AGENDA

INNER WEST COUNCIL

COUNCIL MEETING

TUESDAY 27 SEPTEMBER 2016

6:30pm

Location: Ashfield Service Centre, 260 Liverpool Road, Ashfield

Pre-Registration to Speak at Council Meetings

Council is encouraging members of the public to pre-register their interest to speak at Council Meetings as the Meeting venues have a maximum number they can hold. Members of the public can pre-register up until 2pm of the day of the Meeting.

If you wish to register your interest please fill in a Register to Speak Form, available from the Inner West Council website, including:

- your name;
- contact details;
- item on the Agenda you wish to speak to; and
- whether you are for or against the recommendation in the agenda.

Members of the public who pre-register will be asked to show photo ID upon entry to verify the pre-registration application.

What happens after I submit the form?

Your request will then be added to a list that is shown to the Chairperson on the night of the meeting.

Are there any rules for speaking at a Council or Committee Meeting?

The following rules apply when addressing a Council or Committee meeting:

- keep your address to the point, the time allowed for each speaker is limited to three minutes with one extension of not more than three minutes with the approval of the Council/Committee. This time limit applies, no matter how many items are addressed by the speaker;
- when addressing the Meeting you must speak to the Chairperson;
- the Chairperson may curtail public participation where the information being presented is considered repetitive or irrelevant.

Where Items are deferred, Council reserves the right to defer speakers until that Item is heard on the next occasion.

Accessibility

Inner West Council is committed to ensuring people with a disability have equal opportunity to take part in Council and Committee Meetings. If you have any access or disability related participation needs and wish to know more ring 9335 2222.

Persons in the public gallery are advised that under the Local Government Act 1993, a person may NOT tape record a Council meeting without the permission of Council.

Any persons found recording without authority will be expelled from the meeting.

"Record" includes the use of any form of audio, video and still camera equipment or mobile phone capable of recording speech.

An audio recording of this meeting will be taken for the purpose of verifying the accuracy of the minutes.

AGENDA

1 Acknowledgement of Country

2 Disclosures of Interest (Section 451 of the Local Government Act and Council's Code of Conduct)

3 Tabling of Pecuniary Interest Return

4 Confirmation of Minutes **Page**

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5 Administrator's Minutes

Nil at the time of printing.

6 Staff Reports

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7 Reports with Confidential Information

Reports appearing in this section of the Business Paper are confidential in their entirety or contain confidential information in attachments.

The confidential information has been circulated to Council separately.

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Minutes of Council Meeting
held at Ashfield Service Centre on 23 August 2016

Meeting commenced at 6.32pm

Present:

Richard Pearson	Administrator
Vanessa Chan	Interim General Manager
Simone Schwarz	Director Service Delivery
Phil Sarin	Director Planning and Environment
Cathy Edwards-Davis	Director Public Works
Peter Gainsford	Director Corporate Services
Wal Petschler	Director Major Projects and Engineering
Josephine Bennett	Director Community Services
Popy Mourgelas	Manager Corporate Governance, Ashfield
Jennifer Anderson	Governance Officer (Minute Taker)

1. Acknowledgement of Country by Chairperson

We meet tonight on the traditional land of the Cadigal and Wangal people of the Eora nation. I acknowledge the terrible wrongs committed against the Aboriginal peoples of this country and their care of the land over many generations. I celebrate their ongoing survival and achievements in today's society.

2. Disclosures of Interests:

Nil.

3. Confirmation of Minutes

The Administrator determined that:

the Minutes of the Council Meeting held on Tuesday, 26 July 2016 be confirmed.

4. Staff Reports:

C0816 Item 1 Minutes of Local Representation Advisory Committee and Implementation Advisory Group Meetings held in August 2016

The Administrator determined that:

the Minutes of the Ashfield, Leichhardt and Marrickville Local Representation Advisory Committee Meetings and the Implementation Advisory Group Meeting held in August 2016 be received and recommendations be adopted with the following exceptions:

1. A number of recommendations relate to items that are being presented to this Council meeting, as separate reports. These recommendations are noted but will not be adopted as resolutions, as they are subject to specific and separate discussion tonight. Specifically,

- Item 10 Allocation of sport ground booking (former Marrickville)
- Item 11 Tempe Reserve Olympic Park Redevelopment
- Item 12 Affordable Housing over Ha Street Car park
- Item 15 Restaurant café – Elliot Street café

- Item 16 Clubs and Community grants allocation (former Marrickville)
- Item 18 Elkington Park Cottage

2. Ashfield LRAC – the minutes be amended to show Monica Wangmann absented herself from the meeting during discussion of Item 2 – Aquatic Centre Redevelopment.

3. Leichhardt LRAC – the recommendations are adopted with the following exception:

    - That Committee recommendation on Item 1 relating to Point 6, C118/16 be changed to note that this provision (to arrange a demonstration/rally at Callan Park in relation to Council's skatepark proposal) be deferred until the Council have met again with OEH about an alternate site in the event that Council is unable to negotiate a successful outcome with OEH.
    - I will not be adopting the recommendation Item 1 – points 1, 2 of C2322/16 (Bays Precinct Affordable Housing Study) noting instead that the GM has commissioned a detailed affordable housing study and the development of supporting policy instruments across the whole LGA, and this includes a specific assessment of Bays Precinct.
    - In relation to Item 1, the ethical investment policy and non-fossil fuel targets – I note that this matter will be considered by a joint LRAC meeting but I consider it premature for Council to 'resolve' to move to 100% non-fossil fuel investment without proper study and before a policy framework is developed – this recommendation will not be adopted.
    - Item 3 LPAC Olympic Pool Starting Blocks – I am not accepting the Committee recommendation. Instead I am resolving in favour of the recommendation of the Council officers in their report to the Committee *that the removal of the existing concrete starting blocks and replacements with new Anti-wave starting platforms be considered in the early phase of the LPAC Masterplan works.*

4. Marrickville LRAC – the recommendations are adopted with the exception of Item 6 Local Government Election – where instead I determine to write to the Premier and Minister for Local Government advising them of the request of the Marrickville LRAC that the next election for the Inner West Council be conducted in March 2017.

C0816 Item 6 Development Application - 2-20 Weston Street, Balmain East

The Administrator determined that:

the application be approved in accordance with the recommendation of the Leichhardt Planning Panel subject to the hours of operation of the proposed café being amended as follows:

- Monday to Sunday including public holidays: 7.00am to 5.00pm.

C0816 Item 3 Development Application - 2-32 Smith Street Summer Hill

The Administrator determined that:

1. Council will not make a submission to the Sydney East Joint Regional Planning Panel.

2. That a a condition requiring dilapidation reports for adjoining properties shall be added to the recommended conditions of consent.

C0816 Item 5 Development Application - 75 Milton Street, Ashfield

The Administrator determined that:

the application be granted a deferred commencement approval in accordance with the conditions included in the report.

C0816 Item 8 Development Application - 23 Croydon Street, Petersham

The Administrator determined that:

the development application to demolish part of the premises and carry out alterations and additions to an existing residential flat building fronting Croydon Street (Building A) containing 4 dwellings with a communal kitchen and BBQ area and the construction of a new 3 storey residential flat building to the rear (Building B) containing 18 dwellings with basement car parking be **APPROVED** subject to the conditions listed on pages 485-508 of the business paper, with the exception of condition 1 which is to be amended to refer to the updated plan references for DA04, Revision M, DA05, Revision K and DA11, Revision K.

C0816 Administrator's Minute: WestConnex Community Engagement Forums

The Administrator determined that:

Council notes progress in ensuring that local and state forums are established to address the concerns of inner west residents in relation to WestConnex.

C0816 Item 2 Local Traffic Committee Meeting held on 4 August 2016

The Administrator determined that:

the Minutes of the Local Traffic Committee Meeting held on 4 August 2016 be received and the recommendations be adopted.

C0816 Item 12 Affordable Housing over Hay Street Car Park, Leichhardt

The Administrator determined that:

1. the Report be received and noted;
2. Council pursue the acquisition of Lot 3 DP227326 from Ausgrid subject to the price being reasonable (as determined by an independent valuation), noting that a new kiosk substation will be included elsewhere on the car park site as part of the affordable housing development;
3. Council enter into discussions with owners of properties fronting Parramatta Road and adjacent to the car park about the possibility of granting rights of way, for market value to those properties, provided that this does not adversely affect the proposed affordable housing development on the Hay Street car park; and
4. Council apply for possessory title of the strip of land known as Chancery Lane which is incorporated into the car park.

C0816 Item 7 Development Application - Longport Street, Lewisham (2 - 32 Smith Street, Summer Hill)

The Administrator determined that:

Council will not make a submission to the Panel in relation to this proposal.

C0816 Item 4 Development Application - 317-331 Liverpool Road, Ashfield

The Administrator determined that:

the application be granted a deferred commencement approval in accordance with the conditions included in the report.

C0816 Item 9 Amendment to Approved Voluntary Planning Agreement - Grove Street, Dulwich Hill

The Administrator determined that:

Council enter into the Amended Voluntary Planning Agreement documented in Attachment 2.

C0816 Item 10 Seasonal Allocation of Sports Grounds in the former Marrickville Area for the 2016/17 Summer Season

The Administrator determined that:

1. in relation to Arlington Reserve, Camdenville Park, Henson Park, HJ Mahoney Reserve, Marrickville Oval and Steel Park:
   a. Council approves the 2016/17 summer season sports ground allocations for training and match play applicable from 29 August 2016 to 26 March 2017 inclusive, as proposed in the schedule at Attachment 1, subject to provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
   b. pursuant to s337(1) of the Local Government Act 1993 the Council delegates to the General Manager the power to execute 2016/17 summer season sports ground licences; and
2. Council in its capacity as reserve trust manager of Petersham Park (P500070), considers this report and decides to enter into summer season sports ground licences for the 2016/17 summer season with the clubs proposed to use Petersham Park (P500070) as detailed in the schedule at Attachment 1 for training and match play from 29 August 2016 to 26 March 2017 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
3. Council in its capacity as reserve trust manager of Camperdown Park (R8205 & D500444), considers this report and decides to enter into summer season sports grounds licences for the 2016/17 summer season with the clubs proposed to use Camperdown Park (R8205 & D500444) as detailed in the schedule at Attachment 1 for training and match play from 29 August 2016 to 26 March 2017 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;

4. Council in its capacity as reserve trust manager of Mackey Park (R80566), considers this report and decides to enter into summer season sports grounds licences for the 2016/17 summer season with the clubs proposed to use Mackey Park (R80566) as detailed in the schedule at Attachment 1 for training and match play from 29 August 2016 to 26 March 2017 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
5. Council in its capacity as reserve trust manager of Tempe Recreation (D500215 & D1000502), Reserve considers this report and decides to enter into summer season sports ground licences for the 2016/17 summer season with the clubs proposed to use Tempe Recreation (D500215 & D1000502) Reserve as detailed in the schedule at Attachment 1 for training and match play from 29 August 2016 to 26 March 2017 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees; and
6. the Interim General Manager is delegated authority to enter into short term casual licence arrangements subject to availability and in accordance with the criteria for seasonal sports grounds allocation adopted by Council.

C0816 Item 11 Tempe Reserve Sydney Olympic Park Redevelopment

The Administrator determined that:

1. Council agrees to extend the exclusive dealing period with Sydney Olympic Football Club until 31 December 2016;
2. Council discuss with Sydney Olympic Football Club the matters recommended by the Marrickville LRAC at its 3 August 2016 meeting, and adopted by the Administrator, as follows
    - that Sydney Olympic Football Club presents their Community Engagement Plan to Council staff before public engagement;
    - that all feedback received through the engagement and consultation process be fed back through Council staff.
    - That the hall/community facility be managed by Council for community access.
3. Council authorises the General Manager to implement the agreement referenced in resolution 1 and ancillary matters referenced in this report.

C0816 Item 13 Application for Road Closure and Sale - Part White Creek Lane behind 84 Ferris Street Annandale

The Administrator determined that:

1. Council apply to the Department of Lands for closure of the part of Whites Creek Lane at the rear of 84 Ferris Street as indicated generally on the plan attached to the report and undertake the consultation and advertising required for the application;
2. if the application is successful, the closed part of the road be sold to the owner of 84 Ferris Street Annandale for market value, having regard to the amount by which it increases the value of his current property, as assessed by an external valuer, plus GST and reimbursement of the costs of and in connection with the road closure and sale; and
3. authority is delegated to the General Manager to sign all applications, contracts for sale, transfers and other documents consistent with and to give effect to the above resolutions.

C0816 Item 14 Proposed Easement - Elkington Park, Balmain - Cockatoo Island Service Upgrade

The Administrator determined that Council:

1. grants an easement in favour of Sydney Federation Harbour Trust (or other appropriate authority) burdening Elkington Park to allow underground pipes, conduits or other connections for connecting Cockatoo Island and other similar adjoining properties to facilities of public utility providers;
2. delegates authority to the General Manager to review environmental reports and decide their acceptability; to negotiate the location of the easement site, the nature, timing and other conditions of the works to be done, and the on-going conditions of the easement; and to sign for and on behalf of Council all documents required to give effect to these resolutions; and
3. negotiates with the Sydney Harbour Federation Trust to have the proposed accessible entry to Elkington Park included as part of the Trust's works at its cost.
4. the matter be referred to the Leichhardt LRAC prior to determination by the General Manager.

C0816 Item 15 Restaurant/Café at 107 Elliott Street, Balmain

The Administrator determined that Council:

. terminates its current lease from Roads and Maritime Services ("RMS") of lot 26 DP850832 being part of the site known as 107 Elliott Street, Balmain;

2. prepares and lodges a development application for demolition of the current restaurant building and terrace;

3 seeks a new licence from RMS at its minimum licence fee of lot 26 DP850832 for public open space to connect Paringa Reserve and the proposed open space to be dedicated at 102 Elliott Street;

4. lodges an Application for Pre-DA advice for construction of a replacement café/restaurant on Council land only, with outdoor seating on RMS' land, and use of the new structure as a licensed café/restaurant (noting that concept plans and supporting reports have already been obtained); and

5. then receives a further report.

C0816 Item 16 Club Grants Allocations and Community Grants Program 2016

The Administrator determined that Council:

1. receives and notes the Allocations for Club Grants contained in Attachment 1 of this report for transparency;
2. approves the allocation of Community Grants, as contained in Attachment 3 of this report, under Section 356 of the Local Government Act 1993;
3. advises each organisation of Council's decision for Community Grants; and
4. holds a small evening function during Anti-Poverty Week to award the Community Grants and celebrate the success of funding recipients.

C0816 Item 17 Endorsement of Floodplain Risk Management Committee Charter

The Administrator determined that:

1. Council adopts the Flood Management Advisory Committee Terms of Reference (Attachment 1); and
2. Council staff seek expressions of interest from residents to be community representatives on the Flood Management Advisory Committee.
3. Clause 4.2 of the Terms of Reference be amended to add the following paragraph:

   For the purposes of this charter the term "elected representatives" includes elected members of Council and, where there are no elected members of Council, persons that have been nominated by Council as members of Local Representation Advisory Committees.
4. Clause 6.3, point 6 of the Terms of Reference be amended to read as follows:

   Council's role is to note the Committees minutes and to consider recommendations made by the Committee. Such recommendations will be highlighted for the attention of Council.

C0816 Item 18 Elkington Park Cottage, Balmain - Possible Conversion to Cafe

The Administrator determined that:

1. the report be received and noted; and
2. the results of the first round of community consultation be placed on the website, with the Parking and Traffic Impact Assessment and other supporting documents, and that Council advise this to all who completed a survey or made a submission.
3. That investigation of this project be pursued further by:
   - Exhibiting an amended Plan of Management for Elkington Park which more expressly allows the adaptive re-use and for the cottage to be leased for a café, once the LEP is amended – with the draft brought to LRAC prior to exhibition;
   - Preparing and lodging a Pre-DA application to establish acceptability of the proposed work and the chair numbers and hours of operation, with the Pre-DA supported by the concept plans, a Conservation Management Plan, Heritage Impact Statement, Accessibility Report, Traffic and Parking Impact Assessment and Noise Impact Assessments; and
   - Finalising the Business Plan.
4. That further information be brought to Council on the potential of the café providing employment pathways of the disadvantaged.

C0816 Item 19 Whites Creek Community Orchard Management Plan

The Administrator determined that:

Council adopt the draft plan of management which has been prepared for the Whites Creek Valley Park Community Orchard and provide funding support of $5,000 a year to support the growth and development of the Community Orchard.

C0816 Item 20 Inner West Council Investments as at 31 July 2016

The Administrator determined that:
the report be received and noted.

The Administrator moved into closed session at 10.20pm to consider items of business containing confidential information.

The Administrator returned to open session at 10.26pm to resolve as follows in relation to Items 21, 22 and 23.

5. Reports with Confidential Information

C0816 Item 21 Proposed Airspace Lease Smidmore Street Marrickville

The Administrator determined that Council:

1. endorses the proposal for an Agreement to lease the airspace above Smidmore Street Marrickville; and

2. delegates authority to the General Manager to negotiate the terms and conditions of an Agreement to lease airspace above Smidmore Street Marrickville in accordance with Roads Act 1993 Section 149, and to sign for and on behalf of Council all documents required for the Agreement to lease.

C0816 Item 22 SSROC Tender for the Provision of Tree Pruning Services

The Administrator determined that:

consideration of the matter be deferred to a future Council meeting.

C0816 Item 23 Sale of Land for Unpaid Rates

The Administrator determined that Council:

1. resolves that Confidential Attachment 1 of the report be treated as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2) of the Local Government Act 1993 and as such is to be treated as confidential;
2. endorses the proposed process as outlined in the body of this report in relation to the property owner listed in Confidential Attachment 1;
3. pursuant to Section 713 of the Local Government Act 1993, resolve to sell the property listed at Confidential Attachment 1 for unpaid rates and charges; and
4. delegates authority to the General Manager to appoint an auctioneer, to set the reserve price (in consultation with the appointed auctioneer) and to sell the property by private treaty if it fails to sell at auction.

The Meeting closed at 10.28pm.

Public Speakers

	Confirmation of Minutes of Council 26 July 2016	• Rochelle Porteous • Beth Taylor, Marrickville • John Lozano, Haberfield
Item 1:	Minutes of Local Representation Advisory Committee and Implementation Advisory Group Meetings held in August 2016.	• Lucille McKenna OAM, Ashfield LRAC • Max Phillips, Marrickville LRAC • John Stamolis Leichhardt LRAC • Jo Alley • Mark Drury Ashfield LRAC • Rochelle Porteous Leichhardt LRAC • Monica Wangmann Ashfield LRAC
Item 2:	Local Traffic Committee Meeting held on 4 August 2016	• Catherine Gemmell, Leichhardt • Phillip Bull, Broadway • Rene Holmes
Item 3:	Development Application - 2-32 Smith Street Summer Hill	• Alex Lofts, Ashfield LRAC • Craig Sandwell, Summer Hill • Grant Flanagan, EG Funds
Item 5	Development Application - 75 Milton Street, Ashfield	• Anthony Semarni • Carmello Barta on behalf of A&T Scavo
Item 6	Development Application - 2-20 Weston Street, Balmain East	• John Jobling, Leichhardt LRAC • Frank Breen, Leichhardt LRAC • John Stamolis, Leichhardt LRAC • Eve Russell • Garry Saunders • Robin Sandell • Ray Cooper • Josephine Davidson • Loretta Piccone • Simon Emsley, Leichhardt LRAC
Item 8	Development Application - 23 Croydon Street, Petersham	• Liza Miller, Petersham • Jeff Mead, Miranda • Shaun Carter, Summer Hill • Bianca Azzapardi
Item 12	Affordable Housing over Hay Street Car Park, Leichhardt	• John Stamolis, Leichhardt LRAC • Simon Emsley, Leichhardt LRAC • Bill Holliday, Lilyfield • Gillian Leahy

Item 13	Application for Road Closure and Sale - Part White Creek Lane behind 84 Ferris Street Annandale	• Gillian Leahy
Item 14	Proposed Easement - Elkington Park, Balmain - Cockatoo Island Service Upgrade	• Frank Breen, Leichhardt LRAC
Item 17	Endorsement of Floodplain Risk Management Committee Charter	• Frank Breen, Leichhardt LRAC
Item 18	Elkington Park Cottage, Balmain - Possible Conversion to Cafe	• Frank Breen, Leichhardt LRAC • John Stamolis, Leichhardt LRAC • Simon Emsley, Leichhardt LRAC
Item 19	Whites Creek Community Orchard Management Plan	• Gillian Leahy
Item 21	Proposed Airspace Lease Smidmore Street Marrickville	• Victor Macri, Marrickville LRAC • Simon Emsley, Leichhardt LRAC

Item 1

Item No: **C0916 Item 1**

Subject: **JOINT LOCAL REPRESENTATION ADVISORY COMMITTEE MEETING HELD ON 13 SEPTEMBER 2016**

File Ref: 16/4718/108310.16

Prepared By: Rad Miladinovic - Coordinator Governance and Administration, Marrickville

Authorised By: Peter Gainsford - Director, Corporate Services

SUMMARY

A meeting of the Joint Local Representation Advisory Committee was held on 13 September 2016. This report presents the minutes of the meeting to Council.

RECOMMENDATION

THAT the minutes of the Joint Local Representation Advisory Committee Meeting held on 13 September 2016 be received and noted.

BACKGROUND

This report presents to Council the minutes of the Joint Local Representation Advisory Committee meeting held on 13 September 2016. The minutes of the meeting are provided at **Attachment 1**.

It is recommended that the minutes of the Joint Local Representation Advisory Committee meeting be received and noted.

ATTACHMENTS

1.⇩ Minutes - 13 September 2016 Joint Local Representation Advisory Committee Meeting

Item 1

INNER WEST COUNCIL

Joint Local Representation Advisory Committee Meeting
13 September 2016

Minutes of Joint Local Representation Advisory Committee Meeting held on Tuesday 13 September 2016

Meeting commenced at 6.32pm

Members:

Frank Breen	Morris Hanna OAM	Michele McKenzie	Max Raiola
Melissa Brooks	Vera-Ann Hannaford	Victor Macri	John Stamolis
Darcy Byrne	Sam Iskandar	Morris Mansour	Caroline Stott
Ted Cassidy PSM	John Jobling OAM	Julie Passas	Rosana Tyler
Tony Costantino	Linda Kelly	Max Phillips	Jeanette (Mei) Wang
Mark Drury	Alex Lofts	Vittoria Raciti	Monica Wangmann
Simon Emsley	Lucille McKenna OAM	Adriano Raiola	Chris Woods

Other Attendees:

Richard Pearson, Administrator
Rik Hart, Interim General Manager
Peter Gainsford, Director Corporate Services
Nellette Kettle, Director Innovation & Strategy
Simone Schwarz, Director Service Delivery
Josephine Bennett, Director Community Services
Cathy Edwards-Davis, Director Public Works
Wal Petschler, Director Major Projects & Engineering
Phil Sarin, Director Planning & Environment
Popy Mourgelas, Manager Corporate Governance, Ashfield
Tanya Whitmarsh, Manager Governance & Risk, Marrickville
Rad Miladinovic, Coordinator Governance & Administration, Marrickville (Minute Taker)

1. **Welcome by the Administrator**

2. **Acknowledgement of Country**

3. **Apologies** Frank Breen, Max Phillips and Vittoria Raciti

4. **Disclosures of Interest:** Nil

5. **Election of Chairperson:**

   Darcy Byrne was appointed as Chairperson for this meeting.

6. **Presentation on Mainstreet Revitalisation Quantitative Data Study and Expert Advisory Panel (relating to Item 3)**

L0916 Item 1 Integration & Innovation Plan - Progress Report

Recommendation: STAMOLIS / HANNA

THAT:

1. the report be received and noted; and
2. the organisational structure be provided to a future Joint LRAC meeting as soon as possible.

CARRIED UNANIMOUSLY

Attachment 1

L0916 Item 2 Local Democracy Framework - Establishment of Strategic Reference Groups

Recommendation: LOFTS / JOBLING

THAT:

1. the report be noted and LRAC members provide any feedback;
2. each LRAC nominate one member to form the appointment panel with the Administrator; and
3 the seniors and the LGBTI activists and issues be incorporated in the Access and Inclusion Reference Group.

CARRIED UNANIMOUSLY

Amendment: EMSLEY / KELLY

THAT the seniors and the LGBTI activists and issues be incorporated in the Access and Inclusion Reference Group.

CARRIED UNANIMOUSLY

Amendment: STAMOLIS / HANNAFORD

THAT Council create a:

- planning and urban design strategic reference group;
- heritage strategic reference group; and
- Community Services reference group.

The above amendment was LOST.

L0916 Item 3 Mainstreet Revitalisation Quantitative Data Study and Expert Advisory Panel

Recommendation: BYRNE / WOODS

THAT Council:

1a. note that the study demonstrates a comparative lack of patronage of Woolworths Balmain, as the primary anchor tenant for Darling Street Balmain, which is having a detrimental flow on effect for other local businesses and resulting in a loss of retail trade for the area;

1b. invite the CEO of Woolworths and the owners of the Woolworth's Balmain site to meet with the Administrator to discuss how to improve the store's performance as an anchor tenant for Darling Street, including the potential for collaboration with Council on parking provision and use of Council's planning instruments to facilitate an upgrade of the premises or increased competition by attracting new supermarkets to the area;

2. write to Peninsular Partnership members thanking them for their participation and convene a meeting with them to plan an ongoing collaboration between Council and Partnership members;

3. approach Urban Growth NSW seeking a matched funding contribution to allow for the facilitation and ongoing work of the Peninsular Partnership for a period of 6 or 12 months;

Item 1

4. write to the planning Minister seeking a forum for Council and Peninsular Partnership members to discuss with him the opportunities and threats posed to the Balmain / Rozelle economy by redevelopment of the White Bay Power Station and Glebe Island;
5. request a meeting for Peninsular Partnership members with Destination NSW to discuss how to promote tourist visitations to Balmain and Rozelle as well as the possibility of involving the Balmain and Rozelle communities in the Vivid Festival;
6. work with Peninsular Partnership members to coordinate a meet of publicans, restaurateurs, bare and café owners to consider a hospitality strategy for the area;
7. note the offer from Peninsular Partnership members including Rachel Ward and Bryan Brown to collaborate with Council to initiate an annual a Balmain Festival, to showcase local artistic talent and attract visitors and convene a meeting to discuss how to progress this;
8. investigate how to facilitate a revitalised Balmain Markets either at the existing location or elsewhere;
9. explore the total investment of nearby shopping mall operators in retail marketing and promotions to provide context to Council's economic development investment and consider hypothecating a portion of revenues from parking meters to economic development and promotion as part of the upcoming Budget;
10. investigates opportunities to increase parking in Balmain and Rozelle;
11. investigates assessment of the retail area including shops, shopfront and public footpaths to suggest recommendations for improvements; and
12. conduct a landlord engagement forum and review planning and regulatory mechanisms.

