



New South Wales

Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/01509/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 297

Clause 1 Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage

Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage*.

2 Aims of plan

This plan aims to amend *Marrickville Local Environmental Plan 2001 (the 2001 plan)*:

- (a) to introduce 2 heritage conservation areas as a response to the findings of the *Marrickville Heritage Study Review 2001*, and
- (b) to make amendments to certain heritage-related provisions in the 2001 plan.

3 Land to which plan applies

- (1) To the extent that this plan relates to the aim set out in clause 2 (a), it applies to land within the Marrickville local government area and, in particular, to land shown coloured green on Sheets 1–5 of the map marked “Marrickville Local Environmental Plan 2001 (Amendment No 25)” deposited in the office of Marrickville Council.
- (2) To the extent that this plan relates to the aim set out in clause 2 (b), it applies to all the land to which the 2001 plan applies.

4 Amendment of Marrickville Local Environmental Plan 2001

Marrickville Local Environmental Plan 2001 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 49

Omit the clause. Insert instead:

49 Certain minor works

Development consent is not required by clause 48 if:

- (a) in the opinion of the consent authority, the proposed development:
 - (i) is of a minor nature or consists of maintenance of a heritage item, or of a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) will not adversely affect the heritage significance of the heritage item or of the heritage conservation area, and
- (b) the proponent has notified the consent authority in writing of the proposed development, and
- (c) the consent authority has advised the proponent in writing before any of the proposed development is carried out that:
 - (i) it is satisfied that the proposed development will comply with paragraph (a), and
 - (ii) the proposed development is not prohibited development.

[2] Clause 55

Omit the clause. Insert instead:

55 Matters to take into account in areas shown in distinctive colouring and edged heavy black on the map marked “Marrickville Local Environmental Plan No 111 (Amendment No 1)”

- (1) Before granting consent to the carrying out of development on land within an area shown by distinctive colouring and edged heavy black on the map marked “Marrickville Local Environmental Plan No 111 (Amendment No 1)”, the consent authority is to have regard to the effect of carrying out the proposed development on the heritage significance of buildings situated on land within the area, and, if the proposed development is development for the purpose of a building, must make an assessment of:

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Schedule 1 Amendments

- (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 on existing buildings situated on land within the area.
- (2) Subclause (1) does not apply to the carrying out of development on land within an area shown by distinctive colouring and edged heavy black on the map marked “Marrickville Local Environmental Plan No 111 (Amendment No 1)”, if:
- (a) in the opinion of the consent authority, the proposed development:
 - (i) is of a minor nature or consists of maintenance, and
 - (ii) will not adversely affect the heritage significance of buildings situated on land within the area, and
 - (b) the proponent has notified the consent authority in writing of the proposed development, and
 - (c) the consent authority has advised the proponent in writing before any of the proposed development is carried out that:
 - (i) it is satisfied that the proposed development will comply with paragraph (a), and
 - (ii) the proposed development is not prohibited development.

[3] Schedule 1 Definitions

Omit “in distinctive colouring and edged heavy black” from the definition of *heritage conservation area*.

Insert instead “coloured green”.

[4] Schedule 1, definition of “heritage conservation area map”

Omit the definition. Insert instead:

heritage conservation area map means Sheets 1–5 of the map marked “Marrickville Local Environmental Plan 2001 (Amendment No 25)”, as amended by the maps, or specified sheets of maps, marked as follows:

[5] Schedule 1, definition of “heritage item”

Omit the definition. Insert instead:

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, lettered and edged heavy black on the heritage item map.

[6] Schedule 1

Insert in alphabetical order:

heritage item map means the map marked “Marrickville Local Environmental Plan 2001—Heritage Items”, as amended by the maps, or specified sheets of maps, marked as follows:

Marrickville Local Environmental Plan 2001 (Amendment No 1)—Sheet 2

[7] Schedule 5, heading

Omit the heading. Insert instead:

**Schedule 5 Heritage items, heritage
conservation areas and
archaeological sites**

[8] Schedule 5, Part 1

Omit the heading “Heritage conservation map reference” wherever occurring.

Insert instead “Heritage item map reference”.

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Schedule 1 Amendments

[9] Schedule 5, Part 2

Insert after the heading to the Part:

Name of Heritage Conservation Area (HCA)	Locality and description
HCA 1 The Abergeldie Estate	Dulwich Hill—Land shown coloured green and marked “Heritage Conservation Area (HCA 1)” on Sheet 1 of the heritage conservation area map.
HCA 2 King Street/Enmore Road	Newtown and Enmore—Land shown coloured green and marked “Heritage Conservation Area (HCA 2)” on Sheets 2–5 of the heritage conservation area map.

[10] Schedule 5, Part 3, heading

Omit “significant”.

BY AUTHORITY
