

MARRICKVILLE COUNCIL



MARRICKVILLE PLANNING SCHEME ORDINANCE (AS AMENDED)

(including amendments to 17 November, 2000)

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**MARRICKVILLE LOCAL ENVIRONMENTAL PLANS
(AMENDMENTS)**

LEP No.	Government Gazette	Effective date
No. 36	GG No. 187	4/12/87
No. 37	GG No. 78	8/5/87
No. 38	GG No. 38	21/8/87
No. 39	GG No. 159	9/10/87
No. 40	GG No. 147	18/9/87
No. 42	GG No. 162	6/10/87
No. 46	GG No. 79	29/4/88
No. 47	GG No. 145	16/9/88
No. 48	GG No. 132	12/8/88
No. 49	GG No. 123	29/7/88
No. 50	GG No. 92	1/9/89
No. 52	GG No. 37	31/3/89
No. 53	GG No. 174	25/11/88
No. 55	GG No. 84	21/7/89
No. 56	GG No. 101	10/8/90
No. 57	GG No. 84	21/7/89
No. 58	GG No. 111	7/11/89
No. 59	GG No. 102	20/10/89
No. 60	GG No. 109	10/11/89
No. 61	GG No. 90	25/8/89
No. 65	GG No. 119	8/12/89
No. 66	GG No. 114	24/11/89
No. 67	GG No. 90	20/7/90
No. 68	GG No. 41	30/3/90
No. 69	GG No. 44	30/3/90
No. 70	GG No. 71	1/6/90
No. 71	GG No. 97	3/8/90
No. 72	GG No. 97	3/8/90
No. 73	GG No. 129	19/10/90
No. 74	GG No. 152	23/11/90
No. 75	GG No. 133	26/10/90
No. 76	GG No. 152	23/11/90
No. 77	GG No. 18	25/1/91 (Refer LEP 97)
No. 78	GG No. 18	25/1/91
No. 79	GG No. 48	22/3/91
No. 80	GG No. 54	5/4/91
No. 82	GG No. 108	19/7/91
No. 83	GG No. 45	15/1/91
No. 84	GG No. 108	19/7/91
No. 85	GG No. 108	19/7/91
No. 86	GG No. 110	26/7/91
No. 87	GG No. 87	29/11/91
No. 88	GG No. 33	6/3/92
No. 89	GG No. 15	31/1/92
No. 90	GG No. 55	1/5/92
No. 91	GG No. 51	24/4/92
No. 92	GG No. 49	16/4/92
No. 93	GG No. 99	14/8/92
No. 94	GG No. 112	4/9/92
No. 96	GG No. 121	2/10/92
No. 97	GG No. 144	11/12/92
No. 98	GG No. 137	20/11/92
No. 99	GG No. 144	11/12/92
No. 100	GG No. 144	11/12/92
No. 101	GG No. 36	16/4/93

No. 102	GG No. 32	2/4/93
No. 103	GG No. 32	2/4/93
No. 104	GG No. 24	12/3/93
No. 105	GG No. 32	2/4/93
No. 106	GG No. 43	7/5/93
No. 107	GG No. 65	25/6/93
No. 108	GG No. 117	22/10/93
No. 109	GG No. 65	6/3/94
No. 110	GG No. 117	22/10/93
No. 113	GG No. 121	5/11/93
No. 114	GG No. 93	1/7/94
No. 115	GG No. 136	7/10/94
No. 116	GG No. 97	23/8/96
No. 117	GG No. 170	16/12/94
No. 119	GG No. 66	2/6/95
No. 120	GG No. 110	8/9/95
No. 121	GG No. 11	24/1/97
No. 123	GG No. 110	8/9/95
No. 124	GG No. 104	13/9/96
No. 125	GG No. 71	14/6/96
No. 126	GG No. 71	14/6/96
No. 127	GG No. 71	14/6/96
No. 128	GG No. 130	15/11/96
No. 129	GG No. 47	2/5/97
No. 132	GG No. 47	2/5/97
No. 134	GG No. 20	21/2/97
No. 135	GG No. 68	27/6/97
No. 136	GG No. 79	15/5/98
No. 137	GG No. 79	15/5/98
No. 138	GG No. 79	15/5/98
No. 139	GG No. 26	14/3/97
No. 140	GG No. 81	22/5/98
No. 144	GG No. 62	27/3/98
No. 145	GG No. 38	27/2/98
No. 146	GG No. 81	18/7/97
No. 147	GG No. 93	22/8/97
No. 148	GG No. 107	3/10/97
No. 149	GG No. 56	20/3/98
No. 150	GG No. 149	19/12/97
No. 151	GG No. 32	20/2/98
No. 152	GG No. 123	14/11/97
No. 153	GG No. 159	24/12/97
No. 154	GG No. 135	18/9/98
No. 155	GG No. 88	6/8/99
No. 156	GG No. 68	11/6/99
No. 157	GG No. 61	21/5/99
No. 158	GG No. 32	12/3/99
No. 160	GG No. 61	21/5/99
No. 161	GG No. 81	16/7/99
No. 163	GG No. 56	7/5/99
No. 164	GG No. 98	27/8/99
No. 166	GG No. 25	18/2/00
No. 167	GG No. 141	17/12/99
No. 169	GG No. 25	18/2/00
No. 171	GG No. 59	19/5/00
No. 173	GG No. 109	25/8/00
No. 174	GG No. 121	15/9/00

MARRICKVILLE PLANNING SCHEME ORDINANCE

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SCHEDULE

MARRICKVILLE PLANNING SCHEME ORDINANCE

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

[Head. am. Act No. 205 1979 s.14 Sch. 3]

PART I

Preliminary

Citation.

- 1 (1) This Ordinance may be cited as the "Marrickville Planning Scheme Ordinance".
- (2) The Planning Scheme prepared by the Council of the Municipality of Marrickville in respect of all land within the Municipality of Marrickville as constituted immediately prior to 1st August 1968, and Marrickville Local Environmental Plan No. 1, prepared by the Council, are embodied in this Ordinance.

[LEP No. 1 - subcl. 1(2) am. Gaz. No. 5 of 9 January, 1981 p.144]

Variation of County of Cumberland Planning Scheme.

2. The planning scheme referred to in clause 1(2) varies in certain respects the County of Cumberland Planning Scheme and incorporates all such provisions of that Scheme relating to land within the Municipality of Marrickville as are not inconsistent with the provisions of the Scheme so referred to.

Division into Parts.

3. [LEP No. 33 - cl. omitted Gaz. No. 62 of 3 April, 1987, p.1775]

SCHEDULES.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 172]

Interpretation.

4. (1) In this Ordinance, unless the context or subject matter otherwise indicates or requires -

“Advertising structure” has the meaning ascribed to it in Ordinance No. 55 under the Act, but does not include "temporary advertising structure" or "advertising structure for the purpose only of displaying a commercial sign" within the meaning of that Ordinance.

[LEP No. 1 - def. insert Gaz. No. 5 of 9 January, p. 145]

“**Agriculture**” has the meaning ascribed to it in section 514A of the Act.

“**Airline terminal**” means a building or place used for the assembly of passengers and goods prior to the transport of such passengers and goods either to or from an aerodrome.

“**Alter**” in relation to an item of the environmental heritage or to a building or work within a conservation area, means -

- (a) the making of structural changes to the outside of the item, building or work; or
- (b) the making of non-structural changes to the detail, fabric, finish or appearance of the outside of the item, building or work, not including the maintenance of the existing detail, fabric, finish or appearance of the outside of the item, building or work.

[LEP No. 50 - def. insert Gaz. No. 92 of 1 September, 1989, p. 6440, 6441]

“**Amusement centre**” means a building or place used for the purpose of playing electrically or mechanically operated amusement devices such as pinball machines, video machines, and the like.

[LEP No. 109 - def. insert Gaz. No. 65 of 6 March 1994, p. 2048]

“**Appointed day**” means the day upon which this Ordinance takes effect.

“**Boarding-house**” includes a house let-in-lodgings or a hostel but does not include a motel.

“**Brothel**” means premises used for the purpose 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.

[LEP No. 135 – def. Insert GG No. 68 of 27 June 1997, p. 5143-45]

“**Bulk store**” means a building or place used or intended for use 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.

“**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 repair station**” means a building or place used or intended for use for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being -

- (a) body building;
- (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 or intended for use as a child care centre within the meaning of Part VII of the Child Welfare Act, 1939.

[LEP No. 1 - def. insert Gaz. No. 5 of 9 January, 1981, p. 145]

“Club” means a building used or intended for use by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purpose whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under Part X of the Liquor Act, 1912.

“Commercial premises” means a building or place used or intended for use as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause or for a roadside stall.

“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 does not include a building or place elsewhere specifically defined in this clause.

[LEP No. 124 - def. insert Gaz. No. 104 of 13 September, 1996, p. 6374]

“Council” means the Council of the Municipality of Marrickville.

“County road” means -

- (a) any existing road indicated on the scheme map by a continuous red band on white between firm black lines;
- (b) any proposed road indicated on the scheme map by a broken red band between broken black lines; and
- (c) any proposed widening indicated on the scheme map by a broken red band between a firm black line and a broken black line.

“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.

[LEP No. 50 - def. insert Gaz. No. 92 of 1 September, 1989, p. 6441]

“Development” has the same meaning as it has in the Environmental Planning and Assessment Act 1979.

[LEP No. 33 - def. am. Gaz. No. 62 of 3 April, 1987, p. 1775]

“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.

[LEP No. 1 - def. insert Gaz. No. 5 of 9 January, 1981, p. 145]

“Dwelling-house” means a building containing one but not more than one dwelling.

[LEP No. 1 - def. am. Gaz. No. 5 of 9 January, 1981, p. 145]

“Educational establishment” means a building used or intended for use as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used or intended for use wholly or principally as an institution.

“Existing building” and **“existing work”**

[def. omitted Gaz. No. 33 of 5 March, 1982, p. 922]

“Existing use”

[def. omitted Gaz. No. 33 of 5 March, 1982, p. 922]

“Extractive industry” means an industry or undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on.

“Extractive material” means sand, gravel, clay, turf, soil, rock, stone and similar substances.

“Flat”

[LEP No. 1 - def. omitted Gaz. No. 5 of 9 January, 1981, p. 145]

“Floor space” includes all wall thicknesses, ducts, vents, staircases and lift wells, but does not include -

- (a) any car parking space in the building provided to meet the standards required by the responsible authority (but not such space provided in excess of such standards) or any internal access thereto;
- (b) space used for the loading or unloading of goods; and
- (c) lift towers, cooling towers, machinery and plant room and any storage space related thereto.

“General advertising structure”

[LEP No. 1 - def. omitted Gaz. No. 5 of 9 January, 1981, p. 145]

“Generating works” means a building or place used or intended for use for the purposes of making or generating gas, electricity, or other forms of energy.

“Group dwelling”

[LEP No. 161 – def. Omitted Gaz. No. 81 of 16 July, 1999, p. 5042]

“Heritage significance” means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

[LEP No. 50 - def. insert Gaz. No. 92 of 1 September, 1989, p. 6441]

“Home industry” means industry carried on in a building, not being a dwelling-house or dwelling in a residential flat building, under the following circumstances-

- (a) the building does not occupy a floor space exceeding 30 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by such person;

[LEP No. 1 - def. am. (metric conversion) Gaz. No. 5 of 9 January, 1981, p. 173]

- (b) the industry does not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
- (c) the industry does not involve exposure to view from any adjacent premises or from any public place of any unsightly matter; and
- (d) the industry does not require the provision of any essential service main of a greater capacity than that available in the locality.

[LEP No. 1 - def am. Gaz. No. 5 of 9 January, 1981, p. 173]

“Home occupation” means an occupation carried on in a dwelling-house, or a dwelling in a residential flat building by the permanent residents of the dwelling-house or such dwelling which does not involve any of the following -

- (a) the registration of the building under the Factories, Shops and Industries Act, 1962;
- (a1) prostitution (except where the activity is carried out by not more than one prostitute in a dwelling-house);
- (b) the employment of persons other than such residents;
- (c) 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, oil or otherwise;
- (d) the display of goods, whether in a window or otherwise; or
- (e) the exhibition of any notice, advertisement or sign other than a notice or sign exhibited on such dwelling-house or such dwelling to indicate the name and occupation of the resident.

[LEP No. 135 – def. am. GG No. 68 of 27 June 1997, p.5143-45]

“Hospital” means a building or place used as a -

- (a) hospital;
- (b) sanatorium;
- (c) health centre;
- (d) nursing home; or
- (e) home for aged persons, infirm persons, incurable persons or convalescent persons,

whether public or private, and includes a shop or dispensary used in conjunction therewith, but does not include an institution.

[LEP No. 1 - def. am. Gaz. No. 5 of 9 January, 1981, p. 145]

“Hotel” means any premises specified in a publican's licence issued under the Liquor Act, 1912.

“Industry” means -

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

“Institution” means -

- (a) a building used wholly or principally as a home or other establishment for intellectually handicapped persons within the meaning of the Child Welfare Act, 1939;
- (b) a mental hospital; or
- (c) a penal or reformatory establishment.

[LEP No. 1 - def. am. Gaz. No. 5 of 9 January, 1981, p. 146]

“Item of environmental heritage” means a building, work, relic or place of heritage significance to the Municipality of Marrickville -

- (a) situated on land edged heavy black on the map marked "Heritage Conservation"; or
- (b) described in Schedule 9.

[LEP No. 50 - def. insert Gaz. No. 92 of 1 September, 1989, p. 6441]

“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 and for the sale of parts thereof.

“Landscaped area”, in relation to a site area, means that part of the site area not occupied by any building or buildings, 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.

[LEP No. 1 - def. insert Gaz. No. 5 of 9 January, 1981, p. 146]

“Large dwelling” means a dwelling, the floor space of which is more than 85 square metres.

[LEP No. 1 - def. insert Gaz. No. 5 of 9 January, 1981, p. 146]

“Liquid fuel depot” means a depot or place used or intended for use for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquids.

“Main road” means a main road within the meaning of the Main Roads Act, 1924.

“Medium dwelling” means a dwelling, the floor space of which is not less than 55 square metres and not more than 85 square metres.

[LEP No. 1 - def. insert Gaz. No. 5 of 9 January, 1981, p. 146]

“Mine” means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode, or reef whereon, wherein or whereby any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method, and any place adjoining 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, not being an hotel, a boarding-house or a residential flat building, substantially used or intended for use for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also used or intended for use in the provision of meals to such travellers or the general public.

“Motor showroom” means a building or place used or intended for use for the display or sale of motor vehicles and accessories.

“Offensive or hazardous industry” means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

“Place of assembly” means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and 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 church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training.

“Professional consulting rooms” means a room or a number of rooms forming part of, attached to, or within the curtilage of, a dwelling-house and used or intended for use by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the Dentists Act, 1934, who practise therein the profession of medicine or dentistry respectively and, if more than one, practise in partnership, and who employ not more than three employees in connection with such practice.

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

“Public utility undertaking” means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act, that is to say -

- (a) railway, road transport, water transport, air transport, wharf or river undertakings;
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services;

and any reference to a person carrying on any public utility undertaking shall be deemed to include a reference to a council, county council, Government Department, corporation, firm or authority carrying on such undertaking.

“Recreation area” means -

- (a) a children's playground;
- (b) an area used for sporting activities or sporting facilities; or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by -
 - (i) the Council; or
 - (ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

[LEP No. 33 - def. insert Gaz. No. 62 of 3 April, 1987, p. 1775]

“Recreation establishment” means a building or place used or intended for use for the purpose of a health farm, religious retreat house, rest home, riding school, youth camp or for any other recreational or sporting purpose and whether used for the purposes of gain or not, but does not include a place of assembly or a recreation facility.

[LEP No. 1 - def. insert Gaz. No. 5 of 9 January, 1981, p. 146]

“Recreation facility” means a billiard saloon, table tennis centre, squash court, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used or intended for use for indoor recreation whether used for the purpose of gain or not, but does not include a place of assembly or an amusement centre.

[LEP No. 1 - def. insert Gaz. No. 5 of 9 January, 1981, p. 147]

[LEP No. 109 - am. def (words “or amusement centre” added) Gaz. No. 65 of 6 May, 1994, p. 2048-2049]

“Refreshment room” means a restaurant, cafe, tea room, eating house or the like.

“Relic” means any deposit, object or material evidence relating to the settlement (including aboriginal habitation) of the area of the Municipality of Marrickville which is 50 or more years old.

[LEP No. 50 - def. insert Gaz. No. 92 of 1 September, 1989, p. 6441]

“Residential flat building” means a building containing 2 or more dwellings situated on a single allotment of land.

[LEP No. 1 - def. am. Gaz. No. 5 of 9 January, 1981, p. 147]

“Residential flat building Class A”

[LEP No. 1 - def. omitted Gaz. No. 5 of 9 January, 1981, p. 147]

“Residential flat building Class B”

[LEP No. 1 - def. omitted Gaz. No. 5 of 9 January, 1981, p. 147]

“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;

[LEP No. 132 – def. Insert. Gaz. No. 47 of 2 May, 1997, p. 2542]

“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 such goods and for the parking, servicing and repair of such vehicles.

“Sawmill” means a mill handling, cutting and processing timber from logs or baulks.

“Schedule” means a schedule to this Ordinance.

“Scheme” means the Marrickville Planning Scheme embodied in this Ordinance.

“Scheme map” means the series of maps marked "Marrickville Local Environmental Plan No. 33", as amended by the maps marked as follows:

Marrickville Local Environmental Plan No. 36 (GG No. 187 dated 4/12/87)
Marrickville Local Environmental Plan No. 39 (GG No. 159 dated 9/10/87)
Marrickville Local Environmental Plan No. 40 (GG No. 147 dated 18/9/87)
Marrickville Local Environmental Plan No. 42 (GG No. 162 dated 6/10/87)
Marrickville Local Environmental Plan No. 46 (GG No. 79 dated 29/4/88)
Marrickville Local Environmental Plan No. 48 (GG No. 132 dated 12/8/88)
Marrickville Local Environmental Plan No. 49 (GG No. 123 dated 29/7/88)
Marrickville Local Environmental Plan No. 52 (GG No. 37 dated 31/3/89)
Marrickville Local Environmental Plan No. 55 (GG No. 84 dated 21/7/89)
Marrickville Local Environmental Plan No. 56 (GG No. 101 dated 10/8/90)
Marrickville Local Environmental Plan No. 57 (GG No. 84 dated 21/7/89)
Marrickville Local Environmental Plan No. 58 (GG No. 111 dated 7/11/89)
Marrickville Local Environmental Plan No. 59 (GG No. 102 dated 20/10/89)
Marrickville Local Environmental Plan No. 60 (GG No. 109 dated 10/11/89)
Marrickville Local Environmental Plan No. 65 (GG No. 119 dated 8/12/89)
Marrickville Local Environmental Plan No. 67 (GG No. 90 dated 20/7/90)
Marrickville Local Environmental Plan No. 70 (GG No. 71 dated 1/6/90)
Marrickville Local Environmental Plan No. 71 (GG No. 97 dated 3/8/90)
Marrickville Local Environmental Plan No. 72 (GG No. 97 dated 3/8/90)
Marrickville Local Environmental Plan No. 73 (GG No. 129 dated 19/10/90)
Marrickville Local Environmental Plan No. 74 (GG No. 152 dated 23/11/90)
Marrickville Local Environmental Plan No. 76 (GG No. 152 dated 23/11/90)
Marrickville Local Environmental Plan No. 78 (GG No. 18 dated 25/1/91)
Marrickville Local Environmental Plan No. 79 (GG No. 48 dated 22/3/91)
Marrickville Local Environmental Plan No. 80 (GG No. 54 dated 5/4/91)
Marrickville Local Environmental Plan No. 84 (GG No. 108 dated 19/7/91)
Marrickville Local Environmental Plan No. 85 (GG No. 108 dated 19/7/91)
Marrickville Local Environmental Plan No. 88 (GG No. 33 dated 6/3/92)
Marrickville Local Environmental Plan No. 90 (GG No. 55 dated 1/5/92)
Marrickville Local Environmental Plan No. 96 (GG No. 121 dated 2/10/92)
Marrickville Local Environmental Plan No. 99 (GG No. 144 dated 11/12/92)
Marrickville Local Environmental Plan No. 101 (GG No. 36 dated 16/4/93)
Marrickville Local Environmental Plan No. 107 (GG No. 65 dated 25/6/93)
Marrickville Local Environmental Plan No. 108 (GG No. 117 dated 22/10/93)
Marrickville Local Environmental Plan No. 110 (GG No. 117 dated 22/10/93)
Marrickville Local Environmental Plan No. 113 (GG No. 121 dated 5/11/93)

Marrickville Local Environmental Plan No. 117 (GG No. 170 dated 16/12/94)
Marrickville Local Environmental Plan No. 119 (GG No. 66 dated 2/6/95)
Marrickville Local Environmental Plan No. 120 (GG No. 110 dated 8/9/95)
Marrickville Local Environmental Plan No. 121 (GG No. 11 dated 24/1/97)
Marrickville Local Environmental Plan No. 124 (GG No. 104 dated 13/9/96)
Marrickville Local Environmental Plan No. 125 (GG No. 71 dated 14/6/96)
Marrickville Local Environmental Plan No. 126 (GG No. 71 dated 14/6/96)
Marrickville Local Environmental Plan No. 128 (GG No. 130 dated 15/11/96)
Marrickville Local Environmental Plan No. 129 (GG No. 47 dated 2/5/97)
Marrickville Local Environmental Plan No. 132 (GG No. 47 dated 2/5/97)
Marrickville Local Environmental Plan No. 146 (GG No. 81 dated 18/7/97)
Marrickville Local Environmental Plan No. 147 (GG No. 93 dated 22/8/97)
Marrickville Local Environmental Plan No. 148 (GG No. 107 dated 3/10/97)
Marrickville Local Environmental Plan No. 152 (GG No. 123 dated 14/11/97)
Marrickville Local Environmental Plan No. 150 (GG No. 149 dated 19/12/97)
Marrickville Local Environmental Plan No. 153 (GG No. 159 dated 24/12/97)
Marrickville Local Environmental Plan No. 145 (GG No. 38 dated 27/2/98)
Marrickville Local Environmental Plan No. 151 (GG No. 32 dated 20/3/98)
Marrickville Local Environmental Plan No. 149 (GG No. 56 dated 20/3/98)
Marrickville Local Environmental Plan No. 144 (GG No. 62 dated 27/3/98)
Marrickville Local Environmental Plan No. 136 (GG No. 79 dated 15/5/98)
Marrickville Local Environmental Plan No. 137 (GG No. 79 dated 15/5/98)
Marrickville Local Environmental Plan No. 138 (GG No. 79 dated 15/5/98)
Marrickville Local Environmental Plan No. 139 (GG No. 26 dated 14/3/97)
Marrickville Local Environmental Plan No. 140 (GG No. 81 dated 22/5/98)
Marrickville Local Environmental Plan No. 154 (GG No. 135 dated 18/9/98)
Marrickville Local Environmental Plan No. 155 – Sheet 1 (GG No. 88 dated 6/8/99)
Marrickville Local Environmental Plan No. 156 (GG No. 68 dated 11/6/99)
Marrickville Local Environmental Plan No. 157 (GG No. 61 dated 21/6/99)
Marrickville Local Environmental Plan No. 158 (GG No. 32 dated 12/3/99)
Marrickville Local Environmental Plan No. 160 (GG No. 61 dated 21/5/99)
Marrickville Local Environmental Plan No. 161 (GG No. 81 dated 16/7/99)
Marrickville Local Environmental Plan No. 163 (GG No. 56 dated 7/5/99)
Marrickville Local Environmental Plan No. 164 (GG No. 98 dated 27/8/99)
Marrickville Local Environmental Plan No. 166 (GG No. 25 dated 18/2/00)
Marrickville Local Environmental Plan No. 167 (GG No. 141 dated 17/12/99)
Marrickville Local Environmental Plan No. 169 (GG No. 25 dated 18/2/00)
Marrickville Local Environmental Plan No. 171 (GG No. 59 dated 19/5/00)
Marrickville Local Environmental Plan No. 173 (GG No. 109 dated 25/8/00)
Marrickville Local Environmental Plan No. 174 (GG No. 121 dated 15/9/00)

“Service station” means a building or place used or intended for use for the fuelling of motor vehicles involving the sale by retail of petrol, oils and other petroleum products whether or not the building or place is also used or intended for use 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 provided that such repairing and servicing shall not include top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration.