CARRIED UNANIMOUSLY

Amendment: STAMOLIS / STOTT

THAT Council:

- investigates opportunities to increase parking in Balmain and Rozelle; and
- investigates assessment of the retail area including shops, shopfront and public footpaths to suggest recommendations for improvements.

CARRIED

Amendment: McKENZIE / BROOKS

THAT Council conduct a landlord engagement forum and review planning and regulatory mechanisms.

CARRIED

Attachment 1

MATTER ARISING: Equitable Parking Restrictions Across the LGA

Recommendation: HANNAFORD / STAMOLIS

THAT Inner West Council investigate parking restrictions across the LGA to make this equitable for all main streets and all residents of and visitors to the LGA.

The above recommendation was LOST.

L0916 Item 4 Establishment of an Independent Hearing and Assessment Panel for the Inner West Council

JOBLING / CASSIDY

THAT Council:

1. establishes an independent hearing and assessment panel to be known as the Inner West Planning Panel (IWPP) as outlined in this report and in accordance with the details contained in the following procedural documents - Operational Guidelines, Code of Conduct and Charter (Attachments 1, 2 and 3);
2. requests the Interim General Manager arrange an Expression of Interest to recruit and appoint a pool of suitably qualified and experienced independent experts and community members to the IWPP;
3. upon its commencement, delegates authority under Section 377 of the Local Government Act 1993 to the Panel to determine all matters delegated to it, as per Attachment 5;
4. at the relevant time, gives public notice of the commencement of the IWPP and cessation of the LPP;
5. notes the estimated recurring cost of the IWPP of $163,800 per annum to be funded from the existing LPP budget, and allocate additional funds to cover the estimated recruitment cost of up to $30,000;
6. requests officers provide an annual report to Council on the activities and outcomes of the IWPP in the previous 12 months;
7. THAT the IWPP, as proposed, be implemented as a provision arrangement to manage risk while the Inner West Council is under administration, to be reviewed at the end of the administration period by the incoming elected council;
8. Replace Point 10 of the site inspections section on page 51 with: "site inspections are open to the people within the notification area"; and
9. Delete "boarding houses" from Point 7 of the proposed delegations appearing on page 47 of the agenda.

CARRIED

Amendment: CASSIDY / McKENZIE

THAT development applications not required to be determined by a full council meeting shall be referred to the Inner West Planning Panel upon a request to the General Manager by three Councillors or in the period of Administration, by three LRAC Committee members.

The above recommendation was LOST.

Amendment: EMSLEY / McKENZIE

THAT the IWPP, as proposed, be implemented as a provision arrangement to manage risk while the Inner West Council is under administration, to be reviewed at the end of the administration period by the incoming elected council.

CARRIED

Item 1

Amendment: MACRI / BROOKS

Replace Point 10 of the site inspections section on page 51 with: "site inspections are open to the people within the notification area".

CARRIED

Amendment: WOODS / PASSAS

Delete "boarding houses" from Point 7 of the proposed delegations appearing on page 47 of the agenda.

CARRIED

REPORTS WITH CONFIDENTIAL INFORMATION

L0916 Item 5 Live Streaming of Council Meetings

Recommendation: KELLY / PASSAS

THAT Item 5 be deferred pending the provision of detailed information on the legal implications for councillors and members of the public who are to be recorded and broadcasted.

CARRIED

Request to Introduce an Item of Urgent Business

Julie Passas sought to raise a matter in relation to responsibilities of LRAC members. The Chair considered the background to this request and subsequently ruled that the matter was not an item of urgency and therefore, further consideration would not proceed.

Meeting concluded at 9.32pm.

Attachment 1

Item No: **C0916 Item 2**

Subject: **DEVELOPMENT APPLICATION - 33 SMITH STREET, SUMMER HILL**

File Ref: 16/4718/106737.16

Prepared By: Philip North - Specialist Planner, Ashfield

Authorised By: Phil Sarin - Director, Planning and Environment

SUMMARY

This proposal is for the demolition of existing dwellings and construction of a part 2/3 storey infill affordable housing development comprising 17 dwellings under SEPP (Affordable Rental Housing) 2009. The proposed development complies with the applicable development standards and controls. The site planning focusses the dwellings towards a central internal courtyard or to the street and successfully avoids overlooking of adjacent properties. The street presentation has been designed to respond to the traditional built form prevailing in the locality and nearby conservation areas and heritage items.

A large rooftop terrace, which is proposed on the rear building, is likely to result in overlooking of adjacent properties and is not considered appropriate. Given that the proposal provides adequate communal open space, it is not required and a condition of consent has been recommended which requires its deletion.

There remain some technical stormwater drainage issues which can be resolved by way deferred commencement conditions.

RECOMMENDATION

THAT the development be granted deferred commencement consent.

Overview of Report

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent for demolition of existing dwellings and construction of a part 2/3 storey infill affordable housing develp0ment under SEPP (Affordable Rental Housing) 2009 comprising 17 dwellings over basement car parking for 11 cars.

2.0 Application Details

Applicant	:	Habitation Design
Owner	:	Drummoyne Building Service Pty Ltd
Value of work	:	$3,681,938
Lot/DP	:	Lot 1, DP 120491
Date lodged	:	01/03/2016
Building classification	:	2
Application Type	:	Local
Construction Certificate	:	No

3.0 Site and Surrounding Development

The subject site is located on the northern side of Smith Street in Summer Hill between Fleet Street to the west and Chapman Street to the east. The site area is approximately 918 square metres. The site is occupied by three dwellings. Surrounding development comprises low and medium density residential. Refer to **Attachment 1** for a locality map.

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The site consists of the following lot:

Street Address	Lot No.	Deposited Plan	Title System	Site Area
33 Smith Street, Summer Hill	1	120491	Torrens	918m^2

4.0 Development History

Previous building and development applications submitted to Council for the subject site include:

No.	Determination Date	Proposal	Determination
10.2010.003.1	04.10.2010	Multi-unit housing	Refused
06.1978.455.1	29.11.1978	Carport	Approved
06.1963.4551	16.07.1963	Conversion to 3 flats	Approved

The following table shows the background to the current application:

Application Milestones		
Date	**Event**	**File no**
02.03.2015	Pre-lodgement Application lodged	9.2015.06
19.03.2015	Pre-lodgement meeting held at Council	9.2015.06
06.05.2015	Pre-lodgement Letter sent to applicant raising following issues: • The proposed zero wall to boundary setback is not considered compatible with development in the area. The front building line is not consistent with the building lines of the adjoining properties. The facade and design generally does not satisfy SEPP 65 or the character test as such Council's officers cannot support its approval in its current form. • The proposed development does not provide for a mix of apartment sizes as required by clause 4.11 of Part C5 of IDAP. • It is noted that the proposed building extends up close to the boundaries. This will cause extensive overshadowing to properties in the vicinity in Smith Street in particular. • The building should be setback off the boundary to improve solar access and to allow access for future maintenance of the building. The building setbacks should be consistent with the prevailing building setbacks in the area. • The proposed development must maintain privacy to adjoining properties. In this regard upper floor balconies should be sited to minimise direct overlooking of adjoining and nearby properties. • Communal open space shall be provided exclusive of any drying or service areas. The communal area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. Communal open space can be on the roof and/ or and ground level. The Communal open space area shall be a single open space of at least 10m x12m and increased by 5m2 for each unit in excess of 6.	9.2015.06

	• The development is for a multi-unit building with basement car parking containing 33 single bedroom units which has a parking requirement of 33 resident spaces plus 7 visitor spaces and a car wash bay, i.e. a total of 41 spaces. The proposed development provides 14 car parking spaces which is only a third of the requirement. Given the high on-street parking demand in the vicinity of this site the level of undersupply is considered unacceptable. • The submitted plans show no visitor spaces. This is considered unacceptable. Visitor spaces should be in an area which is, or can be, accessed by non-residents. • The interim development assessment policy requires that car parking for people with disabilities be supplied at a rate of 5 spaces per 100. For a parking requirement of 41 spaces 2 of those spaces would need to be allocated for disabled use. Those spaces should conform with the requirements of AS2890.6. The current proposal is deficient in that none of the parking spaces are shown for disabled use. • Bicycle parking should be provided at a rate of 1 per 10 flats for residents plus 1 per 10 flats for visitors i.e. 7 bicycle parking spaces. The preliminary plans show 4 bicycle storage areas within the basement carpark. It is unclear how many bicycles may be stored in each area and this should be clarified in the DA submission. Bicycle parking for visitors should be in an area which is, or can be, accessed by non-residents. • No Motorcycle parking spaces have been shown on the submitted plans for a parking requirement of 41 spaces an additional 2 motorcycle parking spaces are required. • The submitted plans are deficient in terms of resident, visitor, disabled, motorcycle and possibly bicycle parking. It is considered that the parking supply is not acceptable however if such a significant undersupply of parking is to be pursued a Traffic and Parking Assessment Report should be submitted with the development application to justify why Council should consider approval • The submitted plans should show removal of the redundant vehicle crossing and reinstatement of kerb and gutter, footpath and nature strip. • The alterative option for the driveway location showing the driveway at the western edge of the property is less preferable to the submitted plan. The driveway in the alternative proposal is sited closer to the intersection with Spencer St and egress from the site would be partially impeded by a traffic island on approach to the intersection. • Please note that the proposal if submitted in its current form is unlikely to be supported by Council Staff and it is suggested that a further meeting be arranged to discuss an amended proposal.	
22.06.2015	Pre-lodgement Application lodged	9.2015.25
23.07.2015	Pre-lodgement meeting held at Council	9.2015.25
20.08.2015	Letter sent to applicant raising following issues: • The proposed zero wall to boundary setback is not considered compatible with the pattern of development in the area. The front building line is not consistent with the building lines of the adjoining properties. The facade and design generally does	9.2015.25

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	not satisfy SEPP 65 or the character test under SEPP (ARH) 2009 and as such Council's officers will not support the proposal in its current form. • Compliance with SEPP(ARH) a minimum of 12 car spaces comprising of 4 for the studio apartments, 3 for the 1 bedroom apartments and 5 for the 2 bedroom apartments. The plans show only 10 car spaces therefore the proposal fails to comply. • The one bedroom units are less than 50m2 as such do not comply with the minimum required dwelling size. • The height of building map under the ALEP 2013 allows a maximum height of 9m. The proposal does not comply. Any proposal must comply as Council officers will not support any variation. • It is noted that the proposed building extends up close to the boundaries. This will cause extensive overshadowing to properties in the vicinity on Smith Street in particular. • The building should be setback off the boundary to improve solar access and to allow access for future maintenance of the building. The building setbacks including the front setback should be consistent with the prevailing building setbacks in the area. • The proposed development must maintain privacy to adjoining properties. In this regard upper floor balconies, open stairs and lobby areas should be screened or sited to minimise direct overlooking of adjoining and nearby properties. • Communal open space shall be provided exclusive of any drying or service areas. The communal area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. Communal open space can be on the roof and/ or and ground level subject to maintaining an adequate level of privacy to any adjoining property. The Communal open space area shall be a single open space of at least 10m x12m and increased by 5m2 for each unit in excess of 6. • The secondary exit stair from the basement has not been drawn correctly, and that there appears to be no thought given with regards to mechanical ventilation, in terms of exhaust risers and hydraulics to the premises. • Please note that the proposal if submitted in its current form is unlikely to be supported by Council Staff and it is suggested that a further meeting be arranged to discuss an amended proposal.	
14.12.2015	Provisional Development Application lodged	17.2015.372
07.01.2016	Letter sent to applicant raising following issues: • The proposal fails to comply with the minimum 12m separation distance between habitable rooms/balconies. The proposal should be amended to comply. • The proposal fails to comply with Part C1 with respect to universal accessible design and in particular the failure to provide accessible bathrooms to all units. • Concern is raised regarding privacy impacts from the communal roof terrace. This could be address by way of wider / higher planters, screening devices or a combination of these. Amended details are to be submitted.	17.2015.372

	• The application will be reviewed by Council's Heritage Advisor on 11 January 2016, any comments received will be sent separately. • A direct connection into Sydney Water pipe network is required. Sydney water approval will need to be obtained for both the pipe connection and the OSD storage volume. • The proposed communal open spaces should be functional and provide for greater range of recreation activities in accordance with the requirements of the Apartment Design Guide.	
12.01.2016	Letter sent to applicant raising following issues: • The character of the front fencing is split between masonry piers with infill and what appears to be metal framed glass panelled balustrade. The glass panelled fences should be replaced with a more sympathetic design and this should ideally be coordinated with the front masonry / infill frontage fence. • The proposed fences should be carefully coordinated with the balustrade to the front upper and lower verandahs, which should not be framed glass. It is suggested that the fencing and balustrades be designed around a timber or steel design using plain verticals and understated posts. • The fenestration is shown traditionally proportioned as openings, but the windows themselves, particularly under the gable, should resemble traditionally proportioned sash windows instead of the tall awkwardly proportioned casement windows shown. The front hipped roof with gable, resembling a traditional Victorian house format, is awkwardly linked to the rear flat roof block via a sloping skillion which is shown landing at the main cross ridge of the house. This is very unusual and ruins the attempt to make the new front element look like a house. It should be revised so that the connection is located behind and below the main transverse ridge and not clumsily visible.	17.2015.372
01.03.2016	Development Application lodged	10.2016.044.1
13.04.2016	Letter sent to applicant advising of the following issues with application: • The separation distance between the north and south blocks of the proposal is not in accordance with the recommendations of the Apartment Design Guide. • The rooftop terrace on the rear building is likely to result in adverse acoustic privacy impacts. • The eastern side setback and pedestrian access is excessively narrow.	10.2016.044.1
14.07.2016	Amended plans received addressing the majority of issues raised.	10.2016.044.1

5.0 Zoning/Permissibility/Heritage

The site is zoned R3 medium density residential under the provisions of Ashfield LEP 2013 and is adjacent to a heritage item and a heritage conservation area.

The proposed works are permissible with Council consent.

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6.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act.

6.1 The provisions of any Environmental Planning Instrument

6.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 (ALEP 2013) was gazetted on 23 December 2013 and applies to the proposal. The following table summarises the compliance of the application with ALEP 2013.

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	**Clause**	**Standard**	**Proposed**	**Complies**
2.3	Zone objectives and land use table	Zone R3 Medium density residential	Residential flat building	Yes
4.1	Minimum subdivision lot size	N/A	No change	N/A
4.3	Height of buildings	9m	9m	Yes
4.4	Floor space ratio	0.7:1 plus a 50% bonus by virtue of SEPP (Affordable Rental Housing) for provision of affordable rental housing: Max. Permitted: 1.03:1	0.988:1	Yes
5.10	Heritage Conservation	Located adjacent: • Conservation Area C-44 • Conservation Area C-51 • Heritage Item I-620 (39 Smith Street)		
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	Heritage management document has been submitted. Assessed as satisfactory by Council's Heritage Advisor.	Yes

As demonstrated in the above table, the proposal complies fully with Ashfield LEP 2013.

6.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

6.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 - Remediation of land

Given the long and continuous history of residential use, it is not considered likely that the site is contaminated.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

The proposed development is also a residential flat building as defined by the SEPP in that it comprises 3 or more storeys and contains 4 or more dwellings. The proposal is therefore subject to the provisions of the SEPP. The proposal is accompanied by a suitable Design Verification Statement as required by The Regulations.

State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development			
Clause	**Standard**	**Proposed**	**Complies**
28	**Determination of Development Applications**		
28(1)	After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.	The application has been referred to Council's SEPP 65 review officer for comment.	Yes
28(2)	In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration): (a) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and (c) the Apartment Design Guide.		Yes

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28(2)(b)	The design quality principles		
1.	Principle 1: Context and neighbourhood character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	The proposal responds appropriately to the context and neighbourhood character: • The form of the front building is designed to respond to the traditional streetscape and nearby heritage items and conservation areas with a traditional massing and roof form.	Yes
2.	Principle 2: Built form and scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The scale is generally appropriate for the context: • It presents two storeys to the street consistent with surrounding development; • It rises to three storeys at the rear in accordance with the nominated height limits for the locality.	Yes
3.	Principle 3: Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population.	The density at 0.988:1 is consistent with the FSR nominated for the site by SEPP (Affordable Rental Housing) 2009.	Yes

	Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.		
4.	Principle 4: Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The proposal has been accompanied by a BASIX certificate demonstrating compliance with fundamental sustainability requirements.	Yes
5.	Principle 5: Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	The landscaping of the site is satisfactory and provides: • An adequately sized communal open space area and courtyard in the centre of the site; • A landscaped front setback area consistent with the streetscape character;	Yes

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6.	Principle 6: Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	The proposal provides: • adequate communal open space for residents. • Well laid out and functional internal planning; • Adequate levels of privacy and solar access, subject to removal of the roof terrace.	Yes
7.	Principle 7: Safety Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.	Safety and security is adequate due to good passive surveillance of both the street and internal circulation spaces.	Yes
8.	Principle 8: Housing diversity and social interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	The proposal provides a suitable mix of one and two bedroom units as well as studio units.	Yes

9.	Principle 9: Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.		The aesthetic resolution is satisfactory in the context of the site.	Yes
28(2)(c)	**Apartment Design Guide**			
Part 3	**Siting the development**			
3B	Orientation	On merit.	Orientation to the street is appropriate in the context.	Yes
3C	Public domain interface	On merit.	Appropriate in the context	Yes
3D-1	Communal open space	Communal open space: min. 25% site area: 230m^2	230m^2 25%	Yes
		Solar access to communal open space	Adequate solar access to communal open space.	Yes
3D-3	Communal open space is designed to maximize safety	Safety	Excellent passive surveillance.	Yes
3E-1	Deep soil zones	7% min dimension 3m: 64m^2	198m^2 22%	Yes
3F1	Building Separation (up to four storeys)	12 metres between habitable rooms/balconies and side boundaries	12m	Yes
3F-2	Privacy		Communal open spaces adequately separated from private open spaces and windows.	Yes
3J-1	Car parking • 800m of railway or light rail station; or • In or within 400m of B3/B4 land	SEPP (Affordable rental housing) 2009 prevails: • 11 spaces	11 spaces	Yes

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Part 4	Designing the Building			
4A-1(1)	Solar & daylight access	70% of living rooms and private open spaces: min. 2 hours solar access between 9am and 3pm in mid-winter.	12/17=71%	Yes
4A-1(3)	Solar & daylight access	No direct sunlight at the above time: max. 15%	0%	Yes
4B-3(1)	Natural ventilation	Natural cross ventilation: min. 60% of apartments	100%	Yes
4B-3(2	Natural ventilation	Maximum depth of cross through apartments: 18m glass to glass	Do not exceed 18m	Yes
4C-1	Ceiling heights	• Habitable rooms: 2.7m • Non-habitable: 2.4m • 2 storey: 2.4m 2nd storey • Attics: 1.8m at edge of room with 30 deg slope • Commercial: 3.3m ground and first floor.	Complies.	Yes
4D-1(1)	Apartment size and layout	Minimum internal areas: • Studio: 35m^2 • 1 bed: 50m^2 • 2 bed: 70m^2 • 3 bed: 90m^2	Complies.	Yes
4D-1(2)	Apartment size and layout	All habitable rooms to have window in external wall min. 10% floor area.	Complies.	Yes
4D-2	Apartment size and layout	Max. Habitable room depth: 8m	Complies.	Yes
4D-3(1)	Apartment size and layout	Min areas: • Master bedroom: 10m^2 • Other bedrooms: 9m^2	Complies.	Yes
4D-3(2)	Apartment size and layout	Min. Bedroom dimension (excl. Robe): 3m	Second bedrooms have min. dimension of 2.7 but comply with the minimum area.	Satisfactory

4D-3(3)	Apartment size and layout	Min. Living room dimension: • 1 Bed Unit: 3.6m • 2 Bed Unit: 4.0m	All apartments comply.	Yes
4E-1(1)	Private open space & balconies	Min. Balcony size/depth: • Studio: $4m^2$/- • 1 Bed: $8m^2$/2m • 2 Bed: $10m^2$/2m • 3 Bed: $12m^2$/2.4m	All apartments comply.	Yes
4E-1(2)	Private open space & balconies	Min. Courtyard size/depth: • $15m^2$/3m	All apartments comply.	Yes
4F-1(1)	Common circulation spaces	Max. apartments off a single core: 8	3	Yes
4F-1(2)	Common circulation spaces	Max. apartments sharing single lift: 40 (10 storeys and over)	9	Yes
4G-1(1)	Storage	Minimum storage: • Studio: $4m^3$ • 1 Bed: $6m^3$ • 2 Bed: $8m^3$ • 3 Bed: $10m^3$ 50% to be in apartment (not bedroom/kitchen)	Adequate total storage in units and basement combined.	Yes
4H-1	Acoustic privacy	Noise transfer is minimised through the siting of buildings and building layout.	Suitable site planning adopted.	Yes
4H-2	Acoustic privacy	Noise impacts are mitigated within apartments through layout and acoustic treatments.	Suitable layout adopted.	Yes
4J-1	Noise and pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	Not a hostile acoustic environment.	N/A
4J-2	Noise and pollution	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Not a hostile acoustic environment.	N/A

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4K-1	Apartment mix	A range of apartment types and sizes is provided to cater for different household types now and into the future.	Apartments range in size from studio to two bedroom.	Yes
4L-1	Ground floor apartments	Street frontage activity is maximised.	The ground floor front apartment suitably addresses the street with an active frontage.	Yes
4L-2	Ground floor apartments	Private courtyards elevated above the street by 1m-1.5m	The front ground floor apartment is suitably configured with an elevated terrace.	Yes
4M-1	Facades	Building facades provide visual interest and respect character of local area.	The building facade is appropriate to the character of the locality.	Yes
4M-1	Facades	Building functions are expressed on the facade.	The facade is appropriately designed.	Yes
4N-1	Roof design	Roof treatments are integrated into the building design and positively respond to the street.	The roof treatment of the front building is appropriate to the context.	Yes
4N-2	Roof design	Opportunities to use roof space for residential accommodation and open space are maximised.	The rear roof space is proposed as a component of the communal open space.	Yes
4N-3	Roof design	Roof design incorporates sustainability features.	Roof design incorporates solar panels and garden area.	Yes
4O	Landscape design		Landscape design is appropriate for the development.	Yes
4P-1	Planting on structures	Min. Soil depths: • 12-18m trees: 1.2m deep & 10m x 10m • 8-12m trees: 1.0m deep & 6m x 6m • 6-8m trees: 0.8m deep & 3.5m x 3.5m • Shrubs: 0.5m – 0.6m deep • Ground cover: 0.3m – 0.45m deep • Turf: 0.2m deep	Appropriate soil depths are provided for planter boxes.	Yes

4Q-1	Universal design	20% of apartments to achieve Livable Housing Guidelines silver level design features.	All units are accessible. Conditions will be applied to ensure compliance at detail design stage.	Yes
4Q-2	Universal design	Adaptable housing in accordance with Council policy.	All units are accessible. Conditions will be applied to ensure compliance at detail design stage.	Yes
4R-1	Adaptive reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	No reuse proposed.	N/A
4S-2	Mixed use	Residential uses of the building are integrated within the development, and safety and amenity is maximised for residents.	No mixed use proposed.	N/A
4T-1	Awnings and signage	Awnings are well located and complement and integrate with the building design.	No awnings or signage proposed.	N/A
4T-2	Awnings and signage	Signage responds to the context and desired streetscape character.	No awnings or signage proposed.	N/A
4U	Energy efficiency		Application has been submitted with a BASIX certificate which is considered to satisfy this section.	Yes
4V	Water management		Application has been submitted with a BASIX certificate which is considered to satisfy this section.	Yes
4W	Waste management		Waste management appropriate for the building type.	Yes

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4X-3	Building maintenance	Material selection reduces ongoing maintenance costs.	Building materials consist of rendered and painted masonry which is generally appropriate for the context. However, it is considered that dark coloured face brick would be a more durable material for high exposure areas such as the front fence, walls below ground floor level and the driveway ramp walls. Condition recommended.	Condition

As identified in the above table, the proposal satisfies the provisions of the SEPP.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal has been lodged under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 to provide in-fill affordable housing. As such, the provisions of Division 1 of the SEPP apply and the compliance is measured in the following table:

State Environmental Planning Policy (Affordable Rental Housing) 2009 Part 2: New Affordable Rental Housing Summary Compliance Table			
Division 1: In-fill affordable housing			
Clause No.	**Standard**	**Proposed**	**Complies**
10	**Development to which Division applies**		
10(1)	This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:	Residential flat building.	Yes
10(1)(a)	the development concerned is permitted with consent under another environmental planning instrument, and	Permitted in the zone.	Yes
10(1)(b)	the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the *Heritage Act 1977*.	Land does not contain a heritage item.	Yes
10(2)	Despite sub-clause (1), this Division does not apply to development on land in the Sydney	The land is located in an accessible area.	Yes

	region unless all or part of the development is within an accessible area.		
10(3)	Despite sub-clause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.	Located in the Sydney Region.	N/A
13	**Floor space ratios**		
13(1)	This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.	32.5% of the gross floor area is proposed to be affordable housing.	Applies
13(2)	The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:	N/A	N/A
13(2)(a)	The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus: (a) if the existing maximum floor space ratio is 2.5:1 or less: (i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or (ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: ***AH*** is the percentage of the gross floor area of the development that is used for affordable housing. ***Y*** = AH ÷ 100 or	LEP FSR: 0.7:1 Bonus: 0.33:1 Total Permissible FSR: 1.03:1 Proposed FSR: 0.988:1	Yes

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13(2)(b)	if the existing maximum floor space ratio is greater than 2.5:1: (i) 20 per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or (ii) Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: ***AH*** is the percentage of the gross floor area of the development that is used for affordable housing. ***Z*** = AH ÷ 2.5	Not applicable.	N/A
13(3)	In this clause, ***gross floor area*** does not include any car parking (including any area used for car parking).	Noted.	Noted.
14	**Standards that cannot be used to refuse consent**		
14(1)	**Site and solar access requirements**		
14(1)(b)	**site area** if the site area on which it is proposed to carry out the development is at least 450 square metres,	Site area: 918m^2	Yes
14(1)(c)(i)	landscaped **area** if: (i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or	N/A	N/A
14(1)(c)(ii)	in any other case—at least 30 per cent of the site area is to be landscaped, **Required: 275m^2**	261m^2 28% The deficiency can be made up by minor changes to the landscape plan which can be addressed by way of a condition.	Condition
14(1)(d)	**deep soil zones** if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:		

14(1)(d)(i)	there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the ***deep soil zone***), and **Required: 138m^2**	202m^2 22%	Yes
14(1)(d)(ii)	each area forming part of the deep soil zone has a minimum dimension of 3 metres, and	Some portions of the deep soil zones are 1.5m in width, however, they comprise a minority and do not impact on overall compliance.	Satisfactory
14(1)(d)(iii)	if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area, **Required: 92m^2**	151m^2	Yes
14(1)(e)	**solar access** if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	Yes
14(2)	**General** A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		
14(2)(a)	**parking** if:		
14(2)(a)(i)	in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or	N/A	N/A
14(2)(a)(ii)	in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,	Minimum of 11 Spaces required. 11 spaces provided (incl. 2 accessible)	Yes
14(2)(b)	**dwelling size** if each dwelling has a gross floor area of at least:		

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14(2)(b)(i)	35 square metres in the case of a bedsitter or studio, or	Complies.	Yes
14(2)(b)(ii)	50 square metres in the case of a dwelling having 1 bedroom, or	Complies.	Yes
14(2)(b)(iii)	70 square metres in the case of a dwelling having 2 bedrooms, or	Complies.	Yes
14(2)(b)(iv)	95 square metres in the case of a dwelling having 3 or more bedrooms	N/A	N/A
14(3)	A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in sub-clause (1) or (2).		
15	**Design requirements**		
15(1)	A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.		N/A
15(2)	This clause does not apply to development for the purposes of a residential flat building if *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* applies to the development.	SEPP 65 applies therefore cl. 15(1) is not applicable.	Noted
16	**Continued application of SEPP 65**		
16	Nothing in this Policy affects the application of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* to any development to which this Division applies	SEPP 65 applies and the proposal has been assessed in accordance with the Policy.	Noted
16A	**Character of local area**		
	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The proposal is considered compatible with the character of the local area, in particular in respect of the traditional built form of the front building facing the street.	Yes
17	**Must be used for affordable housing for 10 years**		
17(1)	A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:		

17(1)(a)	for 10 years from the date of the issue of the occupation certificate:	If approved, suitable conditions will be applied.	Condition
17(1)(a)(i)	the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and	If approved, suitable conditions will be applied.	Condition
17(1)(a)(ii)	all accommodation that is used for affordable housing will be managed by a registered community housing provider, and	If approved, suitable conditions will be applied.	Condition
17(1)(b)	a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919* that will ensure that the requirements of paragraph (a) are met.	If approved, suitable conditions will be applied.	Condition
17(2)	Sub-clause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.	N/A	N/A
18	**Subdivision**		
	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	Subdivision is not proposed.	N/A

As demonstrated in the above table above table, the proposed development satisfies the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

6.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

No draft environmental planning instruments apply to the site.

