels or other tourist accommodation or public buildings, where the ANEF exceeds 25, or

## 2001 No 324

Clause 28 Marrickville Local Environmental Plan 2001

Part 4 General restrictions on development

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- (d) the purpose of shops or commercial premises, where the ANEF exceeds 25, or
  - (e) the purpose of light industry, where the ANEF exceeds 30,
- must take into consideration the guidelines provided in Australian Standard *AS 2021-2000—Acoustics—Aircraft noise intrusion—Building siting and construction* regarding noise reduction relevant to the particular type of development the subject of the application.

### 29 Flood prone land

- (1) A person shall not carry out development on land shown on the map as flood prone land without development consent.
- (2) The consent authority may, as a condition of its consent, require the floor of the building or work to be erected at a height sufficient, in the opinion of the consent authority, to prevent or reduce the incidence of flooding of that building or work or of adjoining land.

### 30 Development on public roads

- (1) A person shall not erect a structure or carry out a work on a public road shown uncoloured on the map, or part of a public road that has been lawfully closed, without development consent.
- (2) Subclause (1) does not apply:
  - (a) to Council development for the purpose of bus shelters, landscaping or street furniture, or
  - (b) where approval has been granted for the development under Part 1 of Chapter 7 of the *Local Government Act 1993*, or
  - (c) to development for the purpose of public utility undertakings.

### 31 Nuclear activities

Nothing in this plan prevents development, with development consent, for the purpose of the storage or disposal of any radioactive waste material resulting from an activity authorised under the *Radiation Control Act 1990*.



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**32 Conversion of industrial buildings to residential flat buildings**

- (1) This clause applies to a building in existence on land zoned Residential 2 (A), 2 (B) or 2 (C) on the appointed day, being a building that was designed and constructed for an industrial or warehouse purpose and in respect of which the existing use provisions of the Act have ceased to apply.
- (2) Despite any other provision of this plan, consent may be granted for the conversion of a building to which this clause applies to a residential flat building.
- (3) The following provisions do not apply to development allowed to be carried out by this clause:
  - (a) clause 33 (which relates to floor space ratios in respect of residential buildings),
  - (b) clause 34 (which relates to the height of multi unit housing and residential flat buildings in the Residential 2 (B) and 2 (C) zones),
  - (c) clause 36 (which relates to the height and floor space ratio of multi unit housing in the Residential 2 (A) zone).
- (4) Before granting consent for development referred to in subclause (2), the consent authority must take into consideration such of the following matters as are of relevance to the proposed development:
  - (a) the impact of the proposal on the scale and streetscape of the surrounding locality,
  - (b) the impact on surrounding properties, particularly in respect to overshadowing, loss of privacy, and visual intrusion,
  - (c) the impact on the future residents of the building by surrounding properties, particularly in respect to dust, odour and noise,
  - (d) the appropriateness of requiring, as a condition of any such consent, provision of landscaping or a private recreation area in the form of balconies and terraces,
  - (e) the heritage aspects of the existing building,
  - (f) the guidelines provided in Australian Standard *AS 2021–2000—Acoustics—Aircraft noise intrusion—Building siting and construction*, as amended from time to time, regarding noise reduction,

## 2001 No 324

Clause 32                   Marrickville Local Environmental Plan 2001

Part 4                        General restrictions on development

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- (g) any guidelines, protocols or standards known to the consent authority to have been published by the EPA and which are relevant to remediation procedures, the type of contamination on the land or the type of use for which the land was, is or is proposed to be, developed,
  - (h) other sources of potential contamination,
  - (i) the building's suitability for conversion,
  - (j) the proximity and accessibility of the building to public transport,
  - (k) the degree of modification of the footprint, façade and height of the building,
  - (l) the impact on employment opportunities in the area,
  - (m) the size and mix of units or apartments,
  - (n) the impact on traffic and parking and the nature of the surrounding streets.
- (5) When granting such a consent, the consent authority may impose conditions that:
- (a) require the investigation, sampling and testing of the land referred to in the application, and
  - (b) require preparation of a remedial action plan for the land referred to in the application, and
  - (c) require remediation of the land referred to in the application to an appropriate standard, and
  - (d) prohibit the construction or erection of a building or the carrying out of a work on any part of the land referred to in the application until the responsible authority accepts in writing an independent review verifying the remediation of the land to an appropriate standard.

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## Part 5 Specific restrictions on development

### 33 Floor space ratios

- (1) The floor space ratios of buildings are not to exceed those indicated in the Table below:

#### Floor space ratio table

Zone	Maximum floor space ratio
Residential 2 (A)	0.7:1
Residential 2 (B)	0.7:1
Residential 2 (C)	1:1
General Business 3 (A)	2:1
Neighbourhood Business 3 (B)	1:1
General Industrial 4 (A)	1:1
Light Industrial 4 (B)	1:1

- (2) Subclause (1) does not apply to single dwelling houses or dual occupancies on land within the Residential 2 (A), 2 (B) or 2 (C) zone.
- (3) Despite subclause (1), the maximum floor space ratio of a boarding house is 0.7:1.

### 34 Height of certain buildings in Residential 2 (B) and 2 (C) zones

- (1) A person shall not construct multi unit housing or a residential flat building within the Residential 2 (B) zone which exceeds 7.2 metres in height.
- (2) A person shall not construct multi unit housing or a residential flat building within the Residential 2 (C) zone which exceeds 10 metres in height, unless the site:
- is not less than 2,500 square metres in area, and
  - is not less than 30 metres wide at the front alignment of the building.

## **2001 No 324**

Clause 35                   Marrickville Local Environmental Plan 2001

Part 5                        Specific restrictions on development

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### **35 Dual occupancy development standards**

- (1) A person shall not carry out dual occupancy development unless the following standards are met:
  - (a) the allotment is to have an area of:
    - (i) 400 square metres or more where the two dwellings are attached, or
    - (ii) 600 square metres or more where the two dwellings are detached,
  - (b) the building or buildings on the allotment after the development is carried out are to have a floor space ratio:
    - (i) of 0.6:1 or less, or
    - (ii) equal to or less than the floor space ratio of any dwelling that was on the allotment before the development was carried out, if that ratio exceeds 0.6:1,
  - (c) a detached second dwelling house shall not have a height greater than 3.6 metres.

### **36 Multi unit housing development on land zoned Residential 2 (A)**

Despite clause 10, multi unit housing development may, with development consent, be carried out on land zoned Residential 2 (A) if:

- (a) the site area is not less than 1,500 square metres, and
- (b) the floor space ratio does not exceed the requirements of clause 33, and
- (c) the building or buildings do not exceed 7.2 metres in height.

### **37 Landform modification**

- (1) A person shall not, without development consent, carry out development on land which has the effect of materially altering the shape or natural form of the land, through either filling or excavation.
- (2) Subclause (1) does not apply to development for the purpose of public utility undertakings.

**38 Use of existing commercial buildings in residential zones**

- (1) This clause applies to a building (other than a heritage item) in existence on land zoned Residential 2 (A), 2 (B) or 2 (C) on the appointed day, being a building that was designed and constructed for a non-residential purpose and in respect of which the existing use provisions of the Act have ceased to apply.
- (2) Despite any other provision of this plan, consent may be granted to the use of a building to which this clause applies for business or retail purposes provided the consent authority is satisfied that the gross floor area that will be used for those purposes does not exceed 100 square metres.

**39 Light industrial use of land in business zones**

Despite clauses 13 and 14, development for the purpose of a light industry may, with development consent, be carried out on land zoned General Business 3 (A) or Neighbourhood Business 3 (B) if:

- (a) the gross floor area of the building, part of the building or the total area of the land proposed to be used exceeds 500 square metres, or
- (b) the site area of the land upon which the proposed development is to be carried out exceeds 1,000 square metres.

**40 Offices, showrooms and shops in industrial zones**

Despite clauses 15 and 16, development for the purpose of offices, showrooms or shops may, with development consent, be carried out on land zoned General Industrial 4 (A) or Light Industrial 4 (B) if:

- (a) in relation to development for the purpose of offices or showrooms, or both, the consent authority is satisfied that:
  - (i) use of the office or showroom is ancillary or incidental to a use permissible within the General Industrial 4 (A) or Light Industrial 4 (B) zone that is being carried out on the land, and
  - (ii) the area devoted to the office or showroom, or both, does not comprise more than 25 per cent of the gross floor area devoted to that use, and
  - (iii) adequate on-site parking is available to accommodate the parking demands of the office or showroom, or

## **2001 No 324**

Clause 40                      Marrickville Local Environmental Plan 2001

Part 5                            Specific restrictions on development

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- (b) in relation to development for the purpose of shops:
  - (i) use of the shop is ancillary or incidental to an industrial or warehouse use permissible within the zone that is being carried out on the land, and
  - (ii) the gross floor area of the shop is not greater than 100 square metres.

### **41 Advertisements and advertising structures**

- (1) An advertisement or advertising structure shall not be displayed or erected on any land without development consent.
- (2) Before granting consent to the display or erection of an advertisement or advertising structure, the consent authority must take into consideration:
  - (a) whether the advertisement or advertising structure complements and is compatible with the building or work on which it is to be displayed or erected and the physical character of the surrounding locality, and
  - (b) the effect of the advertisement or advertising structure on the amenity of the locality within which it is to be erected or displayed, including the visual impact, size, illumination, overshadowing or any other effect, and
  - (c) the effect of the advertisement or advertising structure on traffic safety on the streets from which it is visible.

### **42 Child care centres**

Before granting consent for the use of premises for a child care centre, the consent authority must take into consideration such of the following matters as are of relevance to the application:

- (a) access to and within the site, incorporating principles of safety and provision for people with disabilities, in the design of driveways, car parking, and pedestrian and drop off and pick up areas,
- (b) whether there is provision for adequate off-street car parking,
- (c) the impact of aircraft noise,
- (d) the protection for adjoining and surrounding owners from excessive noise,

- (e) contamination,
- (f) landscaping and fencing.