“Shop” means a building or place used or intended for use for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause or for a roadside stall.

“Site area”, in relation to an allotment of land the subject of an application for consent under this Ordinance, means the area of that land, excluding therefrom any land upon which the development to which the application relates is not permitted by or under this Ordinance.

[LEP No. 1 - def. insert Gaz. No. 5 of 9 January, 1981, p. 147]

“Small dwelling” means a dwelling, the floor space of which is less than 55 square metres.

[LEP No. 1 - def. insert Gaz. No. 5 of 9 January, 1981, p. 147]

“Stock and sale yard” means a building or place used or intended for the purpose of offering animals for sale and includes a public cattle market.

“Subdivision” has the same meaning as it has in the Environmental Planning and Assessment Act 1979.

[LEP No. 33 - def. insert Gaz. No. 62 of 3 April, 1987, p. 1775]

“The Act” means the Local Government Act, 1919.

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

“Units for aged persons” means a residential flat building used or intended to be used to house aged persons as defined in the Aged Persons Homes Act 1954, as amended, of the Parliament of the Commonwealth, erected or to be erected by an eligible organisation as defined in that Act, the Housing Commission of New South Wales or any other Department or instrumentality of the Crown.

“Utility installation” means a building or work intended for use 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 or intended for use for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

“Zone” means land referred to in Column I of the Table to clause 23 and shown on the scheme map by distinctive colouring or edging or in some distinctive manner as referred to in such Column for the purpose of indicating the restrictions imposed by Part III on the erection and use of buildings the carrying out and use of works or the use of land in such zone.

(2) The letters and symbols “W.S. & D.” where appearing on the scheme map mean “Metropolitan Water Sewerage and Drainage Board purposes”.

(3) In this Ordinance -

- (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

(b) a reference to a map is a reference to a map deposited in the office of the Council.
[LEP No. 5 - cl. 3 insert, Gaz. No. 185 of 11 December, 1981, p. 6384]
[LEP No. 33 - def. am. Gaz. No. 62 of 3 April, 1987, p. 1775]

Land to which Scheme Applies.

5. This Ordinance applies to all land within the Municipality of Marrickville as shown on the scheme map, with boundaries as indicated on such map.

[LEP No. 1 - def. am. Gaz No. 5 of 9 January, 1981, p. 147]

Responsible Authorities.

6. (1) In respect of the provisions of this Ordinance relating to -

- (a) the acquisition and transfer of land reserved under Division 2 or 3 of Part II for county open space, special use (other than land reserved for the purposes of a civic centre or a carpark), new county roads and widening of existing county roads;
- (b) subcl. omitted [LEP No. 50, Gaz. No. 92 of 1 September, 1989]
- (c) the relocation or alteration of the route of any county road indicated on the scheme map;
- (d) controlled access roads; and
- (e) any matters in respect of which the Department is expressly charged with any power, authority, duty or function;

the Department shall be the responsible authority and shall be charged with the functions of carrying into effect and enforcing such provisions.

[LEP No. 33 - cl. 1(a) am. Gaz. No. 62 of 3 April, 1987]
[LEP No. 50 - def. am. Gaz. No. 92 of 1 September, 1989, p. 6441]

(2) The Council shall, subject to this Ordinance, be the responsible authority and shall be charged with the functions of carrying into effect and enforcing the provisions of this Ordinance relating to any power, authority, duty or function other than those enumerated in subclause (1).

[LEP No. 1 - subcl. 6(1) am. Gaz. No. 5 of 9 January, 1981, p. 172]
[LEP No. 33 - subcl. 6(1)(a) am. Gaz. No. 62 of 3 April, 1987, p. 1775]

PART II
Reservation and Restriction on Use of Land
Division 1

Application of Part

7. This Part shall apply to all land shown on the scheme map in the following manner, viz:

All land coloured light green with red edging with the letter "C" in red superimposed thereon;

All land coloured yellow with green edging with scarlet lettering superimposed thereon;

All land coloured light green;

All land coloured grey between broken black lines and all land coloured grey between a firm black line and a broken black line;

All land shown by a broken red band between a firm black line and a broken black line and by a broken red band between broken black lines.

Definitions.

8. In this Part, unless the context or subject matter otherwise indicates or requires -

“Built-up land” means all land other than vacant land;

“Vacant land” means land upon which immediately before the appointed day there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summer-houses, private boathouses, fuel sheds, tool-houses, cycle sheds, aviaries, milking bails, haysheds, stables, fowl-houses, pig sties, barns or the like.

Division 2

Reservation of land.

9. The several pieces of land specified in Column 1 of the Table to this clause are reserved for the purposes set out opposite such land in Column 2 of the Table.

TABLE

Column 1	Column 2
Indication on scheme map of land reserved	Purposes for which land is reserved
All land coloured light green with red edging with the letter "C" in red superimposed thereon.	County open space.
All land coloured yellow with green edging with scarlet lettering superimposed thereon.	Special use - the particular purpose shown by scarlet lettering on the scheme map.
All land coloured light green.	Parks and recreation.
All land coloured grey between broken black lines and all land coloured grey between a firm black line and a broken black line.	New local roads and widening of existing local roads.

Buildings, etc., not to be erected on reserved land without consent.

10. (1) Except as provided in subclause (2) a person shall not on land reserved under this Division erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation other than a building or a permanent work or a permanent excavation required for or incidental to the purpose for which the land is so reserved.

(2) Where it appears to the responsible authority that the purpose for which the land is reserved under this Division cannot be carried into effect within a reasonable time after the appointed day the owner of such land may with the consent of the responsible authority erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation.

(3) Any such consent shall be subject to such conditions including conditions with respect to the removal or alteration of the building, work or excavation, or any such alteration of a work or excavation, or the reinstatement of the land or the removal of any waste material or refuse, with or without payment of compensation, as the responsible authority thinks fit.

(4) Nothing in this clause shall operate to prohibit the erection of a fence on any land reserved under this Division or the erection or construction, with the consent of the responsible authority, on such land of any essential utility installation.

Division 3.

Application of Division.

11. This Division shall apply only to vacant land and the expression "land" where used in this Division means vacant land.

Reservation of land.

12. The several pieces of land specified in Column 1 of the Table to this clause are reserved for the purposes set out opposite such land in Column 2 of the Table.

TABLE.

Column 1.	Column 2.
Indication on scheme map of land reserved.	Purposes for which land is reserved.
All land shown by a broken red band between a firm black line and a broken black line.	Widening of existing county roads.
All land shown by a broken red band between broken black lines.	New county roads.

Buildings, etc., not to be erected on reserved land without consent.

13. (1) Except as provided in subclause (2) a person shall not on land reserved under this Division erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation other than a building or a permanent work or a permanent excavation required for or incidental to the purpose for which the land is so reserved.

(2) Where it appears to the responsible authority that the purpose for which the land is reserved under this Division cannot be carried into effect within a reasonable time after the appointed day the owner of such land may with the consent of the responsible authority and of the Commissioner for Main Roads erect a building or carry out or alter a permanent character or make or alter a permanent excavation.

(3) Any such consent shall be subject to such conditions with respect to the removal or alteration of the building, work or excavation or any such alteration of a work or excavation or the reinstatement of the land or the removal of any waste material or refuse, with or without payment of compensation, as the responsible authority thinks fit, and to such conditions as the Commissioner for Main Roads requires to be imposed.

(4) Nothing in this clause shall operate to prohibit the erection of a fence on any land reserved under this Division.

Division 4.

Application of Division.

14. This Division shall apply only to land which is built-up land and the expression "land" where used in this Division means built-up land.

Built-up land on proposed routes of roads.

15. (1) This clause shall apply only to the following land, namely, all land shown on the scheme map by a broken red band between a firm black line and a broken black line and by a broken red band between broken black lines.

(2) Land shall not be used without the consent of the responsible authority for any purpose other than the purpose for which the land was used immediately before the appointed day.

(3) The erection of a building shall not be undertaken without the consent of the responsible authority.

Division 5.

Application of Division.

16. This Division shall apply both to vacant land and built-up land.

Restriction on use of land.

17. (1) Land which is reserved under Division 2 or 3 shall not be used without the consent of the responsible authority for any purpose other than the purpose for which it was used immediately before 12th July, 1946.

(2) Nothing in subclause (1) shall prevent the use of land for a purpose other than the purpose for which it was used immediately before 12th July, 1946, where consent to the first mentioned use has been granted either in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or Division 7 of Part XI A of the Act or the County of Cumberland Planning Scheme Ordinance.

Acquisition of land.

18. (1) The owner of any land reserved under Division 2 or 3 upon which the erection of any building or the carrying out or alteration of any permanent character, or the making or alteration of any permanent excavation is prohibited except for or incidental to a purpose for which the land is so reserved, or the owner of any land so reserved, in respect of which the responsible authority has refused its consent pursuant to clause 10 (2), clause 13 (2) or clause 17, may, by notice in writing, require the responsible authority to acquire such land.

(2) Upon receipt of such notice the responsible authority shall acquire the land to which the notice relates.

Transfer of land.

19. Where the Department has acquired any land, whether under this scheme or under the County of Cumberland Planning Scheme, for new county roads, widening of existing county roads, county open space, parks and recreation areas, foreshore reservations or places of natural beauty and advantage, it may, and upon such terms and conditions as may be agreed -

- (a) transfer to the Commissioner for Main Roads any land acquired by the Department for new county roads or widening of existing county roads;
- (b) transfer to the Council any land acquired by the Department for county open space, parks and recreation areas, foreshore reservations or places of natural beauty and advantage; or
- (c) with the consent of the Council or of any public body or trustees, as the case may be, place any land acquired by Department for county open space, parks and recreation areas, foreshore reservations or places of natural beauty and advantage, under the care, control and management of such Council, public body or trustees.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 172]

Schedule of proposals.

20. (1) The Commissioner for Main Roads may from time to time notify the Department of a schedule of proposals in relation to proposed county roads in conformity with this scheme which the Commissioner, pursuant to any powers, authorities, duties and functions conferred by any Act, proposes to carry into effect in relation to such land.

(2) Where any such notice has been given the Department shall not thereafter incur any expense in respect of the acquisition of, or otherwise in relation to, the land which is required in connection with such proposals and shall upon such terms and conditions as may be agreed transfer to the Commissioner any land which has been acquired by the Department in connection with such proposals before the receipt of such notice.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 172]

Relocation of county roads.

21. (1) The Department may, with the concurrence of the Commissioner for Main Roads, relocate or alter the route of any county road indicated on the scheme map.

(2) The Commissioner for Main Roads may make application to the Department for the relocation or alteration of the route of any such road and shall indicate the relocation or alteration required.

(3) Where the Department proposes to relocate or alter the route of any county road the Department shall -

- (a) notify brief particulars in the Gazette and in a Sydney daily newspaper; and
- (b) in respect of each parcel of land affected by such relocation or alteration, notify the person who is shown in the rate book of the Council as the owner of the land, of such proposal by registered letter addressed to the last known address of that person as recorded in the rate book.

Any such notification shall state that full particulars of the proposed relocation or alteration together with a plan or aerial photograph showing the land affected thereby, may be inspected at such places as are designated and that objections against the proposal may be made in writing to the Department on or before the date specified in the notice by any person who has an estate or interest in the land.

(4) On or before the date so specified any such person may make objection in writing to the Department against the proposal to relocate or alter the route of any county road.

(5) The Department shall consider any such objection and after making any adjustments which may be considered desirable and which are concurred in by the Commissioner for Main Roads may with the approval of the Governor relocate or alter the route of the county road.

(6) Where the route of a county road has been relocated or altered under the preceding provisions of this clause, the Department shall cause to be prepared three copies of a plan showing such relocation or alteration and the land which is required for the purposes of the county road as so relocated or altered. The plan shall also indicate any land which is no longer required for the purpose of the county road as relocated or altered and the zones in which such land shall be included or the purposes for which such land shall be reserved in accordance with this Part.

Such copies of the plan shall be sealed with the seal of the Department and thereafter one plan shall be attached to the scheme map, one shall be forwarded to the Council and the other shall be forwarded to the Commissioner for Main Roads. The Department shall cause to be published in the Gazette and in a Sydney daily newspaper notification that the route of the county road has been relocated or altered and that the copies of the plan have been forwarded to the authorities referred to in this subclause.

(7) Upon publication of the notification referred to in subclause (6) the provisions of Divisions 3 and 4 relating to county roads shall thereupon -

- (a) cease to apply to the land shown on the plan referred to in such notification as being no longer required for the purpose of the county road as relocated or altered and such land shall be deemed to be included in the zone indicated on such plan or reserved in accordance with the provisions of this Part and the provisions of this Ordinance relating to land included in a zone or so reserved shall apply to such land; and

- (b) apply to any land shown in the plan referred to in such notification as being required for the purposes of the county road as relocated or altered in all respects and to the like extent as if such land were land to which this Part applies and the provisions of Division 3 or 4 shall apply thereto in the case of vacant land and built-up land respectively and such land shall be deemed to be no longer included in a zone or reserved for purposes other than county roads and the provisions of this Ordinance relating to land included in a zone or so reserved shall cease to apply to such land.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 172]

Relocation of local roads.

22. The provisions of clause 21 shall mutatis mutandis, apply to land shown on the scheme map grey between broken black lines and grey between a firm black line and a broken black line provided, however, that a reference in the said clause to "the Department" shall be read and construed as a reference to "the Council" and the concurrence of the Commissioner for Main Roads shall not be necessary to the relocation or alteration of the route of any proposed road for which the land is reserved nor shall the Commissioner be entitled to make application for any such relocation or alteration.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 172]

PART III.

Restrictions on Building and Use of Land.

Erection or use of buildings or works.

23. Subject to Parts IV, V, VI and VII, the purposes -

(a) for which buildings or works may be erected, carried out or used without the consent of the responsible authority;

(b) for which buildings or works may be erected, carried out or used only with the consent of the responsible authority, where that consent cannot be refused, and subject to such conditions as may be imposed by the responsible authority;

(c) for which buildings or works may be erected, carried out or used only with the consent of the responsible authority; and

(d) for which buildings or works may not be erected, carried out or used;

in each of the zones specified in Column I of the Table to this clause are respectively shown opposite thereto in Columns II, III, IV and V of the Table.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 172]
[par. 23(b), am. Gaz. No. 33 of 5 March, 1982, p. 922]

TABLE

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
1. NON-URBAN: Nil.	.....	.....	.....	.....
2. RESIDENTIAL (a) Residential 'A'. Light Scarlet.	Dwelling-houses	.....	Any purpose other than those included in Column II or V.	Amusement centres, boarding-houses; brothels; bulk stores; caravan parks; car repair stations; clubs; commercial premises; gas holders; generating works; hotels, industries other than home industries; institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; recreation facilities; refreshment rooms; residential flat buildings other than units, of not more than two-floor construction, for aged persons; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; timber yards; transport terminals; warehouses.

[LEP No. 1 – table inserted]

[LEP No. 26 - Table am. (recreation facilities inserted) Gaz. No. 175 of 7 November, 1986, p. 5464]

[LEP No. 109 - (amusement centres inserted) Gaz. No. 65 of 6/5/94]

[LEP No. 132 - (retail plant nurseries inserted) Gaz. No. 47 of 2/5/97]

[LEP No. 135 – (brothels insert.) GG No. 68 of 27 June 1997, p. 5143-45]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(b1) Residential 'B1'. Light Scarlet with dark red edging and lettered 2(b1).	Dwelling-houses	.....	Boarding-houses; community facilities; educational establishments; home industries; home occupations; hospitals; maternity or child care centres; parks and gardens; places of public worship; professional consulting rooms; public buildings; recreation areas; residential flat buildings; roads; units, of not more than two-floor construction, for aged persons; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. (recreation facilities inserted) Gaz No. 62 of 3 April, 1987, p. 1776]
 [LEP No. 124 - (community facilities inserted) Gaz. No. 104 of 13/9/96]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(b2) Residential 'B2'. Light Scarlet with dark red edging and lettered 2(b2).	Dwelling-houses	.....	Boarding-houses; community facilities; educational establishments; home industries; home occupations; hospitals; maternity or child care centres; parks and gardens; places of public worship; professional consulting rooms; public buildings; recreation areas; residential flat buildings; roads; units, of not more than two-floor construction, for aged persons; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. (recreation areas inserted) Gaz No. 62 of 3 April, 1987, p. 1776]
 [LEP No. 124 - (community facilities inserted) Gaz. No. 104 of 13/9/96]

TABLE - continued.

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Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(c1) Residential 'C1'. Light Scarlet with dark red edging and lettered 2(c1).	Dwelling-houses	.....	Boarding-houses; community facilities; educational establishments; home industries; home occupations; hospitals; maternity or child care centres; parks and gardens; places of public worship; professional consulting rooms; public buildings; recreation areas; residential flat buildings; roads; units, of not more than two-floor construction, for aged persons; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. (recreation areas inserted) Gaz No. 62 of 3 April, 1987, p. 1776]
 [LEP No. 124 - (community facilities inserted) Gaz. No. 104 of 13/9/96]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(c2) Residential 'C2'. Light Scarlet with dark red edging and lettered 2(c2).	Dwelling-houses	.....	Boarding-houses; community facilities; educational establishments; home industries; home occupations; hospitals; maternity or child care centres; parks and gardens; places of public worship; professional consulting rooms; public buildings; recreation areas; residential flat buildings; roads; units, of not more than two-floor construction, for aged persons; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. (recreation areas inserted) Gaz No. 62 of 3 April, 1987, p. 1776]
 [LEP No. 124 - (community facilities inserted) Gaz. No. 104 of 13/9/96]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(c3) Residential 'C3'. Light Scarlet with dark red edging and lettered 2(c3).	Dwelling-houses	.....	Boarding-houses; community facilities; educational establishments; home industries; home occupations; hospitals; maternity or child care centres; parks and gardens; places of public worship; professional consulting rooms; public buildings; recreation areas; residential flat buildings; roads; units, of not more than two-floor construction, for aged persons; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. (recreation areas inserted) Gaz No. 62 of 3 April, 1987, p. 1776]
 [LEP No. 124 - (community facilities inserted) Gaz. No. 104 of 13/9/96]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(c4) Residential 'C4'. Light Scarlet with dark red edging and lettered 2(c4).	Dwelling-houses	.....	Boarding-houses; community facilities; educational establishments; home industries; home occupations; hospitals; maternity or child care centres; parks and gardens; places of public worship; professional consulting rooms; public buildings; recreation areas; residential flat buildings; roads; units, of not more than two-floor construction, for aged persons; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. (recreation areas inserted) Gaz No. 62 of 3 April, 1987, p. 1776]
 [LEP No. 124 - (community facilities inserted) Gaz. No. 104 of 13/9/96]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(c5) Residential 'C5'. Light Scarlet with dark red edging and lettered 2(c5).	Dwelling-houses	.....	Boarding-houses; community facilities; educational establishments; home occupations; hospitals; maternity or child care centres; parks and gardens; places of public worship; professional consulting rooms; public buildings; recreation areas; residential flat buildings; roads; units, of not more than two-floor construction, for aged persons; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.

[LEP No. 1 – table inserted]

[LEP No. 33 - Table am. (recreation areas inserted) Gaz No. 62 of 3 April, 1987, p. 1776]

[LEP No. 124 - (community facilities inserted) Gaz. No. 104 of 13/9/96]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(c6) Residential 'C6'. Light Scarlet with dark red edging and lettered 2(c6).	Dwelling-houses	.....	Boarding-houses; community facilities; educational establishments; home occupations; hospitals; maternity or child care centres; parks and gardens; places of public worship; professional consulting rooms; public buildings; recreation areas; residential flat buildings; roads; units, of not more than two-floor construction, for aged persons; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.