6.3 The provisions of any Development Control Plan.

The Ashfield Interim Development Assessment Policy IDAP 2013 applies to the site. Please see Section 7.8 below.

6.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered as part of the assessment of the development application.

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6.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have any significant impacts upon the adjacent properties in respect of privacy or overshadowing, subject to deletion of the roof terrace.

6.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development.

6.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants and Councillors from 8 March 2016 until 29 March 2016. Notification was checked during site inspection and was acceptable.

Summary of submissions

Forty submissions including one petition of 111 signatures (**Attachment 3**) were received during the notification of the development application.

Submissions	
1.	Petition of 111 signatures. Head petitioner: J. Balgi & H. Foo Address withheld on request
2.	C. & D. Ally - Summer Hill NSW 2130
3.	L. Alvis - Summer Hill NSW 2130
4.	J. Balgi & H. Foo Address withheld on request (3 letters)
5.	L. Alvis - Summer Hill NSW 2130
6.	C. & D. Ally - Summer Hill NSW 2130
7.	M. Barr & S. Blakeman - Summer Hill NSW 2130
8.	M. Bresic - Summer Hill NSW 2130
9.	M. Chochula & L. Drozak - Summer Hill NSW 2130
10	T. Chrisafis - Summer Hill NSW 2130
11	R. Dabb - Summer Hill NSW 2130
12.	L. Findlay
13	M. Geason - Summer Hill NSW 2130
14	H. Gidding - Summer Hill NSW 2130
15.	P. Goodhew & L. McKendry - Summer Hill NSW 2130
16	B. Gray - Summer Hill NSW 2130
17.	Y.Q. Han & A.L. Xu - Summer Hill, NSW 2130
18	Jo Haylen MP for: • J. Balgi & H. Foo Marrickville NSW 2204
19.	Jo Haylen MP for: • R. Dabb Marrickville NSW 2204

20.	Jo Haylen MP for: • T. Moulton Marrickville NSW 2204
21.	Jo Haylen MP for: • C. & D. Ally • M. Barr & S. Blakeman • H. Gidding • Y. Han & A. Xu • S. Loy-Wilson & M. Sriravindrarajah • K. May Marrickville NSW 2204
22.	C. Herscovitch - Summer Hill NSW 2130
23.	E. Hing - Summer Hill NSW 2130
24.	B. Hopkinson - Summer Hill NSW 2130
25.	D. & L. Horrigan - Summer Hill NSW 2130
26.	H. Hu & P. Yu - Summer Hill NSW 2130
27.	J. Humphrey
28.	M. Lean - Summer Hill NSW 2130
29.	S. Loy-Wilson & M. Sriravindrarajah - Summer Hill NSW 2130
30.	"Victoria Gardens" - Summer Hill NSW 2130
31.	K. May - Summer Hill NSW 2130
32.	M. Mendez, A, D, P. & R. Svoronos - Summer Hill NSW 2130
33.	T. Moulton - Summer Hill NSW 2130
34.	J. O'Connor - Summer Hill NSW 2130
35.	E. Sodergen - Summer Hill NSW 2130
36.	Anonymous
37.	C. Stoney - Summer Hill NSW 2130
38.	Unified Lawyers - Marrickville NSW 2204
39.	Y. Yao - Summer Hill NSW 2130
40.	Anonymous

Submission Issue	Assessing Officer's Comment
Excessive scale.	The scale is less than that permitted under the SEPP (Affordable Rental Housing) and, as such, is acceptable. It is noted that the scale has been reduced during the assessment process.
Inadequate size of communal open space.	The communal open space has been increased in size to comply.
Inadequate front setback.	The front setback, though less than that of the immediately adjacent properties, is significantly greater than the predominant setback in the street. It is noted that the controls require that the proposal "be consistent with the predominant setback of the buildings in the street" – not consistent with the immediately adjacent dwellings.

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Not compatible with heritage character.	The proposal presents a very traditional two storey built form to the street and utilises a traditional material palette to relate appropriately to the context of historical buildings in the streetscape.
Rooftop terrace will create adverse visual and acoustic privacy impacts.	The rooftop terrace will be deleted by way of condition of consent.
Adverse traffic impacts.	Council's traffic engineer has reviewed the proposal and not raised objection on the basis of traffic generation.
Inadequate parking and consequent impacts on on-street parking.	The proposal provides parking consistent with the requirements of the SEPP (Affordable Rental Housing). It is not open to Council to refuse the application on this basis.
Unacceptable overshadowing.	The extent of overshadowing is fully compliant with Council's controls.
The scale will be disproportionate in the streetscape.	The front of the development has been designed to present as two storeys to the street with the larger and taller three storey elements concealed at the rear.
It is unreasonable that this development permits significantly greater FSR than the nearby heritage conservation area and other adjacent sites.	It should be noted that the additional FSR on this site is permitted by way of the State Government planning policy SEPP (Affordable Rental Housing) which overrides the floor space controls contained in Council's local environmental plan.
Inadequate landscaped area.	The proposal has been amended to provide a compliant amount of landscaped area. In addition, conditions will be applied to require additional canopy tree planting.
Privacy impacts of rear balconies on 8 Fleet Street.	Rear facing balconies do not look directly into 8 Fleet Street and have been provided with full height walls on their sides to minimise sideway views. This will be augmented by requirements for canopy tree planting along the rear boundary by condition of consent to further protect privacy.
Noise during construction.	Conditions will be applied to ensure that construction noise is within acceptable limits.
Dust during construction.	Conditions will be applied to ensure that construction dust is within acceptable limits.
Stormwater runoff.	Conditions will be applied to ensure that stormwater runoff is compliant with Council's standards.
Privacy impacts of internal balconies.	These balconies face inwards into the development and are fully screened on their sides. They would have only very acute angled views (rather than direct) into any adjacent properties. This is considered acceptable in a medium density context.
Unsuitable unit mix.	The mix of units is consistent with the applicable planning controls.

Excessive height.	The proposal is consistent with the applicable height limits of Council's planning controls.
"In-fill affordable housing" is a misleading definition as not all of the dwellings are affordable.	"In-fill affordable housing" is the correct land use definition under SEPP (Affordable Rental Housing).
Side setbacks inadequate.	The side setbacks of 1.5m are consistent with the setback pattern in the streetscape as well as applicable controls.

6.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of the application.

The proposal is subject to the provisions of Ashfield Interim Development Assessment Policy 2013. A summary compliance table follows below:

Ashfield Interim Development Assessment Policy 2013 Part C1: Access, Adaptability and Mobility Summary Compliance Table (Design Checklist 2)				
No.	**Standard**	**Required**	**Proposed**	**Complies**
Part C1	**Access, Adaptability and Mobility**			
2.3(iii)	Universal Accessible Design	Residential flat building or shop top housing, 3 storeys or higher with lifts, which may or may not be part of a mixed development, must have all their apartments complying with universal accessible design principles as required by Design Checklist 2.	Residential flat building.	Noted
2.4	Adaptable Housing	10%	11%	Yes
2.5	Variations to Universal Accessible Design Requirements	Site conditions	No variations proposed under this clause.	N/A
7.2	Universal Accessible Design	Residential flat buildings higher than 3 storeys with ground level commercial and lifts, shall be "accessible" as required in the Building Code of Australia and in addition have a universal accessible	All apartments are accessible.	Yes

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		design for the interior design of the dwellings that meets the requirements of Section 7.		
7.3	Construction	In order to achieve an "implementation principle", that considers design issues at Development Application stage in sufficient detail to ensure that at construction certificate stage and during construction compliance is achieved	Adequate detail provided.	Yes
7.4	Access from street to dwelling entry	Access from the street into the lift lobby area, to lifts and to apartments entries requires: (a) A continuous path of accessible travel from the street to lift lobbies. (b) Lift shafts sizes minimum required to take a lift which is large enough to accommodate a person in a wheelchair. (c) The lift lobby shall have a minimum clear finished circulation width of 1500mm, and which takes into account wall finishes and building tolerances. (d) An intercom at the visitor parking level and external ground level entry point.	All dimensions are consistent with these requirements.	Yes
7.5	Interior dwelling design	The interior elements of all apartments shall be adequately sized to allow wheelchair circulation.	No apartments (except the adaptable unit) are adequately sized to allow wheelchair access in respect of: • Corridor widths • Bathrooms • Kitchens and • Laundries This can be addressed by way of condition of consent.	Condition

7.6	Access to private balcony	(a) Balcony dimensions shall accommodate a person in a wheelchair being able to turn on the balcony including allowing an area for a small table and have a minimum internal width of 2.0m and minimum length of 3m.	All private balcony areas are accessible.	Yes
7.7	Access to car parking	Access to and from the car parking area for people with a disability by lift.	Lift access with waiting area outside lift provided.	Yes
7.8	Access to communal garden space	Where there is communal open space on the site, it must be accessible from all dwellings required to have a universal accessible design, and by all visitors to the site.	All communal open space is accessible.	Yes
7.9	Access to Ground Level Commercial areas and circulation within Commercial Levels	Access must be compliant with the BCA.	No commercial area proposed.	N/A

Ashfield Interim Development Assessment Policy 2013 Part C5: Multi-unit Development in Residential Flat Zones Summary Compliance Table				
Clause No.	**Standard**	**Required**	**Proposed**	**Complies**
3	**Preferred Development**			
3.2	**Ashfield's Housing Character**	Developments must meet the following criteria: a) the defining characteristics of the site, its streetscape, community, and neighbourhood locality are understood; b) the proposed architectural style is suitable for the site; c) the proposed development has the potential to contribute to Ashfield's housing heritage.	The form and character of the proposal is satisfactory and consistent with the character of surrounding buildings.	Yes

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3.5(a)	**Building Appearance and Neighbourhood Character**	Buildings at the front must be orientated to the principal street frontage, and dwellings adjacent to a public street must address the street by having a front door or living room or kitchen windows facing the street;	The character of the proposal is consistent with the streetscape.	Yes
3.5(b)		The building generally conforms with the building line on adjoining land and in the immediate locality;	The front setback of 6.7m is greater than those prevailing in the street, in particular: • 25 Smith St (<5m) • 41 Smith St (<5m) • 45 Smith St (<5m) • 47 Smith St (<5m) • 49 Smith St (<5m) and: • The majority of properties on the opposite side of Smith Street which are less than 4m.	Yes
3.5(c)		Building facades are to have: • a clearly defined base-middle-top; • well-balanced vertical and horizontal proportions; • modulation, including breaking up large horizontal facades into smaller articulated sections, which are also compositionally integrated with the whole building; • architectural features which give human scale at street level, such as entry porches, pergolas and fences.	The building is well articulated.	Yes
3.5(d)		Building design, roof form, detailing and materials visible from public areas and adjoining properties should not be in strong	The finishes and materials are generally sympathetic to the character of the locality. The roof tiles, however,	Condition proposed to use terracotta tiles

		visual contrast with any positive and characteristic features of neighbouring properties. Generally the materials and finishes of the building to be similar to the traditional finishes predominating in Ashfield. Buildings to usually be in bichromatic (two colour) face brick with gabled/hipped terra cotta tiled pitched roof forms with no reflective materials that may cause glare.	appear to be of a charcoal colour and it is considered that unglazed terracotta would be a more appropriate material in the context.	
3.5(e)		Building design enables individual dwellings to be identified from public streets.	Not applicable due to the configuration of the site.	N/A
3.5(f)		Carports and garages to be compatible with the building design and not dominate the street frontage.	All parking located in basement garage.	N/A
3.5(g)		Entries to underground parking not to be visible from the street front.	The basement ramp is well camouflaged from the street due to its use of dark, recessive materials. Conditions recommended to reinforce this approach.	Yes & Condition
3.6	Fences and walls			
3.6(a)		Front fences and walls to be compatible with the streetscape.	The proposed front fence would be more appropriate if constructed from dark face brick with larger openings between timber panels. A condition has been recommended.	Yes & Condition
3.6(b)		Front fences and walls to be no more than 1.2m high if solid and forward of the building line. Height may be increased to 1.8m if the fence has openings which make it not less than 50% transparent;	Front fence is of a suitable height.	Yes

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4	**Housing Density**			
4.3	**Floor Space Ratios**	0.7:1 (1.03:1by virtue of the SEPP Affordable Rental Housing)	0.988:1	Yes
4.10	**Subdivision**	Strata subdivision size will be considered on its merits	Strata subdivision not proposed in this application.	N/A
4.11	**Maximum dwelling size**	Maximum gross floor area of a dwelling should not exceed 125m^2. Smaller apartments are encouraged.	No dwellings exceed this size.	Yes
5	**Siting, Building Height and Solar Access**			
5.4	**Front Setback**	To be consistent with the predominant setback of the buildings in the street.	The front setback of 6.7m is greater than those prevailing in the street, in particular: • 25 Smith St (<5m) • 41 Smith St (<5m) • 45 Smith St (<5m) • 47 Smith St (<5m) • 49 Smith St (<5m) and: The majority of properties on the opposite side of Smith Street which are less than 4m.	Yes
5.6	**Orientation and Siting**	Side and rear setbacks to be determined by amenity and urban design. Development should not significantly affect adjoining property or resident amenity by: a) increased overshadowing, b) reduction in the level of privacy, c) obstruction of views, d) reduction in levels of daylight and ventilation.	Generally satisfactory in the local context. Side setbacks are consistent with those of adjacent properties and consistent with the streetscape. Privacy issues are addressed by way of avoidance of side facing balconies and use of highlight windows on side elevations.	Yes
5.8		Rear setbacks to allow adequate provision of green space between adjoining properties.	Generally consistent with surrounding properties.	Yes
5.9	**Building Height**	9m as per height for R3 Medium Density Residential Zones,	9m	Yes

		Code M in Ashfield LEP 2013.		
5.9(a)		3 storeys maximum height	3 storeys	Yes
5.9(b)		Maximum roof pitch of 30 degrees may contain a 4th attic storey,	No fourth storey proposed.	N/A
5.11		Height of the first floor no to exceed 3.4m.	Less than 3.4m for all but the front units where they are 4m at street frontage due to natural fall of land towards street.	Satisfactory
5.12		Additional 4th storey in roof space permitted subject to: a) consistent with any conservation area listing; b) space wholly contained within a roof not exceeding 30º (excepting dormer windows); no lower than 22dand roof ridge does not exceed the maximum building height. c) sunlight, privacy, views and ventilation protected; and d) compliant with LEP height limit.	No fourth storey proposed.	N/A
5.13		No increased wall heights or larger than average dormer windows permitted to achieve the additional level permitted under cl. 5.12.	N/A	N/A
5.15	**Solar Access**	80% of units to have at least one living room window with a northerly aspect	71% This is considered reasonable given the context of the site. A greater percentage would be unachievable. In addition, it is compliant with SEPP 65.	Satisfactory
5.16		*Maximum* amount of overshadowing:		
5.16(a)		Sunlight to at least 50% (or 35m² with minimum	No principal areas of private open space on	Yes

		dimension 2.5m, whichever is the lesser area) of the principal private area of ground level private open space of adjacent properties not to be reduced to less than three (3) hours between 9am and 3pm on 21 June. Where existing overshadowing by buildings and fences is greater than this, sunlight is not further reduced by more than 20% at any one time.	adjacent properties would be overshadowed unacceptably by the development.	
5.16(b)		Private courtyards within a development to receive 3 hours of sunlight over 50% of area, between 9am and 3pm on 21 June.	Adequate solar access to courtyards.	Yes
5.16(c)		Existing solar access should be maintained to at least 40% of the glazed areas of any neighbouring north facing living room/dining room windows, for at least 3 hours between 9am and 3pm in mid-winter (on 21 June). If existing solar access is already less than this standard, it should not be further reduced by more than 20% at any time.	No impact upon north facing living room windows of buildings to the south.	Yes
5.16(d)		North facing windows within a new development should achieve the same standard of solar access.	All north facing windows would receive solar access consistent with these requirements.	Yes
6	**Privacy, Views and Outlook**			
6.3	**Visual privacy**	Visual privacy is required to meet the following standards, both within developments as well as across boundaries:		
6.3(a)		Ground level direct facing windows to be a minimum of 9 metres apart or, where screening devices or planting is used, 6	Windows which look into each other within the development are at least 12m apart and separated by the proposed landscaping	Yes

		metres apart. Direct facing includes an arc of 45º on either side of a window. If screening is used, the view of the area overlooked must be restricted within 9 metres and beyond an angle of 45º from the plane of the wall containing the opening, measured from a height of 1.7m above floor level.	in the central communal open space.	
6.3(b)		As an alternative to 6.3 (a), windows to have minimum sill heights of 1.7m above floor level, or have fixed obscure glazing in any part of the window below 1.7m above floor level.	All side facing windows are highlight windows.	Yes
6.3(c)		Balconies, terraces and decks to be placed a minimum 12 metres away from any facing window or other balcony.	Min 12m separation across internal courtyard.	Yes
6.3(d)		Windows and balconies not to overlook adjoining areas of private open space. An outlook from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development to be obscured or screened where a direct view is available into adjoining areas of private open space.	Windows and balconies either look into the internal courtyard area or to the front or rear. There are no side facing windows or balconies. The rooftop terrace on the rear building, however, is not considered appropriate (nor necessary) due to privacy concerns of adjacent properties and is recommended for deletion.	Yes & Condition
6.3(e)		No screening is required where: • windows are in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and they have translucent glazing or sill heights of at	These measures are not necessary.	Yes

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		least 1.7m; • windows are in habitable rooms and they have sill heights of 1.7m or more above floor level or translucent glazing to any part of a window less than 1.7m above floor level.		
6.4		these standards must be achieved within developments, as well as across boundaries.	Privacy is adequate across boundaries.	Yes
6.5	**Acoustic Privacy**	The level of acoustic privacy is required to meet the following standards, both within developments as well as across boundaries:		
6.5(a)		bedroom windows are to be at least 3 metres from shared streets, driveways and parking areas of other dwellings.	Complies.	Yes
6.5(b)		bedrooms of one dwelling are not to share walls with living rooms or garages of adjacent dwellings.	Complies.	Yes
6.8	**Views and outlook**	Distant views available from neighbouring properties should be maintained where possible, in keeping with principles of view sharing.	Complies.	Yes
6.9		High walls in close proximity to neighbours' windows or open space should be reasonably set back, *irrespective* of shadowing or privacy impacts.	Setbacks are appropriate and consistent with those on the streetscape.	Yes
6.10		All dwellings should have an open outlook to an area of landscaping or open space not compromised by privacy measures.	All dwellings look into the street, the central courtyard or onto the rear landscaped area.	Yes
8	**Open Space and Landscaping**			
8.6	**Private and Communal Open**	Each dwelling to have a private outdoor area	All dwellings have adequately sized	Yes

	Space	which: a) does not encroach upon the front setback; b) is directly related to a main living area; c) is private and protected from overlooking; d) meets solar access standards; e) minimises overlooking of neighbours; f) accommodates various uses; g) is accessible by someone with a disability.	balcony areas.	
8.7		If at ground level, • Minimum area: 35m² • Minimum width 3m:	37m^2	Yes
8.8	**Balcony Size**	If no private outdoor area at ground level, to be provided by a balcony or deck, with a minimum area of 10m², and a minimum dimension of 2m.	All balconies are at least 10m^2 in area.	Yes
8.9	**Communal Open Space**	Communal open space exclusive of any drying or service areas to include a single open area with minimum dimensions of 10 metres by 12 metres. If more than 6 units, the area to be increased by 5m^2 per unit. Area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. Required: 175m^2	12m x 15.24m 182m^2	Yes
8.10	**Landscaping Standards**	Minimum landscaped area: 35% of the site area. To be at finished ground level with a minimum width of 2 metres.	35%	Yes
8.11	**Tree Preservation**	A Tree Preservation Order covers all trees	No significant tree removal proposed.	Yes

Item 2

		over 5 metres in height with a trunk girth of 350mm at ground level, (excluding Leyland Cypress Pine, Privet, Oleander, Umbrella trees, Cotoneaster, Rubber trees, Citrus and Mulberry trees.		
8.13		Retain sufficient curtilage around existing trees to ensure their retention.	No significant tree removal proposed.	N/A
8.14		Avoid removal or significant modification of any existing street tree along the frontage of the site.	No significant tree removal proposed.	N/A
9	**Safety and Security**			
9.2	**Security**	Buildings adjacent to public or communal streets or open space to have at least one habitable room window with an outlook to that area.	All buildings overlook all communal circulation areas.	Yes
9.3		Visitors should be visible without the need to open the front door.	Complies.	Yes
9.4		Shared entries to serve a maximum of eight dwellings and be lockable.	Shared entries serve no more than 6 dwellings.	Yes
10	**Design for Climate**			
10.1	**Energy Conservation**	**BASIX** Certificate must be provided.	**BASIX** Certificate has been provided.	Yes
10.2 – 10.7	**Water Conservation**	**BASIX** Certificate must be provided.	**BASIX** Certificate has been provided.	Yes
10.8	**Air movement**	Harness breezes and provide fresh air indoors	All units have excellent cross ventilation.	Yes
10.11	**Services, lighting and appliances**	Dwelling design should encourage energy efficiency.	**BASIX** Certificate has been provided.	Yes
10.16	**Noise on rail/traffic routes**	Where road or rail noise is an issue, buildings to be sited to: · minimise the infiltration of noise into the buildings and the lot;	The development is well separated from the road and rail line and as such should experience minimal road or rail noise.	Yes

		· provide an acoustic barrier for private and communal open space; · reduces reflection of noise on to other buildings; · ensure affected windows are acoustically treated from road or rail noise.		
11	**Stormwater Drainage**			
11.1	Objectives	a) to provide safety for the public in major storm events, and protect property from damage by flooding; b) to ensure adequate stormwater detention and run-off controls are provided for site drainage; c) to improve urban amenity through maintenance of natural drainage lines; d) to protect & maintain existing infrastructure of the LGA.	Some minor issues have been identified by Council's engineer which can be addressed by way of deferred commencement conditions of consent.	Condition has been applied.
12	**Site Facilities**			
12.8	**Storage**	Must be adequately screened from frontage.	All storage is well concealed in basement.	Yes
12.9	**Mailboxes**	To be located close to each ground-floor dwelling entry or close to the major pedestrian entrance to the site.	Mailbox location has not been nominated.	Condition has been applied.
12.10	**Clothes drying**	Communal clothes drying facilities to be easily accessible to all residents and screened from streets and communal recreational areas.	Location of clothes drying facilities has not been nominated.	Condition has been applied.
12.11		External clothes-drying area shall to be provided at the rate of 1.5 square metres per unit.	Location of clothes drying facilities has not been nominated.	Condition has been applied.
12.12	**Television aerials**	Only one television reception device per strata title development screened from public view.	Not nominated but can be conditioned.	Condition has been applied.