#### **43 Professional consulting rooms in residential zones**

Despite clauses 10, 11 and 12, development for the purpose of professional consulting rooms may, with development consent, be carried out on land in residential zones if:

- (a) the development is not carried out in close proximity to an existing commercial centre, and
- (b) sufficient off-street parking can be provided, and
- (c) the development will not unreasonably affect the amenity of surrounding properties.

#### **44 Premises used for prostitution**

- (1) The use of land to which this plan applies (except land zoned General Business 3 (A), General Industrial 4 (A) or Light Industrial 4 (B)) for the purpose of a brothel is prohibited.
- (2) Development for the purpose of a brothel may be carried out on land zoned General Business 3 (A), General Industrial 4 (A) or Light Industrial 4 (B), but only with development consent.
- (3) If development for the purpose of a dwelling house may be carried out on land to which this plan applies, the dwelling house may, but only with development consent, be used for the purpose of a home occupation consisting of prostitution carried on by not more than one prostitute.
- (4) Before granting consent for the use of premises for prostitution, the consent authority must take into consideration such of the following matters as are of relevance to the application:
  - (a) the location of the brothel or dwelling house and its proximity to any child care centre, community facility, educational establishment, hospital, place of public worship, recreation area or residential building, or any place regularly frequented by children,
  - (b) whether the operation of the brothel or dwelling house would cause a disturbance in the neighbourhood because of its size or operating hours, or the number of people working in it,

## 2001 No 324

Clause 44                   Marrickville Local Environmental Plan 2001

Part 5                        Specific restrictions on development

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- (c) the number of brothels operating in the near vicinity of the premises the subject of the application,
  - (d) whether the operation of the brothel or dwelling house would interfere with the amenity of the neighbourhood,
  - (e) whether suitable access is available, or proposed to be provided, to the brothel or dwelling house,
  - (f) whether a suitable waiting area is provided in the brothel or dwelling house so as to prevent clients loitering outside the premises,
  - (g) whether sufficient off-street parking is available or proposed to be provided, if appropriate in the circumstances,
  - (h) the design and external appearance of the building and any associated structures and their impact on the character of the surrounding built environment,
  - (i) the content, illumination, size and shape of any advertisement and distinctive external lighting, and
  - (j) whether the operation of the brothel or dwelling house would cause a disturbance in the neighbourhood when taking into account any other brothels operating in the neighbourhood.
- (5) Consent must not be granted to the carrying out of development for the purpose of a brothel on land zoned General Business 3 (A) where any part of the brothel (excluding access) is located at street level.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to development to which this clause applies.

### 45 Development of certain land for particular purposes

- (1) Nothing in this plan prevents consent from being granted for the carrying out of development on land identified on the map marked “Marrickville Local Environmental Plan 2001—Additional Development” and referred to in Column 1 of Schedule 2 if the development is specified in Column 2 of that Schedule in relation to that land, subject to the development complying with such requirements as may be specified in Column 2.
- (2) In the event of an inconsistency between such requirements and other provisions of this plan, such requirements shall prevail, but only to the extent of the inconsistency.



**46 Restriction of development by proposed road realignment**

Despite any other provision of this plan, consent must be obtained for development on land between the existing road alignment and the broken black line identified on the map with the words “PNA”.

## **2001 No 324**

Clause 47                   Marrickville Local Environmental Plan 2001

Part 6                       Heritage conservation controls

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### **Part 6 Heritage conservation controls**

#### **47 Objectives**

The objectives of this plan in relation to heritage are to:

- (a) conserve the environmental heritage of the Marrickville local government area which includes natural, historic and Aboriginal components of environmental heritage, and
- (b) retain the cultural significance of that area, and
- (c) conserve existing significant fabric, settings, uses, views and relics associated with the heritage significance of heritage items and heritage conservation areas which provide evidence of significant aspects of the history of Marrickville, especially the residential, retail and industrial heritage, and
- (d) ensure that archaeological sites and places of Aboriginal significance are conserved, and
- (e) maintain the heritage significance of areas of remnant vegetation, significant trees, parks and the features of the Cooks River, and
- (f) recognise and strengthen the contribution of the environmental and cultural heritage to the character and amenity of many localities in Marrickville, and
- (g) ensure that the heritage conservation areas throughout Marrickville local government area retain their heritage significance, and
- (h) ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings.

#### **48 Protection of heritage items, heritage conservation areas and relics**

- (1) The following development may be carried out only with development consent:
  - (a) demolishing or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,

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- (b) altering a heritage item or a building, work, relic or place within a heritage conservation area by making structural or non-structural changes to its exterior, including changes to its detail, fabric, finish or appearance,
  - (c) altering a heritage item by making structural changes to its interior,
  - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic,
  - (e) demolishing, dismantling, moving or altering a heritage item or relic,
  - (f) erecting a building on, or subdividing, land upon which a heritage item is located or which is within a heritage conservation area.
- (2) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area. This is to include but not to be limited to an assessment of the following:
- (a) for heritage items:
    - (i) the heritage significance of the item as part of the environmental heritage of the Marrickville local government area,
    - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features,
    - (iii) the measures proposed to conserve the heritage significance of the item and its setting,
    - (iv) whether any archaeological site or potential archaeological site would be adversely affected,
    - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision,
  - (b) for heritage conservation areas:
    - (i) the heritage significance of the heritage conservation area and the contribution which any affected building, work, relic, tree or place makes to this heritage significance,

## 2001 No 324

Clause 48 Marrickville Local Environmental Plan 2001

Part 6 Heritage conservation controls

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- (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area,
  - (iii) the compatibility of the proposed development with nearby original buildings and the character of the heritage conservation area, including consideration of the size, form, scale, orientation, setbacks, materials and detailing of the proposed development,
  - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting,
  - (v) whether any identified landscape or horticultural features would be affected,
  - (vi) whether any archaeological site or potential archaeological site would be affected,
  - (vii) the extent to which the carrying out of the development in accordance with the consent would affect an historic subdivision pattern.
- (3) When determining whether or not to grant development consent required by this clause, the consent authority:
- (a) must not grant such consent until it has considered:
    - (i) a heritage impact statement for heritage items, or
    - (ii) a heritage assessment for conservation areas,which includes an assessment of matters specified in subclause (2) (a) or (b) (as appropriate), and
  - (b) may refuse to grant consent until it has considered a conservation management plan.

### 49 Development consent not required for certain minor works

Development consent is not required under clause 48, or for the carrying out of development on land identified as a heritage conservation area on the map marked “Marrickville Local Environmental Plan No 111”, if:

- (a) in the opinion of the consent authority, the proposed development:
  - (i) is of a minor nature or consists of maintenance of the item or building, work, archaeological site, tree or place within a heritage conservation area, and
  - (ii) will not adversely affect the significance of the heritage item or heritage conservation area, and

- 
- (b) the proponent has notified the consent authority in writing of the proposed work, and
  - (c) the consent authority has advised the proponent in writing before any work is carried out that:
    - (i) it is satisfied that the proposed development will comply with this clause, and
    - (ii) development consent is not required by any other clause of this plan.

**50 Notice of applications to local Aboriginal communities and the National Parks and Wildlife Service**

Before granting development consent to development which is likely to have an impact on an Aboriginal site, Aboriginal place or place of Aboriginal cultural significance, the consent authority must notify the relevant local Aboriginal community and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received from the community or that Director-General within 28 days after the notice is sent.

**51 Notification of demolition to the Heritage Council**

Any application for consent to demolition of a heritage item of State significance must be notified to the Heritage Council and any comments received within 28 days of its being so notified must be taken into account in the determination of the application.

**52 Development in the vicinity of a heritage item**

- (1) Consent must not be granted for development affecting land in the vicinity of a heritage item until the consent authority has considered an assessment of the impact that the development would have on the heritage significance and setting of the item, as well as the impact of the development on any significant views to or from the heritage item.
- (2) This clause extends to development that may, in the opinion of the consent authority:
  - (a) have an impact on the setting of the heritage item (such as affecting a significant view to or from the item or by overshadowing), or
  - (b) undermine or otherwise cause physical damage to a heritage item, or

## 2001 No 324

Clause 52                   Marrickville Local Environmental Plan 2001

Part 6                       Heritage conservation controls

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- (c) otherwise have any adverse impact on the heritage significance of a heritage conservation area or a heritage item within such an area.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage assessment that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage assessment should include details of the size, shape and scale of, setbacks for, and materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

### **53 Development of known or potential archaeological sites (including places of Aboriginal cultural heritage significance)**

- (1) Consent may be granted to the carrying out of development on an archaeological site which has Aboriginal cultural heritage significance or a potential archaeological site that is reasonably likely to have Aboriginal cultural heritage significance only if the consent authority:
  - (a) has considered a heritage impact statement of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
  - (b) has notified the Director-General of National Parks and Wildlife of its intention to do so and taken into consideration any comments received from that Director-General within 28 days of the notice being sent.
- (2) Consent may be granted to the carrying out of development on any other archaeological site or potential archaeological site only if the consent authority:
  - (a) has considered a heritage impact statement of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
  - (b) has notified the Heritage Council of its intention to do so and taken into consideration any comments received from that Council within 28 days of the notice being sent.

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- (3) Subclause (2) does not apply if the proposed development does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above ground deposits would not be adversely affected by the proposed development.