[LEP No. 1 – table inserted]

[LEP No. 33 - Table am. (recreation areas inserted) Gaz No. 62 of 3 April, 1987, p. 1776]

[LEP No. 124 - (community facilities inserted) Gaz. No. 104 of 13/9/96]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(c7) Residential 'C7'. Light Scarlet with dark red edging and lettered 2(c7).	Dwelling-houses	.....	Boarding-houses; community facilities; educational establishments; home occupations; hospitals; maternity or child care centres; parks and gardens; places of public worship; professional consulting rooms; public buildings; recreation areas; residential flat buildings; roads; units, of not more than two-floor construction, for aged persons; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.

[LEP No. 1 – table inserted]

[LEP No. 33 - Table am. (recreation areas inserted) Gaz No. 62 of 3 April, 1987, p. 1776]

[LEP No. 124 - (community facilities inserted) Gaz. No. 104 of 13/9/96]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(d) Residential 'D'.				

[LEP No. 1 – table inserted]
[LEP No. 33 - Table omitted Gaz No. 62 of 3 April, 1987, p. 1776]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
3. BUSINESS (a) Business General. Light blue	.....	Shops referred to in Schedule 1, the floor space of which does not exceed 1000 square metres; commercial premises referred to in Schedule 1, the floor space of which does not exceed 1500 square metres.	Any purpose other than those included in Column III or V.	Amusement centres; caravan parks; car repair stations; dwelling houses (other than those attached to commercial premises or shops); dwellings (other than those attached to commercial premises or shops); gas holders; generating works; industries referred to in Schedule 4; institutions; junk yards; liquid fuel depots; mines; motor showrooms; rag collecting and rag dealing; residential flat buildings; stock and sale yards; transport terminals.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. (words “used in conjunction with” omitted “attached to” inserted) Gaz No. 62 of 3 April, 1987, p. 1776]
 [LEP No. 109 - (amusement centres inserted) Gaz. No. 65 of 6/5/94]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(b) Business (Special). Light blue with dark red edging and lettered 3 (b).	.....	.....	Airline terminals; clubs; commercial premises (other than rag collecting and rag dealing); dwelling houses attached to commercial premises; dwellings attached to commercial premises; hotels; motels; places of public worship; professional consulting rooms; public buildings; recreation areas; roads; service stations; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column IV.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. (words “used in conjunction with” omitted) Gaz No. 62 of 3 April, 1987, p. 1776]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(c) Business (Automotive). Light blue with dark red edging and lettered 3 (c).	.....	.....	Auto electricians' workshops; automotive spare parts sales; car battery supplies and repairs; car repair stations; drive-in take away food shops; motels; motor showrooms; parking stations; recreation areas; service stations; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column IV.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. (recreations areas inserted) Gaz No. 62 of 3 April, 1987, p. 1776]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(d) Neighbourhood Business. Dark blue	.....	Shops referred to in Schedule 1 in a building or a group of buildings to be used wholly or partly as shops having a total floor space not exceeding 500 square metres; dwelling-houses or dwellings attached to those shops.	Commercial premises (other than rag collecting and rag dealing); drainage; dwelling houses attached to commercial premises, purposes referred to in Schedule 2 or shops other than those referred to in Column III; dwellings attached to commercial premises, purposes referred to in Schedule 2 or shops other than those referred to in Column III; maternity or child care centres; purposes referred to in Schedule 2; recreation areas; retail plant nurseries; roads; shops other than those referred to in Column III; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column III or V.

[LEP No. 1 – table inserted]

[LEP No. 33 - Table am. (words “used in conjunction with” omitted & “recreation areas” inserted) Gaz No. 62 of 3 April, 1987, p. 1776]

[LEP No. 132 - (retail plant nurseries inserted) Gaz. No. 42 of 2/5/97]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
4. INDUSTRIAL (a) Industrial General. Purple	.....	Industries referred to in Schedule 5; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column III or V.	Airline terminals; amusement centres; caravan parks; commercial premises (other than banks, rag collecting, rag dealing and timber yards); dwelling houses (other than those used in conjunction with industry and situated on the same land as the industry); educational establishments; extractive industries; hospitals; institutions; mines; motels; motor showrooms; offensive or hazardous industries; places of assembly; residential flat buildings (other than those used in conjunction with industry and situated on the same land as the industry); stock and sale yards; shops other than those referred to in Schedule 6.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. Gaz No. 62 of 3 April, 1987, p. 1776]
 [LEP No. 109 - (amusement centres inserted) Gaz. No. 65 of 6/5/94]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(b) Industrial Light. Purple with dark red edging and lettered 4 (b).	.....	.....	Any purpose other than those included in Column V.	Airline terminals; amusement centres; caravan parks; commercial premises (other than banks, rag collecting, rag dealing and timber yards); dwelling houses (other than those used in conjunction with industry and situated on the same land as the industry); educational establishments; hospitals; hotels; industries referred to in Schedule 4; institutions; junk yards; liquid fuel depots; mines; motels; residential flat buildings (other than those used in conjunction with industry and situated on the same land as the industry); roadside stalls; shops other than those referred to in Schedule 6; stock and sale yards.

[LEP No. 1 – table inserted]
 [LEP No. 33 - Table am. Gaz No. 62 of 3 April, 1987, p. 1776]
 [LEP No. 109 - (amusement centres inserted) Gaz. No. 65 of 6/5/94]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
(c) Industrial Local. Purple with dark red edging and lettered 4 (c).	.....	.....	Drainage; purposes referred to in Schedule 3; recreation areas; recreation facilities; roads; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column IV.
5. SPECIAL USES (a) Special Uses 'A' Yellow	.....	The particular purpose indicated by scarlet lettering on the scheme map.	Any purpose ordinarily incidental or subsidiary to the purpose referred to in Column III; roads; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column III or IV.
(b) Special Uses 'B' (Railways) Blue purple	.....	.....	Any purpose	.....

[LEP No. 1 – table inserted]

[LEP No. 33 - Table am. (recreation areas inserted) Gaz No. 62 of 3 April, 1987, p. 1776]
[LEP No. 37 - Table am. (recreation facilities inserted) Gaz No. 78 of 8 May, 1987, p. 2281]

TABLE - continued.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected or carried out or used
6. OPEN SPACE (a) Recreation Existing. Dark green	Works for the purposes of gardening, landscaping or bush fire hazard control.	.....	Agriculture; any purpose authorised by Division 2 or 3 of Part XIII of the Act; caravan parks; drainage; forestry; racecourses; recreation areas; roads; showgrounds; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.
(b) Recreation Private. Dark green with yellow edging.	Works for the purposes of gardening, landscaping or bush fire hazard control.	.....	Racecourses; recreation areas; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column II or IV.

[LEP No. 1 – table inserted]

[LEP No. 33 - Table am. (Tables 6(a) and 6(b) omitted and new tables inserted) Gaz No. 62 of 3 April, 1987, p. 1776]

Restrictions on buildings and works.

24. Subject to the provisions of Parts IV, V, VI and VII -

(a) a person shall not, without the consent of the responsible authority, erect or use a building or carry out or use a work in any zone for any purpose shown opposite that zone in Column III or Column IV of the Table to clause 23;

(b) a person shall not erect or use a building or carry out or use a work in any zone for any purpose shown opposite that zone in Column V of the Table to clause 23.

Restriction on use of land.

25. Subject to the provisions of Parts IV, V, VI and VII -

(a) a person shall not without the consent of the responsible authority use land included in a zone, whether forming the site of a building or not, for any purpose for which a building in the same zone may be erected or used only with the consent of the responsible authority;

(b) a person shall not use land included in a zone, whether forming the site of a building or not, for any purpose for which a building in the same zone may not be erected or used.

PART IV.

Existing Buildings, Existing Works and Existing Use of Land.

Continuance of existing buildings, works and land use.

26. [cl. omitted Gaz. No. 139 of 26 September, 1980, p. 4994]
[See Section 107 - Environmental Planning and Assessment Act]

Alterations and extensions of existing buildings and works.

27. [cl. omitted Gaz. No. 139 of 26 September, 1980, p. 4994]
[See Section 108 - EP&A Act and cl 41 EP&A Regulations]

Rebuilding of existing buildings.

28. [cl. omitted Gaz. No. 139 of 26 September, 1980, p. 4994]
[See Section 108 - EP&A Act and cl 42 EP&A Regulations]

Alteration of existing uses.

29. [cl. omitted Gaz. No. 139 of 26 September, 1980, p. 4994]
[See Section 108 - EP&A Act and cl 41 EP&A Regulation]

Building or land used for more than one purpose.

30. [cl. omitted Gaz. No. 139 of 26 September, 1980, p. 4994]
[See Section 108 - EP&A Act and cl. 44 EP&A Regulation]

Illegally established development.

31. [cl. omitted Gaz. No. 139 of 26 September, 1980, p. 4994]
[See Section 107 - EP&A Act]

PART V.

Consents.

Submission of plans.

32. [cl. omitted Gaz. No. 139 of 26 September, 1980, p. 4994]

[See Section 77 - EP&A Act and cls 45-47 EP&A Regulation]

Consideration of applications generally.

33. [cl. omitted Gaz. No. 139 of 26 September, 1980, p. 4994]

[See Section 90 - EP&A Act]

Consideration of certain applications.

34. In respect of any application for the consent of the responsible authority whether under this Ordinance or under any provision of the Act for consent or approval to the carrying out of development for a purpose referred to in Column IV of the Table to clause 23, namely -

Aesthetic appearance.

(a) to the erection of a building, to the carrying out of a work or to the use of land within view of any waterway, or adjacent to any county road or main road, railway, public reserve or land reserved for open space or land within Zone No. 6 the responsible authority shall take into consideration the probable aesthetic appearance of such land or of the proposed building or work when used for the proposed purpose and viewed from such waterway, county road, main road, railway, public reserve or any such reserve or zoned land;

Hotels, motels, service stations, car repair stations, places of assembly, industry, etc.

(b) to the erection or use of an hotel, motel, service station, car repair station, place of assembly or industrial premises or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity thereof, the responsible authority shall take into consideration whether, having regard to the proposed use of any such building or development -

- (i) adequate vehicular exits and entrances from and to the site have been provided so that vehicles using such entrances and exits will not endanger persons and vehicles using any such road;
- (ii) space, sufficient to provide for the parking or standing of such number of vehicles as the responsible authority may determine, is provided on the site or on land adjoining the site not being a public road;
- (iii) any representations made by the Traffic Authority of New South Wales and, where the site has frontage to a county road or a main road, by the Department of Main Roads, have been met;
- (iv) adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers;

Transport terminals.

(c) to the erection of a building, to the carrying out of work or to the use of a building, work or land for the purpose of a transport terminal the responsible authority shall consult with the Traffic Authority of New South Wales, the Department of Motor Transport and, where the site has a frontage to a county road or a main road, with the Department of Main Roads, and shall take into consideration -

- (i) any representations made to it as a result of such reference;
- (ii) the standard of the roads in the locality in relation to the size and weight of the vehicles likely to use the terminal;
- (iii) traffic conditions and facilities generally in the vicinity of the approaches to the terminal;
- (iv) the means of ingress and egress;
- (v) the provision on land other than a public road of space for the parking and standing of vehicles; and

- (vi) the layout of buildings on the site in relation to the provision of space for the parking and standing of vehicles, to the provision of space for the loading, unloading or fuelling of vehicles and to the traffic facilities within the site;

Residential flat buildings.

(d) to the erection or use of a residential flat building, the responsible authority shall take into consideration any code for the erection of residential flat buildings adopted by resolution of the Council;

Extractive industries or mines.

(e) to the erection of a building, to the carrying out of a work or to the use of land for the purpose of an extractive industry or mine, the responsible authority shall take into consideration the advisability of imposing conditions to secure the reinstatement of the land, the removal of waste material or refuse and the securing of public safety and amenity of the neighbourhood.

[LEP No. 1 - par. (b)(iii) and (c), am. Gaz. No. 5 of 9 January, 1981, p. 172]

Development in residential zones.

35. (1) The responsible authority, before determining an application for its consent to carry out development on any land within Zone No. 2 (a), 2 (b1), 2 (b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7) for the purpose of a home industry, hospital or place of public worship, shall give notice of the receipt of the application in a newspaper circulating in the locality in which the development the subject of the application is proposed to be carried out.

[LEP No. 1 - subcl. 35(1) am. Gaz. No. 5 of 9 January, 1981, p. 167]

(2) The cost of giving such notice may be included in the fees, if any, fixed in respect of any application for consent under this Ordinance.

(3) The notice shall -

- (a) set out particulars sufficient to identify the land to which the application relates and the nature of the proposed development; and
- (b) allow a period of fourteen days from the date of publication during which any person may lodge with the responsible authority written objection to the proposed development on the ground that it will injuriously affect the ownership or occupation by such person of a dwelling-house or dwelling in a residential flat building in the vicinity.

(4) After expiry of the period allowed by the notice the responsible authority shall consider the application having regard to any objections lodged in pursuance of the notice.

(5) The provisions of sections 84, 85, 86, 87 (1) and 90 of the Environmental Planning and Assessment Act, 1979, apply to and in respect of development for the purpose of a residential flat building in the same way as those provisions apply to and in respect of designated development.

(6) For the purposes only of subclause (5), section 84 (4) of that Act shall be construed as if -

- (a) the reference therein to an environmental impact statement were omitted; and
- (b) the reference therein to 30 days were a reference to 14 days.

[LEP No. 1 - subcl. insert Gaz. No. 5 of 9 January, 1981, p. 167]

Development by the Crown or public utility undertaking.

36. The responsible authority shall not refuse to grant any application for permission to carry out development made to it under this Ordinance by the Crown or a public utility undertaking or a statutory body or the Totalizator Agency Board nor attach conditions to its consent to any such application except with the concurrence of the Minister.

Consultation.

37. The responsible authority, before determining any application made to it under this Ordinance for consent to carry out the following development of land, that is to say -

- (a) hotels and clubs, other than those referred to in paragraph (d), transport terminals, drive-in theatres, bulk oil terminals, television and broadcasting transmitters and relay stations, heliports, aerodromes, airports and motels;
- (b) the erection of any building or group of buildings to be used wholly or partly as commercial premises where the total floor space in such building or group of buildings exceeds 2,000 square metres;
- (c) the erection of any building or group of buildings to be used wholly or partly as a shop where the total floor space in such building or group of buildings exceeds 1,500 square metres;
- (d) the following development on land having frontage to a main road or county road, or on land having frontage to a road connecting with a main road or county road, which frontage is wholly or partly within 90 metres, measured along the alignment of such connecting road, of such main road or county road -
 - (i) bulk stores, clubs, hotels, places of assembly, public buildings, service stations and drive-in take-away food shops in Zone No. 3 (a);
 - (ii) public buildings and service stations in Zone No. 3 (b);
 - (iii) service stations and drive-in restaurants in Zone No. 3 (c); and
 - (iv) service stations and drive-in take-away food shops in Zone No. 3 (d);

shall consult with the Department and shall take into consideration any representations made by the Department in relation to the proposed development.

Where an application relates to development referred to in paragraphs (b), (c) and (d), the responsible authority shall not consent to the development without the concurrence of the Department.

[LEP No. 1 - c1. am. Gaz. No. 5 of 9 January, 1981, p. 172 and p. 173]

Development within Zone No. 6 (a).

38. The responsible authority shall not consent to the carrying out of development on land within Zone No. 6 (a) (being land owned or controlled by the responsible authority) unless it has taken into consideration -

- (a) the need for the proposed development on the land;
- (b) the impact of the proposed development on the existing or likely future use of the land; and
- (c) the need to retain the land for its existing or likely future use.

[LEP No. 33 - c1. insert Gaz. No. 62 of 3rd April, 1987, p. 1776]

Determination of applications.

39. [LEP No. 17, c1. omit. Gaz. No. 6 of 13 January, 1984, p. 110]
[Gaz. No. 33 of 5 March, 1982, p. 922]

PART VI.
General Amenity and Convenience

Items of environmental heritage.

40. (1) A person shall not, in respect of a building, work, relic or place that is an item of environmental heritage -

- (a) demolish or alter that building or work;
- (b) damage or despoil that relic or place, or any part of that relic or place;
- (c) excavate any land for the purpose of exposing or removing that relic;
- (d) erect a building on the land on which that building, work or relic is situated or on the land which comprises that place; or
- (e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,

except with the consent of the Council.

(2) The Council shall not grant consent to a development application made in pursuance of subclause (1), unless it has made an assessment of -

- (a) the significance of the item as an item of environmental heritage;
- (b) the extent to which the carrying out of the development would affect the heritage significance of the item and its site;
- (c) whether any setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting, should be retained; and
- (d) whether the item constitutes a danger to the users or occupiers of the item or to the public.

(3) The Council, after consideration of such a development application, may consent to the application subject to a condition that the item of environmental heritage concerned be documented by a historical archaeologist prior to its demolition or dismantling.

Development in the vicinity of an item of environmental heritage.

40A. The Council shall not grant consent to a development application to carry out development in vicinity of an item of environmental heritage unless it has made an assessment of the effect which the carrying out of the development will have on the heritage significance of the item of environmental heritage and its setting.

Heritage Council to be given prior notice of demolition consent.

40B. Where a person makes a development application to demolish a building or work that is an item of environmental heritage, the Council shall not grant consent to that application until 40 days after the Council has notified the Secretary of the Heritage Council of its intention to do so.

Advertising of heritage applications.

40C. (1) The provisions of sections 84, 85, 86 and 87(1) and 90 of the Environmental Planning and Assessment Act 1979 apply to and in respect of -

- (a) the alteration or demolition of a building or work that is an item of environmental heritage; and
- (b) the use of a building or land referred to in clause 40D for a purpose which, but for that clause, would be prohibited under this plan,

in the same way as those provisions apply to and in respect of designated development.

- (2) Subclause (1) does not apply to the alteration or partial demolition of an item of environmental heritage if, in the opinion of the Council, the alteration or partial demolition will be of a minor nature and will not adversely affect the heritage significance of the item in relation to the environmental heritage of the Municipality of Marrickville.

Conservation incentives relating to items of environmental heritage.

40D. (1) Nothing in this Ordinance prevents the Council from granting consent to the use for any purpose of a building that is an item of environmental heritage or of the land on which that building is erected, where the Council is satisfied that -

- (a) the use would have little or no adverse effect on the amenity of the area; and
- (b) conservation of the building depends on the Council granting that consent.

(2) The Council when considering an application to erect a building on land upon which there is a building which is an item of environmental heritage, may exclude the floor space of the item of environmental heritage from any calculation -

- (a) for the purpose of determining the floor space ratio; or
- (b) for the purpose of determining the number of parking spaces to be provided on the site,

but only if the Council is satisfied that the conservation of the building depends upon the Council granting consent to the application.

[LEP No. 50 - cl. 40 omit., cls 40, 40A, 40B, 40C and 40D insert Gaz. No. 92 of 1 September, 1989, p. 6442-6444]

Foreshore building lines.

41. (1) The responsible authority may by resolution fix building lines (in this clause called "foreshore building lines") in respect of any land fronting any river, lagoon or creek.

(2) A foreshore building line shall, when fixed by the responsible authority, be marked upon a plan or clearly described in the resolution and such plan or resolution shall be open for inspection by the public during the office hours of the responsible authority.

(3) A building shall not be erected between such building line and the river, lagoon or creek in respect of which the line is fixed.

(4) The responsible authority may alter or abolish any such building line where the levels or depths of the allotment or other exceptional conditions of the site make it necessary or expedient to do so.

Remediation of land

41A. (1) Despite any other provision of this Ordinance, a person may carry out development for the purpose of the remediation of any land to which this Ordinance applies, but only with the consent of the Council.

(2) The Council may grant such consent only after the Council has taken into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) that are current at the time at which the Council considers the application for the consent, being guidelines, protocols or standards that are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land was, is, or is proposed to be, put.

(3) When granting such a consent, the Council may impose conditions requiring any one or more of the following:

- (a) the investigation, sampling and testing of the land;
- (b) the preparation of a remediation plan for the land, being a detailed plan for the remediation and for a validation report of the remediation of any land affected by contamination;
- (c) the remediation of the land, or any part of it, to an appropriate standard;
- (d) an independent review report verifying the remediation of the land to an appropriate standard.

(4) In relation to an application for consent to carry out development for the purpose of the remediation of land and the construction or erection of a building or the carrying out of a work, in addition to the matters referred to in subclause (3), the Council may impose a condition requiring that the construction or erection of a building or the carrying out of a work (other than remediation work) on any part of the land not be carried out until the Council has considered an independent review report verifying the remediation of the land to an appropriate standard.

- (5) Nothing in this clause requires the consent of the Council for the carrying out of development for the purpose of remediation of land if, on the basis of written evidence provided by an appropriately qualified person, the Council is satisfied that the contamination of the land is minor.
- (6) In this clause:

"appropriate standard" means a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC) that are current at the time at which the Council is considering the application for consent;

"contaminated land" means land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long term risk to human health or the environment;

"independent review" means a check of adherence to standards, procedures and protocols employed in the remediation of the land and the expression of an opinion on the conclusions reached in that process by an environmental auditor of contaminated sites who is independent of the person who is carrying out the remediation and the company by which that person is employed;

"remediation" means any one or more of the following:

- (a) removing the cause of contamination from land;
- (b) reducing contamination of land to an appropriate standard;
- (c) eliminating any contamination from land;
- (d) rehabilitating land which is contaminated;

"remediation plan" means a plan describing the proposed remediation activity, and includes the objectives of the plan, the remediation methodology proposed and the proposed targets, timetable and quality control procedures and the precautions to be taken during this activity;

"validation report" means a report in which an assessment is made as to whether the remediation work undertaken has achieved the desired clean-up standard.

[LEP No. 134 Gaz. No. 20 of 21 February 1997, p. 870-872]

Preservation of trees.

42. (1) Except as provided by subclause (2), a person must not do anything in relation to a tree, including carry out development within 4 metres of the base of a tree, that would or would be likely to affect adversely the appearance, health or stability of the tree.

(2) A person may, with the consent of the Council, prune, cut down or wholly remove a tree or carry out a work within 4 metres of the base of a tree.

(3) Subclauses (1) and (2) extend to a public authority except in relation to the pruning of a tree growing on, overhanging or encroaching onto land owned by the Council or under its care, control and management.

(4) If the Council receives an application for its consent required by subclause (2), it must, within 7 days of receiving the application, give notice of it to the persons who appear to it to own or occupy the land adjoining the land to which the application relates if, in its opinion, the enjoyment of the adjoining land would be detrimentally affected by the action proposed in the application.