Item 2

Ashfield Interim Development Assessment Policy 2013 Part C12: Public Notification Summary Compliance Table				
No.	**Standard**	**Required**	**Proposed**	**Complies**
Section 2	Notification Process		The application was notified in accordance with this part.	Yes

Ashfield Interim Development Assessment Policy 2013 PartD1: Planning for Less Waste Summary Compliance Table				
No.	**Standard**	**Required**	**Proposed**	**Complies**
	Bin Numbers	Residential (9 dwellings): • 1 x 240L garbage bin/2 dwellings=9 bins • 1 x 240L recycling bin/9 dwellings=5 bins • TOTAL: 18 bins	Residential: • 12 x 240L garbage bins • 12 x 240L recycling bins TOTAL: 24 bins	Yes
	Bin Presentation		Adequate kerb space to present 5 waste bins along the kerb.	Yes

It is considered the application generally complies with the parts as indicated and achieves the aims and objectives of the AIDAP 2013. Of concern, however, is the rooftop terrace of the rear building; this is not considered appropriate or necessary and will be deleted by way of condition. Some other minor detailed matters may also be addressed by way of appropriate conditions of consent.

7.0 Referrals

Referrals		
Referral	**Comments**	**Support**
Building Surveyor	Supported subject to conditions.	Yes
Traffic Engineer	Supported subject to deferred commencement conditions.	Yes
Drainage Engineer	Supported subject to deferred commencement conditions.	Yes
Heritage Advisor	Supported.	Yes
Environmental Health Officer	Supported subject to conditions.	Yes
Tree Officer	Supported subject to conditions.	Yes
Waste Management	Supported subject to conditions.	Yes

8.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

See 7.0

PUBLIC CONSULTATION

See 6.7

CONCLUSION

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

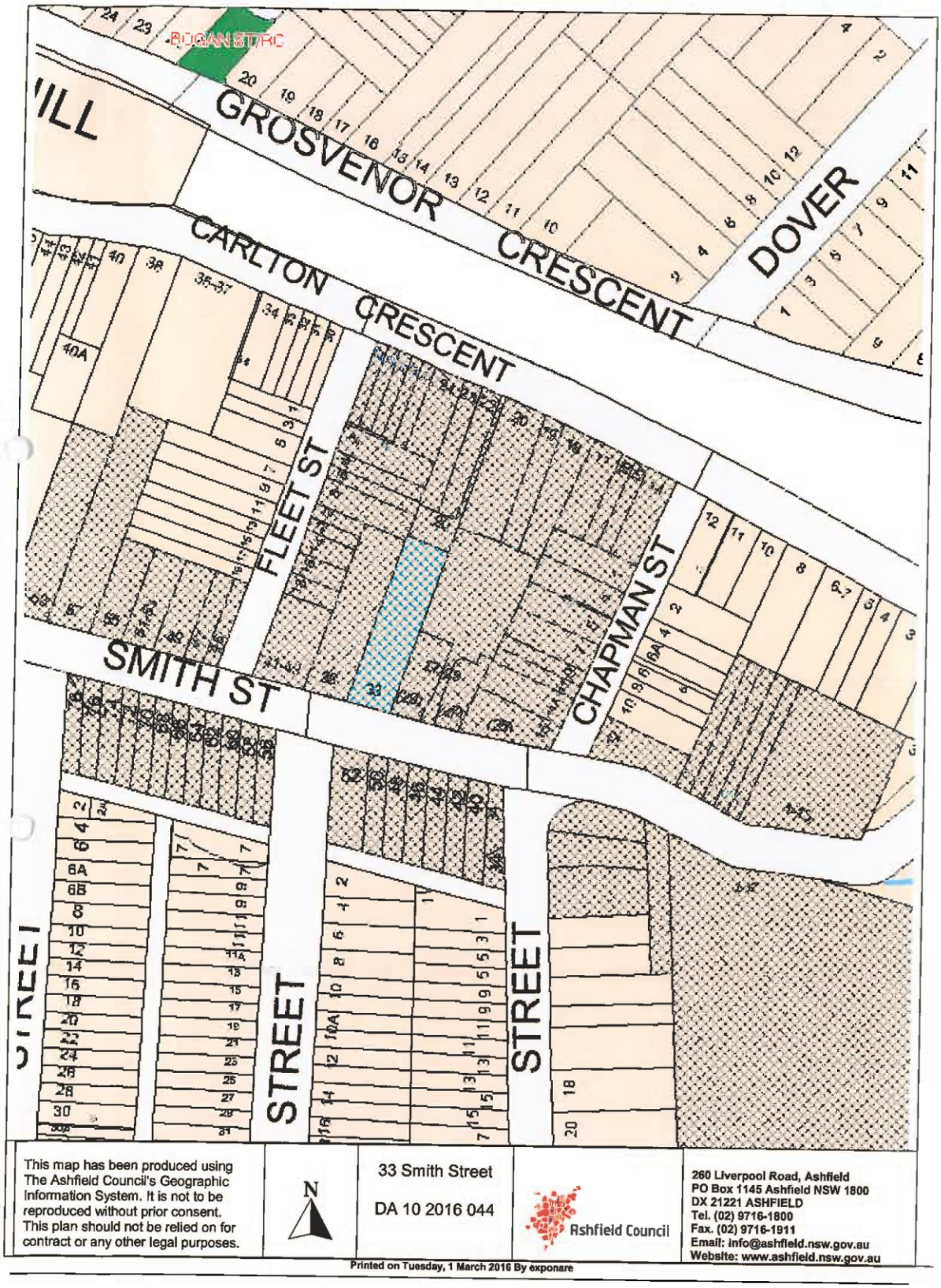
As noted previously, the proposal generally complies with the applicable development standards and controls and subject to some recommended modifications, is an acceptable form of infill development for the subject land. The proposal is therefore recommended for deferred commencement consent.

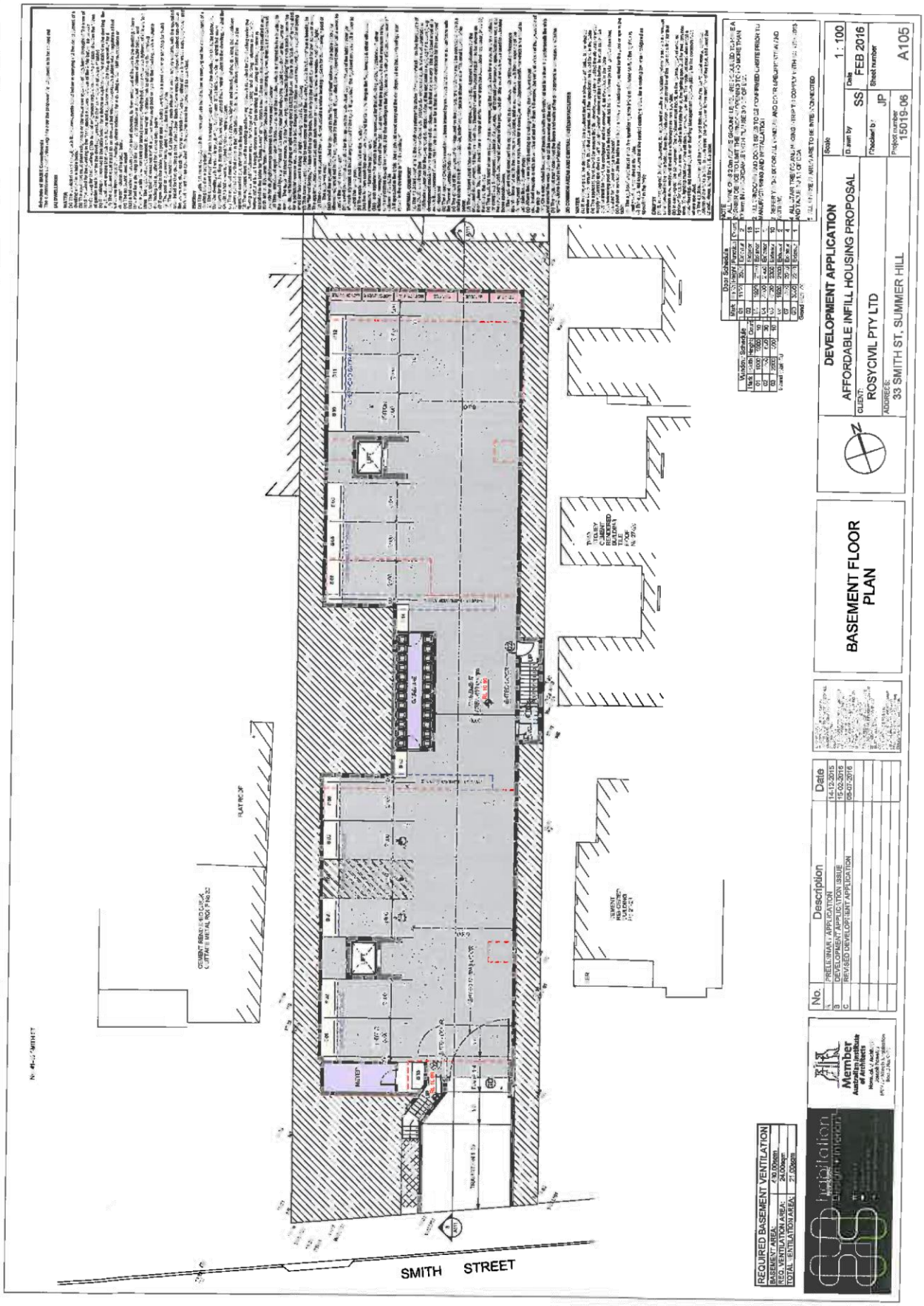
ATTACHMENTS

1.⇩ Locality Map
2.⇩ Plans of Proposal
3.⇩ Submissions
4.⇩ Conditions

Item 2

Attachment 1





Item 2

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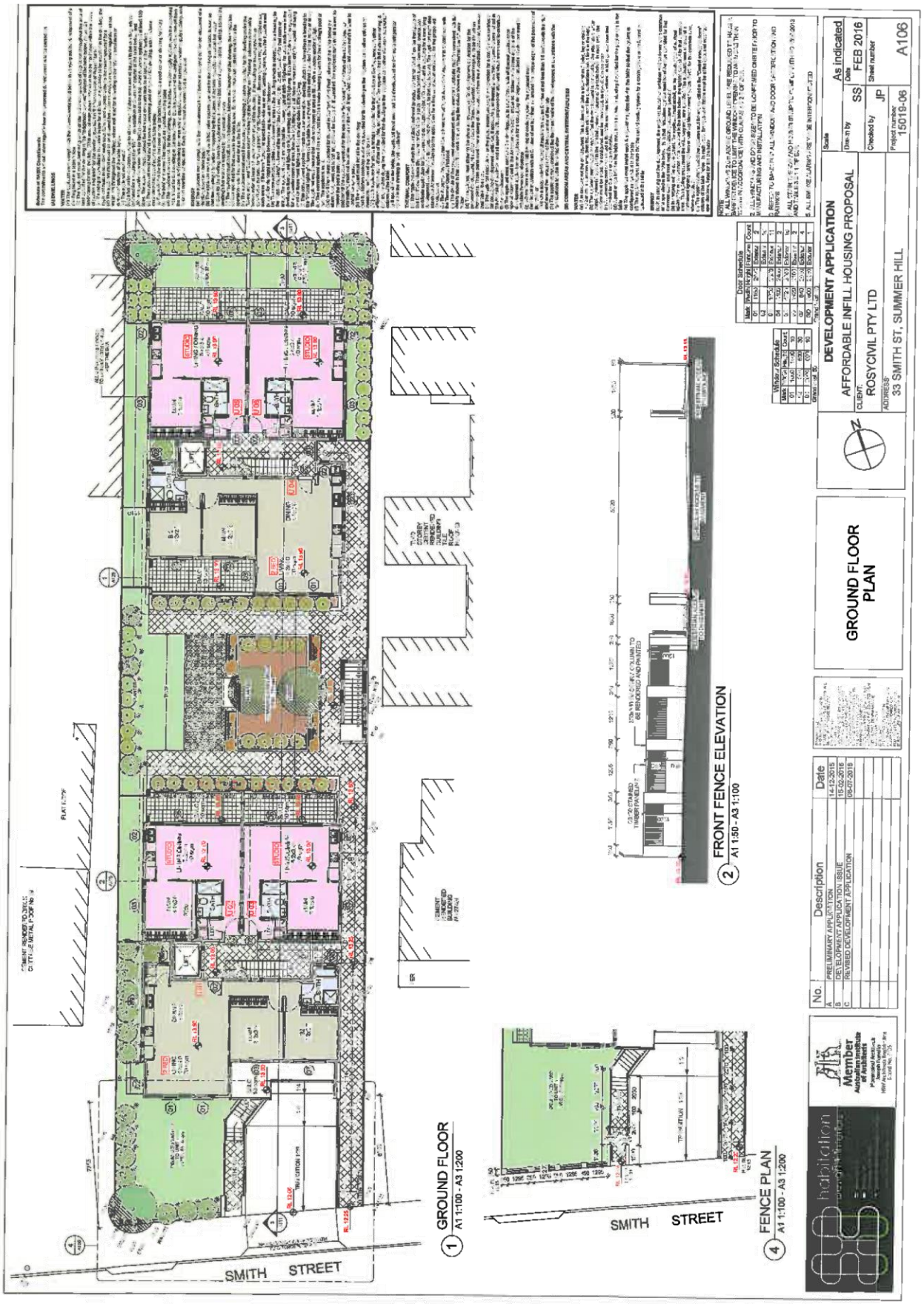

Item 2

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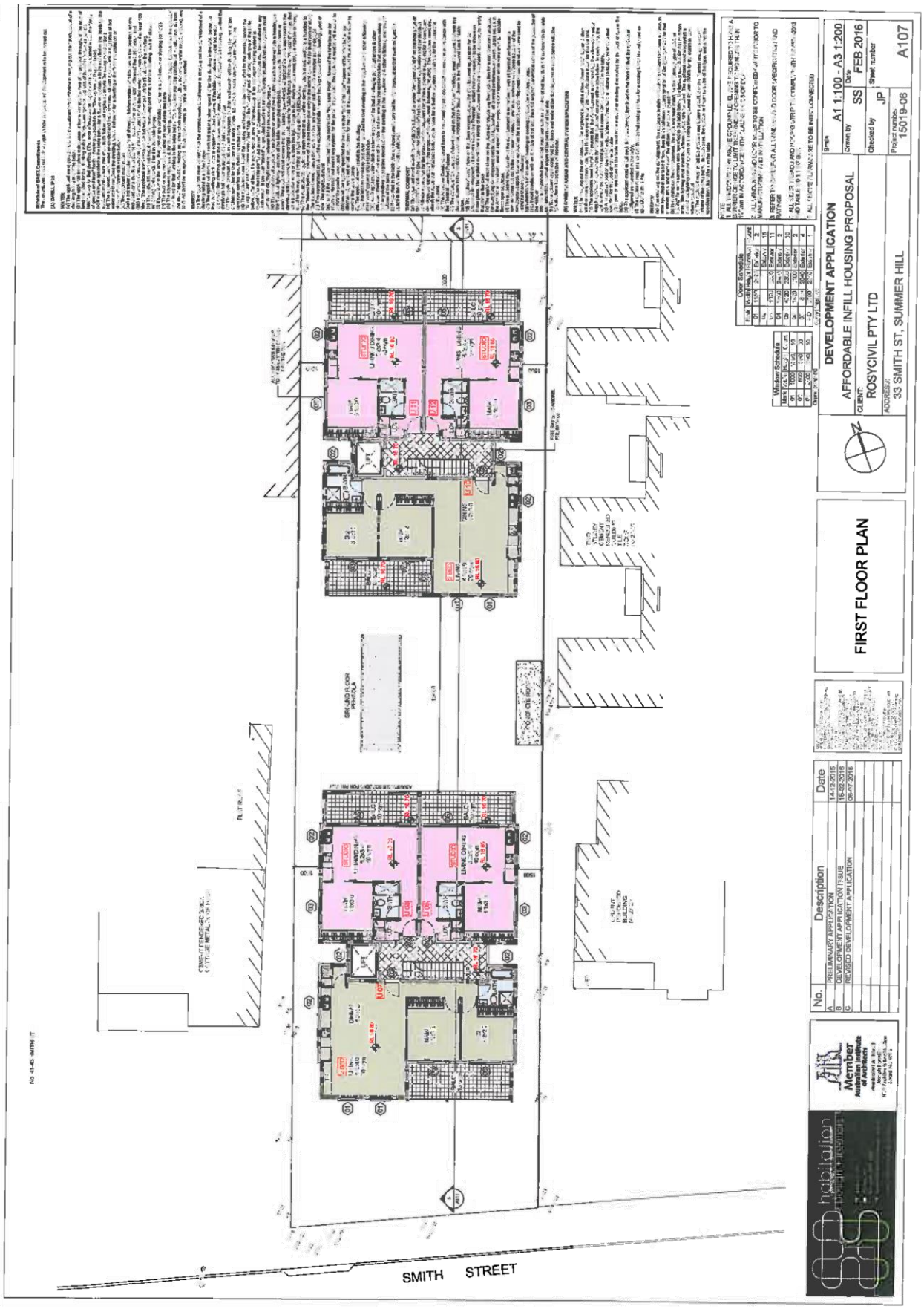

Item 2

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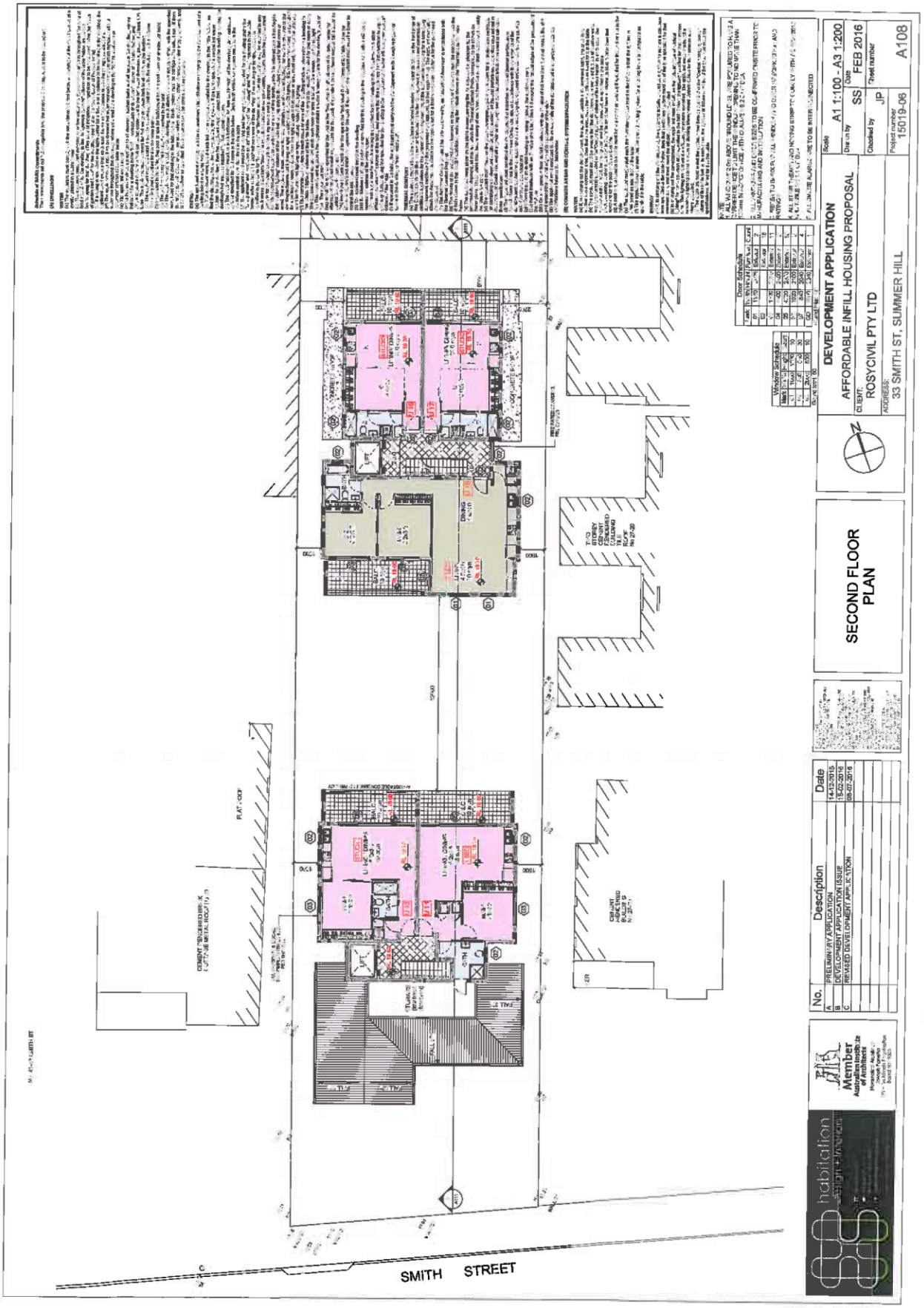

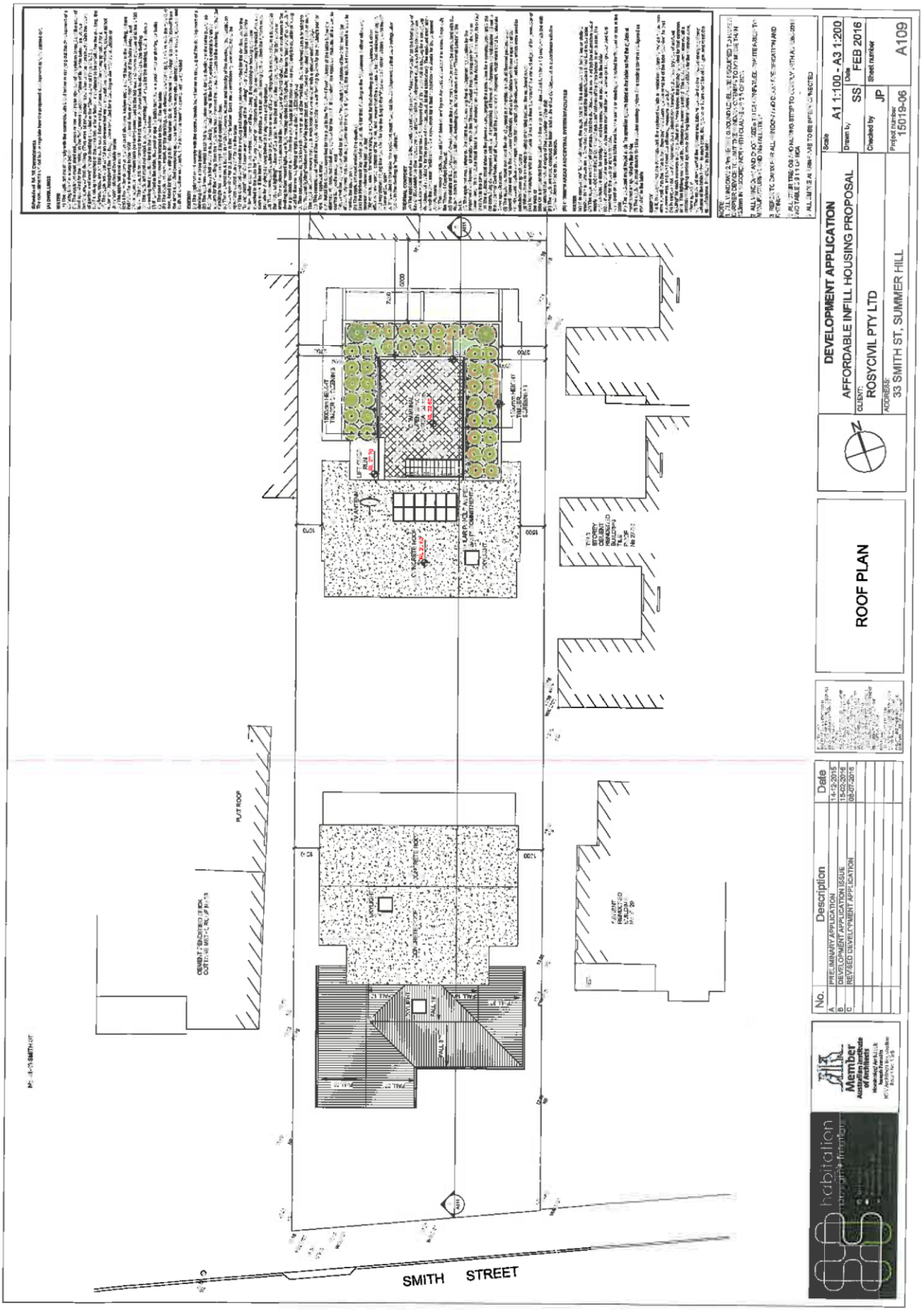

Item 2

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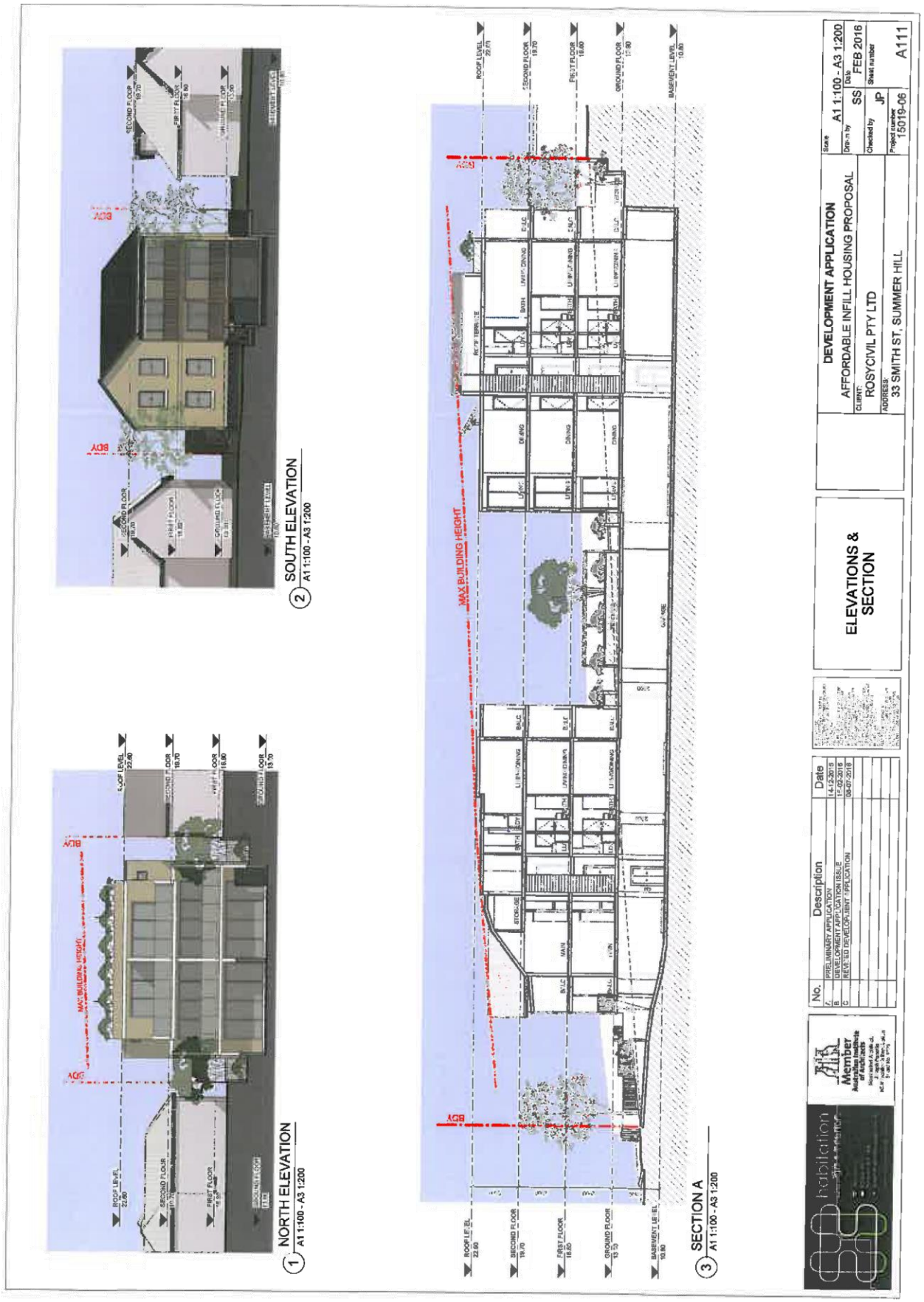
Item 2