#### **54 Conservation incentives**

- (1) Consent may be granted for the use for any purpose of a building that is a heritage item, or of the land on which any such item is erected, even though the use would otherwise be prohibited by this plan, if the consent authority is satisfied that the retention of the building that is a heritage item depends on the granting of consent and:
- (a) the condition of the heritage item is such that the use of the item for any purpose which is permissible in the zone would be impractical or undesirable, and
  - (b) the heritage item requires a substantial amount of capital expenditure (other than maintenance work) in order to conserve its heritage significance, and
  - (c) the proposed use is in accordance with a conservation management plan which has been endorsed by the Council, and
  - (d) the cost of the conservation work identified in the conservation management plan is such that there is no reasonable possibility that any of the uses which are permissible in the zone would be economically viable for the current or any future owner, and
  - (e) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
  - (f) the proposed use, if approved, would not affect the heritage significance of the heritage item or its setting, and
  - (g) the proposed use would not adversely affect the amenity of the surrounding area, and
  - (h) in all other respects the proposed use complies with the provisions of this plan.
- (2) When considering an application for consent to erect a building on land on which a heritage item is to be retained and conserved, the consent authority may exclude the floor space of the building from its calculation of parking spaces for the proposed development if it is satisfied that:

## **2001 No 324**

Clause 54                   Marrickville Local Environmental Plan 2001

Part 6                       Heritage conservation controls

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- (a) any proposed car parking area would not adversely affect the heritage significance of the item, and
- (b) any proposed car parking area would not adversely affect the amenity of the area and its streetscape qualities, and
- (c) the conservation of the item in accordance with subclause (1) depends on the making of the exclusion.

### **55 Matters to take into account in heritage conservation areas**

- (1) Before granting consent to the erection of a building within a heritage conservation area, the consent authority must make an assessment of:
  - (a) the pitch and form of the roof, if any, and
  - (b) the style, size, proportion and position of the openings for windows or doors, if any, and
  - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with those of the materials used in existing buildings within the heritage conservation area.
- (2) Before granting consent to the carrying out of development on land shown as a heritage conservation area on the map marked "Marrickville Local Environmental Plan No 111", the consent authority is to have regard to the effect of carrying out the proposed development on the heritage significance of buildings situated on that land.



## Part 7 Environmental management provisions

### 56 Protection of trees

- (1) Clause 8 of the *Environmental Planning and Assessment Model Provisions 1980* is adopted for the purposes of this plan.
- (2) A tree preservation order made under the *Marrickville Planning Scheme Ordinance* in relation to land to which this plan applies, and in force immediately before the appointed day, is taken to be a tree preservation order made by the Council under clause 8 of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by subclause (1), and may be rescinded or varied in accordance with that clause.

### 57 Development involving acid sulfate soils

- (1) Development must not be carried out without development consent on land identified as being subject to acid sulfate soil risk, which is shown edged heavy black on the acid sulfate soils map, if it will involve works at or below the groundwater level or it could lower the groundwater table.
- (2) Despite any other provision of this plan, development must not be carried out without development consent if it involves the placement of acid sulfate soil on or under any land.
- (3) Consent required by this clause must not be granted unless the consent authority has considered:
  - (a) a preliminary soil assessment to ascertain the presence or absence of acid sulfate soils within the area of the proposed works, except where the applicant agrees that acid sulfate soils are present within the area of the proposed works, and
  - (b) where the preliminary soil assessment ascertains (or the applicant agrees) that acid sulfate soils are present—an acid sulfate soils management plan that has been prepared in accordance with any acid sulfate soil assessment and management guidelines approved for the time being by the Director-General, except where the consent authority decides that such a management plan is not appropriate for the proposed development, and

## 2001 No 324

Clause 57                   Marrickville Local Environmental Plan 2001

Part 7                       Environmental management provisions

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- (c) the likelihood of the proposed development resulting in the oxidisation of acid sulfate soils and the discharge of acid water from the area of the proposed development, and
  - (d) any comments received within such time-frame as the consent authority allows, from any relevant public authority the consent authority may consult with in respect of the application.
- (4) This clause requires consent even if the development is to be carried out by councils (including Marrickville Council), county councils or drainage unions, despite *State Environmental Planning Policy No 4—Development Without Consent* and any other provision of this plan.
- (5) In this clause:

***acid sulfate soils*** means actual acid sulfate soils or potential acid sulfate soils.

***acid sulfate soils map*** means the series of maps marked “Marrickville Local Environmental Plan 2001—Acid Sulfate Soils Planning Maps”.

***actual acid sulfate soils*** means soils containing highly acidic soil horizons or layers resulting from the aeration of soil materials that are rich in iron sulfides, primarily pyrite. The soil material has a pH of less than 4 when measured in dry seasonal conditions.

***potential acid sulfate soils*** means soil material which is waterlogged and contains oxidisable sulfur compounds and that has a field pH of 4 or more but will become severely acid when oxidised.

### 58 Waste management

Before granting development consent, the consent authority must take into consideration such of the following matters relating to waste management as are of relevance to the application:

- (a) re-use and recycling of building and construction materials,
- (b) re-use and recycling of household, commercial and industrial waste,
- (c) site storage requirements for construction, and for managing household, commercial and industrial waste.

**59 Energy, water and stormwater efficiency**

Before granting development consent, the consent authority must take into consideration such of the following matters relating to energy and water conservation as are of relevance to the application:

- (a) opportunities for alternative energy sources,
- (b) energy efficiency of site planning,
- (c) building layout, envelope and materials,
- (d) provision of solar hot water,
- (e) the efficiency fixtures and appliances,
- (f) conservation of embodied energy,
- (g) bicycle and pedestrian access,
- (h) landscaping,
- (i) stormwater collection, storage, detention and treatment.

**60 Landscaping and biodiversity**

Before granting development consent, the consent authority must take into consideration such of the following matters relating to conservation of biodiversity as are of relevance to the application:

- (a) the maintenance of remnant native vegetation,
- (b) the protection and enhancement of native fauna,
- (c) opportunities for landscaping with native plants,
- (d) enhancement of the natural qualities of the Cooks River foreshores,
- (e) maintenance and establishment of habitat corridors,
- (f) the findings of any studies by qualified bodies or persons, relating to the conservation of biodiversity.

**61 Development in the vicinity of Alexandra Canal**

- (1) A person must not, except with development consent, erect any structure on land within 10 metres of:
  - (a) the bank of the Alexandra Canal, or
  - (b) any of its open secondary channels.

**2001 No 324**

Clause 61           Marrickville Local Environmental Plan 2001

Part 7               Environmental management provisions

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- (2) Such a consent must not be granted unless the consent authority:
- (a) has made an assessment of the effect the erection of that structure would have on the aquatic environment and the potential use of Alexandra Canal and its foreshores for recreational purposes, and
  - (b) has considered whether conditions should be imposed on that consent requiring the landscaping of that land, and
  - (c) has considered whether conditions should be imposed on that consent requiring the creation of a right of carriageway for the purpose of permanent pedestrian access within that land.

## Part 8 Social planning provisions

### 62 Community safety

Before granting an application for development consent, the consent authority must take into consideration such of the following matters relating to the provision of community safety (if any) as are of relevance to the application:

- (a) the provision of active street frontages where appropriate,
- (b) the provision of lighting for pedestrian site access between public and shared areas, parking areas and building entrances,
- (c) the visibility and legibility of building entrances from streets, public areas or internal driveways.

### 63 Retention of low-cost rental accommodation

(1) Before granting an application for development consent, the consent authority must take into account such of the following matters relating to low-cost rental accommodation (if any) as are of relevance to the application:

- (a) whether a major reduction in low-cost rental accommodation is proposed,
- (b) the availability of comparable accommodation in the locality,
- (c) any adverse social and economic effects of the proposal,
- (d) any arrangements to re-house displaced residents,
- (e) the cumulative impact of the loss of low-cost rental accommodation,
- (f) the structural soundness and fire safety of any building involved, and cost of any necessary rectification work.

(2) In this clause:

***low-cost rental accommodation*** means accommodation in a building that falls within the definition of ***low-rental residential building*** in *State Environmental Planning Policy No 10—Retention of Low-Cost Rental Accommodation*.

## 2001 No 324

Clause 64                      Marrickville Local Environmental Plan 2001

Part 8                            Social planning provisions

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### 64    Accessibility

- (1) Before granting an application for development consent, the consent authority must take into account such of the following matters relating to the needs of people with disabilities (if any) as are of relevance to the application:
  - (a) the provision for a continuous accessible path of travel from all public roads and public spaces as well as unimpeded internal access,
  - (b) the provision for ease of use and comfort through appropriate gradients, rest areas, circulation space and user friendly entrances,
  - (c) safety design measures, including contrasting colours for points of danger, slip resistant travel surfaces and appropriate positioning of street furniture,
  - (d) legible design features, such as signs and international symbols and indicators, to assist in determining the location of handrails and guard-rails,
  - (e) provision for people with disabilities of opportunities for access through principal entrances of commercial and public buildings.
- (2) Consent must not be granted to the carrying out of development for the purpose of new multi unit housing or a new residential flat building unless at least 10% of the total number of dwellings (in the case of development involving the creation of 10 or more dwellings) have been designed in accordance with Australian Standard *AS 4299—Adaptable Housing*.