(5) The Council must specify in a notice under subclause (4) the period within which written submissions may be made to the Council concerning the application and must not determine the application until that period has expired and it has considered any submission received within that period.

(6) This clause does not apply to:

- (a) a tree, the highest point of which is 5 metres or less above natural ground level or the circumference of the trunk of which is 700 mm or less at a point 1 metre above natural ground level;
- (b) a tree declared to be noxious by or under any Act;
- (c) a tree that harbours fruit fly;

- (d) a tree that is dead, dying or has become dangerous; or
- (e) the following trees:
 - Privet (*Ligustrum*)
 - Rhus (*Toxicodendron*)
 - Rubber Tree (*Ficus elastica*)
 - Umbrella Tree (*Schefflera Actinophylla*)
- (f) a tree located on land that is subject to a development consent or an approval under Part 1 of Chapter 7 of the Local Government Act 1993 for the erection of a building or the carrying out of a work that authorises the removal of that tree.

(7) In considering an application for its consent required by subclause (2), the Council must take into consideration, in addition to any relevant matter in section 90 of the Environmental Planning and Assessment Act 1979 relating to the application, such of the following matters as are of relevance to the application:

- (a) the aesthetic, botanical and historic importance of the tree;
- (b) whether the tree presents or is likely to present a health or safety hazard to persons;
- (c) whether the tree has damaged or would be likely to damage property;
- (d) the extent to which the tree diminishes sunlight to habitable rooms in buildings and outdoors areas;
- (e) whether the tree obstructs or would be likely to obstruct accessways, footpaths, roads, utility services, drainage lines or the like or would otherwise cause a nuisance to, or endanger the movement of, persons or their vehicles;
- (f) the impact of the action or work on the appearance, health or stability of the tree and the general amenity of the surrounding area;
- (g) in the case of an application for consent to remove a tree:
 - (i) whether the pruning of the tree would be a more practicable and desirable alternative; or
 - (ii) whether a replacement tree or trees should be planted;
- (h) guidelines adopted by the Council from time to time that are available for public inspection at the Council's offices concerning the preservation and protection of trees.

Development affecting trees:

42A. Despite clause 42, a consent to an application for the carrying out of development, or an approval under Part 1 of Chapter 7 of the Local Government Act 1993 to carry out an activity, that involves the pruning, cutting down or removal of a tree or the carrying out of development within 4 metres of the base of a tree shall be sufficient to authorise that pruning, cutting down, removal or work if the tree and the activity proposed in relation to the tree were specified in the application.

[LEP No. 114 - cl. 42 omit. and cls. 42 and 42A insert Gaz No. 93 of 1 July, 1994, p. 3696-3698]

PART VII

Special Provisions.

Dwelling houses - minimum site areas.

43. (1) A person shall not erect a dwelling-house on an allotment of land within Zone No. 2 (a), 2 (b1), 2 (b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7) unless the allotment -

- (a) has -
 - (i) an area of not less than 370 square metres; and
 - (ii) a width at the front alignment of the building of not less than 12 metres; or
- (b) was in existence as a separate parcel of land at the appointed day.

(2) Notwithstanding subclause (1) (a), the responsible authority may consent to the erection of a dwelling house on an allotment of land within Zone No. 2 (a), 2 (b1), 2 (b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7) if the area of the allotment or the width of the allotment at the front alignment of the building, as the case may be, departs to only a minor extent from the area or width prescribed in subclause (1) (a).

(3) For the purposes of subclause (1) (a)(i), the area of an access corridor shall not be taken into account in computing the area of a hatchet-shaped allotment.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 167 & 168]

[LEP No. 33 - cl. am. (ref. to zone 2(d) deleted) Gaz. No. 62 of 3 April, 1987, p. 1776]

Dwelling houses- dual occupancy.

43A. [SREP No. 12 - c1. omitted Gaz. No. 104 of 19th June, 1987]

Residential flat buildings - minimum site areas.

43B. (1) A person shall not erect a residential flat building on an allotment of land within Zone No. 2 (b1), 2 (b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7) which has a frontage to a main road or county road, unless the allotment -

- (a) has an area of not less than 840 square metres; and
- (b) except in the case of a hatchet-shaped allotment - is not less than 27 metres wide at the front alignment of the building.

(2) Notwithstanding subclause (1), the responsible authority may consent to the erection of a residential flat building on an allotment of land within Zone No. 2 (b1), 2 (b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7) if the area of the allotment or the width of the allotment at the front alignment of the building, as the case may be, departs to only a minor extent from the area or width prescribed in subclause (1).

(3) For the purpose of subclause (1)(a), the area of an access corridor shall not be taken into account in computing the area of a hatchet-shaped allotment.

[LEP No. 33 - cl. inserted, Gaz. No. 62 of 3 April, 1987, p. 1776]

Residential flat buildings - density control.

43C. (1) This clause does not apply to units for aged persons.

(2) The responsible authority shall not consent to the erection or use of a residential flat building on land within a zone specified in Column I of Table A to this clause unless the area of the site area of the allotment is not less than the sum of the areas calculated by multiplying the number of small, medium and large dwellings contained in the residential flat building by the area specified opposite that zone in respect of those dwellings in Columns II, III and IV of that Table respectively.

(3) The responsible authority shall not consent to the erection or use of a residential flat building on land within a zone specified in Column I of Table B to this clause unless the area of the landscaped area of the allotment is not less than the sum of the areas calculated by multiplying the number of small, medium and large dwellings contained in the residential flat building by the area specified opposite that zone in respect of those dwellings in Columns II, III and IV of that Table respectively.

TABLE A.

Column I	Column II	Column III	Column VI
Zone	Area in respect of a small dwelling in a residential flat building (in square metres)	Area in respect of a medium dwelling in a residential flat building (in square metres)	Area in respect of a large dwelling in a residential flat building (in square metres)
2 (b1)	..	170	230
2 (b2)	..	140	194
2 (c1)	85	120	160
2 (c2)	76	110	148
2 (c3)	70	100	135
2 (c4)	65	90	124
2 (c5)	85	120	160
2 (c6)	70	100	135
2 (c7)	57	80	110

TABLE B.

Column I	Column II	Column III	Column IV
Zone	Area in respect of a small dwelling in a residential flat building (in square metres)	Area in respect of a medium dwelling in a residential flat building (in square metres)	Area in respect of a large dwelling in a residential flat building (in square metres)
2 (b1)	..	76	103
2 (b2)	..	63	85
2 (c1)	38	54	72
2 (c2)	34	49	66
2 (c3)	31	45	61
2 (c4)	29	40	56
2 (c5)	38	54	72
2 (c6)	31	45	61
2 (c7)	25	36	49

(4) A residential flat building erected or proposed to be erected on any land within Zone No. 2 (b1) or 2 (b2) shall not contain a small dwelling.

[LEP No. 1 - cl. insert (then refer. to as cl. 43B) Gaz. No. 5 of 9 January, 1981, p. 168]

[LEP No. 14 - cl. renumbered Gaz. No. 60 of 15 April, 1983, p. 1743]

Hotels - minimum site areas.

43D. A hotel shall not be erected on an allotment of land the site area of which is less than 8,000 square metres.

[LEP No. 1 - c1. insert (then refer. to as cl. 43C) Gaz. No. 5 of 9 January, 1981, p. 170]

[LEP No. 14 - cl. renumbered Gaz. No. 60 of 15 April, 1983, p. 1743]

Motels - minimum site areas.

43E. A motel shall not be erected on an allotment of land the site area of which is less than 1,860 square metres.

[LEP No. 1 - c1. insert (then refer. to as cl 43D) Gaz. No. 5 of 9 January, 1981, p. 170]

[LEP No. 14 - cl. renumbered Gaz. No. 60 of 15 April, 1983, p. 1743]

Motel development at 178 Princes Highway, St. Peters.

43EA. (1) This Clause applies to land known as 178 Princes Highway, St. Peters, being Lot 5, D.P. 818380, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 127".

(2) Despite any other provision of the Ordinance, a person may carry out development for the purpose of a motel on land to which this clause applies, but only with the consent of the Council.

(3) The Council may grant such a consent:

- (a) only after the Council has taken into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) and which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land has been, is, or is proposed to be, put; and
- (b) only if it is satisfied that the guidelines provided in AS 2021 regarding noise levels for buildings will be complied with in so far as they relate to development of the land for the purpose of a motel; and
- (c) only if it is satisfied that any building or other structure or facility that will result from the proposed development will be compatible with the urban character of the surrounding locality.

(4) When granting such a consent, the Council may impose conditions which:

- (a) require the investigation, sampling and testing of the land; and
- (b) require the preparation of a remedial action plan for the land, being a detailed plan for the remediation and for validation of the remediation of any land affected by contamination, and
- (c) require remediation of the land or any part of it to an appropriate standard; and
- (d) prohibit the construction or erection of a building or the carrying out of a work (other than remediation work) on any part of the land pursuant to the consent until the Council has accepted an independent review in writing verifying the remediation of the land to an appropriate standard.

(5) In this clause:

"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC), published in 1992;

"AS 2021" means Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) published by Standards Australia on 21 February 1994;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out.

[LEP No. 127 Gaz No. 71 of 14 June, 1996, p. 3060]

Car parking.

43F. (1) This clause applies to land within Zone No. 2 (b1), 2 (b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7).

(2) Development for the purpose of car parking shall not be carried out on any land to which this clause applies -

- (a) without the consent of the responsible authority; and

- (b) otherwise than in association, with a purpose included in Column II or IV of the Table to clause 23 shown opposite the zone in which the land is situated in Column I of that Table.

[LEP No. 1 - cl. insert (refer. to as cl. 43E) Gaz. No. 5 of 9 January, 1981, p. 170]

[LEP No. 14 - cl. renumbered Gaz. No. 60 of 15 April, 1983, p. 1743]

Provision or improvement of amenities or services.

43G. As a consequence of the carrying out of development in accordance with this Ordinance (as in force at the time the development is carried out), this Ordinance identifies a likely increased demand for public amenities and public services as specified in Schedule 8 and stipulates that dedication or a contribution under section 94 (1) of the Environmental Planning and Assessment Act 1979, or both, may be required as a condition of any consent to that development.

[LEP No. 22 - cl. insert Gaz No. 150 of 26 October, 1984, p.5219]

Boarding-house development at 33 Fort Street, Petersham.

43H. (1) This clause applies to land known as 33 Fort Street, Petersham, being Lot 11, D.P. 52974, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 116".

(2) A person may, with the consent of the Council, carry out development on the land to which this clause applies for the purpose of a boarding-house.

(3) The Council must not grant consent its consent to such development unless it is satisfied that the guidelines provided in Australian Standard AS 2021 - 1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) regarding noise levels for buildings will be complied with in so far as they relate to boarding-house development of the land.

[LEP No. 116 - cl. insert Gaz No. 97 of 23 August, 1996, p. 4914]

Development for the purpose of a school at 113-127 Cambridge Street, Stanmore.

43I. (1) This clause applies to land known as 113 - 127 Cambridge Street, Stanmore, being Lot 1 D.P. 105164 and Lot 100 D.P. 731008, as shown by distinctive colouring on the map marked "Marrickville Local Environmental Plan No. 128".

(2) Despite any other provision of this Ordinance, a person may carry out development for the purpose of a school and associated uses on land to which this clause applies, but only with the consent of the council.

(3) The council may grant such a consent only if it is satisfied that:

- (a) the guidelines provided in AS 2021 regarding noise reduction for the purposes proposed on the site have been taken into consideration; and
- (b) any building or facility that will result from the proposed development will be compatible with the urban character of the surrounding locality.

(4) When granting such a consent, the council may impose conditions which:

- (a) require the investigation, sampling and testing of the land; and
- (b) require the preparation of a remedial action plan for the land, being a detailed plan for the remediation and for the validation of the remediation of any land affected by contamination; and
- (c) require remediation of the land or any part of it to an appropriate standard; and
- (d) prohibit the construction or erection of a building or the carrying out of a work (other than remediation work) on any part of the land pursuant to the consent until the council has accepted an independent review in writing verifying the remediation of the land to an appropriate standard.

(5) In this clause:

"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC), published in 1992;

"AS 2021" means Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) published by Standards Australia on 21 February 1994;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out.

[LEP No. 128 - insert cl. Gaz. No. 130 of 15 November, 1996, p. 7532-7583]

Liquid fuel depots.

44. A liquid fuel depot having an aboveground storage capacity of 455 kilolitres or more of inflammable liquid shall not be established, enlarged or used except with the consent of the responsible authority and the concurrence of the Department for the time being engaged in the administration of the Dangerous Goods Act, 1975.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 172 and p. 173]

Industries in business and local industrial zones.

45. Subject to the provisions of Part IV, a building shall not be erected or used and land shall not be used in Zone No. 3 (a) or 4 (c) for the purpose of an industry where -

- (a) the total floor space of the building or the total area of the land used or proposed to be used for the purposes of the industry is in excess of 465 square metres; or
- (b) the total area of the parcel of land upon which the proposed development will be established is in excess of 930 square metres. Provided that this paragraph shall not apply to a service station or a car repair station.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 173]

Height of certain buildings.

46. (1) In this clause -

"height", in relation to a building, means the vertical distance between the natural ground level abutting any wall of the building and the underside of the ceiling of the topmost floor of the building immediately above the point of measurement;

"natural ground level", in relation to any land the subject of an application for consent under this clause, means the natural ground level of that land as at the date the application is made;

"floor", in relation to a building; means the space between one floor level of the building; and -

- (a) the floor level of the building immediately above that floor level; or
- (b) where there is no floor level of the building immediately above that floor level - the ceiling or roof of the building.

(2) A person shall not erect a residential flat building on any land within Zone No. 2 (b1), 2 (b2), 2 (c1), 2 (c2), 2 (c3) or 2 (c4) where the height of the building exceeds 7.2 metres.

(3) A person shall not erect a residential flat building on any land within Zone No. 2 (c5), 2 (c6) or 2 (c7) (other than land the area of which is not less than 2,500 square metres and the frontage of which is not less than 33 metres) where the building contains more than 3 floors.

[LEP No. 1 - cl. omit. and new cl. insert.]

(4) A person shall not erect a residential flat building on any land within Zone No. 2 (c6) shown on the map marked "Marrickville Local Environmental Plan No. 27" where the height of the building exceeds 10 metres.

[LEP No. 27 - cl. insert Gaz. No. 167 of 30 November, 1984, p.5812-5813]

(5) Subclause (2) does not apply to the erection of a residential flat building on any land within Zone No. 2 (c4) shown on the map marked "Marrickville Local Environmental

Plan No. 88"; however, a person shall not erect a residential flat building on any such land where the height of the building exceeds 15 metres.

[LEP No. 88 - cl. insert Gaz. No. 33 of 6 March, 1992 (erratum 13 March 1992 - 1759), 1591]

Residential flat buildings - certain land at Marrickville.

46A (1) This clause applies to the land known as 1-9 Philpott Street, 1-9 Cowper Street and 12-22 Newington Road, Marrickville, as shown coloured light scarlet with dark edging and lettered 2(b2) on the map marked "Marrickville Local Environmental Plan No. 55" deposited in the office of the council.

(2) The council shall not grant consent to the carrying out of development for the purposes of a residential flat building on the land to which this plan applies unless it is satisfied that the residential flat building will comply with Australian Standard 2021-1985 in relation to interior noise levels.

[LEP No. 55 - cl. insert Gaz. No. 84 of 21 July, 1989, p. 4587-4588]

Residential flat buildings - certain land at Camperdown.

46AA (1) This clause applies to the land known as 2 Cardigan Lane, Camperdown, as shown coloured light scarlet with dark red edging and lettered 2(c4) on the map marked "Marrickville Local Environmental Plan No. 120".

(2) The Council, in determining an application for consent to carry out development for the purpose of a residential flat building on land to which this clause applies, must take into consideration the guidelines provided in Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) regarding noise reduction.

(3) A person must not:

- (a) disturb or excavate any land for any purpose; or
- (b) carry out any land filling; or
- (c) clear trees or other vegetation from the land; or
- (d) alter the landscape or carry out any landscaping,

except with the consent of the Council. The purpose of this subclause is to ensure that an assessment is made of whether remedial works need to be carried out because of contamination of land to which this clause applies.

(4) In determining whether or not to grant such a consent, the Council must take into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority and which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land was, is or is proposed to be, developed.

(5) When granting such a consent, the Council may impose conditions which:

- (a) require the investigation, sampling and testing of the land the subject of the application; and
- (b) require preparation of a remedial action plan for the land the subject of the application; and
- (c) require remediation of the land the subject of 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 pursuant to the consent until the Council accepts in writing an independent review verifying the remediation of the land to an appropriate standard.

(6) In this clause:

"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council, published in 1992;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out, and who is recognised by the Environment Protection Authority as satisfying a suitable public standard of competence and expertise, such as is provided by accreditation as an auditor under the Victorian Environment Protection Act 1970;

"remedial action plan" means detailed plan for the remediation and validation of the remediation in relation to any land affected by contamination.

[LEP No. 120 - c1. insert Gaz. No. 110 of 8 September, 1995, p. 6554]

Residential development at 108-110 Illawarra Road, Marrickville.

46AB. (1) This clause applies to land known as 108-110 Illawarra Road, Marrickville, being part of Lot 1, D.P. 104014, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 126".

(2) Despite any other provision of this Ordinance, a person may carry out development for residential purposes on land to which this clause applies only with the consent of the Council.

(3) The Council may grant such a consent:

- (a) only after the Council has taken into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) and which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land was, is, or is proposed to be, put; and
- (b) only if it is satisfied that the guidelines provided in AS 2021 regarding noise reduction for the purpose of residential development will be complied with in so far as they relate to residential development of the land; and
- (c) only if it is satisfied that any building or other structure or facility that will result from the proposed development will be compatible with the urban character of the surrounding locality.

(4) When granting such a consent, the Council may impose conditions which:

- (a) require the investigation, sampling and testing of the land; and
- (b) require the preparation of a remedial action plan for the land, being a detailed plan for the remediation and for validation of the remediation of any land affected by contamination, and
- (c) require remediation of the land or any part of it to an appropriate standard; and
- (d) prohibit the construction or erection of a building or the carrying out of a work (other than remediation work) on any part of the land pursuant to the consent until the Council has accepted an independent review in writing verifying the remediation of the land to an appropriate standard.

(5) In this clause:

"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC), published in 1992;

"AS 2021" means Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) published by Standards Australia on 21 February 1994;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out.

[LEP No. 126 - c1. insert Gaz. No. 71 of 14 June, 1996, p. 3058]

Residential development – certain land at Petersham

46AC. (1) This clause applies to land known as 16 Sadlier Crescent, Petersham, being Lots 25 and 26, D.P. 81172, as shown by distinctive colouring on the map marked "Marrickville Local Environmental Plan No. 129".

(2) The Council, in determining an application for consent to carry out development on land to which this clause applies for the purpose of a residential use consistent with the zone, must take into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning, which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land was, is or is proposed to developed.

(3) When granting such a consent, the Council may impose conditions which:

- (a) require the investigation, sampling and testing of the land;
- (b) require preparation of a remedial action plan for the land, being a detailed plan for the remediation and validation of the remediation in relation to any part of the land affected by contamination;
- (c) require remediation of the land or any part of it to an appropriate standard; and
- (d) prohibit the construction or erection of a building or the carrying out of a work (other than remediation work) on any part of the land pursuant of the consent until the Council accepts in writing an independent review verifying the remediation of the land to an appropriate standard.

(4) In this clause:

"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guideline for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out.

[LEP No. 129 - c1. insert Gaz. No. 47 of 2 May, 1997, p.2540-2541]

Residential development of certain land at Cecilia Street, Marrickville

46AD. (1) This clause applies to the land known as Part Lot 6, DP 204540, Cecilia Street, Marrickville, as shown coloured light scarlet with dark red edging and lettered 2(c7) on the map marked "Marrickville Local and Environmental Plan No. 144".

(2) A person must not, in respect of the land to which this clause applies:

- (a) disturb or excavate the land for any purpose; or
- (b) carry out any land filling; or
- (c) clear trees or other vegetation from the land; or
- (d) alter the landscape or carry out any landscaping,

except with the consent of the Council.

The purpose of this subclause is to ensure than an assessment is made of whether remedial works need to be carried out because of contamination of land to which this clause applies.

(3) In determining whether or not to grant such a consent, the Council must take into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) and which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land was, is, or is proposed to be, put.

(4) When granting such a consent, the Council may impose conditions which:

- (a) require the investigation, sampling, and testing of the land the subject of the application; and
- (b) require the preparation of a remedial action plan for the land the subject of the application; and
- (c) require remediation of the land the subject of 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 pursuant to the consent until the Council has accepted an independent review in writing verifying the remediation of the land to an appropriate standard.

(5) In this clause:

"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRS), published in 1992;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party:

- (a) who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out; and
- (b) who is recognised by the Environment Protection Authority as satisfying a suitable public standard of competence and expertise, such as is provided by accreditation as an environmental auditor under the Victorian Environment Protection Act 1970;

"remedial action plan" means a detailed plan for the remediation and validation of the remediation in relation to any land affected by contamination.

[LEP No. 144 - cl. insert Gaz. No. 62 of 27 March, 1998, p.1977-1979]

Residential development of certain land at Gladstone Street, Newtown

46AE. (1) This clause applies to the land known as Lots 4 - 8, Section 3, DP 6051, and Lot 617, DP 820317, Gladstone Street, Newtown, as shown coloured light scarlet with dark red edging and lettered 2 (c7) on the map marked "Marrickville Local Environmental Plan No. 145".

(2) The Council, in determining an application for consent to carry out development for the purpose of a residential flat building on land to which this clause applies, must take into consideration the guidelines provided in AS 2021 regarding noise reduction in so far as they relate to residential development of the land.

(3) A person must not, in respect of the land to which this clause applies:

- (a) disturb or excavate the land for any purpose; or
- (b) carry out any land filling; or
- (c) clear trees or other vegetation from the land; or
- (e) alter the landscape or carry out any landscaping,

except with the consent of the Council.

The purpose of this subclause is to ensure that an assessment is made of whether remedial works need to be carried out because of contamination of land to which this clause applies.