Attachment 2





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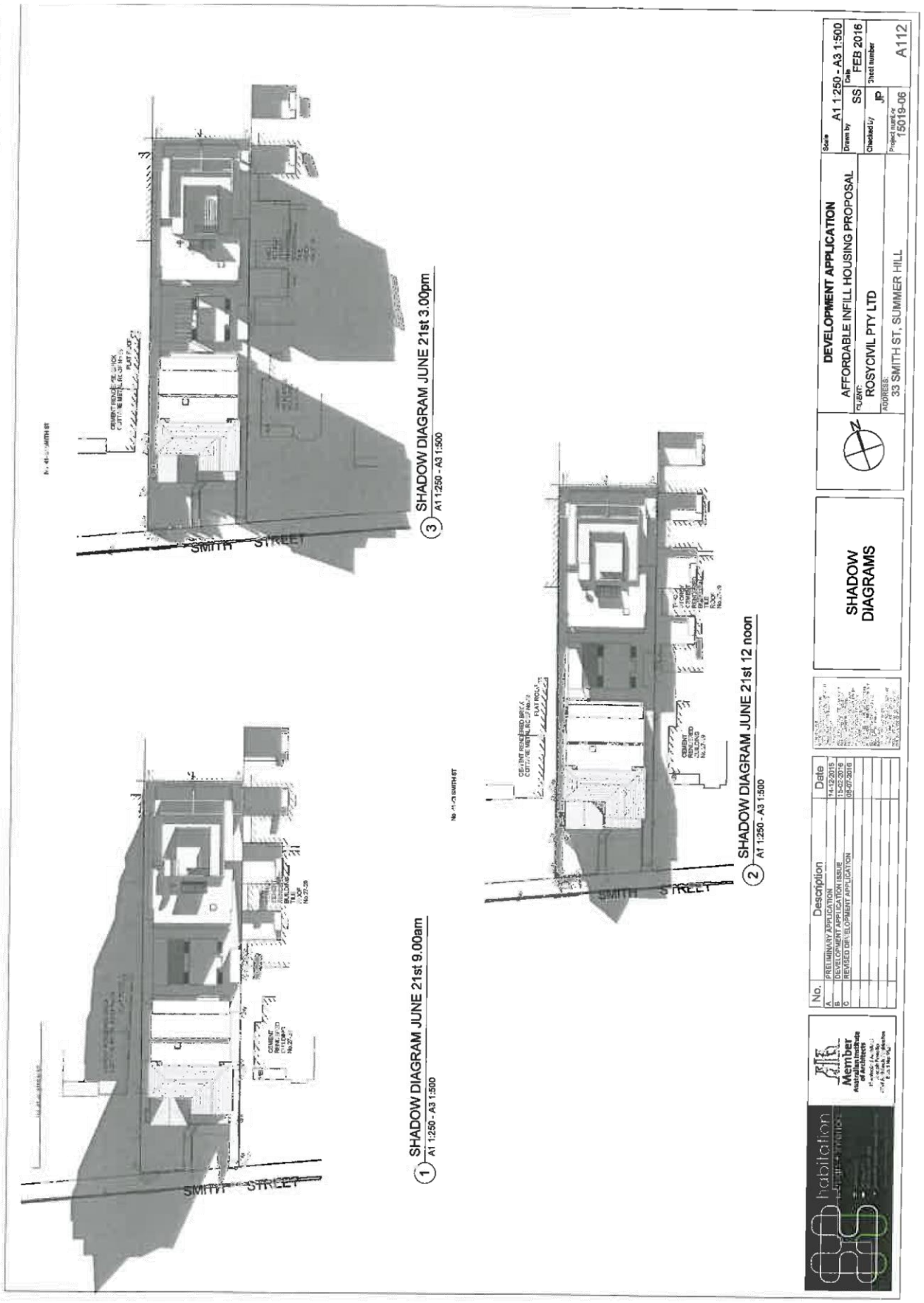



1 3D View 1



2 3D View 2

1 METAL ROOF SHEETING/ WINDOW+ DOOR FRAMES
COLOURBOND IRONSTONE

2 MASONRY WALLS AND GARAGE DOOR
TO BE PAINTED
DULUX "DESIRE"

3 MASONRY WALLS TO BE PAINTED
DULUX "NEW NEUTRAL"

4 CONCRETE SLABTO BE PAINTED
DULUX "LEXICON"

5 SCREENINGS
WESTERN RED CEDAR OR
SIMILAR

6 BALUSTRADING
FRAMED FROSTED GLASS

habitation Designed Interiors

Member Australian Institute of Architects

No.	Description	Date
A	PRELIMINARY APPLICATION	14-12-2015
B	DEVELOPMENT APPLICATION ISSUE	15-02-2016
C	REVISED DEVELOPMENT APPLICATION	08-07-2016

SCHEDULE OF FINISHES

DEVELOPMENT APPLICATION
AFFORDABLE INFILL HOUSING PROPOSAL
CLIENT: ROSYCIVIL PTY LTD
ADDRESS: 33 SMITH ST, SUMMER HILL

Scale
Drawn by TA/MC
Date FEB 2016
Checked by JP
Project number 15019-06
Sheet number A120

Item 2

1

16/19850

Petition opposing development application 33 Smith St Summer Hill (DA 10.2016.044)
Jason Balgi
to:
info
08/04/2016 12:26 PM
Cc:
Hong Foo, Philip Yu
Hide Details
From: Jason Balgi [redacted]
To: info@ashfield.nsw.gov.au,
Cc: Hong Foo [redacted], Philip Yu [redacted]

Attention General Manager
Ashfield Council
Ashfield NSW

Dear Ms. Chan,

Application Number: 10.2016.044
Subject site: 33 Smith Street, Summer Hill NSW 2130

This email is further to that attached below regarding to the petition of 111 signatures, in opposition to the proposed development, emailed 28th March.

As it is possible that I, as the first signatory, will be overseas at the time council notifications regarding this development, I would be most grateful if my neighbour, Mr Philip Yu, of [redacted] Summer Hill, could be notified by email concurrently.

Mr Yu has kindly agreed to accept notification upon my behalf.

His email address, as noted above, is:

[redacted]

Kind regards,
Jason Balgi
Hong Foo
[redacted]

From: Hong Foo [redacted]
Subject: **Petition opposing development application 33 Smith St Summer Hill (DA 10.2016.044)**
Date: 28 March 2016 9:12:41 pm AEDT
To: Ashfield Nsw Gov Info <info@ashfield.nsw.gov.au>
Reply-To: Hong Foo [redacted]

Attention General Manager
Ashfield Council
Ashfield NSW

Dear Ms. Chan,

Application Number: **10.2016.044**
Subject Site: **33 Smith Street, Summer Hill NSW 2130**

Please find attached a petition with 111 signatures opposing the development application above.
(If possible, I would be grateful if my personal email address, and those of the petitioners could be

Attachment 3

removed from any online publication, for privacy purposes).

Kind regards,
Jason Balgi
Hong Foo
[redacted]

Item 2

Petition opposing development application 33 Smith St Summer Hill (DA 10.2016.044)
Hong Foo
to:
Ashfield Nsw Gov Info
28/03/2016 09:12 PM
Hide Details
From: Hong Foo [redacted]
To: Ashfield Nsw Gov Info <info@ashfield.nsw.gov.au>,
Please respond to Hong Foo [redacted]

1 Attachment

Petition opposing DA 10.2016.044.tiff

Attention General Manager
Ashfield Council
Ashfield NSW

Dear Ms. Chan,

Application Number: **10.2016.044**
Subject Site: **33 Smith Street, Summer Hill NSW 2130**

Please find attached a petition with 111 signatures opposing the development application above.
(If possible, I would be grateful if my personal email address, and those of the petitioners could be removed from any online publication, for privacy purposes).

Kind regards,
Jason Balgi
Hong Foo
[redacted]

Attachment 3

(1)

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

We, the undersigned, ask that Ashfield Council do not approve the development proposal at 33 Smith Street, Summer Hill, in its current form.

We believe that this development is excessive in scale and incompatible with the adjacent and nearby residences. It also impacts on the privacy and natural light of many residences, will generate increased noise levels, and add to traffic and parking issues.

Name	Address	Email address	Signature
Jasm BALAI	[redacted]		
HONG FOO			
Paul Costin			
Monika Kawa			
Mimi Tayba			
Andrew Mclaren			
Joel Blake			
Alicia Blake			
CAROL DEANS			
Kallie MAY.			

Item 2

Attachment 3

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

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We believe that this development is excessive in scale and incompatible with the adjacent and nearby residences. It also impacts on the privacy and natural light of many residences, will generate increased noise levels, and add to traffic and parking issues.

Name	Address	Email address	Signature
B Hopkinson	[redacted]		
N Hopkinson			
Tokyong Y			
Grace Yi			
Ben Lent			
Georgia Thorne			
Ben Mercer			
Sam Hayden			
Chris Kiriazis			
Louise Harrigan			

Item 2

Attachment 3

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

(3)

We, the undersigned, ask that Ashfield Council do not approve the development proposal at 33 Smith Street, Summer Hill, in its current form.

We believe that this development is excessive in scale and incompatible with the adjacent and nearby residences. It also impacts on the privacy and natural light of many residences, will generate increased noise levels, and add to traffic and parking issues.

Name	Address	Email address	Signature
DARREN HORRIGAN	[redacted]		
Y. He			
M. Li			
Francois CARVER			
[illegible]			
[illegible]			
Judy Saunders			
MARK SAUNDERS			
[illegible]			

Item 2

Attachment 3

(4)

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

We, the undersigned, ask that Ashfield Council do not approve the development proposal at 33 Smith Street, Summer Hill, in its current form.

We believe that this development is excessive in scale and incompatible with the adjacent and nearby residences. It also impacts on the privacy and natural light of many residences, will generate increased noise levels, and add to traffic and parking issues.

Name	Address	Email address	Signature
John Yu	[redacted]		
Mark Chochula			
ZENA Fox			
Elizabeth O'Brien			
Peter Kozaith			
Timothy Scarpellino			
Helen Skamvougera			
Andrew O'Br			
Catherine O'Brien			
Tim Lloyd-Peoples			

Item 2

Attachment 3

(5)

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

We, the undersigned, ask that Ashfield Council do not approve the development proposal at 33 Smith Street, Summer Hill, in its current form.

We believe that this development is excessive in scale and incompatible with the adjacent and nearby residences. It also impacts on the privacy and natural light of many residences, will generate increased noise levels, and add to traffic and parking issues.

Name	Address	Email address	Signature
MARIUS Strom	[redacted]		
Katherine Fisher			
edward pearce			
Dimitri Svoronos			
Andrew Halim			
Leigh Colley			
Gerard Thoms			
JASON WEISE			
Zena Kells			
TIM MOULTON			

Item 2

Attachment 3

(6)

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

We, the undersigned, ask that Ashfield Council do not approve the development proposal at 33 Smith Street, Summer Hill, in its current form.

We believe that this development is excessive in scale and incompatible with the adjacent and nearby residences. It also impacts on the privacy and natural light of many residences, will generate increased noise levels, and add to traffic and parking issues.

Name	Address	Email address	Signature
Lucy MacBrayd[redacted]			
Darren Ferguson			
Teresa Fergus[redacted]			
Carol Dab[redacted]			
Remus Dabb[redacted]			
Tracy Hawke[redacted]			
Graham Hawkes			
Rachel O'Loughlin			
Jose Fernandez			
Vanessa Fernandez			

Item 2

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

We, the undersigned, ask that Ashfield Council do not approve the development proposal at 33 Smith Street, Summer Hill, in its current form.

We believe that this development is excessive in scale and incompatible with the adjacent and nearby residences. It also impacts on the privacy and natural light of many residences, will generate increased noise levels, and add to traffic and parking issues.

Name	Address	Email address	Signature
A R Ingrose	[redacted]		
J O'Connor			
Clare Felton			
Myfanwy Crowe-Palmer			
Ian Palmer			
Maureen Pye			
John Pye			
Sue Hutton			
Charles White.			
Christine Garcia			

Attachment 3

Item 2

(P)

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

We, the undersigned, ask that Ashfield Council do not approve the development proposal at 33 Smith Street, Summer Hill, in its current form.

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Name	Address	Email address	Signature
Caroline Garcia	[redacted]		
Shaneh Bacho			
Nicole Madden			
PETER THIELE			
Helen Hu			
Philip Yu			
Varelle Wollong			
Vakul Talwar			
Tai Zhang			
Nuhsan Hravindrorajah &			
ophie Cay-Wilson			

Attachment 3

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

(9)

We, the undersigned, ask that Ashfield Council do not approve the development proposal at 33 Smith Street, Summer Hill, in its current form.

We believe that this development is excessive in scale and incompatible with the adjacent and nearby residences. It also impacts on the privacy and natural light of many residences, will generate increased noise levels, and add to traffic and parking issues.

Name	Address	Email address	Signature
Angela Catalano	[redacted]		
Connie Warre			
Leonard Cetrulo			
Marilynn Ramsey			
Matthew Barr			
Simone Blakeman			
Peter Goodhew			
Sarah Nielsen			
Eddie Hing			
MARIA BRESIC			

Item 2

Attachment 3

(10)

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

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We believe that this development is excessive in scale and incompatible with the adjacent and nearby residences. It also impacts on the privacy and natural light of many residences, will generate increased noise levels, and add to traffic and parking issues.

Name	Address	Email address	Signature
A.C. Lawrence	[redacted]		
J.A Lawrence			
S Azzi			
B Davies			
LORRAINE EVANS			
ROS EVANS			
Anthony Cheong			
[illegible]			
LESTER LIU			
Erik Soderqvist			

(11)

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

We, the undersigned, ask that Ashfield Council do not approve the development proposal at 33 Smith Street, Summer Hill, in its current form.

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Name	Address	Email address	Signature
ANGELA MOUTAFIS	[redacted]		
Beth Larkin			
[illegible] AITKEN			
VICTOR GARCIA			
IMELDA GARCIA			
Marilyn Lean			
BRIAN GRAY			
Vicki Harold			
Amanda Bourke			
Philip Burne			

Item 2

(12)

PETITION – Against the Development Proposal at 33 Smith St, Summer Hill
DA 10:2016:044

We, the undersigned, ask that Ashfield Council do not approve the development proposal at 33 Smith Street, Summer Hill, in its current form.

We believe that this development is excessive in scale and incompatible with the adjacent and nearby residences. It also impacts on the privacy and natural light of many residences, will generate increased noise levels, and add to traffic and parking issues.

Name	Address	Email address	Signature
Clare Herscovitch	[redacted]		
Daniel Herscovitch			

Attachment 3

28 March 2016

2

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**
- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**
- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**
- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. **Impact on traffic.**
- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. **Impact on parking.**
- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

Item 2

6. **Negative impact on natural sunlight.**

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Kind regards,

Darren and Chloe Ally
[redacted]
Summer Hill NSW 2130
[redacted]

Attachment 3

Item 2

10/17646

Objections to 33 Smith Street Summer Hill Development Application
Lester Alvis to: info
28/03/2016 12:14 AM

Lester Alvis Objections to 33 Smith Street Summer Hill Development Application

Attention General Manager of Ashfield Council

Dear sir

As a nearby resident [redacted] with a young family I have a number of concerns with the above mentioned development application:

1. Breach of the designated maximum FSR / excessive scale / breach of building codes relating to open space and conforming building lines
2. Parking issues - the proposal only allows for 11 onsite car spaces for the 17 units development. Parking is already compromised and will worsen significantly with the completion of the flour mills and the subject development
3. Impact of traffic - the surrounding streets are already congested especially during peak hours . This will worsen with the completion of the flour mills and the subject development

In summary the proposals is excessive in scale and out of character with the adjoining properties.

Please do not grant development consent

Many Tks

Lester Alvis
[redacted]
Summer Hill NSW 2130

Sent from my iPhone

Attachment 3

Item 2

Attachment 3

Premature removal of development application notice (DA 10.2016.044)
Hong Foo
to:
info@ashfield.nsw.gov.au
29/03/2016 12:34 PM
Hide Details
From: Hong Foo [redacted]
To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>,
Please respond to Hong Foo [redacted]

Attention General Manager
Ashfield Council
Ashfield NSW

Dear Sir/madam
Re Application number : 10.2016.044
Subject Site : 33 Smith St, Summer Hill, 2130

We wish to notify Ashfield council of a premature removal of a development application notice (no. 10.2016.044).

This notice was observed to be removed on Good Friday, 25th March, 2016, from the front gate of 33 Smith Street, Summer Hill. This is four days prior to the closing date for submissions on this development proposal.

We are concerned that this is a breach of and disregard for council regulations, and may also suggest little respect toward the local community.

If desired, we could provide photographic proof from Saturday 26th March.

Yours sincerely

Jason Balgi and Hong Foo

Item 2

Councillor Morris Mansour
Ashfield Council
Mobile: [redacted]

Sent from my mobile phone, please excuse any errors.

---------- Forwarded message ----------
From: "Hong Foo" [redacted]
Date: 22 Mar 2016 9:04 pm
Subject: Opposition to development proposal 33 Smith Street Summer Hill
To: "mansour.morris@gmail.com" <mansour.morris@gmail.com>
Cc:

Dear Councillor Mansour,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. We have lived in Summer Hill since 2008. We love the area, would like to stay long-term and see our children grow up here. Our property shares the eastern boundary with 33 Smith Street. The proposed development comprises two 3-storey blocks (plus an open-air rooftop terrace and basement carpark), and includes 17 dwellings on a 918m^2 block. This proposed development raises a number of significant concerns for us, and the many neighbours and residents on the block that we have personally spoken to:

1. Excessive scale of the development

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, in contrast to the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and appear inconsistent.

Attachment 3

Item 2

3. Detrimental effect on privacy and noise

•□□□□□ The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.

•□□□□ □ Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. Impact on traffic.

•□□□□□ Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. Impact on parking.

•□□□□□ Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.

•□□□□ □ Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

6. Negative impact on natural sunlight.

•□□□□□ This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. Impact of demolition and building works

•□□□□□ This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.

•□□□□□ Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

•□□□□□ Potential adverse impact on storm water flows. Our home is situated in front of a townhouse development [redacted]. Our garage is situated to the front of the basement carpark of the townhouses. A development on 33 Smith Street may cause or accentuate flooding. This may be detrimental to the underlying infrastructure, as well as corrupt the retaining wall used to limit overflow between our garage and 33 Smith Street. It may also impact on the structural integrity of our freestanding home.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Kind regards,

Attachment 3

Item 2

Jason Balgi
Hong Foo
Address [redacted] Summer Hill
[redacted]

Attachment 3

Item 2

28 March 2016

16/17977

BY EMAIL: INFO@ASHFIELD.NSW.GOV.AU

Att: Ms. Vanessa Chan
General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Ms. Chan,

Application Number: **10.2016.044**
Subject Site: **33 Smith Street, Summer Hill NSW 2130**

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. We have lived in Summer Hill since 2008. We love the area and would like to stay long-term and see our children grow up here. Our property shares the eastern boundary with 33 Smith St. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**
   - Relative to the size of the land, and relative to the surrounding properties.
   - Studio-predominant development, comprising 65% of dwellings.
   - Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating there is insufficient space on this property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
   - With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties. In reality this translates to a frontage in breach of more than 5metres compared to the western-most frontage of our home, that which is immediately adjacent to the proposed development.
   - The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
   - The excessive scale and cramped nature of the proposed development severely impairs the amenity for future residents of 33 Smith St.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**
   - SEPP 65 Section 16A states: "A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. The proposed development is not compatible with the character of the local area because:
     - it will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace, with its noise and privacy issues.
     - it is bulky, unattractive and appears incongruous with the surrounding residences, including those that are heritage listed.
     - this style of building with its studio-predominance is not family or amenity oriented, in contrast to the surrounding residences on the block.
     - its building frontage is markedly higher than the adjacent two residences. To soften the impact this should be reduced in height. (Of note, recent nearby developments, Summer Hill Flour Mills and Buckle Factory, have lower rise buildings as their frontage.)
   - Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St, and those on the block opposite the development (40-52 Smith St). Adjacent heritage-listed Fleet St will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
   - By breaching front setbacks regulations, the proposed development will eclipse its neighbours, appear inconsistent and adversely impact the streetscape.
   - We refute the developer's claim that "the built form within the area will respond to the permissible heights which dictates the scale of the buildings". The immediately adjacent buildings (heritage listed 39 Smith St, our home [redacted]

Attachment 3

[redacted] and the townhouse complex at 27-29 Smith St) cannot be re-developed to the same scale as that proposed at 33 Smith St. Due to the nature of the development at adjacent 27-29 Smith St, any new multi-storey development (which the developer refers to), would essentially require the agreement of the owners of all 10 homes.

3. **Detrimental effect on privacy and noise**
   - The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than surrounding residences, there will be easy visibility into many backyards and homes.
   - Increased noise and potential for generation of unrestricted noise from the open-air rooftop terrace.
   - The entrance walkway of the proposed development passes directly along our boundary fence. This will generate a significant amount of person traffic and associated noise, potentially throughout the day and night.

4. **Adverse impact on views**
   - Our front yard view will be most adversely impacted by the 3metre breach of the building line. In reality this translates to a frontage in breach of more than 5metres compared to the western-most frontage of our home, that which is immediately adjacent to the proposed development.
   - Our backyard view will be most adversely impacted by the 9metre wall in close proximity to our home and backyard.

5. **Impact on traffic.**
   - Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace is challenging, particularly at peak periods. The Summer Hill Flour Mills, Buckle Factory and Lewisham Towers (totalling more than 600 new dwellings) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

6. **Impact on parking.**
   - Parking is likely to become tighter, particularly with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report. Furthermore, increasing use of the tram has led to additional demand for parking in streets nearby to the tram station, making it most difficult for established residents to park near their own homes.
   - Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered for in the future (particularly when the 10year affordable housing agreement expires), and unfairly impacts on established Summer Hill residents.

7. **Negative impact on natural sunlight.**
   - This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet St it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

8. **Impact of demolition and building works**
   - This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
   - Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the proposed development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.
   - Potential adverse impact on storm water flows. Our home is situated in front of a townhouse development [redacted] Our garage is situated to the front of the basement carpark of the townhouses. A development on 33 Smith St may cause or accentuate flooding. This may be detrimental to the underlying infrastructure, as well as corrupt the retaining wall used to limit overflow between our garage and 33 Smith St. It may also impact on the structural integrity of our freestanding home.

We believe that a site visit by decision-makers is essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with the character of neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a more than 600 new dwellings (in the future Summer Hill Flour Mills, Buckle Factory and Lewisham Towers developments).

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Item 2

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Kind regards,
Jason Balgi
Hong Foo

Address[redacted], Summer Hill
[redacted]

Attachment 3

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5

From: Lester Alvis [redacted]
Sent: Monday, 28 March 2016 12:14 AM
To: info@ashfield.nsw.gov.au
Subject: Objections to 33 Smith Street Summer Hill Development Application

Attention General Manager of Ashfield Council

Dear sir

As a nearby resident [redacted] with a young family I have a number of concerns with the above mentioned development application:

1. Breach of the designated maximum FSR / excessive scale / breach of building codes relating to open space and conforming building lines 2. Parking issues - the proposal only allows for 11 onsite car spaces for the 17 units development. Parking is already compromised and will worsen significantly with the completion of the flour mills and the subject development 3. Impact of traffic - the surrounding streets are already congested especially during peak hours . This will worsen with the completion of the flour mills and the subject development

In summary the proposals is excessive in scale and out of character with the adjoining properties.

Please do not grant development consent

Many Tks

Lester Alvis
[redacted]
Summer Hill NSW 2130

Sent from my iPhone

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Item 2

Attachment 3

28 March 2016

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. **Impact on traffic.**

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. **Impact on parking.**

- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

6. **Negative impact on natural sunlight.**

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Kind regards,

Darren and Chloe Ally
[redacted]
Summer Hill NSW 2130
[redacted]

Item 2

Council submission re development application for 33 Smith Street, Summer Hill
Simone Blakeman
to:
info
28/03/2016 11:39 AM
Cc:
summerhill, the.lofts, cestott
Hide Details
From: Simone Blakeman [redacted]
To: info@ashfield.nsw.gov.au,
Cc: summerhill@parliament.nsw.gov.au, [redacted]

28 March 2016

Attention: General Manager

Ashfield Council

PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044

Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for considering our concerns regarding the proposed development on 33 Smith Street, Summer Hill. This proposed development raises a number of significant concerns:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties
- Studio-predominant development, comprising 65% of dwellings
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12 metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.

Attachment 3

· With frontage three metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces

· The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.

· This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.

· Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.

· By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. Detrimental effect on privacy and noise

· The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.

· Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. Impact on traffic

· Traffic along Smith Street, Carlton and Grosvenor Crescents and Railway Terrace is already gridlocked during peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. Impact on parking

· Parking will become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.

· Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, it will effect the already insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered for in the future and unfairly impacts on the existing rate paying residents of Summer Hill.

Item 2

6. Negative impact on natural sunlight

· This is particularly the case on adjoining properties in Smith and Fleet Streets. For immediate neighbours on Smith Street, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. Impact of demolition and building works

· This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.

· Earthworks may impact on the structural integrity of a number of adjacent homes. Given the over scale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith Street, Fleet Street and Carlton Crescent.

A site visit by decision-makers is essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Regards,

Simone Blakeman and Matthew Barr

[redacted]

Summer Hill NSW 2130

[redacted]

Attachment 3

D/A 10.2016.044: 33 Smith Street, Summer Hill NSW 2130
maria bresic
to:
INFO@ASHFIELD.NSW.GOV.AU
28/03/2016 09:39 PM
Hide Details
From: maria bresic [redacted]
To: "INFO@ASHFIELD.NSW.GOV.AU" <info@ashfield.nsw.gov.au>,

28 March 2016

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800
<!--[if !supportLineBreakNewLine]-->
<!--[endif]-->

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

I am extremely concerned about abovementioned development application.
The massive scale suggested on a 908 square metre block seems completely unreasonable and out of place with the surrounding residences.

The following points need consideration.

<!--[if !supportLists]-->1. <!--[endif]--> **Excessive scale of the development**
<!--[if !supportLists]-->• <!--[endif]--> Relative to the size of the land, and relative to the surrounding properties.
<!--[if !supportLists]-->• <!--[endif]--> Studio-predominant development, comprising 65% of dwellings.
<!--[if !supportLists]-->• <!--[endif]--> The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
<!--[if !supportLists]-->• <!--[endif]--> Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
<!--[if !supportLists]-->• <!--[endif]--> With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

<!--[if !supportLists]-->2. <!--[endif]--> **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**
<!--[if !supportLists]-->• <!--[endif]--> The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
<!--[if !supportLists]-->• <!--[endif]--> This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.

Item 2

<!--[if !supportLists]-->• <!--[endif]-->Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.

<!--[if !supportLists]-->• <!--[endif]-->By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

<!--[if !supportLists]-->3. <!--[endif]-->**Detrimental effect on privacy and noise**

<!--[if !supportLists]-->• <!--[endif]-->The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.

<!--[if !supportLists]-->• <!--[endif]-->Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

<!--[if !supportLists]-->4. <!--[endif]-->**Impact on traffic.**

<!--[if !supportLists]-->• <!--[endif]-->Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

<!--[if !supportLists]-->5. <!--[endif]-->**Impact on parking.**

<!--[if !supportLists]-->• <!--[endif]-->Parking is already a concern in this area. We have just had the new time-restricted parking in Summer Hill implemented and I note that this has not been considered in the developer's Parking Report.

<!--[if !supportLists]-->• <!--[endif]-->Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

<!--[if !supportLists]-->6. <!--[endif]-->**Negative impact on natural sunlight.**

<!--[if !supportLists]-->• <!--[endif]-->This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

<!--[if !supportLists]-->7. <!--[endif]-->**Impact of demolition and building works**

<!--[if !supportLists]-->• <!--[endif]-->This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.

<!--[if !supportLists]-->• <!--[endif]-->Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

I ask that you consider my concerns and oppose the application for this development.

Please feel free to contact me.

Attachment 3

Kind regards,

Maria Bresic
[redacted]
Summer Hill NSW 2130
[redacted]

Item 2

25 March 2016

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**
- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**
- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**
- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. **Impact on traffic.**
- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. **Impact on parking.**
- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.
- We are already finding it difficult to park within a reasonable distance to our property. This development will greatly affect

Attachment 3

those living on Smith, Spence, Fleet, Edward and Chapman streets. If this development is to go ahead the parking will overflow into these streets making the new parking restrictions redundant. We imagine these restrictions were put in place to assist residents and this development only hinders any relief from commuters parking and walking to the train or light rail.

- There is currently no parking outside 33 Smith Street. There is however several medium strips on the corner or Smith and Spencer Streets designed to slow cars down. This development will cause further congestion at this intersection. It is also difficult to turn left or right from Smith to Spencer Streets and any further parked cars will lead to more car accidents at this intersection.

6. **Negative impact on natural sunlight.**

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the over scale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Kind regards,

Mark Chochula and Lindsey Drozak
[redacted] Summer Hill NSW 2130

Item 2

Attachment 3

Item 2

RE: OBJECTION DA 33 Smith St, Summer Hill - Lot 1 DP 120491 REF: Application No. 10.2016.044
overload6
to:
info
29/03/2016 03:27 PM
Hide Details
From: "overload6" [redacted]
To: <info@ashfield.nsw.gov.au>,

10/180 80

Attention: General Manager
Ashfield Council
260 Liverpool Road
ASHFIELD NSW 2131

Dear Vanessa,

RE: OBJECTION DA 33 Smith St, Summer Hill - Lot 1 DP 120491
REF: Application No. 10.2016.044

For obvious reasons, loss of privacy and overshadowing, we object to the above proposed development.

As you know, Ashfield Council has recently imposed harsh Floor Space Ratio (FSR) reductions to heritage conservation areas (HCAs) and individual heritage items (IHIs). The proposed development is in the vicinity of multiple HCAs and IHIs. Therefore, the proposed height and scale of the development will make it disproportionate to the existing residential area and streetscape.

Under the new FSR rules, we wouldn't even be able to add an extra square metre of living space to our property, but metres away, Ashfield Council has provisionally permitted a grossly overdeveloped block, with multiple levels and basement via the affordable housing loophole. Explain yourselves! What a joke.

Please note, we are not opposed to any reasonable development that would increase amenity for a homeowner or add value to a property, but Ashfield Councils discriminatory, undemocratic and lopsided approach to development, has left us very disillusioned with the whole DA process. Is it any wonder why there's no mass opposition to inevitable council amalgamations.

Please ensure this submission is included in the council business papers in full when this matter comes to council for debate and notify us of the same.

Please contact me if you have any questions regarding the above.

Thank you,
Toula Chrisafis
Chrisafis Family
[redacted]
SUMMER HILL NSW 2130
[redacted]

Attachment 3

Item 2

2016/
16/15337

Remus Dabb
[redacted]
Summer Hill 2130
[redacted]

16 03 16



Re: Proposed development at 33 Smith Street Summer Hill

Dear Ashfield Council / General Manager

I am writing to voice my opinion that the proposed development for the site at 33 Smith Street is of an excessive scale.

The construction of 17 units on a 918m2 block seems outlandish, unreasonable and totally out of character given the terrace / modest townhouse style of development currently on Smith Street.

I am concerned about the detrimental effect on privacy in my backyard due to a 3 storey construction with open- air rooftop terrace.

I am also concerned about the lack of sufficient on site parking for 17 residences.

I feel that this proposed development on a residential site is extreme high density and that it should be substantially modified.

Yours sincerely

[redacted]

Remus Dabb



Attachment 3

Item 2

2016/AA.
P N.

Development application - 33 Smith Street Summer Hill
Leanne Findlay to: info@ashfield.nsw.gov.au 20/03/2016 08:37 PM

Leanne Findlay Development application - 33 Smith Street Summer Hill

16/16323

Hi,
Could you please email me a copy of the Notification to Residents re the Development application for 33 Smith Street, Summer Hill?
Thanks
Leanne Findlay
Summer Hill

Sent from my iPhone

Attachment 3

10/12/170
2010/44.

Re: Development application - 33 Smith Street Summer Hill
Leanne Findlay to: info@ashfield.nsw.gov.au 31/03/2016 04:01 PM

Leanne Findlay *Still not received. I originally requested this on 20 March and wo*

Still not received. I originally requested this on 20 March and would appreciate a response.
Leanne

From: Leanne Findlay [redacted]
Sent: Thursday, 24 March 2016 10:31 AM
To: info@ashfield.nsw.gov.au
Subject: Re: Development application - 33 Smith Street Summer Hill

Hi,
I have still not received a copy of the Notification to Residents. Would it be possible to send me a copy today?
Thanks
Leanne

From: Leanne Findlay [redacted]
Sent: Sunday, 20 March 2016 8:37 PM
To: info@ashfield.nsw.gov.au
Subject: Development application - 33 Smith Street Summer Hill

Hi,
Could you please email me a copy of the Notification to Residents re the Development application for 33 Smith Street, Summer Hill?
Thanks
Leanne Findlay
Summer Hill

Sent from my iPhone

Item 2

8 March 2016

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

I am extremely concerned about abovementioned development application.
The massive scale suggested on a 908 square metre block seems completely unreasonable and out of place with the surrounding residences.

In agreement with several other residents/ratepayers with whom I have spoken, I believe the following points need consideration.

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. **Impact on traffic.**

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

Attachment 3

5. **Impact on parking.**

- Parking is already a concern in this area. We have just had the new time-restricted parking in Summer Hill implemented and I note that this has not been considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

6. **Negative impact on natural sunlight.**

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

I ask that you consider my concerns and oppose the application for this development.

Please feel free to contact me in need.

Kind regards,

Matthew Geason
[redacted]
Summer Hill NSW 2130
[redacted]

Item 2

Proposed development at 33 Smith st Summer Hill
Heather Gidding
to:
info@ashfield.nsw.gov.au, Alex Lofts, summerhill@parliament.nsw.gov.au,
[redacted]
28/03/2016 08:44 PM
Hide Details
From: Heather Gidding [redacted]
To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>, Alex Lofts [redacted] "summerhill@parliament.nsw.gov.au" <summerhill@parliament.nsw.gov.au>, [redacted]

10/1788

Dear Ms Chan, Ms Stott, Mr Lofts, and Ms Haylen,

I wish to make a submission regarding the proposed development at 33 Smith st Summer Hill.

Whilst I applaud the prospect of providing affordable housing in the inner west, I do not see this as an excuse for breaching council building regulations. My main concerns are that the development exceeds the maximum allowable floor space ratio and that there is not at least one car space for each unit.

Allowing breaches of current restrictions sets a dangerous precedent in the local area that will not only benefit this developer, at the expense of local amenity, but also future development applications.

Local residents who dont have off street parking, such as myself, already have difficulties parking near where we live in Spencer st. This development would further exacerbate parking problems unless sufficient garaging is provided for all the units. Residents are already experiencing over development in the Flour Mill and McGill St precinct, with traffic and lack of parking likely to increase markedly in the surrounding streets such as Smith and Spencer. Therefore, it is vital that all new developments provide ample off street parking for their residents and guests.

Yours sincerely
Heather Gidding
[redacted] Summer Hill

****

Attachment 3

29 March 2016

16/180877

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

The proposed development on 33 Smith St in Summer Hill raises a number of significant concerns for us.

1. **Excessive scale of the development**
   - Relative to the size of the land, and relative to the surrounding properties.
   - The development, stacked with small apartments, results in a FSR of 1.025:1, compared to the recommended 0.7:1.
   - The frontage is 3 metres closer to the street than its immediate neighbours. The development breaches the requirement to conform with the building line of adjoining properties.

2. **The proposed development is not compatible with the heritage character of the suburb**
   - The complex is considerably higher than all surrounding residences in the local block, and also includes a rooftop terrace.
   - The architectural style of the development does not suit the housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces, further reducing the architectural fabric of the Summer Hill suburb.

3. **Impact on traffic.**
   - Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace is already congested in peak periods. The Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not take the impact of these developments into consideration.

4. **Impact on parking.**
   - Council has already accepted that parking is an issue in our suburb and introduced 2P zones in residential areas of east Summer Hill. The situation will only become tighter with completion of the nearby Summer Hill Flour Mills development. These factors were not considered in the developer's Parking Report.
   - The provision of only 11 parking spaces (including one visitor and one handicap) for 17 residences is clearly insufficient for this development. Residents will have no option but to use nearby on-street parking, in those streets that council has already identified as having tight supply (eg Spencer St). This overflow unfairly impacts on established Summer Hill residents.

We ask that you consider our concerns and oppose the application for this development. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

Please feel free to contact us.

regards,
Peter Goodhew & Lisa McKendry
[redacted]
Summer Hill, NSW, 2130
[redacted]

Item 2

29th March 2016

16

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. **Impact on traffic.**

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. **Impact on parking.**

- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impact on established Summer Hill residents.
- It is noticeable that commuters on the light rail are now parking in Spencer Street and at an increasing frequency there are

Attachment 3

RE: Application Number:10.2016.044
eileen xu
to:
info@ashfield.nsw.gov.au
22/03/2016 03:52 PM
Cc:
"summerhill@parliament.nsw.gov.au"
Hide Details
From: eileen xu [redacted]
To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>,
Cc: "summerhill@parliament.nsw.gov.au" <summerhill@parliament.nsw.gov.au>

2016/44
16/16185

Attn: General Manager
Ashfield Council

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.

- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of

Item 2

the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.

- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. **Impact on traffic.**

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. **Impact on parking.**

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6. **Negative impact on natural sunlight.**

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Attachment 3

file:///C:/Users/danielc.ASHFIELD/AppData/Local/Temp/notes6427D8/~web5380.htm 22/03/2016

Kind regards,

Ai Ling Xu & Yi Qiang Han
[redacted] Summer Hill NSW 2130
[redacted]

Item 2

JO HAYLEN MP
STATE MEMBER FOR SUMMER HILL

Vanessa Chan
General Manager
Ashfield Council
PO Box 1145
Ashfield NSW 1800

16/17402
Philip North

22 March 2016

Vanessa,
Dear Ms Chan,

I have been contacted by Jason Balgi and Hong Foo of [redacted] Summer Hill, regarding the proposed development on 33 Smith St, Summer Hill.

The residents have a number of strong objections and I urge you to please ensure their views are considered as part of Council's development application process.

Mr Balgi and Ms Foo have also indicated to me that they will shortly present you with a petition opposing the application, for which they have obtained a number of signatures.

I look forward to your response.

Yours sincerely,

[redacted]

Jo Haylen MP
Member for Summer Hill

ASHFIELD COUNCIL
RECORDS SECTION
SCANNED
DATE 29.3.16

299-301 Marrickville Rd Marrickville NSW 2204 (02) 9572 5900
summerhill@parliament.nsw.gov.au JoHaylen.com

Printed on 100% recycled paper

Attachment 3

22 March 2016

Email : summerhill@parliament.nsw.gov.au

Jo Haylen MP
State Member for Summer Hill
[redacted]
Marrickville NSW 2204

Dear Ms. Haylen,

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill (Application number 10.2016.044). We have lived in Summer Hill since 2008. We love the area, would like to stay long-term and see our children grow up here. Our property shares the eastern boundary with 33 Smith Street. The proposed development comprises two 3-storey blocks (plus an open-air rooftop terrace and basement carpark), and includes 17 dwellings on a 918m^2 block. This proposed development raises a number of significant concerns for us, and the many neighbours and residents on the block that we have personally spoken to:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, in contrast to the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and appear inconsistent.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

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- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

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- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

Item 2

6. **Negative impact on natural sunlight.**

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.
- Potential adverse impact on storm water flows. Our home is situated in front of a townhouse development [redacted] Our garage is situated to the front of the basement carpark of the townhouses. A development on 33 Smith Street may cause or accentuate flooding. This may be detrimental to the underlying infrastructure, as well as corrupt the retaining wall used to limit overflow between our garage and 33 Smith Street. It may also impact on the structural integrity of our freestanding home.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We would appreciate your assistance in asking Ashfield Council to consider these concerns and oppose the application for this development.

Please feel free to contact us.

Kind regards,
Jason Balgi
Hong Foo
[redacted] Summer Hill

Attachment 3

Item 2

JO HAYLEN MP
STATE MEMBER FOR SUMMER HILL

Vanessa Chan
General Manager
Ashfield Council
GPO Box 1145
Ashfield NSW 1800

24 MAR 2016

16/17390
Philip North.

21 March 2016

Dear Ms Vanessa Chan,

I have been contacted by Mr Remus Dabb of [redacted] Summer Hill, regarding the proposed development at 33 Smith St, Summer Hill.

I have enclosed Mr Dabb's letter for your consideration and ask you to please include his objections in Council's consideration of the proposal.

I look forward to your response.

Yours sincerely,

[redacted]

Jo Haylen MP
Member for Summer Hill

ASHFIELD COUNCIL
RECORDS SECTION
SCANNED
DATE 29.3.16

299-301 Marrickville Rd Marrickville NSW 2204 (02) 9572 5900
summerhill@parliament.nsw.gov.au JoHaylen.com

Printed on 100% recycled paper

Attachment 3

Item 2

Remus Dabb
[redacted]
Summer Hill 2130
[redacted]

16 03 16

Re: Proposed development at 33 Smith Street Summer Hill

Dear Jo Haylen

I am writing to voice my opinion that the proposed development for the site at 33 Smith Street is of an excessive scale.

The construction of 17 units on a 918m2 block seems outlandish, unreasonable and totally out of character given the terrace / modest townhouse style of development currently on Smith Street.

I am concerned about the detrimental effect on privacy in my backyard due to a 3 storey construction with open- air rooftop terrace.

I am also concerned about the lack of sufficient on site parking for 17 residences.

I feel that this proposed development on a residential site is extreme high density and that it should be substantially modified.

Yours sincerely
[redacted]
Remus Dabb

Attachment 3

Item 2

JO HAYLEN MP
STATE MEMBER FOR SUMMER HILL

Vanessa Chan
General Manager
Ashfield Council
PO Box 1145
Ashfield NSW 1800

16/17418.
Philip North

22 March 2016

Dear Ms Chan, Vanessa,

I have been contacted by Mr Tim Moulton of [redacted] Summer Hill, regarding the proposed development at 33 Smith St, Summer Hill.

I have enclosed Mr Moulton's letter for your information.

I urge you to please consider Mr Moulton's objections as part of Council's development application process.

I look forward to your response.

Yours sincerely,

[redacted]

Jo Haylen MP
Member for Summer Hill

ASHFIELD COUNCIL
RECORDS SECTION
SCANNED
DATE 29.3.16

299-301 Marrickville Rd Marrickville NSW 2204 (02) 9572 5900
summerhill@parliament.nsw.gov.au JoHaylen.com

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Attachment 3

Item 2

To;
Concerned parties, neighbours, General Manager and Councillors of Ashfield and Member for Summer Hill, Ms Jo Haylen

Please accept this as my formal objection to proposed development of 33 Smith Street, Summer Hill DA 10 2016 044

My objection is raised on the following points;

The area bounded by Smith Street, Edward Street and Spencer Street Summer Hill will soon see vast amounts of additional vehicular traffic, borne of the Allied Mills development, The Buckle Factory development and the recently approved childcare facility also in Smith Street. Add to this the Marrickville Council developments of the Meriton Lewisham (Luna) Towers, The Luxe apartments, the Society development and the recently completed Alpha block, these roads are under immense pressure to perform, without adding further.
Smith Street peak-hour traffic is regularly at a standstill, as drivers seek to bypass Parramatta, Canterbury and Liverpool Roads in their eastward journeys in the morning and return westwards in the afternoon. In fact, on any given weekday morning, it is probable that each of Grosvenor and Carlton Crescents and Smith Street will be bumper to bumper, the Carlton/Smith/Grosvenor/Longport roundabout at a standstill. Saturdays are the same, with the stretch of road between this roundabout proceeding through Lewisham to New Canterbury Road Petersham gridlocked. And Old Canterbury Road at Longport and Railway Terrace is notorious for its congestion and regular accidents.
No additional vehicular occupancy in this area should be encouraged. To do so would be to risk the safety of residents.

Compounding this issue is the expectation that residents of this development will be required to park on local streets, as insufficient parking is incorporated into the development design. Whilst a parking space ratio may have been met in submission, quite simply Smith Street, Spencer Street, Edward Street, Fleet Street and Chapman Street do not have any room for any sizeable addition to resident parking. And sizeable does mean six (or more) cars belonging to one street address.

The architectural design of the development is not in keeping with the style of the surrounding buildings and is, in all honesty, simple (read crude) and unappealing. It will hearken back to the shocking decision to allow the erection of "*Garden Court*", 98 Carlton Crescent; further-so with building identifiers as "Block A" and "Block B". Affordable housing is certainly worthy, but it does not have to be cheap and nasty.
Summer Hill retains village charm and a colonial/federation identity. In allowing this development, you demolish a charming house with obvious potential to erect an eyesore suited elsewhere. (It is important to note that the site is currently occupied as multiple-dwelling.)
Indeed, to quote from the NSW Dept. Planning and Environment State Environmental Planning Policy 2009 (AHSEPP), developments are required to be "*designed to be compatible with the character of the locality.*" It is quite clear that this proposed development fails in this.

As this is a private development, it is not clear that 30% of the land area is devoted to landscaped area. I do note the central communal open space and this amounts to approximately 130m^2 or 14% of the total area. I note also private spaces for tenants estimated to be 140m^2. Combined this amounts to less than the 30% of landscaping necessary to comply under the AHSEPP. I appreciate that fence-lines and boundary plantings may constitute landscaping. My issue remains that the precinct has a character of established plantings of mature trees and thoughtful garden spaces attracting many native and introduced bird species, possums, bandicoots, flying foxes and other bats, beetles, moths and lizards; all reliant on the environment and habitat that this precinct provides.
To remove traditional habitat is to encourage pests and weeds, and to lose species indigenous to the locale.
I refer you to the Atlas of Living Australia record for this vicinity; http://biocache.ala.org.au/explore/your-area#-33.8914591|151.13824980000004|12|ALL_SPECIES
I refer again to AHSEPP 2009; infill proposals must... "*consider appropriate design and environmental factors*".

Residential open space is displayed in drawings as including a roof-top open-air terrace, overlooking the rear of properties on Carlton Crescent and into the neighbouring development of 27-29 Smith Street. The higher level balconies on the northern boundary of the site also contribute to invasive visibility and these should be reviewed also.
Backyard privacy should be upheld wherever possible. To allow neighbouring properties to have sightlines into private domains is improper. Backyard privacy must be protected. I neighbour a property that had second-storey development allowed, providing unobstructed views directly into the adjoining rear living and kitchen area, and a balcony that overlooks my own rear yard. The loss of privacy felt by such awful planning and dubious council consent needs to be experienced to be understood. I remain astounded that such development consent was made by (supposedly) sensible people. It should not be allowed to happen again.

Attachment 3

(continued)

Compounding the sightlines and privacy concerns attributed to this rear high common area and northern balconies are potential noise issues, emanating from the high open and shared common space, outwards towards neighbouring properties. An open-air rooftop terrace is designed by its very nature to encourage entertaining. Entertainment at treetop height will elevate noise generated and distribute noise further distances, impacting on a wider span of neighbouring properties. Any such rooftop common area should be designed to face into the development site (south facing) as opposed to away from it (existing).

I am a proponent of the Summer Hill village occupation-type. We are a low to medium density residential area with a smattering of light-industrial. That light industry is becoming less, as traditional business fades and disused commercial sites have land areas attractive to the multi-dwelling residential developer.
Summer Hill has many apartment buildings. Summer Hill also provides a very high number of affordable and/or govt. subsidised housing. To encourage more of either without any great need (outside the needs of the developers) is to put at risk the charm and nature that we enjoy calling our home.

Summer Hill has no need of more multi-occupancy dwellings – there are plenty on the horizon.
And Summer Hill has no demonstrated need to provide more affordable housing over and above the substantial quota it already provides.
For these reasons and all of those detailed above, it is clear that this application serves no benefit to the community of Summer Hill, with the only party to profit from this proposal being the developer him/herself.
This development should be refused.

I trust you will support my words.

Sincerely,

Tim Moulton

[redacted]
Summer Hill
New South Wales
[redacted]

Item 2

JO HAYLEN MP
STATE MEMBER FOR SUMMER HILL

Vanessa Chan
General Manager
Ashfield Council
PO Box 1145
Ashfield NSW 1800



8 April 2016

Dear Ms Chan, Vanessa,

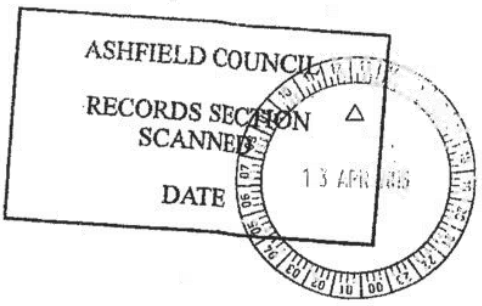
I have been contacted by further residents regarding the proposed development at 33 Smith St, Summer Hill.

I have enclosed the correspondence and ask that you please include these emails and letters in Council's assessment process.

Yours sincerely,

[redacted]

Jo Haylen MP
Member for Summer Hill



299-301 Marrickville Rd Marrickville NSW 2204 (02) 9572 5900
summerhill@parliament.nsw.gov.au JoHaylen.com

Attachment 3

Item 2

28 March 2016

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. **Impact on traffic.**

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. **Impact on parking.**

- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

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6. **Negative impact on natural sunlight.**

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Kind regards,

Darren and Chloe Ally
[redacted]
Summer Hill NSW 2130
[redacted]

Attachment 3

Item 2

[redacted]

From: Simone Blakeman [redacted]
Sent: Monday, 28 March 2016 11:39 AM
To: info@ashfield.nsw.gov.au
Cc: ElectorateOffice SummerHill; [redacted]
Subject: Council submission re development application for 33 Smith Street, Summer Hill

Follow Up Flag: Follow up
Flag Status: Flagged

28 March 2016

Attention: General Manager

Ashfield Council

PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044

Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for considering our concerns regarding the proposed development on 33 Smith Street, Summer Hill. This proposed development raises a number of significant concerns:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties
- Studio-predominant development, comprising 65% of dwellings
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12 metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.

1

Attachment 3

Item 2

· With frontage three metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces

· The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.

· This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.

· Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.

· By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. Detrimental effect on privacy and noise

· The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.

· Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. Impact on traffic

· Traffic along Smith Street, Carlton and Grosvenor Crescents and Railway Terrace is already gridlocked during peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. Impact on parking

· Parking will become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.

· Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, it will effect the already insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered for in the future and unfairly impacts on the existing rate paying residents of Summer Hill.

6. Negative impact on natural sunlight

Attachment 3

- This is particularly the case on adjoining properties in Smith and Fleet Streets. For immediate neighbours on Smith Street, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. Impact of demolition and building works

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.

- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the over scale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith Street, Fleet Street and Carlton Crescent.