## Part 9 Special provisions

### 65 Acquisition and development of land reserved for roads

- (1) The owner of any vacant land zoned Arterial Road and Arterial Road Widening 9 (C) Reservation may, by notice in writing, require:
  - (a) the RTA, in the case of land that is included in the 5-year works program of the RTA current at the time of receipt of the notice, or
  - (b) the Corporation, in any other case,to acquire the land.
- (2) The owner of any land zoned Arterial Road and Arterial Road Widening 9 (C) Reservation that is not vacant may, by notice in writing, require the RTA to acquire the land if:
  - (a) the land is included in the 5-year works program of the RTA current at the time of the receipt of the notice, or
  - (b) the RTA has decided not to give concurrence under subclause (4) to an application for consent to the carrying out of development on the land, or
  - (c) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) On receipt of a notice under this clause, the RTA or the Corporation, as the case may be, must acquire the land unless the land might reasonably be required to be dedicated for public roads.
- (4) A person may, with development consent granted with the concurrence of the RTA, carry out development on land zoned Arterial Road and Arterial Road Widening 9 (C) Reservation:
  - (a) for a purpose for which development may be carried out (with or without development consent) on land in an adjoining zone, or
  - (b) for any purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (5) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:

## 2001 No 324

Clause 65                   Marrickville Local Environmental Plan 2001

Part 9                       Special provisions

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- (a) the need to carry out development on the land for the purposes of classified roads or proposed classified roads within the meaning of the *Roads Act 1993*,
  - (b) the imminence of acquisition,
  - (c) the likely additional cost to the RTA or the Corporation resulting from the carrying out of the proposed development.
- (6) Land acquired under this clause may be developed, with development consent, for any purpose, until such time as it is required for the purpose for which it was acquired.

### 66 Acquisition of certain land reserved for Council

- (1) The owner of any land zoned Local Open Space 9 (A) Reservation or Local Road and Local Road Widening 9 (D) Reservation may, by notice in writing, require the Council to acquire the land, but only if:
- (a) the land is included in the Council's Section 94 Contributions Plan or a Works Program current at the time of the receipt of the notice, or
  - (b) the Council has decided not to grant consent to the carrying out of development on the land, on the basis of those matters specified under subclause (3), or
  - (c) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (2) On receipt of a notice under this clause, the Council must acquire the land unless the land might reasonably be required to be dedicated for:
- (a) local recreation, in the case of land zoned Local Open Space 9 (A) Reservation, or
  - (b) local roads, in the case of land zoned Local Road and Local Road Widening 9 (D) Reservation.
- (3) Before granting consent to proposed development that may be required to be acquired under this clause, the consent authority must take the following matters into consideration:
- (a) in the case of land zoned Local Open Space 9 (A) Reservation, the need to use the land for the purpose of local recreation,
  - (b) in the case of land zoned Local Road and Local Road Widening 9 (D) Reservation, the need to use the land for the purpose of local roads,



- (c) the imminence of acquisition,
  - (d) the likely additional cost to the Council resulting from the carrying out of the proposed development.
- (4) Land acquired under this clause may be developed, with development consent, for any purpose, until such time as it is required for the purpose for which it was acquired.

**67 Acquisition of land reserved for special uses**

- (1) The owner of any land zoned Special Uses 9 (B) Reservation may, by notice in writing, require the Council (where the land has been reserved for future acquisition by the Council) or another public authority (where the land has been reserved for a land use for which that authority is responsible) to acquire the land.
- (2) On receipt of a notice referred to in subclause (1), but subject to subclause (3), the public authority concerned shall acquire the land, unless the land is required to be provided without cost as a condition of consent to the carrying out of development or held by the public authority concerned for the public purpose for which it is reserved.
- (3) A person may, with development consent granted with the concurrence of the public authority (if any), other than the consent authority, responsible for its acquisition, carry out development for any purpose on land zoned Special Uses 9 (B) Reservation until the land is acquired or developed for the purpose for which it is zoned.
- (4) In deciding whether to grant concurrence to proposed development under this clause, the public authority concerned must take the following matters into consideration:
  - (a) the need to carry out the development for the purpose for which it is zoned,
  - (b) the imminence of acquisition,
  - (c) the likely additional cost to the public authority resulting from the carrying out of the proposed development.

## 2001 No 324

Clause 68                    Marrickville Local Environmental Plan 2001

Part 9                        Special provisions

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### 68 Pending applications

A development application made but not finally determined before the commencement of this plan:

- (a) if it is for consent to development that is permissible with consent under this plan, is to be determined under and in accordance with this plan,
- (b) if it is for consent to development that is prohibited by this plan, is to be determined as if this plan had been exhibited but had not commenced.

### 69 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 3 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to land described in Part 1 of Schedule 3.
- (3) Land described in Part 2 of Schedule 3:
  - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 3, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 3.
- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 3, means the local environmental plan cited at the end of the description of the land.

- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 3, the Governor approved of subclause (4) applying to the land.

**70 Classification and reclassification of public land as community land**

The public land described in Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

**71 Suspension of certain covenants etc**

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force when the development is carried out) or with a consent granted under the Act in relation to development within any zone, the operation of any covenant, agreement, or similar instrument imposing restrictions on development, to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

## Schedule 1 Definitions

(Clause 5 (1))

In this plan:

**Aboriginal cultural significance** means cultural significance to indigenous inhabitants of the State.

**Aboriginal places and natural sacred sites** are places that comprise natural features, such as creeks or mountains, of Aboriginal cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary Aboriginal cultural significance such as Aboriginal middens and post contact sites.

**Aboriginal site** is any site which has the physical remains of prehistoric occupation, or is of contemporary significance to the Aboriginal people. Such a site can include remnants of the occupation of the land by Aboriginal people such as burial places, engraving sites, rock art, midden deposits, scarred and carved trees and sharpening grooves.

**advertisement** means a sign, notice, device or representation in the nature of an advertisement visible from any public place, public reserve or navigable water.

**advertising structure** means a structure used or to be used principally for the display of an advertisement.

**airline terminal** means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.

**alter**, in relation to a heritage item or a building, work or place within a heritage conservation area, means:

- (a) make structural changes to the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building, work or place, other than changes that maintain the existing detail, fabric, finish or appearance of the outside of the heritage item, building, work or place.

**amusement centre** means premises containing more than 2 amusement machines and open to the public for the operation or viewing of those machines.

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***amusement machine*** means a machine devised as a games table, whether coin operated or not, and which is:

- (a) mechanically or electronically powered to release or make available balls, or other items or projections in or on the machine, by use of springs, flippers, paddles, cues or electronic devices which are controlled wholly or partly by a computer, and
- (b) operated by one or more players for amusement or recreation, and includes a snooker table or a pool table.

***appointed day*** means the day on which this plan took effect.

***archaeological site*** means a site described in Part 3 of Schedule 5 and identified on the archaeological sites map as a known archaeological site of non-Aboriginal heritage significance and includes sites not so marked which are of non-Aboriginal heritage significance.

***archaeological sites map*** means the map marked “Marrickville Local Environmental Plan 2001—Archaeological Sites”.

***arterial road*** means any existing road indicated on the map by a continuous red band on white between firm black lines.

***backpackers’ hostel*** means a building or part of a building that provides temporary accommodation for travellers and tourists and that is not used as their principal place of residence.

***bed and breakfast accommodation*** means a dwelling house which provides short term accommodation for not more than 6 persons, and incorporates a common facility for the provision of meals, but does not include a backpackers’ hostel, boarding house, serviced apartments, private hotel, hotel or motel.

***boarding house*** includes a house let in lodgings, hostel or Class 3 boarding house under the *Building Code of Australia* which provides a permanent place of residence, but does not include a backpackers’ hostel, a guest house, a private hotel, a motel or other tourist accommodation.

***brothel*** means premises used for the purposes of prostitution by one or more prostitutes, or premises that are designed to be used for that purpose, but does not include a dwelling house in which prostitution is carried out by not more than one prostitute as a home occupation.

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 1

Definitions

---

**bulk store** means a building or place used for the bulk storage of goods where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

**bulky goods salesroom or showroom** means a building or place used for the sale by retail or auction, or the hire or display, of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase or hire.

**bus depot** means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

**bus station** means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

**car parking** means the use of a building or place for the purpose of parking motor vehicles that is not directly and exclusively associated with, or ordinarily ancillary and incidental to, the use of a building or place on the same allotment of land.

**car repair station** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being:

- (a) body building, or
- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a touching-up character.

**child care centre** means a building or place used for the purpose of supervising or caring for children and includes:

- (a) a dwelling house used solely for that purpose,
- (b) a public hall used for that purpose, and
- (c) any part of a shop, office or factory used for that purpose.

**club** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes, whether of the same or a different kind and whether or not the whole or part of such a building is the premises of a club registered under the *Registered Clubs Act 1976*.

***commercial premises*** means a building or place used as an office or for other business or commercial purposes, but (in Part 3) does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a land use elsewhere specifically defined in this Schedule.

***community facility*** means a building or place owned or controlled by a public authority or a body of persons associated for the purpose of providing for the physical, social, cultural, economic or intellectual development or welfare of the local community, but (in Part 3) does not include a building or place elsewhere specifically defined in this Schedule.

***conservation*** means all the processes of looking after a building or work so as to retain its heritage significance. Conservation includes maintenance, preservation, restoration, reconstruction and adaptation.

***conservation management plan*** means a document prepared in accordance with the provisions of the *NSW Heritage Manual*, current at the time, which establishes the heritage significance of the item, place or heritage conservation area and identifies heritage conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

***curtilage*** means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or a building, relic, place, tree or work within a heritage conservation area, which is relevant in the interpretation of its heritage significance.

***demolition***, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of that building or work, in whole or in part.

***development*** has the meaning ascribed to it in section 4 of the Act.

***dual occupancy*** means two dwellings on an allotment of land whether contained in one or more buildings.

***dwelling*** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

***dwelling house*** means a building the whole of which contains only 1 dwelling on an allotment of land.

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 1

Definitions

---

***educational establishment*** means a building used as a school, college, technical college, TAFE establishment, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

***environmental heritage*** means those buildings, works, relics or places of historic, scientific, cultural, social, archaeological, architectural or aesthetic significance.