(4) In determining whether or not to grant such a consent, the Council must take into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) and which are relevant to remediation procedures, the type of

contamination on the land or the type of use to which the land was, is, or is proposed to be, put.

- (5) When granting such a consent, the Council may impose conditions which:
- (a) require the investigation, sampling, and testing of the land the subject of the application; and
 - (b) require the preparation of a remedial action plan for the land the subject of the application; and
 - (c) require remediation of the land the subject of 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 pursuant to the consent until the Council has accepted an independent review in writing verifying the remediation of the land to an appropriate standard.

(6) In this clause:
"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC), published in 1992;

"AS 2021 " means Australian Standard AS 2021-1994 (Acoustics - Aircraft noise intrusion - Building siting and construction) published by Standards Australia in 1994;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party:

(a) who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out; and

(b) who is recognised by the Environment Protection Authority as satisfying a suitable public standard of competence and expertise, such as is provided by accreditation as an environmental auditor under the Victorian Environment Protection Act 1970;

"remedial action plan" means a detailed plan for the remediation and validation of the remediation in relation to any land affected by contamination.

[LEP No. 145 - cl. insert Gaz. No. 38 of 27 February, 1998, p.1038-1040]

Residential Flat Building – certain land at Stanmore

46AF(1) This clause applies to the land known as 8 Bridge Road, Stanmore, as shown coloured light scarlet with dark red edging and lettered 2(c7) on the map marked "Marrickville Local Environmental Plan No. 163".

- (2) A person may, with the consent of the Council, carry out development allowed within Zone No. 2(c7) on the land to which this clause applies but only if the floor space ratio of all buildings on the land after the development has been carried out will not exceed 3.5:1.
- (3) The following provisions do not apply to development carried out on land to which this clause applies:
 - (a) clause 34(d) (which relates to the erection or use of a residential flat building);
 - (b) clause 43C (which relates to density control in respect of residential flat buildings);
 - (c) clause 46 (which relates to the height of certain buildings);
 - (d) clause 57 (which relates to parking for residential flat buildings); and
 - (e) clause 63 (which relates to floor space ratio)
- (4) A person may, with the consent of the Council, carry out development on land to which this clause applies for the purpose of a residential flat building only if the Council is satisfied that:
 - (a) the total number of dwellings does not exceed 87, and
 - (b) the height of the building does not exceed an RL height of 34.45 metres A.H.D.

- (5) The Council, in determining an application for consent to carry out development for the purpose of a residential flat building on the land to which this clause applies, must take into consideration the guidelines provided in Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) regarding noise reduction.
- (6) A person must not, in respect of the land to which this clause applies:
- disturb or excavate the land for any purpose; or
 - carry out any land filling; or
 - clear trees or other vegetation from the land; or
 - alter the landscape or carry out any landscaping,
- except with the consent of the Council.
The purpose of this subclause is to ensure that an assessment is made of whether remedial works need to be carried out because of contamination of land to which this clause applies.
- (7) In determining whether or not to grant such a consent, the Council must take into consideration any guidelines, protocols or standards known of the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) and which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land was, is, or is proposed to be, put.
- (8) When granting such a consent, the Council may impose conditions which:
- require the investigation, sampling and testing of the land the subject of the application; and
 - require the preparation of a remedial action plan for the land the subject of the application; and
 - require remediation of the land subject of the application to an appropriate standard; and
 - prohibit the construction or erection of a building or the carrying out of a work on any part of the land pursuant to the consent until the Council has accepted an independent review in writing verifying the remediation of the land to an appropriate standard.
- (9) In this clause:
- "appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC), published in 1992;
- "independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party:
- who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out; and
 - who is recognised by the Environment Protection Authority as satisfying a suitable public standard of competence and expertise, such as is provided by accreditation as an environmental auditor under the Victorian Environment Protection Act 1970;
- "remedial action plan" means a detailed plan for the remediation and validation of the remediation in relation to any land affected by contamination.
- (10) Subclauses (6) – (8) do not affect the application of State Environmental Planning Policy No 55 – Remediation of Land to the land to which this clause applies.

[LEP No. 163 - cl. insert Gaz. No. 56 of 7 May, 1999, p.1977-1979]

Residential development of certain land at Princes Highway, St. Peters

- 46AG(1) This clause applies to the land known as 1-27 Princes Highway, St. Peters, being land in Lot 100 DP 600471, as shown coloured light scarlet with dark red edging and lettered 2(c7) on the map marked "Marrickville Local Environmental Plan No. 164".

- (2) Despite any other provision of this Ordinance, a person may carry out development allowed on the land to which this clause applies within a building having a floor space ratio not exceeding 2:2:1, but only with the consent of the Council.
- (3) The following provisions do not apply to development carried out on land to which this clause applies:
 - (a) clause 34(d) (which relates to the erection or use of a residential flat building);
 - (b) clause 43C (which relates to density control in respect of residential flat buildings);
 - (c) clause 46 (which relates to the height of certain buildings);
 - (d) clause 57 (which relates to parking for residential flat buildings).
- (4) A person may carry out development allowed on the land to which this clause applies provided the total number of dwellings on the land does not exceed 130, but only with the consent of the Council.
- (5) The uppermost ceiling of a building erected on land to which this clause applies must not project above an imaginary ceiling above the land bounded by the following lines:
 - (a) a line directly above the western boundary of the land at a height of 28.25 AHD, and
 - (b) 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
 - (c) 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
 - (d) 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.
- (6) Subject to subclause (7) and (8), a person shall not carry out development on land to which this clause applies unless vehicular access to the land is provided by a road other than the Princes Highway.
- (7) The Council may consent to temporary vehicular access to the Princes Highway in connection with the development on land to which this clause applies.
- (8) The Council may consent to permanent vehicular access to the Princes Highway in connection with development on land to which this clause applies, but only if, in the opinion of the Council, alternative access for the development provided by a road other than the Princes Highway would not be practicable.
- (9) Prior to consenting to development on land to which this clause applies that provides for either temporary or permanent access to the Princes Highway, the Council shall consult with the Roads and Traffic Authority, and shall not grant consent until 28 days after it has notified the Roads and Traffic Authority of the application for consent.
- (10) The Council, in determining an application for consent to carry out development for the purpose of a residential flat building on land to which this clause applies, must take into consideration the guidelines provided in Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) regarding noise reduction.

[LEP No. 164 - cl. insert Gaz. No. 98 of 27 August, 1999, p.7539-7541]

Residential Development of certain land – 281 New Canterbury Road, Lewisham

- 46AI (1) This clause applies to land forming part of Lot 11, D.P. 629250 (No. 281) New Canterbury Road, Lewisham, as shown by distinctive colouring, edging and lettering on the map marked “Marrickville Local Environmental Plan No. 167”.
- (2) In considering an application to carry out development on the land to which this clause applies, the Council must take into consideration the impact, if any, of the proposed development on traffic and parking and the nature of surrounding streets.

[LEP No. 167 - cl. insert Gaz. No. 141 of 17 December, 1999, p.12027-8]

Residential flat building - certain land at Camperdown.

- 46B. (1) This clause applies to land known as 16-20 Australia Street, Camperdown, being Lot 2, D.P. 775663, as shown edged heavy black on the map marked

"Marrickville Local Environmental Plan No. 89" deposited in the office of the Council.

- (2) Subject to subclause (3), nothing in this Ordinance prevents a person, with the consent of the Council, from carrying out development of the building erected on the land to which this clause applies at the date of commencement of Marrickville Local Environmental Plan No. 89 for the purposes of a residential flat building containing no more than 24 dwellings.
- (3) The Council must not grant consent to development referred to in subclause (2) after the second anniversary of the commencement of Marrickville Local Environmental Plan No. 89 or after such later date as the Minister may, before that second anniversary, notify by order published in the Gazette.⁽⁴⁾
Nothing in subclause (3) prevents the Council from granting consent to the carrying out of alterations to a building being used for the purposes for which consent has been granted in accordance with this clause.

[LEP No. 89 - c1. insert Gaz. No. 15 of 31 January, 1992, p. 585]

Development of land known as 85 Constitution Road, 69-75 Union Street and 553-553A New Canterbury Road, Dulwich Hill.

46C. (1) This clause applies to land shown coloured on the map marked "Marrickville Local Environmental Plan No. 88".

- (2) A person shall not on the land to which this plan applies :-

- (a) disturb any land or excavate for any purpose;
- (b) carry out any land filling;
- (c) clear trees or other vegetation from the land;
- (d) carry out any work; or
- (e) alter the landscape or carry out landscaping,

except with the consent of the Council.

(3) If the Council is satisfied that the land is contaminated within the meaning of Part 5 of the Environmentally Hazardous Chemicals Act 1985, the provisions of subclauses (4) and (5) have effect with respect to the land.

(4) Despite any other provision of this Ordinance, the Council shall not consent to the carrying out of development on the land to which this clause applies unless the proposed development includes measures for remediation of the land acceptable to the Director of the State Pollution Control Commission.

(5) The Council shall not consent to the erection of any buildings, structures or facilities on the land to which this clause applies unless the Director of the State Pollution Control Commission has provided written advice to the Council that the land on which the development is to be carried out has been satisfactorily remediated to a standard appropriate for the proposed development.

(6) In this clause, a reference to the remediation of land is a reference to the taking of prescribed remedial action (within the meaning of Part 5 of the Environmentally Hazardous Chemicals Act (1985)) in relation to premises.

[LEP No. 88 - c1. insert Gaz. No. 33 of 6 March, 1992, p. 1591]

Development on certain land at Stanmore.

46D. (1) This clause applies to the land known as 129-133 Cambridge Street and 143-145 Trafalgar Street, Stanmore, being land in D.P. 433905, D.P. 906327 and D.P. 906364, as shown by distinctive colouring on the map marked "Marrickville Local Environmental Plan No. 119".

(2) The Council, in determining an application for consent to carry out any development on land to which this clause applies shall take into consideration the guidelines provided in Australian Standard AS2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) regarding noise reduction.

[LEP No. 119 - c1. insert Gaz. No. 66 of 2 June, 1995, p. 2869-2870]

Residential development at 31-39 Holmesdale Street, Marrickville.

46E. (1) This clause applies to land known as 31-39 Holmesdale Street, Marrickville, being Lots 5-8, Section 2, D.P. 334, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 149".

[Clause amended LEP 149 Gaz No. 56 of 20 March, 1998, p. 1745]

(2) Despite any other provision of this Ordinance, a person may carry out development for residential purposes on land to which this clause applies only with the consent of the Council.

(3) The Council may grant such a consent:

- (a) only after the Council has taken into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) and which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land was, is, or is proposed to be, put, and
- (b) only if it is satisfied that the guidelines provided in AS 2021 regarding noise reduction for the purpose of residential development will be complied with in so far as they relate to residential development of the land; and
- (c) only if it is satisfied that any building or other structure or facility that will result from the proposed development will be compatible with the urban character of the surrounding locality.

(4) When granting such a consent, the Council may impose conditions which:

- (a) require the investigation, sampling and testing of the land; and
- (b) require the preparation of a remedial action plan for the land, being a detailed plan for the remediation and for validation of the remediation of any land affected by contamination, and
- (c) require remediation of the land or any part of it to an appropriate standard; and
- (d) prohibit the construction or erection of a building or the carrying out of a work (other than remediation work) on any part of the land pursuant to the consent until the Council has accepted an independent review in writing verifying the remediation of the land to an appropriate standard.

(5) In this clause:

"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC), published in 1992;

"AS 2021" means Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) published by Standards Australia on 21 February 1994;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out.

[LEP No. 125 - c1. insert Gaz. No. 71 of 14 June, 1996, p. 3056]

Development at 345-357 Illawarra Road, Marrickville

46EA. (1) This clause applies to land situated within the area of Marrickville, known as 345-357 Illawarra Road, Marrickville, being lots 1, 15, 16 and 17 in DP 3258, as shown coloured light blue on the map marked "Marrickville Local Environmental Plan No. 148".

(2) The Council may grant consent to the development of the land to which this clause applies only after the Council has taken into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) and which are relevant

to remediation procedures, the type of contamination on the land or the type of use to which the land has been, is, or is proposed to be, put.

- (3) When granting such a consent, the Council may impose conditions which:
 - (a) require the investigation, sampling and testing of the land; and
 - (b) require the preparation of a remedial action plan for the land, being a detailed plan for the remediation and for validation of the remediation of any land affected by contamination; and
 - (c) require remediation of the land or any part of it to an appropriate standard; and
 - (d) prohibit the construction or erection of a building or the carrying out of a work (other than remediation work) on any part of the land pursuant to the consent until the Council has accepted an independent review in writing verifying the remediation of the land to an appropriate standard.
- (4) In this clause:

"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC), published in 1992;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out.

[LEP No. 148 - cl. insert Gaz. No. 107 of 3 October, 1997, p.8426-8427]

Residential flat buildings - certain land at Dulwich Hill

- 46F. (1) This clause applies to the land known as 3 Terrace Road, Dulwich Hill, as shown coloured light scarlet with dark red edging and lettered 2(c4) on the map marked "Marrickville Local Environmental Plan No.121 " deposited in the office of the Council.
- (2) Despite any other provision of this Ordinance, a person may carry out development for residential purposes on land to which this clause applies but only with the consent of the Council.
 - (3) The Council may grant such a consent only after the Council has taken into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) that are current at the time at which the Council considers the application for the consent, being guidelines, protocols or standards that are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land has been, is, or is proposed to be, put.
 - (4) When granting such a consent, the Council may impose conditions requiring any one or more of the following:
 - (a) the investigation, sampling and testing of the land;
 - (b) the preparation of a remediation plan for the land, being a detailed plan for the remediation and for the content of a validation report on the remediation of any land affected by contamination;
 - (c) the remediation of the land, or any part of it, to an appropriate standard;
 - (d) the construction or erection of a building or the carrying out of a work (other than remediation work) on any part of the land shall not be carried out until the Council has considered a report about an independent review verifying the remediation of the land to an appropriate standard.
 - (5) In this clause:

"appropriate standard" means a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council

the

(ANZECC) and the National Health and Medical Research Council (NH&MRC), published in 1992;

"contaminated land" means land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by an environmental auditor of contaminated sites who is independent of the person who is carrying out the remediation and the company or other person by which or whom that person is employed.

- (6) Clause 46(2) does not apply to the erection of a residential flat building on any land within Zone No. 2(c4) shown on the map marked "Marrickville Local Environmental Plan No. 121". However, a person shall not carry out development for residential purposes on any such land where the height of the building adjacent to Consett Street and Hercules Street exceeds 7.2 metres and the height of any other building exceeds 10 metres.
- (7) In considering an application for consent to carry out development on land to which this clause applies, the Council must take into consideration, in addition to any other relevant matter specified in section 90(1) of the Environmental Planning and Assessment Act 1979 relating to the application, such of the following matters as are of relevance to the application:
 - (a) any need for traffic management and calming improvements, including road reconstruction, roundabouts, median islands and the like for the locality so as to minimise the impact of traffic generated by the development of the land on the surrounding residential locality and to improve pedestrian safety;
 - (b) any need for landscaping and associated works, and street planting improvements and the like for the locality so as to complement the development of the land and to enhance the street quality and visual amenity of the locality.

[LEP No. 121 - c1. insert Gaz. No. 11 of 24 January, 1997, p. 232-235]

Development at 334-336 Illawarra Road, Marrickville

46FA. (1) This clause applies to land situated within the area of Marrickville, known as 334-336 Illawarra Road, Marrickville, being lot 334 in DP 859854, as shown coloured light blue on the map marked "Marrickville Local Environmental Plan No. 151".

(2) The Council may grant consent to the development of the land to which this clause applies only after the Council has taken into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) and which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land has been, is, or is proposed to be, put.

- (3) When granting such a consent, the Council may impose conditions which:
 - (a) require the investigation, sampling and testing of the land; and
 - (b) require the preparation of a remedial action plan for the land, being a detailed plan for the remediation and for validation of the remediation of any land affected by contamination; and
 - (c) require remediation of the land or any part of it to an appropriate standard; and
 - (d) prohibit the construction or erection of a building or the carrying out of a work (other than remediation work) on any part of the land pursuant to the consent until the Council has accepted an independent review in writing verifying the remediation of the land to an appropriate standard.
- (4) In this clause:

"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and

Conservation Council (*ANZECC*) and the National Health and Medical Research Council (*NH&MRC*), published in 1992;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out.

[LEP No. 151 Gaz No. 32 of 20 February, 1998, p. 904-906]

Development at 58-60 Crystal Street, Petersham

46G. (1) This clause applies to land known as 58-60 Crystal Street, Petersham, being Lot 2 in D.P. 531712, as shown coloured light blue on the map marked "Marrickville Local Environmental Plan No. 147" deposited in the office of the Council.

(2) Despite any other provision of this Ordinance, a person may carry out development allowed within Zone No. 3(a) on the land to which this clause applies within a building having a floor space ratio not exceeding 1.35:1, but only with the consent of the Council.

(3) The Council may grant such a consent:

- (a) only after the Council has taken into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Urban Affairs and Planning (or both) and which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land has been, is, or is proposed to be, put; and
- (b) only if it is satisfied that the guidelines provided in AS 2021 regarding noise levels for buildings will be complied with in so far as they relate to development of the land.

(4) When granting such a consent, the Council may impose conditions which:

- (a) require the investigation, sampling and testing of the land; and
- (b) require the preparation of a remedial action plan for the land, being a detailed plan for the remediation and for validation of the remediation of any land affected by contamination; and
- (c) require remediation of the land or any part of it to an appropriate standard; and
- (d) prohibit the construction or erection of a building or the carrying out of a work (other than remediation work) on any part of the land pursuant to the consent until the Council has accepted an independent review in writing verifying the remediation of the land to an appropriate standard.

(5) In this clause:

"appropriate standard" means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (*ANZECC*) and the National Health and Medical Research Council (*NH&MRC*), published in 1992;

"AS 2021" means Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) as published by Standards Australia in February 1994;

"independent review" means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out.

[LEP No. 147 - cl. insert Gaz. No. 93 of 22 August, 1997, p.6576-6578]

Change of use.

47. Notwithstanding the provisions of Part IV, the existing use of a dwelling-house, boarding-house or residential flat building within Zone No. 3 (a), 3 (b), 3 (c), 4 (a), 4 (b) or 4 (c) shall not be changed to another use without the prior consent of the responsible authority.

Closing of roads.

48. (1) The responsible authority shall, as soon as practicable after the appointed day and within a period of ten years after that day, apply for the approval of the Governor to publish a notice of resumption of any land comprised in a road or part of a road shown on the scheme map by black diagonal hatching superimposed on a colour and upon the granting of such approval at once proceed to resume the land.

(2) Upon applying for such approval the responsible authority shall forthwith forward by registered post to each owner and occupier of land adjoining or abutting upon the land to be resumed a notice that the purpose of the resumption is to close a road or part of a road and to include the land comprising such road or part of a road in the particular zone or reservation indicated by the colour on which the black diagonal hatching is superimposed.

(3) Upon resumption the land resumed shall be deemed to be included in the zone or reservation indicated by such colour.

(4) Where the land is deemed to be included in a zone or reservation in pursuance of subclause (3) and the responsible authority decides to sell or lease the land, it shall give to the owners of the adjoining lands first option of purchase or lease, as the case may be, of parts of the land in fair proportion.

(5) The responsible authority shall not approve of any plan of subdivision of land if the only access to a road of any parcel proposed to be created thereby is to a road marked by black diagonal hatching on the scheme map.

Advertisements.

49. A person shall not erect an advertising structure in Zone No. 2 (a), 2 (b1), 2(b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7).

[LEP No. 1 - cl. am. (zones 2(b1) and 2(b2) insert) No. 5 of 9 January, 1981, p. 170]
[LEP No. 33 - cl. am. (refer. to general advertising and zone 2(d) omit.) Gaz. No. 62 of 3 April, 1987, p. 1776]

[55-67 Livingstone Road, Marrickville (Former Salvation Army College)]

49A. (1) This clause applies to the land as shown coloured light scarlet with dark red edging and lettered 2 (c1) on the map marked "Marrickville Local Environmental Plan No. 15".

(2) A person shall not, without the consent of the Council and the concurrence of the Director -

- (a) demolish, in whole or in part; or
- (b) alter in any way, whether or not the making of the alteration involves the carrying out of structural work (including rebuilding, enlarging or extending), repair or renovation, or painting, plastering or other decoration, the facade of any building which is erected on the land to which this clause applies.

(3) The Director, in deciding whether to grant concurrence as referred to in subclause (2), shall take into consideration -

- (a) the significance of the item as an item of the environmental heritage of the Municipality of Marrickville;
- (b) the extent to which the carrying out of development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site;
- (c) whether any stylistic, horticultural or archaeological features of the item or its site should be retained;
- (d) whether the item constitutes a danger to the users or occupiers of that item or to the public;

- (e) whether permanent conservation of the item is, in the opinion of the Director, necessary;
- (f) whether a refusal to grant concurrence would result in undue financial hardship to the owner, mortgagee or lessee of the land to which this clause applies; and
- (g) whether a refusal to grant concurrence would render any building, work or relic incapable of reasonable or economic use.

[LEP No. 15 - cl. insert Gaz. No. 156 of 11 November, 1983, p. 5082]

Restriction on excavations.

50. Where immediately before 27th June, 1951, any land within Zone No. 2 (a), 2 (b1), 2(b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7) was used for the purpose of winning extractive materials, no excavation for that purpose shall be made, opened or extended within 15 metres of adjoining land which is within Zone No. 2 (a), 2 (b1), 2(b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7), and was not, immediately prior to 27th June, 1951, in the same ownership.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 171]

[LEP No. 33 - cl. am (metric conv. and delete refer. to zone 2(d)) Gaz. No. 62 of 3 April, 1987, p. 1776]

Alignment of main roads.

51. The Council shall not, without the approval of the Commissioner for Main Roads, cause to be aligned or realigned any main road or any other road which the Commissioner for Main Roads has notified as a proposed main road.

Junctions and intersections.

52. A road or other means of access which forms a junction or intersection with a county road shall not be opened without the consent of the Director of Environment and Planning.

[LEP No. 33 - cl. am. Gaz. No. 62 of 3 April, 1987, p. 1776]

Building lines along main roads or county roads.