A site visit by decision-makers is essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Regards,

Simone Blakeman and Matthew Barr

[redacted]

Summer Hill NSW 2130

[redacted]

Item 2

[redacted]

From: Heather Gidding <[redacted]
Sent: Monday, 28 March 2016 8:45 PM
To: info@ashfield.nsw.gov.au; Alex Lofts; ElectorateOffice SummerHill; [redacted]
Subject: Proposed development at 33 Smith st Summer Hill

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Chan, Ms Stott, Mr Lofts, and Ms Haylen,

I wish to make a submission regarding the proposed development at 33 Smith st Summer Hill.

Whilst I applaud the prospect of providing affordable housing in the inner west, I do not see this as an excuse for breaching council building regulations. My main concerns are that the development exceeds the maximum allowable floor space ratio and that there is not at least one car space for each unit.

Allowing breaches of current restrictions sets a dangerous precedent in the local area that will not only benefit this developer, at the expense of local amenity, but also future development applications.

Local residents who dont have off street parking, such as myself, already have difficulties parking near where we live in Spencer st. This development would further exacerbate parking problems unless sufficient garaging is provided for all the units. Residents are already experiencing over development in the Flour Mill and McGill St precinct, with traffic and lack of parking likely to increase markedly in the surrounding streets such as Smith and Spencer. Therefore, it is vital that all new developments provide ample off street parking for their residents and guests.

Yours sincerely
Heather Gidding
[redacted] Summer Hill

Attachment 3

1

Item 2

[redacted]

From: eileen xu [redacted]
Sent: Tuesday, 22 March 2016 3:53 PM
To: info@ashfield.nsw.gov.au
Cc: ElectorateOffice SummerHill
Subject: RE: Application Number:10.2016.044

Attn: General Manager

Ashfield Council

Application Number: 10.2016.044

Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.

- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

1

Attachment 3

Item 2

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. **Impact on traffic.**

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. **Impact on parking.**

- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

6. **Negative impact on natural sunlight.**

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

Attachment 3

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

2

Please feel free to contact us.

Kind regards,

Ai Ling Xu & Yi Qiang Han

[redacted] Summer Hill NSW 2130

[redacted]

Item 2

22 March 2016

Att: Honourable MP Jo Haylen
Summer Hill

Dear Honourable MP Jo Haylen,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

My wife Sophie & I are deeply concerned at the DA application at 33 Smith Street, Summer Hill. We have spoken with a number of our neighbours who also share similar concerns and reservations about how this development (along with existing nearby developments already in progress) will have a detrimental impact to our local area.

We would like to request your support in opposing this proposed development which raises a number of significant concerns for us, namely:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding neighbours. **Our adjacent heritage property [redacted] (which will be dwarfed by this 3storey+Rooftop terrace development) will be directly impacted**
- With its frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience. **Our adjacent heritage property [redacted] (which will be have our view blocked entirely this 3storey+ development) will be directly impacted**
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace). **Our adjacent heritage property [redacted] (which will have our privacy removed & increased noise from this 3storey+Roof Terrace development) will be directly impacted**

4. **Impact on traffic.**

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace is already at capacity during morning peak periods. This is even **BEFORE** the completion of the nearby (<1km away) Summer Hill Flour Mills, Lewisham Towers & The Buckle Factory developments (which totals 600+ new dwellings). This development will further worsen local traffic flow.
- The developer's Traffic Report did not consider the impact of these developments already underway

5. **Impact on parking.**

- Parking is likely to become tighter with the nearby Summer Hill Flour Mills & The Buckle Factory developments. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.

Attachment 3

- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts established Summer Hill residents.
- **Our adjacent heritage property at 16 Fleet Street (which already has parking challenges in Fleet Street) will be directly impacted**

6. **Negative impact on natural sunlight.**

- **Our adjacent heritage property [redacted] (which will be dwarfed by this 3storey+Rooftop terrace development) will be directly impacted**
- Our heritage property will lose its morning sunlight in our back courtyard (where we have established a thriving garden). Due to our positioning, our garden doesn't get sufficient afternoon sunlight. This development will cause our property to lose morning sunlight which will effectively kill off our garden

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact. **Our adjacent heritage property [redacted] will be directly impacted and with a new baby coming, the health risks of asbestos deeply concerns us**
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block and local area. A new traffic and parking report is required, taking into account the addition of residents from a potential 600+ new dwellings (in the future Summer Hill Flour Mills, Lewisham Towers developments & The Buckle Factory developments).

We ask that you consider our concerns and request your active support to oppose the application for this development as it has widespread community opposition & will detrimentally affect the character of our local neighbourhood.

Thanks for your consideration and we look forward to hearing back soon

Kind regards,

Muhilan Sriravindrarajah & Dr Sophie Loy-Wilson
[redacted] Summer Hill
[redacted]

Item 2

[redacted]

From: Kellie May [redacted]
Sent: Sunday, 27 March 2016 8:21 AM
To: info@ashfield.nsw.gov.au
Cc: ElectorateOffice SummerHill
Subject: Proposed development at 33 Smith Street Summer Hill

Follow Up Flag: Follow up
Flag Status: Flagged

INFO@ASHFIELD.NSW.GOV.AU

Att: General Manager

Ashfield Council

PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044

Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering my concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns:

I am particularly concerns regarding the planning deficiencies of the proposed development and its impact on the neighbouring housing and neighbours. It is inconsistent with the type of neighbouring housing and will adversely impact the heritage listed homes in the area. I feel it is too dense a development for the size of block creating overcrowding. It will result in poor amenity for occupants and the surrounding neighbours. The proposed roof terrace will create an adverse impact on neighbours through a loss of privacy and increased noise.

The rise of high density developments in the area is creating significant concern as already there is an impact with increased traffic, dangerous driving conditions with the amount of construction trucks and loss of visibility when driving around local streets, and increased parking pressures and noise. the character of Summer Hill village is being lost, which is the very character that has drawn so many residents to the area, making it a wonderful place to live, please don't place the village and people friendly feel under yet more pressure by approving this development.

Please consider the following:

1

Attachment 3

1. **Excessive scale and density of the development**

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**
3. **Detrimental effect on privacy and noise**
4. **Impact on traffic.**
5. **Impact on parking.**
6. **Negative impact on natural sunlight.**
7. **Impact of demolition and building works**

A site visit by decision-makers would be helpful and I believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

I ask that you consider my concerns and oppose the application for this development.

Please feel free to contact me.

Kind regards,

Name: Kellie May

Address: [redacted] Summer Hill

[redacted]

Item 2

Page 1 of 1

Thilip North

D/A 2016.44.

Re DA 10.2016.044
Clare Herscovitch
to:
info
29/03/2016 04:48 PM
Hide Details
From: Clare Herscovitch [redacted]
To: info@ashfield.nsw.gov.au,

Dear Sir/Madam

I wish to raise concerns about the above DA at 33 Smith Street Summer Hill.

In the little time I have had to consider this application it is clear that -

* The building frontage is too close to the street with respect to the neighbouring properties and the existing building on the property.

* Sunlight will be significantly reduced for nearby residences.

* The limited parking proposed in the development will increase parking pressure on already congested streets that have yet to deal with parking from the mill development already under way.

* Heritage concerns appear to have been disregarded as the development is out of scale with surrounding properties and is too close to nearby heritage properties in Fleet Street.

* The proposed communal area is too small for a development of this size.

It is disappointing that I was not aware that a development of this size was being proposed so close to my residence until a chance meeting yesterday. I am aware that DAs are listed in the local paper. However I would expect that a multi residential development would be clearly brought to the attention of local residents.

I ask that the development be rejected in its present form.

Yours sincerely
Clare Herscovitch

[redacted]
Summer Hill 2130

[redacted]

Attachment 3

DA Objection AT 33 SMITH ST, SUMMER HILL, APPLICATION NUMBER 10.2016.044
Eddie Hing
to:
INFO@ASHFIELD.NSW.GOV.AU
28/03/2016 08:53 PM
Hide Details
From: Eddie Hing [redacted]
To: "INFO@ASHFIELD.NSW.GOV.AU" <info@ashfield.nsw.gov.au>,

16/7786

21 March 2016

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.

- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. Impact on traffic.

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. Impact on parking.

- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

6. Negative impact on natural sunlight.

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. Impact of demolition and building works

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Kind regards,

Eddie Hing
[redacted]
Summer Hill NSW 2130
[redacted]

March 2016

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. **Impact on traffic.**

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. **Impact on parking.**

- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

Item 2

5. **Negative impact on natural sunlight.**

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact me.

Kind regards,

Belinda Hopkinson
[redacted] Summer Hill 2130
[redacted]

Attachment 3

General Manager
Ashfield Municipal Council
260 Liverpool Road
Ashfield

RE: Multi-storey development at 33 Smith Street, Summer Hill

Thank you for the opportunity to provide a submission about this proposal.

We are not anti-development. On the contrary.

As residents of Fleet Street Summer Hill for 15 years, we have watched many local eyesores demolished and replaced with new structures that have improved the appearance and amenity of our suburb. It is great to see people investing money in our part of Sydney.

We did a major home renovation ourselves [redacted] 10 years ago. Our development paid respect to the letter – and to the spirit – of Ashfield's planning controls.

The proposal for 33 Smith Street does neither, and it is for this reason we want to record our strong objection for the proposed development in its current form.

17 dwellings over 3 storeys on a 918 square metre block is excessive. This proposal:

- Breaches the maximum floor space ratio in our local environmental plan.
- Does not conform to the building line on adjoining properties.
- Does not meet the minimum size requirement for a single communal open space.
- Is grossly incompatible with the character of housing in this neighbourhood.
- Will create unrestricted noise from its open-air rooftop.
- Will generate excessive traffic in an area already choked with vehicles in peak hours.
- Does not provide enough parking spaces for its own residents.
- Will dramatically reduce sunlight to 6 neighbouring properties in Fleet Street.
- Will invade the privacy of many people in Carlton Cres, Smith Street and Fleet Street.

The proposal fails on all these fundamental measures of sound development because it is *over-development*. We raise these objections as part of our local community.

On a personal note, we have deeper concerns about how this proposal will invade our own privacy in particular.

The rooftop terrace and the balconies at the rear of this proposed development will have direct and unhindered sight into our backyard.

Worse, because we have large glass doors that run the entire length of the back of our home, the same rooftop terrace and balconies will have direct sight into our open plan lounge, dining and kitchen area. This is where we spend the bulk of our waking hours.

This proposed development will put our lives on permanent display to anyone on its rear balconies or rooftop terrace.

Representatives of Ashfield Council are welcome at any time to come to our home so we can show how invasive this would be for us and our [redacted] son.

Item 2

We understand that developers must squeeze every dollar they can from property under their control. This is a fact of life, and there's no point objecting to property developers being property developers.

In the case of 33 Smith Street, the owners have every right to develop their land.

However, we believe that in their pursuit of profit, it is reasonable for all property developers to have genuine regard for the lives of existing residents.

It is certainly their responsibility to meet the well-researched, well-constructed and well-intended urban development plans of local authorities.

After all, these plans exist to make sure our wonderful part of Sydney is not destroyed by people who don't live here and don't care for Summer Hill the way its municipal professionals, elected representatives and residents do.

Yours sincerely,

Darren & Louise Horrigan
[redacted]
Summer Hill
[redacted]

Attachment 3

Item 2

Page 1 of 1

16/177 SK

Re: 33 SMITH ST SUMMER HILL. DP 120491
Philip Yu
to:
info
28/03/2016 11:40 AM
Hide Details
From: Philip Yu [redacted]
To: info@ashfield.nsw.gov.au,
1 Attachment

Submssion 33 Smith Street SUMMER HILL.pdf

Att: General Manager

Ashfield Council

PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044

Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us which we have summarised in the attached submission for you to review. Could you please reply to confirm the receipt of the submission? Thanks.

Regards,
Philip and Helen

On 9 March 2016 at 08:01, Philip Yu [redacted] wrote:

Hi,

I am the owner of [redacted] Summer Hill. I noticed the attached DP notification in front of neighboring house this morning and don't think we received the letter from Council about the DP. Could you please kindly email me a copy of the DP notification ASAP so that we can assess the impact to our property properly? Thanks very much.

Philip Yu
[redacted]

file:///C:/Users/danielc.ASHFIELD/AppData/Local/Temp/notes6427D9/...

Attachment 3

Item 2

[redacted]

26 March 2016

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**

Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns for us:

1. **Excessive scale of the development**

- This part of Summer Hill is doing its fair share by accommodating the Flour Mill and Lewisham Towers. Overscale developments on smaller blocks, like 33 Smith St, are just too much.
- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- There is apparently a fair bit of affordable housing in Summer Hill already. Furthermore, after 10 years, once the affordable housing clause expires on those 6 units in 33 Smith St, they return to normal use, with exacerbation of parking, traffic and infrastructure issues.
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With it's frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in

Attachment 3

Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.

- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. **Impact on traffic.**

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. **Impact on parking.**

- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

6. **Negative impact on natural sunlight.**

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We ask that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Kind regards,

[redacted]

Name Philip Yu and Helen Hu
Address [redacted] Summer Hill NSW 2130

[redacted]

Item 2

PN. 2016/44
40/1536

submission for DA at 33 Smith St
Justine Humphry
to:
info
19/03/2016 09:38 AM
Hide Details
From: Justine Humphry [redacted]
To: info@ashfield.nsw.gov.au,

Dear General Manager Ashfield Council,

I am writing to submit my concerns to you about the development application at 33 Smith Street in Summer Hill.

I am a resident of Spencer Street and was extremely concerned to find out about this multistorey development.

The land currently has a house on it and the plan to develop 17 units with two proposed 3 storey blocks in completely excessive, is not compatible with the character of housing in the area, will be detrimental for privacy and noise and will have a severe impact on traffic flow and parking.

I am also extremely concerned that with the major developments already underway in the area this will completely change the nature of Summer Hill and set a precedent for other major developments through the conversion of existing single storey residences and warehouses mainly on Smith St.

As a long term resident of Summer Hill this is very concerning because it's impossible to turn back the clock once an area has changed.

Kind regards,
Justine

Attachment 3

develpoment at 33 Smith Street Summer Hill.
marilyn Lean
to:
info
29/03/2016 03:23 PM
Hide Details
From: "marilyn Lean" [redacted]
To: <info@ashfield.nsw.gov.au>,

10/180560

1 Attachment

image001.png

For the attention of the General Manager – re: development 33 Smith street. Summer Hill.

My name is Marilyn Lean and I am the owner occupier of no [redacted] Summer Hill, the adjoining property on the western side.

I would like to submit concerns and objections to the proposed development on several grounds.

The development is over developed and cramped.

Section 5. *Siting building height and Solar access.*
5.6-the building should not-

Increase the overshadowing.
The height of the buildings and proximity means my natural light will be severely affected along the eastern side of the house where my windows currently allow light to flood in. Shadow diagram also shows loss of morning sun.

There should be no reduction in privacy.
The windows and balconies and rooftop outdoor spaces on Block B all look into my back garden where I spend my time outdoors and entertain. They also face my back door. I will have no privacy. I particularly object to the rooftop terrace. This is a major concern for reasons of privacy and noise.

I note that Section 8-*Open Space and landscape state-*
8.6
C. *Dwellings should be private and protected from overlooking neighbouring units or properties-* Surely I deserve the same consideration.
E. *Minimise overlooking of neighbouring properties.*

The development includes the excavation for an underground car park very close to the factory at the rear of my property. The factory manufactures and distributes ice cream. The Italian equipment including 3 ice cream churns , a pasteurizer and many freezers and freezer rooms are driven by electronics and very sensitive to vibrations.
The floor is a concrete slab and the walls are tiled.

I see no report concerning the excavation or underpinning to eliminate risk to my building.

I THEREFORE REQUEST A REPORT FROM A STRUCTUAL ENGINEER ADDRESSING MY CONCERNS.

Section 7- onsite parking
I note requirements are 1 space per unit and 3 visitor spaces- allotted spaces is 9 plus 2 visitors. Somewhat less than required

Item 2

The assessment of parking is neither current or accurate-
The parking in adjacent streets is now 2hour parking on one side and allocated residents parking on the other side.
It does not mention or take into consideration the Flour Mill development or the Canterbury road developments. There are also two development of town house under construction further up Smith Street.
All these will have a huge impact on traffic and parking.

8.13
Sufficient curtilage around existing trees to ensure retention and health by not damaging roots.
I have 20 year old trees all the way along the fence line. I would like re assurance that this also applies to my trees.

Yours sincerely,

Marilyn Lean.

Glacé

State of the art Ice Creams and Sorbets

Marilyn Lean
Managing Director

[redacted]

Attachment 3

22 March 2016

Att: Vanessa Chan - General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Vanessa,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

My wife Sophie & I are deeply concerned at the DA application at 33 Smith Street, Summer Hill. We have spoken with a number of our neighbours who also share similar concerns and reservations about how this development (along with existing nearby developments already in progress) will have a detrimental impact to our local area.

Thanks for your time and consideration – this proposed development raises a number of significant concerns for our heritage home at 16 Fleet Street, namely:

1. **Excessive scale of the development**

- Relative to the size of the land, and relative to the surrounding properties.
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding neighbours. **Our adjacent heritage property [redacted] (which will be dwarfed by this 3storey+Rooftop terrace development) will be directly impacted**
- With its frontage 3metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

2. **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience. **Our adjacent heritage property [redacted] which will be have our view blocked entirely this 3storey+ development) will be directly impacted**
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. **Detrimental effect on privacy and noise**

- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent, Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards and houses.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace). **Our adjacent heritage property [redacted] (which will have our privacy removed & increased noise from this 3storey+Roof Terrace development) will be directly impacted**

4. **Impact on traffic.**

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace is already at capacity during morning peak periods. This is even **BEFORE** the completion of the nearby (<1km away) Summer Hill Flour Mills, Lewisham Towers & The Buckle Factory developments (which totals 600+ new dwellings). This development will further worsen local traffic flow.
- The developer's Traffic Report did not consider the impact of these developments already underway

Item 2

5. **Impact on parking.**

- Parking is likely to become tighter with the nearby Summer Hill Flour Mills & The Buckle Factory developments. This, along with the new time-restricted parking in Summer Hill, was not considered in the developer's Parking Report.
- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts established Summer Hill residents.
- **Our adjacent heritage property [redacted] (which already has parking challenges in Fleet Street) will be directly impacted**

6. **Negative impact on natural sunlight.**

- **Our adjacent heritage property [redacted] (which will be dwarfed by this 3storey+Rooftop terrace development) will be directly impacted**
- Our heritage property will lose its morning sunlight in our back courtyard (where we have established a thriving garden). Due to our positioning, our garden doesn't get sufficient afternoon sunlight. This development will cause our property to lose morning sunlight which will effectively kill off our garden

7. **Impact of demolition and building works**

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact. **Our adjacent heritage property at 16 Fleet Street will be directly impacted and with a new baby coming, the health risks of asbestos deeply concerns us**
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block and local area. A new traffic and parking report is required, taking into account the addition of residents from a potential 600+ new dwellings (in the future Summer Hill Flour Mills, Lewisham Towers developments & The Buckle Factory developments).

We ask that you consider our concerns and oppose the application for this development as it has widespread community opposition & will detrimentally affect the character of our local neighbourhood.

Thanks for your consideration and we look forward to hearing back soon

Kind regards,

Muhilan Sriravindrarajah & Sophie Loy-Wilson
[redacted] Summer Hill
[redacted]

Attachment 3

14 March 2016

General Manager
PO Box 1145
ASHFIELD NSW 1800
DX 21221

Dear Sir / Madam,

RE: COMMENTS ON DEVELOPMENT APPLICATION AT 33 SMITH ST, SUMMER HILL, APPLICATION NUMBER 10.2016.044

I refer to the development application currently lodged with Ashfield Municipal Council (**"the Council"**) for the development of 33 Smith St, Summer Hill (**"the Development"**) - application number 10.2016.044

The purpose of this letter is to present concerns that the residents of the townhouse strata development Victoria Gardens at the address [redacted] Summer Hill, NSW, 2130 (**"Victoria Gardens"**) have with the Development. This letter is written on behalf of the Strata Owners Corporation (**"the Owners"**).

The Owners have the following general concerns with the Development:

- **Noise** – the Owners are concerned demolition and construction work will reduce their standard of living, particularly for children.
- **Dust** – the Owners are concerned dust will travel to Victoria Gardens from demolition and construction work. This is a significant concern given several children at Victoria Gardens have respiratory problems that are provoked by dust.
- **Shadow** – the Development's shadow diagrams depict a considerable shadow cast across the western half of Victoria Gardens from 12pm midday through sunset, resulting in a significant deterioration in sunlight access.
- **Existing Stormwater runoff** – engineering advice reveals Victoria Gardens is subject to excessive stormwater runoff from 33 Smith St, negatively impacting the basement carpark wall along the boundary with 33 Smith St. In the event the Development proceeds, the Owners request for extensive perimeter drainage to be installed to ensure no stormwater runoff penetrates Victoria Gardens from 33 Smith St.
- **Additional Stormwater runoff** – the Development plans depict an increasing elevation running South to North away from Smith St, culminating in a ground elevation being considerably higher at the rear of the Development versus Victoria Gardens. The Owners are concerned additional and excessive stormwater runoff will flow into Victoria Gardens at the detriment to infrastructure at both Victoria Gardens and the Development.
- **Retaining wall** – similar to the concern regarding stormwater runoff, the Owners are concerned the Development works carried out at an elevation above an existing retaining wall running along the boundary between 33 Smith St and Victoria Gardens (on the Victoria Gardens side) will cause damage to the retaining wall and associated infrastructure.
- **Privacy** – the Development appears on the elevation plans especially Roof Top of Development Block B to create a direct line of sight over the existing fence into the townhouses on the Victoria Gardens. This is an obvious concern of the Owners and it is reasonable to assume this would be of concern to Development residents.
- The proposed 1.8 metre timber paling fence will not provide acceptable visual privacy. There is a line of site from Roof Top of Development Block B into the backyard, lounge rooms and bedrooms of Townhouse 7, 8, 9 and 10.

Item 2

- **Hours of Work** – the Owners are concerned the Development hours of demolition and construction work will impact their standard of living.

Specific concerns from the Owners include:

Townhouse 3, 4, 5 and 6

- The Development dwellings fail to protect visual privacy, specifically:
  - → There is a line of site from Roof Top of Development Block B into the first level bedrooms of Townhouse 3, 4, 5 and 6.

Townhouse 7, 8, 9 and 10

- The Development dwellings fail to protect visual privacy, specifically:
  - → The north facing windows and balconies of Development Block B see into the backyard, lounge rooms and bedrooms of Townhouse 7 and 8.
  - → The east facing windows of Development Block B see into the backyard, lounge room and bedroom of Townhouse 9.
  - → The north facing windows and balconies of Development Block A see into the backyard, lounge room and bedroom of Townhouse 10.
  - → There is a line of site from Roof Top of Development Block B into the backyard, lounge rooms and bedrooms of Townhouse 7, 8, 9 and 10.

The Owners appreciate the Council taking the aforementioned general and specific concerns into consideration in assessing the Development. The Owners would also appreciate feedback from the Council as to how these concerns will be addressed in the Development consideration and planning process.

If you have any questions please do not hesitate to contact me per the below details.

Yours faithfully

[redacted]

Andrew McLaren
Secretary – Owners Corporation
[redacted] Summer Hill, 2130

pp the residents of the below dwellings at [redacted] Summer Hill
Townhouse 10
Townhouse 9
Townhouse 8
Townhouse 7
Townhouse 6
Townhouse 5
Townhouse 4
Townhouse 3

CC: ROSYCIVIL PTY LTD
Andrew Martin Planning Pty Ltd
Habitation Design + Interiors

Attachment 3

2016/44
16/17523

Proposed development at 33 Smith Street Summer Hill
Kellie May
to:
info
27/03/2016 08:20 AM
Cc:
summerhill
Hide Details
From: Kellie May [redacted]
To: info@ashfield.nsw.gov.au,
Cc: summerhill@parliament.nsw.gov.au

INFO@ASHFIELD.NSW.GOV.AU

Att: General Manager

Ashfield Council

PO Box 1145
ASHFIELD NSW 1800
<!--[if !supportLineBreakNewLine]-->
<!--[endif]-->

Dear Sir/Madam,

Application Number: 10.2016.044

Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering my concerns regarding the proposed development on 33 Smith St in Summer Hill. This proposed development raises a number of significant concerns:

I am particularly concerns regarding the planning deficiencies of the proposed development and its impact on the neighbouring housing and neighbours. It is inconsistent with the type of neighbouring housing and will adversely impact the heritage listed homes in the area. I feel it is too dense a development for the size of block creating overcrowding. It will result in poor amenity for occupants and the surrounding neighbours. The proposed roof terrace will create an adverse impact on neighbours through a loss of privacy and increased noise.

The rise of high density developments in the area is creating significant concern as already there is an impact with increased traffic, dangerous driving conditions with the amount of construction trucks and loss of visibility when driving around local streets, and increased parking pressures and noise. the character of Summer Hill village is being lost, which is the very character that has drawn so many residents to the area, making it a wonderful place to live, please don't place the village and people friendly feel under yet more pressure by approving this development.

Item 2

Please consider the following:

1. **Excessive scale and density of the development**

<!--[if !supportLists]-->2. <!--[endif]--> **The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.**

3. **Detrimental effect on privacy and noise**

4. **Impact on traffic.**

<!--[if !supportLists]-->5. <!--[endif]--> **Impact on parking.**

<!--[if !supportLists]-->6. <!--[endif]--> **Negative impact on natural sunlight.**

<!--[if !supportLists]-->7. <!--[endif]--> **Impact of demolition and building works**

A site visit by decision-makers would be helpful and I believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

I ask that you consider my concerns and oppose the application for this development.

Please feel free to contact me.

Kind regards,

Name: Kellie May

Address: [redacted] Summer Hill

[redacted]

Attachment 3

file:///C:/Users/danielc.ASHFIELD/AppData/Local/Temp/notes6427D8/~web7203.htm 30/03/2016

Objection - 10.2016.044 - Proposed development - 33 Smith Street SUMMER HILL
Myriam Mendez
to:
info@ashfield.nsw.gov.au
22/03/2016 10:23 PM
Cc:
Alison, Dimitri Svoronos, "Annick Svoronos"
Hide Details
From: Myriam Mendez [redacted]
To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>,
Cc: Alison [redacted] Dimitri Svoronos [redacted]
"Annick Svoronos" [redacted]

22 March 2016

BY EMAIL: INFO@ASHFIELD.NSW.GOV.AU

Att: General Manager
Ashfield Council
PO Box 1145 ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number: 10.2016.044
Subject Site: 33 Smith Street, Summer Hill NSW 2130

Thank you for your time in considering our concerns regarding the proposed development on 33 Smith St in Summer Hill.