***floor*** means that space within a building which is situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above.

***floor space ratio*** of buildings is the ratio of the total gross floor area of the buildings to the site area.

***gross floor area***, in relation to a building, means the sum of the areas of each floor of the building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts, and
- (c) car parking needed to meet any requirements of the Council and any internal access thereto, and
- (d) space for the loading and unloading of goods.

***hazardous industry*** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

***hazardous storage establishment*** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on



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the other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**health care professional** means a person who provides professional health services to members of the public and includes:

- (a) a podiatrist registered under the *Podiatrists Act 1989*, and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the *Chiropractors and Osteopaths Act 1991*, and
- (c) a physiotherapist registered under the *Physiotherapists Registration Act 1945*, and
- (d) an optometrist registered under the *Optometrists Act 1930*.

**height**, in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the natural ground level immediately below that point.

**helipad** means an area or place not open to the public use which is authorised by the Commonwealth Department of Transport and which is set apart for the taking off and landing of helicopters.

**heliport** means an area or place open to public use which is licensed by the Commonwealth Department of Transport for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

**heritage conservation area** means an area of land described in Part 2 of Schedule 5 and shown in distinctive colouring and edged heavy black on the heritage conservation area map, and includes buildings, works, relics, trees and places situated on or within that land.

**heritage conservation area map** means the map marked “Marrickville Local Environmental Plan 2001—Heritage Conservation”.

**heritage conservation management plan** means a document prepared in accordance with the provisions of the *NSW Heritage Manual*. It establishes the heritage significance of a heritage item, place or heritage conservation area and should identify conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

***heritage impact assessment*** means a document, prepared by a person with qualifications and experience (such as architecture or heritage planning), which analyses the history, heritage significance and condition of a building, work, relic, significant tree or place, and assesses the impact of proposed development on that significance in accordance with the methodology of the ICOMOS Burra Charter and the Heritage Office guidelines, current at the time of lodgment of an application.

***heritage item*** means a building, work, relic, tree or place, a component of a building, work, relic, tree or place and its curtilage or a group of buildings, works, relics or trees which is described in Part 1 of Schedule 5 and shown by distinctive colouring and edged heavy black on the map marked “Marrickville Local Environmental Plan 2001—Heritage Items”.

***heritage significance*** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

***high technology industry*** means an enterprise which has as its primary function the manufacture, development, production, processing, assembly of or research into:

- (a) electronic and micro-electronic systems, goods or components, or
- (b) computer software or hardware, or
- (c) instrumentation or instruments, or
- (d) communication and telecommunication systems, goods or components, or
- (e) biological, pharmaceutical, medical or paramedical systems, goods or components, or
- (f) other goods, systems or components intended for use in science and technology,

and includes a laboratory or testing facility.

***home industry*** means the use of a dwelling or of any land comprising, or building erected on, the allotment on which a dwelling is located, for the purposes of an office, light industry or business (other than a shop or professional consulting rooms) but only if:

- (a) the use is undertaken by the permanent residents of the dwelling, whether or not the use also involves the employment of persons other than those residents, and

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- (b) the use does not:
- (i) interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
  - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter.

**home occupation** means an occupation carried on in a dwelling house, in two attached dwellings on an allotment of land, or in a dwelling in a residential flat building, by the permanent residents of the dwelling house or dwelling which does not involve:

- (a) anything that would have required the registration of the building under the *Factories, Shops and Industries Act 1962* immediately before the repeal of section 11 of that Act, or
- (b) prostitution (except where the activity is carried on by not more than one prostitute in a dwelling house), or
- (c) the employment of persons other than those residents, or
- (d) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
- (e) the display of goods, whether in a window or otherwise, or
- (f) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident), or
- (g) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

**hospital** means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there) and includes:

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 1

Definitions

---

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

**hotel** means the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

**industry** means:

- (a) any manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*, or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as development ancillary to any business.

**institution** means a penal or reformatory establishment.

**junk yard** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts thereof.

**landscaped area** means that part of the site area not occupied by any building, except for swimming pools or open air recreation facilities, which part is to be predominantly landscaped by way of the planting of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building erected on the site area, but does not include so much of the site area as is used for driveways, parking areas or drying yards.

**light industry** means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

**liquid fuel depot** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

***maintenance*** means the ongoing protective care of a heritage item or a building work, relic, tree or place within a heritage conservation area. It does not include alterations or the introduction of new materials or technology (for example, injectable damp proof courses or roof treatments).

***mine*** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and includes any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

***motel*** means a building or buildings (other than a hotel, boarding house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

***motor showroom*** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed there.

***multi unit housing*** means two or more dwellings in a group and includes terrace houses, villas, townhouses, cluster housing and integrated housing.

***offensive industry*** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise), in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

***offensive storage establishment*** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including,

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 1

Definitions

---

for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

***panel beating workshop*** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, where the work involved includes:

- (a) body building, or
- (b) panel beating, which may or may not involve dismantling, or
- (c) spray painting.

***parking space*** includes any garage or court available for use by vehicles.

***place of assembly*** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre or music bowl, or any other building of a like character used as such, whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

***place of public worship*** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

***potential archaeological site*** means a site identified as such in Schedule 5 and includes a site known to the Council to have archaeological potential even if it is not so identified and shown.

***professional consulting rooms*** means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of, a dwelling house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the *Dentists Act 1989*, or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care respectively and, if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

***public building*** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

***public utility undertaking*** means any undertaking carried on by, or by authority of, any public authority, or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railway, road or air transport, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas.

**recreation area** means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities,
- (c) an area used to provide recreational facilities by the Council for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those persons,

but does not include a show ground.

**recreation facility** means a building or place used for indoor recreation, a table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include an amusement centre or a place of assembly.

**refreshment room** means a restaurant, café, tea room, eating house or the like.

**relic** means:

- (a) any deposit, object or material evidence (which may consist of human remains) relating to the use or settlement of the local government area of Marrickville, not being Aboriginal habitation, which is more than 50 years old, or
- (b) any deposit, object or material evidence (which may consist of human remains) relating to Aboriginal habitation of the local government area of Marrickville, whether before or after its occupation by persons of European extraction.

**residential flat building** means a building containing three or more dwellings.

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 1

Definitions

---

**restricted premises** means premises (other than a newsagency or pharmacy) where:

- (a) publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise made accessible or available to the public, or
- (b) a business to which section 578E (Offences relating to advertising or displaying products associated with sexual behaviour) of the *Crimes Act 1900* applies is conducted.

**retail plant nursery** means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold there.

**road transport terminal** means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

**service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products whether or not the building or place is also used for any one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel building, spray painting, or suspension, transmission or chassis restoration).

**serviced apartment** means a dwelling which is cleaned and otherwise serviced or managed by the owner or manager of the building or the owner's or manager's agent, and which provides temporary accommodation for people whose principal place of residence is elsewhere.



**shop** means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but (in Part 3) does not include a building or place elsewhere specifically defined in this Schedule, or a building or place used for a land use elsewhere specifically defined in this Schedule.

**site area** means the area of land to which an application for consent under the Act relates, excluding any land on which the development to which the application relates is not permitted by or under this plan.

**State significance**, in relation to a heritage item, means a heritage item on the State Heritage Register.

**subdivision** has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

**substantial demolition** means the destruction of any part of a heritage item, an archaeological site or of a building, work, relic, tree or place within a heritage conservation area which contributes to its heritage significance.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**the Council** means Marrickville Council.

**the map** means the map marked "Marrickville Local Environmental Plan 2001", as amended by the maps, or specified sheets of maps, marked as follows:

**tourist facilities** means an establishment providing for holiday accommodation or recreation and may include a boat shed, boat landing facilities, camping ground, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities.

**transport terminal** means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot.

**utility installation** means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

**warehouse** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 2 Additional development

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## Schedule 2 Additional development

(Clause 45)

### Column 1

**394 Marrickville Road, Marrickville**  
Lot 1, Section 1, DP 5482

**Camperdown Park, Australia Street,  
Camperdown**  
Lot 3, DP 175973

**34 Victoria Road, Marrickville**  
Lot 100, DP 715231

**114–116 Stanmore Road, Stanmore**  
Lots 40 and 41, DP 816443

**107 Windsor Road, Dulwich Hill**  
Lot 4, DP 4182

**1 Thomas Street, Lewisham**  
Part Lot 1, DP 565617

**138 Marrickville Road, Marrickville**  
Lot 13, Section 1, DP 1465

**58–76 Stanmore Road and 2 Tupper  
Street, Stanmore**  
Lots A and C, DP 308880, Lot 1,  
DP 105806 and Lot 1, DP 121240

**257 Enmore Road, Enmore**  
Lot 2, DP 212102

**69 Australia Street, Camperdown**  
Lot 9, DP 2036

**275 Stanmore Road, Marrickville**  
ground floor of premises, existing as at the  
appointed day, on Lot 3, DP 381188

### Column 2

Development for the purpose of  
commercial premises

Development for the purpose of community  
purposes

Development permissible within the  
General Business 3 (A) zone, with any  
building having a floor space ratio not  
exceeding 0.8:1

Development for the purpose of small  
shops and job printing

Development for the purpose of an artist's  
studio

Development for the purpose of  
commercial premises

Development for the purpose of  
commercial premises

Development for the purpose of a club

Development for the purpose of clothing  
manufacture and a clothing shop

Development for the purpose of  
commercial premises

Development for the purpose of  
commercial premises

**Column 1****Column 2**

**846–854 Princes Highway, Tempe**  
Lot 1, DP 783720

Development for the purpose of commercial premises

**238–240 Enmore Road, Enmore**  
Lot 2, DP 977701

Development for the purpose of commercial premises

**67–69 Westbourne Street, Petersham**  
ground floor of premises, existing as at the appointed day, on corner.  
Lot 21, Sec 23, DP 1106