53. Notwithstanding any other clause, a residential flat building shall not be erected on any land within Zone No. 2 (b1), 2(b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7) which is closer than 9 metres to a main road or county road.

[LEP No. 1 - cl. am, Gaz. No. 5 of 9 January, 1981, p. 171]

[LEP No. 33 - cl. am. (metric conv. and delete refer. to zone 2(d)) Gaz. No. 62 of 3 April, 1987, p. 1776]

Buildings below high water mark.

54. Notwithstanding the provisions of Part III, a building or work shall not, without the consent of the responsible authority, be erected or carried out on land below high water mark which is within the Municipality of Marrickville.

Services stations or car repair stations.

55. (1) A building or work shall not be erected or used on land and land shall not be used for the purpose of a service station or car repair station unless, where the land has frontage to a main road or county road, the Traffic Authority of New South Wales and the Department of Main Roads have been consulted.

(2) A building or work shall not be erected or used and land shall not be used for the purpose of a service station unless in addition to the other requirements of this clause -

- (a) inlets to bulk fuel storage tanks are so situated on the site as to ensure that tankers, while discharging fuel into such tanks, shall stand wholly within the site;
- (b) fuel pumps are within the site and not closer than 3.5 metres to the road alignment;
- (c) the layout of the site is such as to facilitate the movement of vehicles entering upon or leaving the site with the flow of traffic on the adjoining road;

- (d) vehicular access to or from the site or to an adjoining road is situated not closer than 25 metres to any traffic lights on such road; and
- (e) the site is suitably landscaped to the satisfaction of the responsible authority.

[LEP No. 1 - sub-cl. 55(1) am. Gaz. No. 5 of 9 January, 1981, p. 171]
 [LEP No. 1 - sub-cl. 55(2) am. Gaz. No. 5 of 9 January, 1981, p. 173]

Drive-in theatres.

56. A drive-in theatre shall not be erected or used unless the following conditions are complied with -

- (a) a vehicular entrance to or exit from a drive-in theatre shall not be located within 90 metres of a county road or a main road;
- (b) within the site of a drive-in theatre there shall be a vehicular driveway, at least 60 metres in length and 20 metres in width, leading from the entrance to the site to the ticket office;
- (c) the screen of a drive-in theatre shall be so located or protected that no image projected thereon shall be visible and identifiable from a county road or a main road;
- (d) where an application is received by the responsible authority for consent to erect a building or to use a building or land for the purpose of a drive-in theatre, the responsible authority shall, before determining the application, consult with the Traffic Authority of New South Wales and the Department of Main Roads and take into consideration any representations made by that Authority or Department.

[LEP No. 1 - par. (d) am. Gaz. No. 5 of 9 January, 1981, p. 172]
 [LEP No. 1 - par. (b) am. Gaz. No. 5 of 9 January, 1981, p. 173]

Residential flat buildings.

57. (1) A residential flat building, other than units for aged persons, shall not be erected or used unless provision is made within the site for -

- (a) vehicular parking space of an area of not less than 5.5 metres long by 2.5 metres wide for each dwelling within the building;
- (b) proper vehicular access to such parking space.

(2) In the case of units for aged persons, there shall be provided such vehicular parking space as the responsible authority may require having regard to the location of the building in relation to public transport and the availability of alternative car parking facilities, but so that there shall be provided not less than one such space for each ten dwellings, and that the responsible authority may not require the provision of more than one such space for each five dwellings.

(3) For the purposes of this clause -

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

[LEP No. 1 - subcl. (1) & (2), am. Gaz. No. 5 of 9 January, 1981, p. 172 & 173]

Controlled access roads.

58. (1) The Governor may proclaim any county road or any part of a county road to be a controlled access road and in the like manner amend or revoke any such proclamation.

(2) A copy of any proclamation made under subclause (1) shall be published in the Gazette and in a newspaper circulating in the locality in which the controlled access road is situated and shall be served on the responsible authority.

(3) A person shall not enter or leave a controlled access road except by a means of access or route provided for that purpose.

(4) The Council or any person shall not, without the consent of the responsible authority, open, construct, form or lay out any means of access to or from a controlled access road:

Provided that the responsible authority shall not without the approval of the Commissioner for Main Roads consent to the opening, construction, forming or laying out of any means of access to or from a controlled access road which is or which may be a main road: Provided also that in the event of the Commissioner for Main Roads refusing in any case to approve, a difference within the meaning of section 654 of the Act shall be deemed to have arisen and the responsible authority or the Commissioner for Main Roads may submit such difference to the Minister for determination under that section.

(5) The responsible authority may erect and maintain fences or posts across any side road or other means of access for the purpose of preventing access to a controlled access road.

(6) A person shall not drive any loose sheep, cattle, horses or other animals on or along a controlled access road.

(7) The provisions of this clause shall not apply to or in respect of any main road which is proclaimed a motorway under Part VAA of the Main Roads Act, 1924.

Restriction of ribbon development.

59. (1) The provisions of this clause shall apply to any county road or to any main road or to any part of a county road or main road to which road or part such provisions are applied by the Governor by proclamation.

(2) The Governor, in respect of any land fronting, adjoining or adjacent to a road to which the provisions of this clause apply, may be set out in the proclamation -

- (a) prohibit the erection of buildings or any specified class of building or buildings intended for use for specified purposes within such distance of the road as may be set out in the proclamation;
- (b) direct that, in respect of the erection of buildings or any specified class of buildings or buildings intended for use for specified purposes within such distance of the road as may be set out in the proclamation, unless the Department certifies to the responsible authority that it is satisfied that either -
 - (i) the character of the building or the use to which the building is to be put is such as not to be likely to cause traffic congestion on the road; or
 - (ii) satisfactory arrangements have been made for limiting traffic congestion on the road;

the responsible authority shall as a condition of its consent to the erection of any such building require the provision and maintenance of such means of entrance and egress and of such accommodation for the loading or unloading or parking of vehicles or picking up and setting down of passengers or the fuelling of vehicles as may be determined by the Department for the purpose of limiting such congestion;

- (c) prohibit the making of any permanent excavation within such distance of the road as may be set out in the proclamation;
- (d) prohibit the subdivision of any land which provides for the creation of separate parcels of land with a length of frontage to the road less than that specified in the proclamation.

For the purposes of this subclause "building" has the meaning ascribed to it in section 342G (3) (b) of the Act.

[LEP No. 1 - subcl. (2) am. Gaz. No. 5 of 9 January, 1981, p. 172]

(3) Any proclamation made under subclause (2) -

- (a) may apply generally to all buildings or to all buildings other than those mentioned in the proclamation or particularly to any specified class of buildings or buildings intended for use for specified purposes;
- (b) may specify different distances for different buildings or for different classes of buildings or buildings intended for use for different purposes or different distances for different roads or different distances for different parts of the same road.

(4) Any such proclamation may be amended, varied or revoked by a similar proclamation.

(5) A proclamation made under this clause shall be published in the Gazette and in a newspaper circulating in the locality in which the road is situated.

A copy of any such proclamation shall be served on the responsible authority.

(6) Upon the publication of any proclamation made under subclause (2), the operation of any instrument giving consent or approval under Part XIIA of the Act to the erection of a building or the making of a permanent excavation or the subdivision of land which, if erected, made or carried out after the publication of such proclamation would be in contravention thereof, shall be deemed to have been suspended to the extent of its inconsistency with this clause but such suspension shall not prevent the completion of the erection of a building or the making of a permanent excavation which was substantially commenced but not completed before the publication of such proclamation.

Land used for commercial or industrial purposes.

60. (1) This clause shall apply to all land having a frontage to a main road or county road used or to be used for commercial or industrial purposes whether or not it forms the site of a building.

(2) Notwithstanding anything contained in Part III -

- (a) where there is no building on the land or the only building thereon is of a minor character, such land shall not be used for the storage, sale or display of goods or for advertising purposes without the consent of the responsible authority;
- (b) where the land forms the site of a building, other than one of a minor character, the land between the road frontage and the building shall not be used for the storage, sale or display of goods or for advertising purposes without the consent of the responsible authority.

60A Premises used for prostitution

- (1) The use of land to which this Ordinance applies (except land in Zone No 3 (a), 4 (a) or 4 (b)) for the purpose of a brothel is prohibited.
- (2) Despite any other provision of this Ordinance, development for the purpose of a brothel may be carried out on land in Zone No 3 (a), 4 (a) or 4 (b), but only with the consent of the Council.
- (3) If development for the purpose of a dwelling-house may be carried out with or without consent on land to which this Ordinance applies, the dwelling-house may, but only with the consent of the Council, be used for the purpose of a home occupation consisting of prostitution carried on by not more than one prostitute.
- (4) In considering an application for consent required by subclause (2) or (3), the Council 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, residential development 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,
 - (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 is 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 structure 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,
 - (j) whether the operation of the brothel or dwelling-house would cause a disturbance in the neighbourhood when taking into account other brothels operating in the neighbourhood.
- (5) The Council must not consent to the carrying out of development for the purpose of a brothel on land in Zone No 3 (a) where any part of the brothel (excluding access) is located at street level.

[LEP No. 135 – cl. Insert GG No. 68 of 27 June 1997, p. 5143-45]

Showroom development at 167-169 Victoria Road, Marrickville

60B.(1) This clause applies to land known as 167-169 Victoria Road, Marrickville, being Lot 2 of Section 1 in D.P. 4590 and Lot 1 of Section 1 in D.P. 4590, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 139".

(2) A person may, with the consent of the Council, carry out development on the land to which this clause applies for the purpose of a showroom for the display of timber flooring and associated products.

(3) The Council may grant consent only if it is satisfied that the guidelines provided in AS 2021 regarding noise reduction for the purpose of a showroom will be complied with in so far as they relate to a showroom development of the land.

- (4) In this clause:
 "AS 2021" means Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) published by Standards Australia on 21 February 1994.

[LEP No. 139 – cl. Insert. Gaz No. 26 of 14 March 1997, p. 1521]

Exhibition homes.

61. Nothing in this Ordinance shall operate to prohibit the use, with the consent of the responsible authority, of a dwelling-house within Zone No. 2 (a), 2 (b1), 2 (b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (c6) or 2 (c7) as an exhibition home: Provided that the responsible authority shall not, without the concurrence of the Department, consent to the use of a dwelling-house for such purpose where the dwelling-house has frontage to a main road or county road or to a road connecting with a main road or county road which frontage is wholly or partly within 90 metres measured along the road alignment of such connecting road, of such main road or county road.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January 1981, p. 171, p. 172 and p. 173]

Drive-in take-away food shops.

62. A drive-in take-away food shop shall not be erected or used unless the following conditions are complied with -

- (a) the site has an area of not less than 1,000 square metres;
- (b) where the site has frontage to a county road or main road the frontage to such road is not less than 30 metres;
- (c) where the site has frontage to any other road, the frontage to such road is not less than 20 metres;
- (d) any vehicular crossing -
 - (i) is not less than 6 metres in width;
 - (ii) is not closer than 9 metres to another vehicular crossing or the site;
 - (iii) is not closer than 7.5 metres to a road intersection;
- (e) where the site has frontage to a county road or main road there is provided on the site parking space for not less than 30 motor vehicles;

- (f) where the site has frontage to any other road there is provided on the site parking for such number of motor vehicles as the responsible authority may determine;
- (g) the site is suitably landscaped to the satisfaction of the responsible authority;
- (h) any advertisements displayed on the site do not exceed two in number.

[LEP No. 1 - para. (a), (b), (c) & (d) am. Gaz No. 5 of 9 January, 1981, p. 173]

Floor space ratios - buildings other than residential flat buildings.

63. (1) In this clause -

"building" means a building other than a building used or to be used exclusively as a residential flat building;

"floor space ratio" means the ratio of the total floor space of a building to the site area of the land on which the building is or is proposed to be erected.

(2) The responsible authority shall not consent to an application to erect a building on land within a zone specified in Column I of the Table to this clause unless the floor space ratio of the building does not exceed the ratio in Column II of that Table opposite that zone.

TABLE.

Column I	Column II
Zone	Floor space ratio
2 (b1), 2 (b2), 2 (c1), 2 (c2), 2 (c3), 2 (c4), 3 (d), 4 (a), 4 (b) or 4 (c)	1:1
2 (c5), 2 (c6) or 2 (c7)	1.8:1
3 (a), 3 (b), 3 (c)	2:1

[LEP No. 1 - c1. am. Gaz. No. 5 of 9 January, 1981, p. 171]
 [LEP No. 33 - cl. am. Gaz. No. 62 of 3 April, 1987, p. 1776]

Development in Zone No. 2 (d).

64. [LEP No. 33 - cl. omitted Gaz. No. 62 of 3 April, 1987, p. 1776]

Restriction of development in respect of certain road proposals.

65. (1) Notwithstanding any other provision of this Ordinance, where on the scheme map a proposed new alignment of a road is shown by a broken black line with the words "proposed new alignment" the responsible authority shall not consent to the erection of buildings or the carrying out of works on land between the existing alignment of the road and the proposed new alignment other than minor and not substantial repairs and improvements for the purpose of permitting reasonable preservation and temporary use of a building or work.

(2) Where the road proposed to be realigned is a main road, the responsible authority shall not consent to the carrying out of such repairs and improvements except with the concurrence of the Commissioner for Main Roads.

Development - certain lands.

65A. (1) Nothing in Part III prevents a person, with the consent of the council, from carrying out development on the land referred to in Column I of the Table to this clause for the purposes specified in Column II of that Table shown opposite that land.

(2) Where under subclause (1) land specified in Column I of the Table to this clause may be developed for the purposes for which land reserved for a purpose or included within a zone specified in Column II may be developed, the provisions of this Ordinance relating to land reserved for a purpose or included within a zone specified in Column I of the Table shall, on and from the date of inclusion of that land in the Table, cease to apply to that land and the provisions of this Ordinance relating to land reserved for a purpose or included within a zone specified in Column II of the Table shall thereupon apply to that land.

TABLE.

Column I	Column II
Lot 1, section 1, D.P. 5482, known as 394 Marrickville Road, Marrickville, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 23" deposited in the office of the council. [GG No. 53 - 6/4/84]	Commercial premises.
Lots 1 and 2, D.P. 63343, lot 1, D.P. 78995, lot 1, D.P. 3822, and lots A and B, D.P. 308186, known as 592-604 Parramatta Road, Petersham, as shown edged black on the map marked "Marrickville Local Environmental Plan No 24" deposited in the office of the council. [GG No. 170 - 7/12/84]	Display, storage and retail sale of builders' supply materials.
Lot 52, D.P. 622282, Tillman Park, Unwins Bridge Road, Sydenham. [LEP No. 33]	Child care centre.
Lot 11, D.P. 6206554, 305-313 Enmore Road, Enmore. [LEP No. 33]	Child care centre.
Lot 3, D.P. 175973, and the whole of D. P. 975361, Camperdown Park, Australia Street, Camperdown. [LEP No. 33]	Community Purposes.
Lot 6, D.P. 4040; lot B, D.P. 937092; part lot 5, D.P. 191; and part lot 6, D.P. 913633, and known as Nos 801 -807 New Canterbury Road, Hurlstone Park, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 38" deposited in the office of the council. [GG No. 133 - 21/8/87]	Motor showrooms.
Land known as Nos 2-6 Byrnes Street, and Nos 359-367 Illawarra Road, Marrickville, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 42" deposited in the office of the council. [GG No. 162 - 16/10/87]	Club.
Lot B, D.P. 101847, and known as Nos 114-116 Stanmore Road, Stanmore, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 47" deposited in the office of the council. [GG No. 145 - 16/9/88]	Any of the purposes referred to in Schedule 1.
Lot I, D.P. 20617, and known as No. 2 Holt Street, Stanmore, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 53" deposited in the office of the council. [GG No. 174 - 25/11/88]	Educational establishment.
Lot 4, D.P. 4182, known as 107 Windsor Road, Dulwich Hill, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 61" deposited in the office of the council. [GG No. 90 - 25/8/89]	Artist's studio (being premises used by artists or craftsmen to produce works of art or craft).
Lot I, D. P. 565617, known as No. 1 Thomas Street, Lewisham, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No 66" deposited in the office of the council. [GG No. 114 - 24/11/89]	Commercial premises.
Lots 100 and 101, D P 703030, and known as Nos. 22-22A Hillcrest Street, Tempe, as shown coloured light scarlet on the map marked "Marrickville Local Environmental Plan No. 68" deposited in the office of Council. [GG No. 41 - 30/3/90]	Boarding-house.
Lot 13, D.P. 1465, known as No. 138 Marrickville Road, Marrickville, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 69". [GG No. 44 - 30/3/90]	Commercial premises.

Lots A and B, D.P. 308880, D.P. 105806, and D. P. 446975, known as 2 Tupper Street, and 58-76 Stanmore Road as shown by distinctive colouring and lettering on the map marked "Marrickville Local Environmental Plan No. 74" deposited in the office of the council. [GG No. 152 - 23/10/90]	Club.
Lot 2, D.P. 212102, known as 257 Enmore Road, Enmore, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 75". [GG No. 133 - 26/10/90]	Clothing manufacture and a clothing shop.
Lot 9, D.P. 2036 shown as 69 Australia Street Camperdown, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 83", deposited in the office of the Council. [GG No. 45 - 15/1/91]	Commercial premises.
Ground Floor of existing premises on Lot 3, D P. 381188, known as 275 Stanmore Road, Petersham, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 82". [GG No. 108 - 19/7/91]	Commercial premises.
Existing premises on land known as Nos. 846 -854 Princes Highway, Tempe, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 85". [GG No. 108 - 19/7/91]	Commercial premises.
Lot 2, D.P. 977701, and known as Nos. 238-240 Enmore Road, Enmore, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 86". [GG No. 110 - 26/7/91]	Commercial premises.
Ground floor of the existing premises on Lot 21, D.P. 1106, known as 67-69 Westbourne Street, Petersham, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 87" deposited in the office of the Council. [GG No. 167 - 29/11/91]	Commercial premises.
Lots 1 and 2, D.P. 517419, known as 102 - 104 Silver Street, Marrickville, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 92" deposited in the office of the Council. [GG No. 49 - 16/4/92]	Commercial premises with a floor space ratio (as defined for the purposes of clause 63) not exceeding 1.2:1.
Lot 1, D.P. 208950, known as 2G Gladstone Street, Newtown, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 91". [GG No. 51 - 24/4/92]	Junk yard.
Lot 1, D.P. 723454, Pt Lot 12, D.P. 961809, Lot 1, D.P. 951248, Pt Lots 4-6, D.P. 111207 and Lot 5, D.P. 110490, known as 13-17 Regent Street and 23-25 Fisher Street, Petersham, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 94". [GG No. 112 - 4/9/92]	Car parking.
Lot B, D.P. 101847, known as Nos. 114-116 Stanmore Road, Stanmore, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 98". [GG No. 137 - 20/11/92]	Job printing.
Lot 1, D.P. 710638, known as 58-60 Australia Street, Camperdown, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 97" deposited in the office the Council. [GG No. 144 - 11/12/92]	Artist's studio (being premises used by artists or craftsmen to produce works of art or craft), electrical appliance shop and electrician's workshop.
Lot 18, D.P. 4433, known as 74 Frampton Avenue, Marrickville, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 100". [GG No. 144 - 11/12/92]	Warehouse having a floor space not exceeding 300 square metres.

Lot 1, D.P. 212102, known as 255 Enmore Road, Marrickville, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 104" deposited in the office of the council. [GG No. 24 - 12/3/93]	Commercial premises (having a floor area not exceeding 62 sq.m.).
Lot 1, D.P. 89071, known as 16-18 Mary Street, St. Peters, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 102". [GG No. 32 - 2/4/93]	Car parking.
13 Garners Avenue, Marrickville, being land described in conveyance No. 928 Book 1897, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 103" deposited in the office of the Council. [GG No. 32 - 2/4/93]	Car parking.
Lot A, D. P. 152875, known as 29-31 Railway Terrace, Lewisham, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 105". [GG No. 32 - 2/4/93]	Commercial premises, refreshment room and shop.
Pt. Lot 89, D.P. 750, known as 1 Railway Road, St. Peters, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 106" deposited in the office of the Council. [GG No. 43 - 7/5/93]	Car parking.
Lot 1, Sec. 2, D.P. 681, known as 645-657 Princes Highway, Tempe, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 115" deposited in the office of Marrickville Council. [GG No. 136 - 7/10/94]	Retail sale of electrical goods and mobile phones.
Lot 1, D.P. 513827, known as 35 Crystal Street, Petersham, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 123". [GG No. 110 - 8/9/95]	Clothing manufacture and associated storage.
Lots 37 – 52 and part lot 53 in Deposited Plan No. 1525, Lot 1 in Deposited Plan 321107 and part Lot 1 in DP 79082 (known as 11 – 23 Gordon Street, Marrickville), as shown coloured light purple with dark red edging and lettered 4(b) on the map marked "Marrickville Local Environmental Plan No. 153". [GG No. 159 - 24/12/97]	Commercial premises.
Lot B, DP 374296 (known as 376 Princes Highway, St. Peters), as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 160". [GG No. 160 – 21/5/99]	Motorcycle showroom, for the display, sale and rental of motorcycles.
Lot 100 in Deposited Plan No. 600471 (known as 1-27 Princes Highway, St.Peters), as shown coloured light scarlet with dark red edging and lettering on the map marked "Marrickville Local Environmental Plan No. 164". [GG No. 164 – 27/8/99]	Refreshment rooms.
1-13 Garners Avenue, Marrickville, as shown coloured light scarlet with dark red edging and lettered 2 (c3) on the map marked "Marrickville Local Environmental Plan No. 174". [GG No. 121 – 15/9/00]	Any purpose permitted with consent in Zone No. 4(b) within a building having a floor space ratio (as defined for the purpose of clause 63) not exceeding 0.9:1.