Development for the purpose of commercial premises

**2G Gladstone Street, Newtown**  
Lot 1, DP 208950

Development for the purpose of a junkyard

**102–104 Silver Street, Marrickville**  
Lots 1 and 2, DP 517419

Development for the purpose of commercial premises with a floor space ratio not exceeding 1.2:1

**11 Garners Avenue, Marrickville**  
Conveyance No 713, Book 779

Development for the purpose of industry within a building having a floor space ratio not exceeding 0.13:1 and car parking

**13–17 Regent Street, Petersham**  
Lot 1, DP 830175

Development for the purpose of car parking

**58–60 Australia Street, Camperdown**  
Lot 1, DP 710638

Development for the purpose of an artist's studio, electrical appliances shop and electrician's workshop

**72 and 74 Frampton Avenue, Marrickville**  
Lots 18 and 19, DP 4433

Development for the purpose of a warehouse having a gross floor area not exceeding 300 square metres

**255 Enmore Road, Marrickville**  
Lot 1, DP 212102

Development for the purpose of commercial premises having a gross floor area not exceeding 62 square metres

**13 Garners Avenue, Marrickville**  
Conveyance No 928, Book 1897

Development for the purpose of car parking

**16–18 Mary Street, St Peters**  
Lot 1, DP 89071

Development for the purpose of car parking

**29–31 Railway Terrace, Lewisham**  
Lot A, DP 152875

Development for the purpose of commercial premises, a refreshment room and a shop

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 2 Additional development

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### Column 1

**1 Railway Road, St Peters**  
Part Lot 89, DP 750

**35 Crystal Street, Petersham**  
Lot 1, DP 513827

**16–20 Australia Street, Camperdown**  
Lot 2, DP 775663

**645–657 Princes Highway, Tempe**  
Lot 1, Section 2, DP 681

**11–23 Gordon Street, Marrickville**  
Lots 37–52 and Part Lot 53, DP 1525,  
Lot 1, DP 321107, and Part Lot 1,  
DP 79082

**376 Princes Highway, Tempe**  
Lot B, DP 374296

**58–60 Crystal Street, Petersham**  
Lot 2, DP 531712

Land known as the **Marrickville Hospital**  
site, fronting Lilydale Street and  
Livingstone and Marrickville Roads,  
Marrickville, on that part of the site zoned  
Special Uses.  
Part Lot 2, DP 872693

### Column 2

Development for the purpose of car parking

Development for the purpose of clothing  
manufacturing and assorted storage

Development for the purpose of a  
residential flat building

Retail sale of electrical goods and mobile  
phones

Development for the purpose of  
commercial premises

Development for the purpose of a motor  
cycle showroom for the display, sale and  
rental of motor cycles

Development permissible within the  
Business General 3 (A) zone, with any  
building having a floor space ratio not  
exceeding 1.35:1

Development on the land within the  
Special Uses 5 (A) zone for the purpose of  
a child care centre, public building, open  
space, commercial premises, car parking,  
community facilities or residential uses, but  
only if the floor space ratio of all buildings  
on the land within the Special Uses  
5 (A) zone does not exceed 2:1. In respect  
of this requirement, gross floor area  
excludes the floor area of any heritage  
items retained within the Special Uses  
5 (A) zone.

**Column 1**

**8 Bridge Road, Stanmore**  
Lot 1, DP 606147

**Column 2**

Development for residential purposes, but only if:

- (a) the floor space ratio of all buildings on the land after the development has been carried out does not exceed 3.5:1, and
- (b) the total number of dwellings on the land does not exceed 87, and
- (c) the height of the building does not exceed an RL height of 34.45 metres AHD.

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 2 Additional development

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### Column 1

**1–27 Princes Highway, St Peters**  
Lot 100, DP 600471

### Column 2

Development for residential purposes and for the purpose of refreshment rooms, but only if:

- (a) the floor space ratio does not exceed 2.2:1, and
- (b) the total number of dwellings and serviced apartments does not exceed 132, and
- (c) the uppermost ceilings of all buildings erected on the land do not project above a building envelope with boundaries formed by:
  - (i) a line directly above the western boundary of the land at a height of 28.25 AHD, and
  - (ii) a straight line joining the point directly above the north-western corner of the land at a height of 28.25 AHD and the point directly above the more easterly north-eastern corner of the land at a height of 37.25 AHD, and
  - (iii) a straight line joining the last mentioned point and the point directly above the south-eastern corner of the land at a height of 31.75 AHD, and
  - (iv) a straight line joining the last mentioned point and the point directly above the south-western corner of the land at a height of 28.25 AHD.

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### **Schedule 3 Classification and reclassification of public land as operational land**

(Clause 69)

#### **Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993**

- 1 286 Wardell Road, Marrickville, being part Lot 24, DP 5530
- 2 105–119 May Street, St Peters, being part Lot 1, DP 630454
- 3 18 Lawson Avenue, Marrickville, being part Lot 1, DP 847707
- 4 614 Princes Highway, Tempe, being part Lot A, DP 382059, and part Lot F, DP 385210

#### **Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed**

#### **Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed**

<b>Column 1 Locality</b>	<b>Column 2 Description</b>	<b>Column 3 Trusts etc not discharged</b>
Marrickville	31 Centennial Street, Marrickville, being Lot 422, DP 884295— <i>Marrickville Local Environmental Plan No 141</i>	

**2001 No 324**

Marrickville Local Environmental Plan 2001

Schedule 4

Classification and reclassification of public land as community land

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**Schedule 4    Classification and reclassification of public  
land as community land**

(Clause 70)



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## Schedule 5 Identification of heritage items

(Schedule 1)

### Part 1 Heritage items

#### General

Street and Suburb	Street No	Description	Heritage conservation map reference
Abergeldie Street, Dulwich Hill	1	Victorian house	1.45
	3	Victorian house	1.45
	5	Victorian house	1.45
	7	Victorian house	1.45
	25	Cottage and garden	1.47
Addison Road, Marrickville	142–144	Community centre	2.113
Albany Street, Petersham	135	Part Victorian semi	2.10/1
	137	Part Victorian semi	2.10/1
Albermarle Street, Newtown	55–59	Victorian villa	2.34
	38	Colonial Regency house	2.31
	54	Colonial Regency house and stables	2.31
	69–73	Victorian villa	2.33

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Australia Street, Camperdown	1–11	Industrial facade	2.29
	10	Italianate villa	2.28
	12–14	Cranbrook—Victorian Italianate villa	2.28
	13–33	Industrial facade	2.29
	35–41	Industrial facade	2.29
	202	Courthouse Hotel	2.41
Bedford Street, Newtown	15	Part of retail group	2.38
	27	Part of retail group	2.38
	37	Part of retail group	2.38
Bridge Road, Stanmore	2–6	Brick factory	2.21
Brighton Street, Petersham	16	Victorian shop	1.18
Cambridge Street, Stanmore	95–101	Victorian Gothic villa and outbuilding	2.65
Cary Street, Marrickville	48	Victorian villa	3.21
Cavendish Street, Stanmore	40	Victorian villa	2.67
	42	Victorian villa	2.67
	59	Part of Hughenden Terrace	2.66
	61	Part of Hughenden Terrace	2.66

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
	63	Part of Hughenden Terrace	2.66
	65	Part of Hughenden Terrace	2.66
	67	Part of Hughenden Terrace	2.66
Chapel Street, Marrickville	39–97	Industrial facade	2.111
Chelmsford Street, Newtown	88–90	Corner shop	2.35
Collins Street, Tempe	1	Stone house	4.26
	3	Stone house	4.26
	11	Stone house	4.26
	13	Stone house and quarry	4.26
Constitution Road, Dulwich Hill	29	Victorian villa	1.44
Corunna Road, Stanmore	125	Edwardian cottage	2.9
Crystal Street, Petersham	107	Part of terrace housing	1.21
	109	Part of terrace housing	1.21
	111	Part of terrace housing	1.21
	113	Part of terrace housing	1.21
	115	Part of terrace housing	1.21
	117	Part of terrace housing	1.21
	119	Part of terrace housing	1.21

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## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
	121	Part of terrace housing	1.21
	123	Part of terrace housing	1.21
	125	ANZ Bank	1.22/1
Douglas Street, Petersham	56–58	Two Victorian villas	2.10/2
Edgar Street, Tempe	25	Brick cottage	4.28
Edgware Road, Enmore	13–17	Victorian villa	2.95
	43A (43½)	Victorian Gothic house	2.96
	45	Victorian Gothic house	2.96
	47	Victorian Gothic house	2.96
Eliza Street, Newtown	5	Former School of Arts	2.46
Enmore Road, Enmore	82–84	Dispensary Hall	2.77
	88	Stanmore House at rear (part)	2.76
	90–92	Stanmore House at rear (part)	2.76
	118–132	Enmore Theatre	2.75
	341	Part of terrace housing	2.99
	343	Part of terrace housing	2.99
	345	Part of terrace housing	2.99
	347	Part of terrace housing	2.99
	349	Part of terrace housing	2.99

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
	351	Part of terrace housing	2.99
	353	Part of terrace housing	2.99
	355	Part of terrace housing	2.99
	357	Part of terrace housing	2.99
	359	Part of terrace housing	2.99
	361	Part of terrace housing	2.99
	363	Part of terrace housing	2.99
	365	Part of terrace housing	2.99
	367	Part of terrace housing	2.99
	369	Part of terrace housing	2.99
	371	Part of terrace housing	2.99
Esk Street, Marrickville	5	Stone house	3.20
Ewart Street, Dulwich Hill	114	Gladstone Hall	3.1
Fisher Street, Petersham	1	Victorian house	1.10/1
	3	Victorian house	1.10/1
	5	Victorian house	1.10/1
Fort Street, Petersham	17	“Valencia” flat building	1.15
	17A	Flat building	1.15
Frazer Street, Marrickville	52–64	Booth House	1.51

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**2001 No 324**

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Frederick Street, Sydenham	46	Former corner shop	4.19
George Street, Sydenham	88	Victorian filigree terrace and engineering workshop at rear	4.39
Gladstone Street, Enmore	1	Cragos Flour Mill	2.72
Gordon Crescent, Stanmore	34–36	Essington—Victorian villa	2.14
	38	Victorian Italianate villa	2.13/1
Gordon Street, Marrickville	11–23	Former Globe Worsted Mills	2.114
Herbert Street, Dulwich Hill	11–13	The Rectory	1.50
Hillcrest Street, Tempe	22	Lymmerston—Victorian villa	4.24
Hunter Street, Lewisham	40	Morton House—Edwardian house	1.33
Illawarra Road, Marrickville	560	Stone house	3.28
Juliett Street, Enmore	40–42	Semi detached cottages	2.97
	44	Semi detached cottages	2.97
	46	Semi detached cottages	2.97
King Street, Newtown	325	Former CBC Bank	2.45
	327	Former ANZ Bank	2.44
	415A	Part of terrace with shops	2.79

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
	417	Part of terrace with shops	2.79
	417A	Part of terrace with shops	2.79
	419	Part of terrace with shops	2.79
	419A	Part of terrace with shops	2.79
	539	Formerly "Molloys" shop	2.80
	555	Shop counters	2.81
	631	St Peters Hotel	2.82
Laura Street, Newtown	2	Part of terrace housing	2.86
	4	Part of terrace housing	2.86
	6	Part of terrace housing	2.86
	8	Part of terrace housing	2.86
	10	Part of terrace housing	2.86
	12	Part of terrace housing	2.86
	14	Part of terrace housing	2.86
	16	Part of terrace housing	2.86
	18	Part of terrace housing	2.86
	20	Part of terrace housing	2.86
	22	Part of terrace housing	2.86
	24	Part of terrace housing	2.86

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## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Lawson Avenue, Marrickville	18	Federation house	1.51A
Leicester Street, Marrickville	12	Stead House	2.103
Lennox Street, Newtown	2	Part of Victorian terrace	2.49
	4	Part of Victorian terrace	2.49
	6	Part of Victorian terrace	2.49
	8	Part of Victorian terrace	2.49
	38	Part of "Church Avenue—1886" terrace	2.49
	40	Part of "Church Avenue—1886" terrace	2.49
	42	Part of "Church Avenue—1886" terrace	2.49
	44	Part of "Church Avenue—1886" terrace	2.49
	46	Part of "Church Avenue—1886" terrace	2.49
	48	Part of "Church Avenue—1886" terrace	2.49
	50	Part of "Church Avenue—1886" terrace	2.49
	52	Part of "Church Avenue—1886" terrace	2.49
54	Part of "Church Avenue—1886" terrace	2.49	
56	Part of "Church Avenue—1886" terrace	2.49	



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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
	58	Part of "May" terrace	2.49
	60	Part of "May" terrace	2.49
	62	Part of "May" terrace	2.49
	64	Part of "May" terrace	2.49
	66	Part of "May" terrace	2.49
	68	Part of "May" terrace	2.49
	70	Part of "May" terrace	2.49
	72	Part of "May" terrace	2.49
	74	Part of "May" terrace	2.49
	76	Part of "May" terrace	2.49
	78	Part of "May" terrace	2.49
	80	Part of "May" terrace	2.49
	82	Part of "May" terrace	2.49
	84	Part of "May" terrace	2.49
Lilydale Street, Marrickville		Old Nurses quarters	3.11
		Old ward block	3.11
Livingstone Road, Marrickville	182	Victorian cottage	3.11
	184	Victorian cottage	3.11
	186	Victorian cottage	3.11

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**2001 No 324**

## Marrickville Local Environmental Plan 2001

## Schedule 5 Identification of heritage items

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Livingstone Road, Petersham	46–48	Victorian house	1.27A
	55–67	Former Salvation Army College	1.27
	323	“Laurel-Bank” Edwardian villa	3.30
London Street, Enmore	9	Part of “Jersey” terrace	2.69
	11	Part of “Jersey” terrace	2.69
	13	Part of “Jersey” terrace	2.69
	15	Part of “Jersey” terrace	2.69
	75	Corner—Queen Anne house	2.70
Margaret Street, Newtown	2	Part of semi-detached house	2.91
	4	Part of semi-detached house	2.91
Margaret Street, Petersham	58	Part of Victorian terrace	2.5
	60	Part of Victorian terrace	2.5
	62	Part of Victorian terrace	2.5
Marrickville Road, Marrickville	321	Edwardian house	1.56
May Street, St Peters	105	Part of terrace housing	2.83A
	107	Part of terrace housing	2.83A
	109	Part of terrace housing	2.83A
	111	Part of terrace housing	2.83A

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
	113	Part of terrace housing	2.83A
	115	Part of terrace housing	2.83A
	117	Part of terrace housing	2.83A
	119	Part of terrace housing	2.83A
Middleton Street, Petersham	13	Victorian villa	2.56
Myrtle Street, Marrickville	1	Stone house	4.5
New Canterbury Road, Petersham	23–25	Egyptian Room Scottish Royal Arch Temple	1.10/2
	49–59	Former theatre	1.29
Old Canterbury Road, Dulwich Hill	227	Victorian villa	1.43
	279	Victorian house	1.45
Old Canterbury Road, Lewisham	11	Timber Victorian cottage	1.2
	13	Timber Victorian cottage	1.2
Oxford Street, Newtown	18	Part of Victorian terrace	2.32
	20	Part of Victorian terrace	2.32
	24	Part of Victorian terrace	2.32
Palace Street, Petersham	19	Victorian villa	1.13
	21	“Zanobi” Victorian villa and stables	1.17
	23	Victorian villa	1.17

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## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
	25	Victorian villa	1.17
	74	Corner shop	1.9
Parramatta Road, Petersham	386	Petersham Inn Hotel	2.3
Percival Road, Stanmore	120	Former bakery and ovens	2.17
	122	Shop facades	2.17
	124	Shop facades	2.17
Phillip Street, Petersham	48	Single storey corner shop	2.71
	50	Double storey corner shop	2.71
	2	Flats	2.4
	4	Flats	2.4
	6	Flats	2.4
	8	Flats	2.4
	10	Flats	2.4
	12	Flats	2.4
Premier Street, Marrickville	24	Federation house	3.22
	26	Federation house	3.22
Princes Highway, St Peters	634–808	Westpac Stores and Penfolds	4.32
Probert Street, Newtown	167	Corner shop	2.38

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Railway Avenue, Stanmore	6	Federation cottage (Wilga)	2.22/1
	8	Federation cottage (Eddington)	2.22/1
	10	Federation cottage (Irene)	2.22/1
	12	Federation cottage (Otago)	2.22/1
	14	Federation cottage (Kiora)	2.22/1
	16	Federation cottage	2.22/1
	18	Federation cottage (Killara)	2.22/1
	20	Federation cottage (Dorothy)	2.22/1
	22	Federation cottage (Etham)	2.22/1
	24	Federation cottage	2.22/1
	50	Dundoos—Victorian villa	2.23
Railway Road, Sydenham	19	Victorian filigree style sandstone faced residence	4.38
Railway Street, Petersham	2	Glenthorn—Victorian villa	1.12
	4	Glenrock—Victorian villa	1.12
	15	Flats	1.15
	17	Flats	1.15

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**2001 No 324**

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
	19	Flats	1.15
	23	Victorian villa	1.15A
	45	Victorian shop	1.18
Salisbury Road, Camperdown	143	Victorian cottage	2.24
	145	Victorian cottage	2.24
Sebastopol Street, Marrickville	10	Newington Manor— Victorian Gothic villa	2.60
Shaw Street, Petersham	18	Victorian Italianate villa	1.26
Shepherd Street, Marrickville	65	Sims Metal—factory	2.112
South Street, Tempe	43	Ficus tree	4.37
Stanmore Road, Stanmore	61	Edwardian house	2.67
	63	Edwardian house	2.67
	65	Edwardian house	2.67
	67	Edwardian house	2.67
	69–71	Edwardian house	2.67
	73	Edwardian house	2.67
	75	Edwardian house	2.67
	86	Bombara—villa	2.61
	144	Stanmore Victorian villa	2.59
	280–292	Newington Hotel	2.54

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Station Street, Newtown	51	Part of terrace housing	2.92
	51A	Part of terrace housing	2.92
	53	Part of terrace housing	2.92
	53A	Part of terrace housing	2.92
	55	Part of terrace housing	2.92
	55A	Part of terrace housing	2.92
	57	Part of terrace housing	2.92
	57A	Part of terrace housing	2.92
	59	Part of terrace housing	2.92
	59A	Part of terrace housing	2.92
	61	Part of terrace housing	2.92
	61A	Part of terrace housing	2.92
	63	Part of terrace housing	2.92
	63A	Part of terrace housing	2.92
	65	Part of terrace housing	2.92
67	Victorian Italianate villa	2.92	
Summerhill Street, Lewisham	4	Former shop and residence	1.39
Sutherland Street, Sydenham	48	Corner shop	4.19
Temple Street, Stanmore	32	Polychrome brickwork cottage	2.12
Terry Street, Dulwich Hill	10	Waratah Flour Mill	1.42