[708-714 Parramatta Road, Petersham - display and retail of furniture (inserted LEP No. 2, GG No. 182 - 28/11/80 - omitted LEP No. 33 GG No. 62 - 3/4/87]
[37 Gilpin Street, Camperdown - residential "B2" uses (inserted LEP No. 6, GG No. 185 - 11/12/81 - omitted LEP No. 33 GG No. 62 - 3/4/87]
[76 Wilford Street, Newtown - industrial light uses (inserted LEP No. 8, GG No. 33 - 5/3/82 - omitted LEP No. 33 GG No. 62 - 3/4/87]
[3-7 & 2-4 Regent Street, Petersham - club purposes FSR <= 1:1 (inserted LEP No. 9, GG No. 61 - 7/5/82 - omitted LEP No. 33 GG No. 62 - 3/4/87]
[58 Australia Street, Camperdown - artists studio (inserted LEP No. 77 GG No. 18 - 25/1/91 - replaced LEP No. 97 GG No. 144 - 11/12/92]
[1-13 Garners Avenue, Marrickville – light industrial FSR 0.9:1 (inserted LEP No. 174, GG No. 121 – 15/9/00 replaced LEP No. 93 – 14/8/92]

“Mill House” Victoria Road, Marrickville

65B. (1) This clause applies to the land within the Municipality of Marrickville, being bounded by Victoria Road, Bourne Street, Smidmore Street and Murray Street, Marrickville, as shown as coloured light blue on the map marked "Marrickville Local Environmental Plan No. 10", deposited in the office of the council.

- (2) A person shall not, without the consent of the council -
 - (a) demolish or remove, in whole or in part, any building which is, on the commencement of this clause, situated on the land to which this clause applies;
 - (b) alter in any way the external fabric or appearance of any building which is, on the commencement of this clause, situated on that land, whether or not the making of the alteration involves the carrying out of structural work (including rebuilding, enlarging and extending), repair or renovation, or painting, plastering or other decoration; or
 - (c) erect any building on that land.
- (3) The council shall not consent to -
 - (a) the carrying out of extensions, alterations, renovations or repairs to any building which is, on the commencement of this clause, situated on the land to which this clause applies; or
 - (b) the erection of any building, on that land, if the extensions, alterations, renovations or repairs or the building, as the case may be, will not, in the opinion of the council, be compatible with or enhance the historic, natural, scientific, cultural, social, architectural and aesthetic significance of the building known as the "Mill House" situated on that land.
- (4) Notwithstanding any other provision of this Ordinance, the council shall not consent to -
 - (a) the alteration of any building which is, on the commencement of this clause, situated on the land to which this clause applies; or
 - (b) the erection of any building on that land, unless the ratio of the total floor space of the building, as altered or to be erected, to the site area on which that building is erected or to be erected (as the case may be), will not exceed 0.8:1.

[LEP No. 10 - cl. insert Gaz. No. 85 of 25 June, 1982, p. 2855]

Development of Marrickville Hospital site.

65C. (1) This clause applies to the land known as the Marrickville Hospital site, fronting Lilydale Street and Livingstone and Marrickville Roads, Marrickville, as shown edged heavy black on the map marked "Marrickville Local Environmental Plan No. 124".

(2) The responsible authority may consent to the carrying out development on land to which this clause applies that is within Zone No. 5(a) for the purposes of a child care centre, public building, open space, commercial premises, car parking, community facilities or residential uses.

(3) The ratio of the total floor space of all buildings on the land to which this clause applies that are within Zone No. 5(a) to all of the land to which this clause applies that is within that zone is not to exceed 2:1. The total floor space in this sub-clause excludes the floor area of any items of the environmental heritage retained on land to which this clause applies within Zone No. 5(a).

(4) Despite any other provision of this Ordinance, the responsible authority may grant consent to the carrying out of development on the land to which this clause applies for any temporary purpose, provided that the responsible authority is satisfied that:

- (a) the development is necessary and reasonable for the economic use of the land, pending its development in accordance with the aims of Marrickville Local Environmental Plan. No. 124 and any development control plan that relates to the land; and
- (b) the development will not prejudice the carrying out of any further development on the land, or any further development in relation to any items of the environmental heritage, in accordance with the aims of Marrickville

Local Environmental Plan. No. 124 and with any development control plan that relates to the land; and

- (c) appropriate arrangements will be made for any necessary reinstatement of the land.

(5) Development of land to which this clause applies within a zone that (in the absence of this subclause) would be prohibited in the zone may be carried out with development consent within 30 metres of the boundary between that zone and another zone if it is permitted in the other zone either with or without development consent, but only if:

- (a) the development is an extension to the development in the other zone; and
- (b) the development accords with the aims of Marrickville Local Environmental Plan. No. 124.

(6) The following provisions do not apply to development carried out on land to which this clause applies:

- (a) clause 34(d) (which relates to the erection or use of a residential flat building);
- (b) clause 43C (which relates to density control in respect of residential flat buildings);
- (c) clause 46 (which relates to the height of certain buildings);
- (d) clause 57 (which relates to parking for residential flat buildings).

[LEP No. 124 - cl. insert Gaz. No. 104 of 13 September, 1996, p. 6374]

Conversion of industrial buildings to residential flat buildings

65D. (1) This clause applies to land within Zone 2(a), 2(b1), 2(b2), 2(c1), 2(c2), 2(c3), 2(c4), 2(c5), 2(c6), or 2(c7), where, at the commencement of Marrickville Local Environmental Plan No. 158, has a building erected on that land that was designed and constructed for an industrial or warehouse purpose.

- (2) Notwithstanding any other provision of this Ordinance, the responsible authority may grant consent to an application to convert a building on land to which this clause applies to a residential flat building.
- (3) The following provisions do not apply to development carried out on land to which this clause applies:
 - (a) clause 43C (which relates to density and landscaped area control in respect of residential flat buildings);
 - (b) clause 46 (which relates to the height of certain buildings);
 - (c) clause 57 (which relates to parking in respect of residential flat buildings).
- (4) In considering an application referred to in subclause (2), the responsible authority must take into consideration such of the following matters as are of relevance to the application:
 - (a) the impact of the proposal on the scale and streetscape of the surrounding locality;
 - (b) the impact on adjoining properties, particularly in respect to overshadowing, loss of privacy, and visual intrusion;
 - (c) where appropriate, provision of appropriate landscaping or a private recreation area in the form of balconies and terraces;
 - (d) the heritage aspects of the existing building;
 - (e) the guidelines provided in Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-Building siting and construction) regarding noise reduction;
 - (f) any guidelines, protocols or standards known to the responsible authority to have been published by the Environment Protection Agency 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;
 - (g) the building's suitability for conversion;
 - (h) the degree of modification of the footprint and facade of the building;
 - (i) the impact on employment opportunities in the area;
 - (j) the size and mix of units or apartments;
 - (k) the impact on traffic and parking and the nature of the surrounding streets.
- (5) When granting such a consent, the responsible 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.

[LEP No. 158 - cl. insert Gaz. No. 32 of 12 March, 1999, p. 2193/4]

PART VIII.

General.

Savings.

66. Nothing in this Ordinance shall be construed as restricting or prohibiting or enabling the responsible authority to restrict or prohibit -

- (a) the carrying out of development of any description specified in Schedule 7;
- (d) the use of existing buildings of the Crown; or
- (e) home occupations carried on in dwelling-houses, unless it involves prostitution carried on by not more than one prostitute.

[LEP No. 135 – am. clau. GG No. 68 of 27 June 1997, p. 5143-45]

Rights, etc., under County of Cumberland Planning Scheme.

67. The revocation, pursuant to section 342L (2) (d) of the Act, of the County of Cumberland Planning Scheme to the extent to which it applies in respect of all land within the Municipality of Marrickville to which this scheme applies shall not affect -

- (a) the preservation, continuance or enforcement of any right, privilege, obligation or liability acquired, accrued or incurred under that Scheme in respect of any land to which this Ordinance applies before such revocation;
- (b) the taking of legal proceedings in respect of any offence under that Scheme committed in respect of any land to which this Ordinance applies before such revocation.

Application of Scheme to development incomplete at commencement of Scheme.

68. Nothing in this Ordinance shall prevent the erection of a building or the carrying out of a work and the use of such building or work in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of any permission or modification thereof granted under Division 7 of Part XIIA of the Act and under that Ordinance or under an interim development order which permission has not been revoked, or of any consent granted under the County of Cumberland Planning Scheme if the erection of the building or the carrying out of such work was commenced, but not completed, before the appointed day or is substantially commenced within a period of twelve months after that day.

Application of Scheme to development before commencement of Scheme.

69. Any development which was carried out after 12th July, 1946, otherwise than in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of Division 7 of Part XIIA of the Act or otherwise than in accordance with the County of Cumberland Planning Scheme and which does not conform with the provisions of this Ordinance shall be deemed to be in contravention of this Ordinance.

Fulfilment of conditions.

70. (1) Where permission to erect any building or to carry out any work or to use any building, work or land or to do any other act or thing has been granted under Division 7 of Part XIIA of the Act or under any Ordinance made under that Part or where any consent for any such purpose has been granted under the County of Cumberland Planning Scheme and conditions have been imposed which are not inconsistent with any provisions of this Ordinance, the conditions shall have effect as if they were conditions imposed under this Ordinance and may be enforced accordingly.

(2) Where, in accordance with the provisions of Part IV, an existing building or an existing work is maintained and used for its existing use or an existing use of land is continued and such use is permissible by virtue of a consent granted under the County of Cumberland Planning Scheme, such consent and any conditions attached thereto may be enforced as if it were a consent granted under this Ordinance, or such conditions were attached to a consent so granted.

Leasing of certain lands.

71. (1) Where the responsible authority has acquired any land for any purpose under this Ordinance and where it appears to the responsible authority that such purpose cannot be carried into effect within a reasonable time after such acquisition, the responsible authority may let such land by way of lease under and subject to the provisions of the Act.

(2) In the case of land acquired for the purpose of a main road or county road, the consent of the Department of Main Roads to the lease shall first be obtained.

(3) In determining the term of any such lease regard shall be had to the time when the land is likely to be required for the purpose for which it was acquired or the time when the purpose of the acquisition is likely to be carried into effect.

(4) Any such lease may authorise the erection of buildings, the carrying out of works and the making of excavations for any purpose but in any case where such purposes are inconsistent with the purposes for which the land is reserved or zoned under this Ordinance, the lease shall require the removal of any such buildings or works or the reinstatement of the land before the end of the term of the lease.

(5) Where the Department is the responsible authority under the Ordinance it shall, before determining any application under this clause, consult with the Council and shall take into consideration any representations made by the Council in relation thereto.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 172]

Suspension of Acts, covenants, etc.

72. (1) In respect of any land included in a zone, the operation of Schedule 7 to the Act is hereby suspended to the extent to which the provisions of such Schedule are inconsistent with any of the provisions of this Ordinance or with any consent given thereunder.

(1A) [SREP No. 12 - om. by Gaz. No.104 of 19 June, 1987]

(2) The operation of section 309 of the Act and of the proclamations made thereunder declaring residential districts is hereby suspended to the extent to which such section and such proclamations are inconsistent with any of the provisions of this Ordinance or with any consent given thereunder.

(3) In respect of any land which is comprised within any zone, other than within Zone No. 2 (a) the operation of any covenant, agreement or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes is hereby suspended to the extent to which any such covenant, agreement or instrument is inconsistent with any provision of this Ordinance or with any consent given thereunder.

(4) Nothing in subclause (3) of this clause shall affect the rights or interests of any statutory authority under any registered instrument.

[cl. insert Gaz. No. 191 of 19 December, 1980, p. 6633]
[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 172]

Plans of subdivision.

73. The Council shall retain and catalogue a copy of every plan of subdivision approved by it and upon registration of such plan in the office of the Registrar General, shall clearly mark on a copy of a map of its area the location of the land to which each such plan relates with a reference to the catalogued copy.

Register.

74. (1) [cl. omitted Gaz. No. 139 of 26 September, 1980, p. 4994]
[See Section 104 - EP&A Act and cl. 107 EP&A Regulations]

Review.

75. The Council shall, whenever directed by the Department so to do and in any case within ten years from the appointed day, review the scheme and prepare and submit to the Department with the provisions of the Act a town and country planning scheme or schemes varying this scheme.

[LEP No. 1 - cl. am. Gaz. No. 5 of 9 January, 1981, p. 172]

Penalty.

76. [cl. omitted Gaz. No. 33 of 5 March, 1982, p. 922]
[See Section 76 - EP&A Act]

Temporary uses

76. Notwithstanding any other provision of this Ordinance, the Council may grant consent to any use land or building, including the erection of temporary structures or the carrying out of temporary structures or the carrying out of temporary works in connection with the use, on any land to which this Ordinance applies if it is satisfied that:

- (a) the use is genuinely temporary and will cease within time fixed or agreed to by the Council;
- (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;
- (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 Ordinance;
- (d) the use will not unreasonably or adversely affect residential amenity; and
- (e) the use would not be likely to significantly affect the viability of any commercial centre in the locality.

Classification and reclassification of public land as community land or operational land

77. The public land described in Column 1 of Schedule 10 is classified, or reclassified, as community land or operational land, as set out in Column 2 of the Schedule for the purposes of the Local Government Act 1993.

[LEP No. 136 - cl. am. Gaz. No. 79 of 15 May, 1988, p. 3478-3479]

SCHEDULES.

SCHEDULE 1.

Clause 23.

Butcher's shop
Chemist's shop.
Clothing shop.
Confectionery shop.
Crockery shop.
Delicatessen.
Drapery shop.
Electrical appliances shop.
Florist's shop
Footwear shop.
Fruit and vegetable shop.
Furniture shop.
Gift shop.
Grocery and health food shop.
Hardware shop.
Jewellery and watchmaker's shop.
Leathergoods and travelgoods shop.
Musical instruments shop.
Optical goods shop.
Philatelist's shop.
Photographic apparatus and material shop.
Small arms and ammunition shop.
Smallgoods shop.
Sports requisites shop.
Stationery shop (books and newspapers).
Tobacconist's and hairdresser's shop.
Wine and spirit merchant's shop.
Agency offices other than T.A.B.
Banks.
Finance and property company premises.
Friendly and benefit society premises.
Insurance offices.
Professional chambers.

SCHEDULE 2.

Clause 23.

Beauty salon.
Boot and shoe repairing.
Bread, cake or pastry manufacture.
Dressmaking.
Dry cleaning and dyeing agency.
Dwellings over shops. [LEP No. 1 - am. Gaz. No. 5 of 9 January, 1981, p. 172]
Hairdressing saloon.
Electrician's workshop.
Home industry.
Lending library.
Photographic studio.
Professional consulting rooms.
Refreshment room.
Radio and television mechanic's workshop.
Self-service coin-operated laundry.
Service station.
Tailoring.
Totalizator Agency Board branch or agency.

SCHEDULE 3.

Clause 23.

Aerated water and cordial manufacture.
Boot and shoe repairing.
Bread, cake or pastry manufacture.
Cabinet making and joining.
Cycle and motor cycle repairing.
Denture repairing and moulding.
Dressmaking.
Dry-cleaning and dyeing.
Electrical appliance repairing
Fuel retailing.
General carrying.
Growing and selling of plants.
Instrument repairing.
Laundry.
Lawn mower repairing.
Locksmithing.
Milk distributing.
Motor vehicle repairing.
Motor vehicle trimming.
Painting and storing of painter's equipment.
Photographic and film developing.
Plumbing.
Job printing.
Rubber vulcanizing and tyre retreading.
Storage and retailing of building materials.
Storage and retailing of fuel.
Tool sharpening and grinding.
Toy making.
Undertaker's establishment.
Upholstering.
Veterinary surgeon's establishment.
Wiring and repairing of electrical installations.

SCHEDULE 4.

Clause 23.

Abattoirs.
Agricultural machinery manufacture.
Aluminium products manufacture.
Asbestos cement products manufacture (heavy). [LEP No. 14 - am. Gaz No. 60 of 15 April, 1983, p 1743]
Bag and sack (textile) manufacture.
Boiler making.
Boot and shoe manufacture.
Brick, tile and pipe manufacture.
Cement manufacture
Cement products manufacture.
Electrical machinery manufacture (heavy). [LEP No. 14 -am. Gaz No. 60 of 15 April, 1983, p 1743]
Extractive industry.
Fibrous plaster manufacture.
Fireclay products manufacture.
Glass products manufacture.
Grain milling.
Hardboard manufacture.
Heavy engineering.
Hot mix (bitumen) manufacture.
Machinery manufacture (heavy).
Match manufacture.
Metal founding.
Motor body building.
Motor vehicle manufacturing and assembly.
Offensive or hazardous industry.
Panel beating or spray painting.
Plastics manufacture.
Sawmilling.
Steel products manufacture (heavy).
Stone cutting and crushing.
Wire manufacture.
Wool scouring.

SCHEDULE 5.

Clause 23.

Abrasives manufacture.
Brooms and brushes manufacture.
Boots, shoes and accessories manufacture.
Clothing, knitted goods and hats manufacture.
Drawing and writing materials manufacture.
Drugs, patent medicines, cosmetics and other toilet preparations (excluding soap) manufacture.
Food, drink and tobacco manufacture (other than meat and fish processing, grain milling, sugar milling and refining).
Furniture and fittings, bedding and furnishing drapery manufacture.
Haberdashery articles manufacture.
Jewellery manufacture, watchmaking, electroplating and minting.
Job and general printing, bookbinding.
Linoleum and leather cloth manufacture.
Manufacture of bicycles, parts and accessories.
Manufacture of goods of leather and leather substitutes.
Manufacture of parts and accessories for motor vehicles, caravans and trailers.
Manufacture and repair of machinery and machinery parts other than agricultural and earthmoving machines (including tractors) stationary machines and power transmitting equipment.
Manufacture and repair of radio and electronic apparatus, electrical machinery and cables.
Manufacture of textile products other than bags and sacks.
Manufacture of cutlery and small tools (not machine), stoves, heaters, metal furniture and builders' hardware.
Musical, surgical and scientific instruments and apparatus manufacture.
Paper products (other than paper board) manufacture.
Plastic products manufacture.
Toys, games and sporting requisites manufacture.

SCHEDULE 6.

Clause 23.

Chemist's shop.
Confectionery shop and milk bar.
Fish and chip shop.
Fruit shop.
Newsagent's shop.
Opportunity shop.
Smallgoods and sandwich shop.
Tobacconist's and hairdresser's shop.

SCHEDULE 7.

Clause 66.

1. The carrying out by persons carrying on public utility undertakings, being railway undertakings, on land comprised in their undertakings of -

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant;
- (b) the erection within the limits of a railway station of buildings for any purpose;
- (c) the erection, reconstruction and alteration of buildings for railway undertaking purposes within Zone No. 5 (b) outside the limits of a railway station;

but excluding -

- (i) the construction of new railways, railway stations and bridges over roads;
- (ii) the erection of any building on land not included in Zone No. 5 (b);
- (iii) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect the design thereof, of railway stations or bridges;
- (iv) the formation or alteration of any means of access to a road;
- (v) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes where such buildings have direct access to a public place.

2. The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant, except -

- (a) the erection of buildings and the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;
- (b) the formation, or alteration of any means of access to a road.

3. The carrying out by persons who are carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following developments, being development required for the purpose of their undertakings, that is to say -

- (a) development of any description at or below the surface of the ground;
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or sub-station established before the appointed day of any plant or other structures or erections required in connection with the station or sub-station;
- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of sub-stations, feeder-pillars or transformer housings, but not including the erection of overhead line for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of sub-stations, feeder-pillars or transformer housings of stone, concrete or brickwork;
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity;
- (e) the erection of service reservoirs on land acquired or in process of being acquired for the purposes thereof before the appointed day, provided reasonable notice of the proposed erection is given to the responsible authority;

- (f) any other development, except -
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections, and the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of buildings;
 - (ii) the formation or alteration of any means of access to a road.
- 4. The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except -
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof;
 - (b) the formation or alteration of any means of access to a road.
- 5. The carrying out by the owner or lessee of a mine in existence at the appointed day, on the mine, of any development required for the purposes of the mine, except -
 - (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings so as materially to affect the design or external appearance thereof;
 - (b) the formation or alteration of any means of access to a road.
- 6. The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
- 7. The carrying out of any development required in connection with the improvement, maintenance or repair of watercourses or drainage works and the construction by the Metropolitan Water Sewerage and Drainage Board of any stormwater channel commenced before the appointed day, provided the Board gives the responsible authority reasonable notice of its intention to construct such stormwater channel.
- 8. The carrying out by the Metropolitan Water Sewerage and Drainage Board of any development required in connection with the provision, improvement, maintenance and repair of sewers (other than sewage treatment works) upon, below or above the surface of the ground, provided the Board gives the responsible authority reasonable notice of its intention to carry out such development.

SCHEDULE 8.

Clause 43G.

1. Community and recreation facilities.
2. Water, sewerage and drainage works.
3. Local open space.
4. Public car parks.
5. Embellishment of local open space and public car parks.
6. Roads, traffic management systems and facilities.

[LEP No. 22 - sch. insert Gaz No. 150 of 26 October, 1984, p.5219]

SCHEDULE 9.