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**2001 No 324**

## Marrickville Local Environmental Plan 2001

## Schedule 5 Identification of heritage items

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Thornley Street, Marrickville	28	Federation house	3.26
Trafalgar Street, Stanmore	143–145	Horaceville—Victorian villa	2.64
	223–229	Four Victorian villas	2.62/1
Union Street, Tempe	60	Hurlingham—Victorian villa	4.30
Unwins Bridge Road, Sydenham	41	Carthness—Gothic/Italianate house	4.21A
Unwins Bridge Road, St Peters	125	Milford Haven—Colonial bungalow	4.29
	137	Stone house	4.28
Victoria Road, Marrickville	34	Mill House	2.105
	80	Bethesda House	2.103
Victoria Street, Dulwich Hill	122	Timber Edwardian house	1.41
Wardell Road, Dulwich Hill	128	Timber cottage	1.52
	286	Victorian cottage	3.2A
Warren Road, Marrickville	47	Victorian villa	3.18
	51	Victorian villa	3.18
Woodcock Street, Marrickville	11–13	Colchester—Victorian villa	1.54



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**Churches**

<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Stanmore Road, Stanmore	325	All Saints Anglican Church	2.50
Wardell Road, Dulwich Hill	194–206	Carmelite Convent	3.5
Metropolitan Road, Enmore	17–21	Enmore Church of Christ	2.94
Herbert Street, Dulwich Hill	7–9	Holy Trinity Church of England	1.49
Church Street, Camperdown	191	Newtown Baptist Church	2.48
The Boulevarde, Lewisham	13–15	Petersham Baptist Church and Church Hall	1.34
Gordon Street, Petersham (39A West Street)	2	Petersham Presbyterian Church and Parish Hall	1.30
Railway Street, Petersham	32A	Petersham Uniting Church	1.14
Illawarra Road, Marrickville	388–390	Roseby Memorial Church	3.19
Marrickville Road, Marrickville	350–392	St Brigid's Church, Hall, Monastery, Shrine and Grounds	3.15
Marrickville Road, Marrickville	332–334	St Clement's Church of England Hall and Rectory	3.16
Bedford Street, Newtown	49–63	St Joseph's Catholic Church	2.36
Stanmore Road, Enmore	13–35	St Luke's Church of England	2.68

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Railway Parade, Sydenham	24A	St Mary/St Mina Coptic Orthodox Church	4.22
Livingstone Road, Marrickville	205–207	St Nicholas Greek Orthodox Church	3.8
Princes Highway, St Peters	187–209	St Peter's Church of England	4.14
Edgware Road, Newtown	290	St Pius Church and Presbytery	2.85
Church Street, Newtown	187–189	St Stephen's Church of England and Cemetery	2.47
Thomas Street, Lewisham		St Thomas's Catholic Church and Presbytery	1.6
Albany Road, Stanmore	140	Stanmore Baptist Church	2.11

### **Civic buildings and works**

<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Bedford Street, Newtown	5	Newtown Town Hall	2.43
Bourne Street, Juliett Street and Enmore Road between Murray and Bourne Streets		Brick paving	2.101
Camperdown Park, Camperdown		Horse trough, balustrade and two ficus trees	2.26/1
Carrington Road between Harriet Street and Warren Road, Marrickville		Canary Island palms	4.7

<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Crystal Street, Petersham	105	Petersham Town Hall	1.20
George Street, Henry Street, Park Road, Park Lane, Railway Lane, Rowe Lane, Reilly Lane and Stewart Lane, Sydenham		Brick kerbs and sandstone kerb guttering	4.40
Graham Avenue, Marrickville	(2–20, 3–21)	Brick paving and Canary Island palms	1.57
High, Junction, Ruby and Schwebel Streets, Marrickville		Stonewalling, terracing and street planting	4.4
Hillcrest Street, Tempe	(1–33, 2–24)	Brick paving	4.23
Marrickville Road and Railway Parade, Sydenham		Brick retaining walls	4.10
Marrickville Road, Marrickville	303–307	Marrickville Town Hall	3.14
Old Canterbury Road near Summerhill Street, Lewisham	(101–109)	Stone terracing and steps	1.40
Parramatta Road, Stanmore	(22–28)	Milestone	2.1/1
Stanmore Road, Stanmore	(302–306)	Horse trough	2.54/1
Streets located in the former Municipality of Petersham		All street names marked in cement paving	2.52

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

---

<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Thornley Street and Hampden Avenue, Marrickville		Quarry and stone-walling	3.27
Trafalgar Street, Petersham	(355)	Horse trough	1.31A
Unwins Bridge Road, Sydenham	39	St Peters Town Hall	4.21
Victoria Street, St Peters	(18–20), 11–15)	Brick road and footpath paving and stone guttering	4.16
<b>Hospitals</b>			
<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
West Street, Petersham	29	Former Lewisham Hospital, convent and grounds (including building known as 1 Thomas Street)	1.7
<b>Parks</b>			
<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Australia Street, Camperdown		Camperdown Park, bandstand and war monument	2.26
Enmore Road, Enmore		Enmore Park and entry gates and Port Jackson fig trees	2.100
Centennial Street, Marrickville		Henson Park	2.107

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Stanmore Road, Petersham		Maundrell Park and pergolas, stone steps and seating and dwarf boundary wall	2.51
West Street, Lewisham and Petersham		Park and stone boundary walls, pergolas and memorial gates	1.8
Holt Crescent, Marrickville		Richardsons Lookout and gate posts	3.24
Percival Road, Stanmore		Weekley Park and pergolas and dwarf boundary wall	2.19

### **Police stations and court houses**

<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Australia Street, Newtown	222	Courthouse and former Police Station	2.42
Gladstone Street, Marrickville	4-8	Former Marrickville Police Station	4.2
New Canterbury Road, Petersham	2-4	Petersham Police Station	1.23
Princes Highway, Tempe	846-854	Tempe Police Station	4.35

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

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### Post offices and boxes

Street and Suburb	Street No	Description	Heritage conservation map reference
Enmore Road, corner of Stanmore Road, Enmore	213	Enmore Post Office	2.74
Marrickville Road, Marrickville	274A	Marrickville Post Office	4.1
Marrickville Road, corner Lilydale Street, Marrickville	313–319	Letter Box	3.11

### Railway buildings and structures

Street and Suburb	Street No	Description	Heritage conservation map reference
Douglas Street, Stanmore		Stanmore Railway Station	2.15
Gleeson Avenue, Sydenham		Sydenham Railway Station	4.11
Hawthorne Canal, Lewisham		Adjacent Girder Bridges	1.3
Illawarra Road, Marrickville		Marrickville Railway Station	3.17
Phillip Street, Enmore		Pedestrian tunnel	2.71
Terminus Street, Petersham		Petersham Railway Station and footbridge	1.19

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**Schools and educational establishments**

<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Australia Street, Newtown	229–233	Australia Street Infants	2.40
Darley Street, Newtown	109–123	Camdenville Public	2.87
Parramatta Road, Camperdown	127	Camperdown Public	2.25
Denison Road, Lewisham	63–77	Christian Brothers High	1.37
Seaview Street, Dulwich Hill	1	Dulwich Hill High	1.48
Metropolitan Road, Enmore	12	Enmore Activity	2.93
Premier Street, Marrickville	78–88	Ferncourt Public	3.23
Chapel Street, Marrickville	102–116	Marrickville Public	2.110
Livingstone Road, Marrickville		Marrickville West Public	3.3
Stanmore Road, Stanmore	144–248	Newington College—grounds	2.57
Stanmore Road, Stanmore	248	Newington College—former Methodist Church	2.58
Gordon Street, Petersham	2	Petersham Girls High	1.31
Crystal Street, Petersham	27	Petersham TAFE	2.6
Lennox Street, Newtown	109	St Joseph's Boys School	2.37

## 2001 No 324

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Oxford Street, Newtown	26–38	St Joseph's Girls School and St Bede's Convent and Presbytery	2.37A
Church Street, St Peters	43A	St Peters Public	4.13
Thomas Street, Lewisham		St Thomas's Catholic School	1.6
Cambridge Street, Stanmore	102	Stanmore Public	2.63
Unwins Bridge Road, Tempe	119 and 368	Tempe Public	4.25

### Water and sewerage structures

<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Carrington Road, Marrickville (northern end)	1	Sewer vent, pumping station and Edwardian house	4.6
Garden Street, Sydenham	1–37	Flood storage reserve and brick drain	4.12
Hunter Street, corner of The Boulevard, Lewisham	17	Sewer ventilation stack	1.35
Illawarra Road, Despointes Street, Malakoff Street and Northcote Street, near Sydenham Road		Brick drain	2.106
New Canterbury Road, Petersham	20–48	Petersham Reservoir—site, gate and fence	1.24



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<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Premier Street, Marrickville	24	Sewer ventilation stack	3.22
<b>Miscellaneous</b>			
<b>Street and Suburb</b>	<b>Street No</b>	<b>Description</b>	<b>Heritage conservation map reference</b>
Burrows Road, Sydenham	DP 108428	Timber stores	4.18
Illawarra Road, Marrickville	520–556	Former Schebel Family Quarry	3.28
Illawarra Road, Marrickville	96–106	Department of Housing/former Town Hall	2.108
Marrickville Road, Marrickville	309	Marrickville Fire Station	3.13
Princes Highway, Tempe	745–763	Tempe Bus Depot	4.33
Rear Dibble Avenue, Dulwich Hill	(9–15)	Dibble Avenue Waterhole	3.2
Riverside Park, Marrickville		Aboriginal Midden	3.29
Stanmore Road, Petersham	308–314	Stanmore Fire Station	2.53
Unwins Bridge Road, Sydenham	204	Electricity Substation	4.20
Warren Park, Marrickville		Burial vaults	3.25

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**2001 No 324**

Marrickville Local Environmental Plan 2001

Schedule 5 Identification of heritage items

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**Part 2 Heritage conservation areas**

**Part 3 Archaeological significant sites**

BY AUTHORITY