Items of Environmental Heritage

(cl. 4(1))

Street and Suburb	Street Number	Description	Heritage Conserv. Reference	Map-
Abergeldie Street, Dulwich Hill	1	Victorian house	1.45	
Abergeldie Street, Dulwich Hill	3	Victorian house	1.45	
Abergeldie Street, Dulwich Hill	5	Victorian house	1.45	
Abergeldie Street, Dulwich Hill	7	Victorian house	1.45	
Abergeldie Street, Dulwich Hill	25	Cottage and garden	1.47	
Albany Street, Petersham	135	Part Victorian semi	2.10/1	
Albany Street, Petersham	137	Part Victorian semi	2.10/1	
Albermarle Street, Newtown	55-59	Victorian villa	2.34	
Albermarle Street, Newtown	38	Colonial Regency house	2.31	
Albermarle Street, Newtown	54	Colonial Regency house and stables	2.31	
Albermarle Street, Newtown	69-73	Victorian villa	2.33	
Addison Road, Marrickville	142-144	Community centre	2.113	
Australia Street, Camperdown	1-11	Industrial facade	2.29	
Australia Street, Camperdown	10	Italianate villa	2.28	
Australia Street, Camperdown	12-14	Cranbrook - Victorian Italianate villa	2.28	
Australia Street, Camperdown	13-33	Industrial facade	2.29	
Australia Street, Camperdown	35-41	Industrial facade	2.29	
Australia Street, Camperdown	202	Courthouse Hotel	2.41	
Bedford Street, Newtown	15	Part of retail group	2.38	
Bedford Street, Newtown	27	Part of retail group	2.38	
Bedford Street, Newtown	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	
Cavendish Street, Stanmore	42	Victorian villa	2.67	
Cavendish Street, Stanmore	59	Part of Hughenden Terrace	2.66	
Cavendish Street, Stanmore	61	Part of Hughenden Terrace	2.66	
Cavendish Street, Stanmore	61	Part of Hughenden Terrace	2.66	
Cavendish Street, Stanmore	63	Part of Hughenden Terrace	2.66	
Cavendish Street, Star more	65	Part of Hughenden Terrace	2.66	
Cavendish Street, Stanmore	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	
Collins Street, Tempe	3	Stone house	4.26	
Collins Street, Tempe	11	Stone house	4.26	
Collins Street, Tempe	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	
Crystal Street, Petersham	109	Part of terrace housing	1.21	
Crystal Street, Petersham	111	Part of terrace housing	1.21	
Crystal Street, Petersham	113	Part of terrace housing	1.21	
Crystal Street, Petersham	115	Part of terrace housing	1.21	
Crystal Street, Petersham	117	Part of terrace housing	1.21	
Crystal Street, Petersham	119	Part of terrace housing	1.21	
Crystal Street, Petersham	121	Part of terrace housing	1.21	
Crystal Street, Petersham	123	Part of terrace housing	1.21	
Crystal Street, Petersham	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	
Edgware Road, Enmore	43A			
Edgware Road, Enmore	(43-1/2)	Victorian Gothic house	2.96	
Edgware Road, Enmore	45	Victorian Gothic house	2.96	
Edgware Road, Enmore	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	
Enmore Road, Enmore	88	Stanmore House at rear (part)	2.76	

Enmore Road, Enmore	90-92	Stanmore House at rear (part)	2.76
Enmore Road, Enmore	90-92	Stanmore House at rear (part)	2.76
Enmore Road, Enmore	118-132	Enmore Theatre	2.75
Enmore Road, Enmore	341	Part of terrace housing	2.99
Enmore Road, Enmore	343	Part of terrace housing	2.99
Enmore Road, Enmore	345	Part of terrace housing	2.99
Enmore Road, Enmore	347	Part of terrace housing	2.99
Enmore Road, Enmore	349	Part of terrace housing	2.99
Enmore Road, Enmore	351	Part of terrace housing	2.99
Enmore Road, Enmore	353	Part of terrace housing	2.99
Enmore Road, Enmore	355	Part of terrace housing	2.99
Enmore Road, Enmore	357	Part of terrace housing	2.99
Enmore Road, Enmore	359	Part of terrace housing	2.99
Enmore Road, Enmore	361	Part of terrace housing	2.99
Enmore Road, Enmore	363	Part of terrace housing	2.99
Enmore Road, Enmore	365	Part of terrace housing	2.99
Enmore Road, Enmore	367	Part of terrace housing	2.99
Enmore Road, Enmore	369	Part of terrace housing	2.99
Enmore Road, Enmore	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
Fisher Street, Petersham	3	Victorian house	1.10/1
Fisher Street, Petersham	5	Victorian house	1.10/1
Frederick Street, Sydenham	46	Former corner shop	4.19
Fort Street, Petersham	17	'Valencia' flat building	1.15
Fort Street, Petersham	17A	Flat building	1.15
Frazer Street, Marrickville	52-64	Booth House	1.51
George Street, Sydenham	88	Victorian filigree terrace and engineering workshop at rear	4.39
[LEP No. 155 – insert. item Gaz. No. 88 of 6 August, 1999, p. 5637 - 5638]			
Gladstone Street, Enmore	1	Cragos Flour Mill	2.72
Gordon Crescent, Stanmore	34-36	Essington - Victorian villa	2.14
Gordon Crescent, Stanmore	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	Stonehouse	3.28
Juliatt Street, Enmore	40-42	Semi detached cottages	2.97
Juliatt Street, Enmore	44	Semi detached cottages	2.97
Juliatt Street, Enmore	46	Semi detached cottages	2.97
King Street, Newtown	325	Former C.B.C Bank	2.45
King Street, Newtown	327	Former ANZ Bank	2.44
King Street, Newtown	415A	Part of terrace with shops	2.79
King Street, Newtown	417	Part of terrace with shops	2.79
King Street, Newtown	417A	Part of terrace with shops	2.79
King Street, Newtown	419	Part of terrace with shops	2.79
King Street, Newtown	419A	Part of terrace with shops	2.79
King Street, Newtown	539	Formerly "Molloys" shop	2.80
King Street, Newtown	555	Shop counters	2.81
King Street, Newtown	631	St. Peters Hotel	2.82
Laura Street, Newtown	2	Part of terrace housing	2.86
Laura Street, Newtown	4	Part of terrace housing	2.86
Laura Street, Newtown	6	Part of terrace housing	2.86
Laura Street, Newtown	8	Part of terrace housing	2.86
Laura Street, Newtown	10	Part of terrace housing	2.86
Laura Street, Newtown	12	Part of terrace housing	2.86
Laura Street, Newtown	14	Part of terrace housing	2.86
Laura Street, Newtown	16	Part of terrace housing	2.86
Laura Street, Newtown	18	Part of terrace housing	2.86
Laura Street, Newtown	20	Part of terrace housing	2.86
Laura Street, Newtown	22	Part of terrace housing	2.86
Laura Street, Newtown	24	Part of terrace housing	2.86
Lawson Avenue, Marrickville	18	Federation house	
[LEP No. 138 – insert. item Gaz. No. 79 of 15 May, 1998, p. 3483-3484]			
Leicester Street, Marrickville	12	Stead House -	2.103
Lennox Street, Newtown	2	Part of Victorian terrace	2.49
Lennox Street, Newtown	4	Part of Victorian terrace	2.49
Lennox Street, Newtown	6	Part of Victorian terrace	2.49
Lennox Street, Newtown	8	Part of Victorian terrace	2.49

Lennox Street, Newtown	38	Part of "Church Avenue - 1886" terrace	2.49
Lennox Street, Newtown	40	Part of "Church Avenue - 1886" terrace	2.49
Lennox Street, Newtown	42	Part of "Church Avenue - 1886" terrace	2.49
Lennox Street, Newtown	44	Part of "Church Avenue - 1886" terrace	2.49
Lennox Street, Newtown	46	Part of "Church Avenue - 1886" terrace	2.49
Lennox Street, Newtown	48	Part of "Church Avenue - 1886" terrace	2.49
Lennox Street, Newtown	50	Part of "Church Avenue - 1886" terrace	2.49
Lennox Street, Newtown	52	Part of "Church Avenue - 1886" terrace	2.49
Lennox Street, Newtown	54	Part of "Church Avenue - 1886" terrace	2.49
Lennox Street, Newtown	56	Part of "Church Avenue - 1886" terrace	2.49
Lennox Street, Newtown	58	Part of "May" terrace	2.49
Lennox Street, Newtown	60	Part of "May" terrace	2.49
Lennox Street, Newtown	62	Part of "May" terrace	2.49
Lennox Street, Newtown	64	Part of "May" terrace	2.49
Lennox Street, Newtown	66	Part of "May" terrace	2.49
Lennox Street, Newtown	68	Part of "May" terrace	2.49
Lennox Street, Newtown	70	Part of "May" terrace	2.49
Lennox Street, Newtown	72	Part of "May" terrace	2.49
Lennox Street, Newtown	74	Part of "May" terrace	2.49
Lennox Street, Newtown	76	Part of "May" terrace	2.49
Lennox Street, Newtown	78	Part of "May" terrace	2.49
Lennox Street, Newtown	80	Part of "May" terrace	2.49
Lennox Street, Newtown	82	Part of "May" terrace	2.49
Lennox Street, Newtown	84	Part of "May" terrace	2.49
Lilydale Street, Marrickville		Old Nurses quarters	
Lilydale Street, Marrickville		Old ward block	
Livingstone Road, Marrickville	182	Victorian cottage	
Livingstone Road, Marrickville	184	Victorian cottage	
Livingstone Road, Marrickville	186	Victorian cottage	
[LEP No. 124 - insert. items (replace Marrick. Hosp) Gaz No. 104 of 13 September, 1996]			
Livingstone Road, Petersham	46-48	Victorian house	1.27A
Livingstone Road, Petersham	55-67	Former Salv. Army College	1.27
Livingstone Road, Petersham	323	"Laurel-Bank" Edwardian villa	3.30
London Street, Enmore	9	Part of "Jersey" terrace	2.69
London Street, Enmore	11	Part of "Jersey" terrace	2.69
London Street, Enmore	13	Part of "Jersey" terrace	2.69
London Street, Enmore	15	Part of "Jersey" terrace	2.69
London Street, Enmore	75	Corner - Queen Anne house	2.70
Margaret Street, Newtown	2	Part of semi-detached house	2.91
Margaret Street, Newtown	4	Part of semi-detached house	2.91
Margaret Street, Petersham	58	Part of Victorian terrace	2.5
Margaret Street, Petersham	60	Part of Victorian terrace	2.5
Margaret Street, Petersham	62	Part of Victorian terrace	2.5
Marrickville Road, Marrickville	321	Edwardian house	1.56
May Street, St Peters	105	Part of terrace housing	
May Street, St Peters	107	Part of terrace housing	
May Street, St Peters	109	Part of terrace housing	
May Street, St Peters	111	Part of terrace housing	
May Street, St Peters	113	Part of terrace housing	
May Street, St Peters	115	Part of terrace housing	
May Street, St Peters	117	Part of terrace housing	
May Street, St Peters	119	Part of terrace housing	
[LEP No. 137 - insert. items Gaz. No. 79 of 15 May, 1998, p. 3481-3482]			
Middleton Street, Petersham	13	Victorian villa	2.56
Myrtle Street, Marrickville	1	Stone house	4.5
New Canterbury Road, Petersham	23-25	Egyptian Room in Scottish Royal Arch Temple	1.10/2
New Canterbury Road, Petersham	49-59	Former theatre	1.29
Old Canterbury Road, Lewisham	11	Timber Victorian cottage	1.2
Old Canterbury Road, Lewisham	13	Timber Victorian cottage	1.2
Old Canterbury Road, Dulwich Hill	227	Victorian villa	1.43

Old Canterbury Road, Dulwich Hill	279	Victorian house	1.45
Oxford Street, Newtown	18	Part of Victorian terrace	2.32
Oxford Street, Newtown	20	Part of Victorian terrace	2.32
Oxford Street, Newtown	24	Part of Victorian terrace	2.32
Palace Street, Petersham	19	Victorian villa	1.13
Palace Street, Petersham	21	"Zanobi" Victorian villa and stables	1.17
Palace Street, Petersham	23	Victorian villa	1.17
Palace Street, Petersham	25	Victorian villa	1.17
Palace Street, Petersham	74	Corner shop	1.9
Parramatta Road, Petersham	386	Petersham Inn Hotel	2.3
Percival Road, Stanmore	120	Former bakery and ovens	2.17
Percival Road, Stanmore	122	Shop facades	2.17
Percival Road, Stanmore	124	Shop facades	2.17
Phillip Street, Petersham	48	Single storey corner shop	2.71
Phillip Street, Petersham	50	Double storey corner shop	2.71
Phillip Street, Petersham	2	Flats	2.4
Phillip Street, Petersham	4	Flats	2.4
Phillip Street, Petersham	6	Flats	2.4
Phillip Street, Petersham	8	Flats	2.4
Phillip Street, Petersham	10	Flats	2.4
Phillip Street, Petersham	12	Flats	2.4
Premier Street, Marrickville	24	Federation house	3.22
Premier Street, Marrickville	26	Federation house	3.22
Princes Highway, St. Peters	728-808	Westpac Stores and Penfolds	4.32
Probert Street, Newtown	167	Corner shop	2.38
Railway Avenue, Stanmore	6	Federation cottage (Wilga)	2.22/1
Railway Avenue, Stanmore	8	Federation cottage (Eddington)	2.22/1
Railway Avenue, Stanmore	10	Federation cottage (Irene)	2.22/1
Railway Avenue, Stanmore	12	Federation cottage (Otago)	2.22/1
Railway Avenue, Stanmore	14	Federation cottage (Kiora)	2.22/1
Railway Avenue, Stanmore	16	Federation cottage	2.22/1
Railway Avenue, Stanmore	18	Federation cottage (Killara)	2.22/1
Railway Avenue, Stanmore	20	Federation cottage (Dorothy)	2.22/1
Railway Avenue, Stanmore	22	Federation cottage (Etham)	2.22/1
Railway Avenue, Stanmore	24	Federation cottage	2.22/1
Railway Avenue, Stanmore	50	Dundoos - Victorian villa	2.23
Railway Road, Sydenham	19	Victorian filigree style sandstone faced residence	4.38
[LEP No. 155 – insert. item Gaz. No. 88 of 6 August, 1999, p. 5637 - 5638]			
Railway Street, Petersham	2	Glenthorn - Victorian villa	1.12
Railway Street, Petersham	4	Glenrock - Victorian villa	1.12
Railway Street, Petersham	15	Flats	1.15
Railway Street, Petersham	17	Flats	1.15
Railway Street, Petersham	19	Flats	1.15
Railway Street, Petersham	23	Victorian villa	1.15A
Railway Street, Petersham	45	Victorian shop	1.18
Salisbury Road, Camperdown	143	Victorian cottage	2.24
Salisbury Road, Camperdown	145	Victorian cottage	2.24
Sebastopol Street, Marrickville	10	Newington Manor - Victorian Gothic villa	2.60
Shepherd Street, Marrickville	65	Sims Metal - factory	2.112
Shaw Street, Petersham	18	Victorian Italianate villa	1.26
South Street, Tempe	43	Ficus tree	4.37
Stanmore Road, Stanmore	61	Edwardian house	2.67
Stanmore Road, Stanmore	63	Edwardian house	2.67
Stanmore Road, Stanmore	65	Edwardian house	2.67
Stanmore Road, Stanmore	67	Edwardian house	2.67
Stanmore Road, Stanmore	69-71	Edwardian house	2.67
Stanmore Road, Stanmore	73	Edwardian house	2.67
Stanmore Road, Stanmore	75	Edwardian house	2.67
Stanmore Road, Stanmore	86	Bombara-villa	2.61
Stanmore Road, Stanmore	144	Stanmore Victorian villa	2.59
Stanmore Road, Stanmore	280-292	Newington Hotel	2.54
Station Street, Newtown	51	Part of terrace housing	2.92
Station Street, Newtown	51A	Part of terrace housing	2.92
Station Street, Newtown	53	Part of terrace housing	2.92
Station Street, Newtown	53A	Part of terrace housing	2.92
Station Street, Newtown	55	Part of terrace housing	2.92
Station Street, Newtown	55A	Part of terrace housing	2.92
Station Street, Newtown	57	Part of terrace housing	2.92
Station Street, Newtown	57A	Part of terrace housing	2.92
Station Street, Newtown	59	Part of terrace housing	2.92
Station Street, Newtown	59A	Part of terrace housing	2.92
Station Street, Newtown	61	Part of terrace housing	2.92

Station Street, Newtown	61A	Part of terrace housing	2.92
Station Street, Newtown	63	Part of terrace housing	2.92
Station Street, Newtown	63A	Part of terrace housing	2.92
Station Street, Newtown	65	Part of terrace housing	2.92
Station Street, Newtown	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
Thornley Street, Marrickville	28	Federation house	3.26
Trafalgar Street, Stanmore	143-145	Horaceville-Victorian villa	2.64
Trafalgar Street, Stanmore	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
Unwins Bridge Road, St. Peters	137	Stone house	4.26
Victoria Road, Marrickville	34	Mill House	2.105
Victoria Road, Marrickville	80	Bethesda House	2.103
Victoria Street, Dulwich Hill	122	Timber Edwardian house	1.41
Wardell Road, Dulwich Hill	128	Timber cottage	1.52
Wardell Road, Dulwich Hill	286	Victorian Cottage	
[LEP No. 136 – insert. item Gaz. No. 79 of 15 May, 1988, p. 3478-3479]			
Warren Road, Marrickville	47	Victorian villa	3.18
Warren Road, Marrickville	51	Victorian villa	3.18
Woodcourt Street, Marrickville	11-13	Colchester - Victorian villa	1.54

Churches

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
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
Edgeware 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

Marrickville Road, Marrickville	303-307	Marrickville Town Hall	3.14
Bedford Street, Newtown	5	Newtown Town Hall	2.43
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, as shown with heavy red lines on Sheet 2 of the map marked "Marrickville Local Environmental Plan No. 155"	4.40
[LEP No. 155 – insert. item Gaz. No. 88 of 6 August, 1999, p. 5637 - 5638]			
Unwins Bridge Road, Sydenham	39	St. Peters Town Hall	4.21
Old Canterbury Road near Summerhill Street, Lewisham	(101-109)	Stone terracing and steps	1.40

Graham Avenue, Marrickville	(2-20, 3-21)	Brick paving and Canary Island palms.	1.57
Bourne Street, Juliett Street and Enmore Road between Murray and Bourne Streets		Brick paving	2.101
Streets located in the former Municipality of Petersham		All street names marked in cement paving	2.52
Thornley Street and Hampden Avenue, Marrickville		Quarry and stone-walling	3.27
High, Junction, Ruby and Schwebel Streets, Marrickville		Stonewalling, terracing and street planting	4.4
Marrickville Road and Railway Parade, Sydenham		Brick retaining walls	4.10
Victoria Street, St. Peters	(18-20, 11-15)	Brick road and footpath paving and stone guttering	4.16
Hillcrest Street, Tempe	(1-33, 2-24)	Brick paving	4.23
Parramatta Road, Stanmore	(22-28)	Milestone	2.1/1
Camperdown Park, Camperdown		Horse trough, balustrade and two ficus trees	2.26/1
Stanmore Road, Stanmore	(302-306)	Horse trough	2.54/1
Trafalgar Street, Petersham	(355)	Horse trough	1.31A
Carrington Road between Harriet Street and Warren Road, Marrickville		Canary Island Palms	4.7

Hospitals

West Street, Petersham	29	Former Lewisham Hospital, convent and grounds	1.7
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[LEP No. 124 - item del. and replaced Gaz. No. 104 of 13 September, 1996, p. 6374-6376/ - 313-319 Marrickville Road, Marrickville - Marrickville District Hospital]

Parks

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
Stanmore Road, Petersham		Maundrell Park and pergolas, stone steps and seating and dwarf boundary wall	
West Street, Lewisham and Petersham		Park and stone boundary walls, pergolas and memorial gates	2.51 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/ Court Houses

Australia Street, Newtown	222	Courthouse and former Police Station	2.42
Gladstone Street, Marrickville	4-8	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

Post Offices/Box

Enmore Road, corner 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

Schools and Educational Establishments

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	2.58
		Methodist Church	
Gordon Street, Petersham	2	Petersham Girls High	1.31
Crystal Street, Petersham	27	Petersham T.A.F.E	2.6
Lennox Street, Newtown	109	St. Joseph's Boys School	2.37
Oxford Street, Newtown	26-38	St. Joseph's Girls School and St.	2.37A
		Bedes Convent and presbytery	
Church Street, St. Peters	43A	St. Peters Public	4.13
Thomas Street, Lewisham		St. Thomas's Catholic	1.6
Cambridge Street, Stanmore	102	Stanmore Public	2.63
Unwins Bridge Road, Tempe	119 and 368	Tempe Public	4.25

Railway Buildings and Structures

Hawthorne Canal, Lewisham		Adjacent Girder Bridges	1.3
Illawarra Road, Marrickville		Marrickville Railway Station	3.17
Terminus Street, Petersham		Petersham Railway Station and footbridge	1.19
Douglas Street, Stanmore		Stanmore Railway Station	2.15
Gleeson Avenue, Sydenham		Sydenham Railway Station	4.11
Phillip Street, Enmore		Pedestrian tunnel	2.71

Water and Sewerage Structures

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
New Canterbury Road, Petersham	20-48	Petersham Reservoir - site, gate and fence	1.24
Premier Street, Marrickville	24	Sewer ventilation stack	3.22
Hunter Street, corner of The Boulevard, Lewisham	17	Sewer ventilation stack	1.35
From Illawarra Road, Despointes Street, Malakoff Street and Northcote Street, near Sydenham Road		Brick drain	2.106

Miscellaneous

Burrows Road, Sydenham	DP 108428	Timber stores	4.18
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
Stanmore Road, Petersham	308-314	Stanmore Fire Station	2.53
Riverside Park, Marrickville		Aboriginal Midden	3.29
Rear Dibble Avenue, Dulwich Hill	(9-15)	Dibble Avenue Waterhole	3.2
Unwins Bridge Road, Sydenham	204	Electricity Substation	4.20
Warren Park, Marrickville		Burial vaults	3.25

[LEP No. 50 - sch. insert Gaz No. 92 of 1 September, 1989]

Schedule 10.

**CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND AS
COMMUNITY LAND OR OPERATIONAL LAND**

Column 1	Column 2
Property Description	Classification
286 Wardell Road, Marrickville, being part Lot 24, D P 5530, as shown by distinctive colouring on the map marked "Marrickville Local Environmental Plan.136"	Operational.
[LEP No. 136 – insert. property Gaz. No. 79 of 15 May, 1998, p. 3478-3479]	
105 – 119 May Street, St Peters, being part Lot 1, D P 630454, as shown by distinctive colouring on the map marked "Marrickville Local Environmental Plan. 137".	Operational
[LEP No. 137 – insert. property Gaz. No. 79 of 15 May, 1998, p. 3481-3482]	
18 Lawson Avenue, Marrickville, being part Lot 1, D P 847707, as shown on the map marked "Marrickville Local Environmental Plan No.138".	Operational
[LEP No. 138 – insert. property Gaz. No. 79 of 15 May, 1998, p. 3483-3484]	
614 Princes Highway, Tempe, being part Lot A, DP 382059, and part Lot F, DP 385210, as shown by distinctive colouring on the map marked "Marrickville Local Environmental Plan No 140".	Operational

[LEP No. 140 – insert. property Gaz. No. 81 of 22 May, 1998, p. 3660-3661]