As adjoining neighbours to the subject site, this proposed development raises a number of significant concerns for us:

1. Excessive scale of the development relative to the size of the land, and relative to the surrounding properties

- Inadequate size of units (35m2) and mix (1, 2, & 3 Bedrooms)
- Studio-predominant development, comprising 65% of dwellings.
- The developer has taken advantage of affordable rental housing allowances to force up the floor space ratio (FSR) from the recommended 0.7:1 to a proposed FSR of 1.025:1
- Breach of the mandatory requirement for a single communal open space to have minimum dimensions of 10 x 12metres, indicating insufficient space on the property for this size of development. This results in a small, cramped communal area (situated between the two proposed 3-storey blocks), with compromised amenity, and a reduction in natural light for surrounding properties.
- With its frontage 3 metres closer to the street than its immediate neighbours, the development breaches the requirement to conform with the building line on adjoining properties.

Item 2

2. The proposed development is not compatible with the heritage character, or style of housing of the adjacent and neighbouring residences, which are 1-2 storey houses, townhouses or terraces.

- The proposed complex will be considerably higher than all surrounding residences in the block, accentuated by the rooftop terrace.
- The proposed complex shows balconies which will overlook directly into our yard and beyond, which we feel is an excessive intrusion of our privacy
- This style of building is not family or amenity oriented, and contrasts poorly with the surrounding residences on the block.
- Impact on heritage listed residences. The proposed development will poorly juxtapose itself with the adjacent heritage-listed house at 39 Smith St. Adjacent heritage-listed Fleet Street will also be compromised by this development, which exploits almost the full length of this deep block, compromising the ambience.
- By breaching front setbacks regulations, the proposed development will eclipse its neighbours and ruin the streetscape.

3. Detrimental effect on privacy and noise

- Overshadowing of windows to habitable rooms of neighbouring properties
- The open-air rooftop terrace (above the 3rd storey) and balconies (at northern and southern ends of each of the proposed 3-storey blocks) will unacceptably impact on the privacy of many people in Carlton Crescent ([redacted] Carlton) , Smith and Fleet Streets. Being considerably higher than all surrounding residences, there will be easy visibility into many backyards, houses and habitable rooms.
- Increased noise and potential for generation of unrestricted noise (from the open-air rooftop terrace).

4. Impact on traffic.

- Traffic along Smith St, Carlton and Grosvenor Crescents and Railway Terrace can be challenging, particularly at peak periods. The Summer Hill Flour Mills and Lewisham Towers (totalling almost 600 new apartments) are already in progress nearby, and will worsen traffic flow. The developer's Traffic Report did not consider the impact of these developments already underway.

5. Impact on parking.

- Parking is likely to become tighter with the nearby Summer Hill Flour Mills development. This, along with the new time-restricted parking in Summer Hill, was not considered in the

Attachment 3

developer's Parking Report.

- Due to the studio-predominance of the development and inclusion of affordable rental housing, the proposed development takes advantage of the reduced need to provide on-site parking. In so doing, there are insufficient parking spaces for its residents (only 11 parking spaces for 17 residences), who will then be forced to use nearby on-street parking instead. This overflow may not be catered to in the future and unfairly impacts on established Summer Hill residents.

6. Negative impact on natural sunlight.

- This is particularly the case on adjoining properties in Smith and Fleet streets. For immediate neighbours on Smith St, overshadowing will impact on the courtyards that abut the development in particular. For our home, both front and back yards will be impacted. For some of those on Fleet Street it could dramatically reduce morning sun, in some instances where insufficient afternoon sun already exists.

7. Impact of demolition and building works

- This process will lead to the production of waste materials, including almost certainly asbestos with unacceptable health impact.
- Earthworks may impact on the structural integrity of a number of adjacent homes. Given the overscale nature of the development on a narrow but deep block, this has the potential to impact homes on Smith St, Fleet St and Carlton Crescent.

A site visit by decision-makers would be helpful and we believe essential to fully comprehend the ramifications of such a proposal at this site, and the incompatibility with neighbouring residences, and indeed the entire block. A new traffic and parking report is required, taking into account the addition of residents from a potential 600 new apartments (in the future Summer Hill Flour Mills and Lewisham Towers developments).

We request that you consider our concerns and oppose the application for this development.

Please feel free to contact us.

Kind regards,

Robert Svoronos and Myriam Mendez
[redacted]: SUMMER HILL NSW 2130
[redacted]

Phillip and Alison Svoronos
[redacted] SUMMER HILL NSW 2130
[redacted]

Item 2

Dimitri Svoronos
[redacted]SUMMER HILL NSW 2130
[redacted]

Attachment 3

To;
Concerned parties, neighbours, General Manager and Councillors of Ashfield and Member for Summer Hill, Ms Jo Haylen

Please accept this as my formal objection to proposed development of 33 Smith Street, Summer Hill DA 10 2016 044

My objection is raised on the following points;

The area bounded by Smith Street, Edward Street and Spencer Street Summer Hill will soon see vast amounts of additional vehicular traffic, borne of the Allied Mills development, The Buckle Factory development and the recently approved childcare facility also in Smith Street. Add to this the Marrickville Council developments of the Meriton Lewisham (Luna) Towers, The Luxe apartments, the Society development and the recently completed Alpha block, these roads are under immense pressure to perform, without adding further.
Smith Street peak-hour traffic is regularly at a standstill, as drivers seek to bypass Parramatta, Canterbury and Liverpool Roads in their eastward journeys in the morning and return westwards in the afternoon. In fact, on any given weekday morning, it is probable that each of Grosvenor and Carlton Crescents and Smith Street will be bumper to bumper, the Carlton/Smith/Grosvenor/Longport roundabout at a standstill. Saturdays are the same, with the stretch of road between this roundabout proceeding through Lewisham to New Canterbury Road Petersham gridlocked. And Old Canterbury Road at Longport and Railway Terrace is notorious for its congestion and regular accidents.
No additional vehicular occupancy in this area should be encouraged. To do so would be to risk the safety of residents.

Compounding this issue is the expectation that residents of this development will be required to park on local streets, as insufficient parking is incorporated into the development design. Whilst a parking space ratio may have been met in submission, quite simply Smith Street, Spencer Street, Edward Street, Fleet Street and Chapman Street do not have any room for any sizeable addition to resident parking. And sizeable does mean six (or more) cars belonging to one street address.

The architectural design of the development is not in keeping with the style of the surrounding buildings and is, in all honesty, simple (read crude) and unappealing. It will hearken back to the shocking decision to allow the erection of "*Garden Court*", 98 Carlton Crescent; further-so with building identifiers as "Block A" and "Block B". Affordable housing is certainly worthy, but it does not have to be cheap and nasty.
Summer Hill retains village charm and a colonial/federation identity. In allowing this development, you demolish a charming house with obvious potential to erect an eyesore suited elsewhere. (It is important to note that the site is currently occupied as multiple-dwelling.)
Indeed, to quote from the NSW Dept. Planning and Environment State Environmental Planning Policy 2009 (AHSEPP), developments are required to be "*designed to be compatible with the character of the locality*." It is quite clear that this proposed development fails in this.

As this is a private development, it is not clear that 30% of the land area is devoted to landscaped area. I do note the central communal open space and this amounts to approximately 130m^2, or 14% of the total area. I note also private spaces for tenants estimated to be 140m^2. Combined this amounts to less than the 30% of landscaping necessary to comply under the AHSEPP. I appreciate that fence-lines and boundary plantings may constitute landscaping. My issue remains that the precinct has a character of established plantings of mature trees and thoughtful garden spaces attracting many native and introduced bird species, possums, bandicoots, flying foxes and other bats, beetles, moths and lizards; all reliant on the environment and habitat that this precinct provides.
To remove traditional habitat is to encourage pests and weeds, and to lose species indigenous to the locale.
I refer you to the Atlas of Living Australia record for this vicinity; http://biocache.ala.org.au/explore/your-area#-33.8914591|151.13824980000004|12|ALL_SPECIES
I refer again to AHSEPP 2009; infill proposals must... "*consider appropriate design and environmental factors*".

Residential open space is displayed in drawings as including a roof-top open-air terrace, overlooking the rear of properties on Carlton Crescent and into the neighbouring development of 27-29 Smith Street. The higher level balconies on the northern boundary of the site also contribute to invasive visibility and these should be reviewed also.
Backyard privacy should be upheld wherever possible. To allow neighbouring properties to have sightlines into private domains is improper. Backyard privacy must be protected. I neighbour a property that had second-storey development allowed, providing unobstructed views directly into the adjoining rear living and kitchen area, and a balcony that overlooks my own rear yard. The loss of privacy felt by such awful planning and dubious council consent needs to be experienced to be understood. I remain astounded that such development consent was made by (supposedly) sensible people. It should not be allowed to happen again.

Item 2

(continued)

Compounding the sightlines and privacy concerns attributed to this rear high common area and northern balconies are potential noise issues, emanating from the high open and shared common space, outwards towards neighbouring properties. An open-air rooftop terrace is designed by its very nature to encourage entertaining. Entertainment at treetop height will elevate noise generated and distribute noise further distances, impacting on a wider span of neighbouring properties. Any such rooftop common area should be designed to face into the development site (south facing) as opposed to away from it (existing).

I am a proponent of the Summer Hill village occupation-type. We are a low to medium density residential area with a smattering of light-industrial. That light industry is becoming less, as traditional business fades and disused commercial sites have land areas attractive to the multi-dwelling residential developer.
Summer Hill has many apartment buildings. Summer Hill also provides a very high number of affordable and/or govt. subsidised housing. To encourage more of either without any great need (outside the needs of the developers) is to put at risk the charm and nature that we enjoy calling our home.

Summer Hill has no need of more multi-occupancy dwellings – there are plenty on the horizon.
And Summer Hill has no demonstrated need to provide more affordable housing over and above the substantial quota it already provides.
For these reasons and all of those detailed above, it is clear that this application serves no benefit to the community of Summer Hill, with the only party to profit from this proposal being the developer him/herself.
This development should be refused.

I trust you will support my words.

Sincerely,

Tim Moulton

[redacted]
Summer Hill
New South Wales
2130
[redacted]

Attachment 3

Item 2

From: [redacted]
Sent: Sunday, 17 April 2016 3:41 PM
To: Ashfield Council/Ashfield/AU
Subject: Concern about the development at 33 smith st summer hill

I am aware that council have granted an extension to receive comments from the community on the development at 33 Smith St Summer Hill.

I am conscious that the neighbourhood is changing in its nature and form. However I do not agree with the increased height of the proposed development.

There is a huge development at the Silo end of Smith St and I feel it is important to maintain the rest of suburb's streetscape by not exceeding the current height limit, I include in the the Buckle Apartment Development in this..

I am also concerned about the additional strain on parking and traffic that will be imposed on the suburb.

My contact details are:
[redacted] Summer Hill
[redacted]
Jenifer O'Connor

Sent from my iPad

1

Attachment 3

Item 2

Ashfield Council
General Manager

Erik Sodergren
[redacted]
Summer Hill 2130
[redacted]

Notification of Development Application
Site: 33 Smith Street, Summer Hill Lot 1 DP 120491
Application Number: 10.2016.044

Dear General Manager,

I wish to lodge a complaint in regards to this submission. My main concerns are related to the scale of the proposed development and the physical appearance.

I believe the scale, the number of dwellings, should be reduced. I believe the section comprising of 3 storeys needs to be limited to 2. That would be appropriate considering the neighbouring properties, which are 2 storeys. We have a number of large scale developments in the area and hence I believe the need to preserve the low rise residential nature of the street should be considered by Council.

Secondly, I believe the appearance is not in line with the cultural heritage which we are blessed with in Summer Hill. The current Buckle redevelopment is a great example of what should be considered, this development is a testament to what I suspect is the result of a good working relationship between the Council and the developer. This new proposal seems to have been done without any consideration to the architectural heritage of the area. From what I can see on the drawings, the style is not what I perceive as being in line with the street and surrounding properties. Even the Mill Site has taken greater consideration to this fact. I suggest that the developer should look at what is currently being done a few doors down at the Buckle Site and see what is currently being built, in terms of the design.

Thanks for the opportunity to voice my concerns regarding this proposal and I hope that my suggestions are considered.

[redacted]

Regards,
Erik Sodergren

Attachment 3

Item 2

Tuesday, 22 March 2016

Comments on Development Application DP 120491

33 Smith St, Summer Hill

**** I do not want my name, email address, or any identifying details made publically available. If this submission is posted on your website, please remove all identifying information first****

Dear General Manager, Ashfield Council,

I write with great concern regarding the proposed development at 33 Smith St, Summer Hill. I am a nearby resident, and the proposal is likely to have a significant negative impact on quality of life.

Aspects of the proposal, which I believe render it unsuitable, include:

1. **The excessive scale of the development.** The developer has proposed building 17 units on a block of land where there are presently 3 free-standing homes. This development not only breaches Ashfield Council's floor space ratio, it also does not take into account the fact that the Summer Hill Flour Mills and Meriton developments are already in progress nearby. These two developments comprise 600 extra apartments, and are likely to have a significant impact on residents of Summer Hill. The proposed development will only worsen this situation.

2. **The Notification of Development Application is incredibly misleading.** When I received the letter in my mailbox, the proposal was for "Demolition of existing 3 dwellings and construction of a part 2/3 story infill affordable housing...comprising 17 dwellings over basement carparking." The application does not specify that only 6 of the 17 dwellings are affordable housing- the rest will be sold by the developer for profit. This needs to be clearly specified so that readers can appreciate that the majority of the construction is NOT, in fact, affordable housing.

3. **The proposed development is out of character with the suburb.** The surrounding houses are all one or two storey, older style, dwellings. A new, concrete block will be an eyesore, and will adversely impact on the streetscape.

4. **Insufficient parking.** The developer writes that there will be 11 parking spaces for the 17 residences. Assuming that many of the residences have 2 car owners (a reasonable assumption to make), there will be approximately 25 additional cars, only 11 of which will be able to be accommodated on site. The remaining cars will need to be parked on the street. This is a problem. Traffic calming measures mean there is no room to park directly outside the property, and there is limited on street parking in the side streets, since many of the surrounding houses do not have off street parking. It should also be noted that even though

Attachment 3

Item 2

the proposed building is situated near public transport, this does NOT tend to preclude car ownership, as many people work in areas which are not accessible by public transport.

5. **Lack of required infrastructure.** This development, in conjunction with the Summer Hill Flour Mills and Meriton developments, will put considerable strain on the local infrastructure. The trains from Summer Hill are full during peak hour; Summer Hill Public School has had to limit enrolments, because it is at capacity; there is an absence of suitable childcare centres; the roads are at a standstill during peak hour (in Smith St, traffic is backed up from the roundabout at Longport St to Lackey St). Without the required additional infrastructure investment, this development, and others like it, will adversely impact on the quality of life of those who already reside in Summer Hill. It will make it incredibly unpleasant to live here.

This being said, I have the following suggestions to make in regards to this development:

1. **If development proceeds, it should be at a smaller scale**. The buildings should be no higher than two storeys, and the number of apartments should be reduced to ensure that the proposal satisfies the maximum floor space ratio.
2. **The Development Proposal should be resubmitted to clarify that only 6 of the units are affordable housing**, and the rest are to be sold by the developer for maximum profit. This development is not some altruistic social enterprise, and this should be clarified.
3. In order for the development to fit the character of the suburb, **it should be reduced to two storeys, rather than three**. This reduction would also help to reduce the scale of the development, as highlighted above.
4. At least **one off street parking space should be provided for each unit**, with additional "scramble" or visitor parking available.
5. Ashfield Council, in collaboration with relevant agencies, needs to work at **improving the infrastructure in the area**. This includes increasing the number of train, bus, and light rail services in the area; building additional schools and childcare facilities; and improving traffic flow. The existing infrastructure cannot simply "absorb" so many extra people.

[redacted]

Attachment 3

objection to the proposed development at 33 smith st summer hill
Carolyn Stoney
to:
info
27/03/2016 10:05 AM
Hide Details
From: Carolyn Stoney [redacted]
To: info@ashfield.nsw.gov.au,

D010/44
16/17397

Dear Council,
I live in Spencer St Summer Hill.
The proposed development is too high. It will be ugly and out of keeping with the surrounding buildings.. The nearby Buckle factory development is only 2 storeys and this development should not be higher than that.

There is not enough parking- if there are to be 17 units there needs to be parking for 17 units. Spencer St cannot accommodate the overflow.

The development need to be downsized even if this means less profit!
Kinds regards,
Dr Carolyn Stoney
[redacted]
Summer Hill

Item 2

UNIFIED LAWYERS

Leadership. Creativity. Results.

16117148



Your Ref: 10.2016.044
Our Ref: DN:160826

24 March 2016

P. North

BY EMAIL: **INFO@ASHFIELD.NSW.GOV.AU**
& BY POST



Att: General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam,

Application Number:	10.2016.044
Applicant:	Rosycivil Pty Limited
Subject Site:	33 Smith Street, Summer Hill NSW 2130
Our clients:	Jason Balgi and Hong Foo [redacted] Summer Hill NSW 2130

1. We refer to the above matter and the Notice of Development Application.

Introduction

2. This submission is made on behalf of our clients, the property owners of [redacted] Summer Hill 2130 which is located adjacent to the subject site known as 33 Smith Street, Summer Hill 2130 (**Subject Site**).

3. We note that our clients were recently notified of the abovementioned DA described as:

"Demolition of existing 3 dwellings and construction of a part 2/3 storey infill affordable housing under SEPP (Affordable Housing) 2009 comprising of 17 dwellings over basement carparking"

4. Our clients are located immediately to the east of the Subject Site and is one dwelling located in front of the townhouse complex.

5. We trust this submission will be given the appropriate weight in the evaluation of this development, as required pursuant to *section 79C* of the *Environmental Planning and Assessment Act 1979* (*"**EPA Act**"*).

MARRICKVILLE | SURRY HILLS | SYDNEY
P PO Box 849 Marrickville NSW 2204 | T 02 7902 1695 | F 02 8458 5373 | E dominic@unifiedlawyers.com.au

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Attachment 3

Concerns and Objections

6. The proposal is for the demolition and construction of a 2 part 3 storey building to create a 17 dwelling affordable housing development with basement parking and roof top terrace.

7. The impacts associated with the developments raised by our clients are listed below:

   - Scale of development is excessive and potentially non-compliant with Ashfield Local Environmental Plan (**ALEP**);
   - Design of building is not sympathetic with the existing neighbourhood character;
   - Negative impacts of the dwelling in terms of loss of amenity, over-shadowing and privacy;
   - Potentially, the development will generate excessive traffic and on street parking;
   - Non-compliance with setbacks;
   - The design of the building is not sympathetic to the adjacent heritage items at 39 Smith Street and part of Fleet Street, Summer Hill, NSW 2130;
   - Non-compliance with the Objectives of the Floor Space Ratio (**FSR**) Standard as per ALEP;
   - Impacts of the construction process onto the adjoining neighbours and environment;
   - Pressure on the existing stormwater system in the vicinity caused by raised ground levels; and
   - Impact of the development on the retaining wall separating the Subject Site and our client's property.

8. Our clients object to the development on the basis that the development is unsuitable and unsympathetic to the site context, resulting in severe loss of residential amenity to their property.

Ashfield Council Interim Development Assessment Policy 2013 (ADAP 2013)

9. The non-compliances with Part C5 – Multi-Unit Development – Residential Flat Zones of the Ashfield Council Interim Development Assessment Policy 2013 (**ADAP 2013**) are outlined below.

Section 4 – Housing Density

10. The building identified as 'Block A' immediately faces our clients' property. According to the plans, the proposed building has, what appears to be, a 9 metre wall which runs the span of our clients' property. The impacts of this design are devastating and causes impacts relating to bulk, scale and over shadowing. The proposal does not satisfy the Objectives of Section 4.2 (b) and (c) of ADAP 2013.

11. Although the development may comply with the FSR under the SEPP for affordable housing, the impacts of the bonus FSR has impacted the design in terms of bulk and scale. The opportunity to benefit from the bonus FSR should be utilised but not at the expense of the amenity of the adjoining properties.

12. The proposal does not satisfy the Objectives outlined in Section 4.3 (a), (b) and (c) of ADAP 2013 as follows:

    a. the design does not reduce bulk and scale relative to the surrounding neighbourhood;
    b. the design does not prevent overdevelopment of site; and
    c. the design does not ensure that built densities are achieved on sites equivalent in size.

Section 5 - Siting, Building Height and Solar Access

13. According to Section 5.1 of ADAP 2013, optimum siting of a building ranges upon several complex factors, such as, solar access, planting to soften developments and provide attractive outlook to new dwellings and to avoid overbearing neighbouring properties.

14. It is our view that the proposed dwelling fails to satisfy these design factors as the building has significant negative impacts to our client's property due to the sheer scale of the dwelling in close proximity to our client's property.

15. The proposal fails to satisfy the Objectives of Section 5.3 of ADAP 2013 where the proposal is not of an appropriate height for the site and streetscape.

16. The proposed building sits approximately 3 metres closer to the street in comparison to our clients' building and 39 Smith Street. This inconsistency with front setbacks will destroy the existing front setback pattern that currently exists. The application fails to satisfy Objectives (i) and (ii) of Section 5.3 of ADAP 2013.

17. According to the plans and Statement of Environmental Effects, the height of the finished floor level of the first floor exceeds a height of 3.4 metres which is a result of the basement being above ground level by about 7 centimetres which is a clear breach of the controls. The result of this further exacerbates the excessive 9 metre wall height facing our clients' property. The proposal does not satisfy Section 5.11 of ADAP 2013.

18. According to the shadow diagrams, our clients' property would be impacted by overshadowing. Our clients further believe that the plans are not indicative of the actual impacts of overshadowing onto their property. It is likely that the development does not satisfy Section 5.16 (c) of ADAP 2013 which requires 3 hours of solar access on adjoining neighbours between 9:00 am and 3:00 pm in the middle of winter.

Section 6 - Privacy

19. Our clients would like to ensure their privacy is maintained by having the proposed building comply with the numerical requirements of Section 6.3 of ADAP 2013.

20. The communal area located on the roof as a roof top terrace may generate excessive noise impacts and over-looking. The development appears as though it does not satisfy the Objectives of Section 6.1 of ADAP 2013 where the design does not protect the visual and acoustic privacy of neighbours.

Section 8 – Private and Communal Open Space

21. Pursuant to Section 8.9 of ADAP 2013, a single area of communal open area (10 metres by 12 metres) is a mandatory requirement and any non-compliances will not be permitted.

22. Our clients are of the view that the communal open area located between Block A and Block B (9 metres separation) is non-compliant and does not satisfy the requirements of Section 8.9. The communal area appears to have insufficient space and separation for the size of the development.

Section 11 - Stormwater Drainage

23. Our clients would like to ensure that strict compliance with the Objectives of Section 11.1 of ADAP 2013 to ensure adequate stormwater detention and run off controls are adhered to and to provide safety during major storm events and protecting surrounding properties from flooding.

Part C11 - Parking

24. According to ADAP 2013, the proposal does not satisfy the minimum requirement for parking. Under SEPP for affordable housing 2009, the parking requirements are reduced and therefore, the development satisfies the parking requirement as it has provided 11 spaces including 2 visitor and 2 accessible spaces with an additional 3 bicycle and 6 motorcycle spaces.

25. The Affordable Housing SEPP does not allow the refusal of an application based on parking. However, modifications to the design to reduce the impacts of the development should be encouraged and lessen the demand for on-street parking to better satisfy the Objectives a and b of "Part C11 – Parking" to ensure that parking satisfies the needs of occupants, residents and visitors and minimise loss of on-street parking.

26. It should be noted, that under Part 2 (17) of the SEPP for Affordable Rental Housing, that after 10 years, the units can cease its use as affordable housing. Therefore, the units will be occupied by tenants with larger disposable income who might have personal vehicles which will cause pressure on the existing parking in the area.

SEPP 65 and Residential Flat Design Code

27. Our clients are concerned with the setback of the proposed building in relation to their property.

28. We request that strict compliance with the setback standards are adhered to in order to satisfy the Objectives the Code which is to minimise the impacts of developments on light, air, sun, privacy and views for neighbouring properties.

Construction

29. Lastly, our clients have raised serious concerns with the construction process and in the event of any approval (which we consider unlikely), we would like Council to ensure that all site management conditions are applied to and the conditions of consent to ensure the impacts of dust, debris, rubbish and noise are kept to an absolute minimum.

30. Further, we would like to ensure that a dilapidation report and/or engineer report are conducted on our clients' property as the construction of an underground basement may cause significant impacts to the structural stability of our clients' property.

Conclusion

31. Part 16A of the State Environmental Planning Policy (Affordable Rental Housing) 2009 states that a '*consent authority must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area*'. Based on the submission outlined above, we are of the view that the development is inconsistent and incompatible with the area as it is excessive in design and significantly creates bulk and scale in comparison to the existing small to medium density scale of the residential character of the area.

Item 2

32. Taking into consideration the above, the proposed dwellings are not sympathetic to the existing streetscape character and not in line with the desired neighbourhood character.

33. We recommend that the applicant amends the proposal to better reflect a design which responds more sympathetically to the adjoining neighbouring dwellings to maintain a consistency with prevailing character of the area.

Should you have any queries in relation to this correspondence, please do not hesitate to contact our office.

Yours faithfully
Unified Lawyers

[redacted]

Dominic Nguyen
Solicitor Director

Encl.

Attachment 3

Item 2

Oppositon to the development plan of 33Smith Street, Summer Hill
sarah yao
to:
info@ashfield.nsw.gov.au
29/03/2016 06:29 PM
Hide Details
From: sarah yao [redacted]
To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>,

16/18100

Dear Ashfield Council

I am writing to oppose the development plan of 33 Smith Street, Summer Hill.

I am living [redacted] Summer Hill.
The development of the three story building will impact our normal living so much.
Each family in our black has several kids. With with plan of the building, the sun will be blocked and will definitely affect the children's growth.
And of course no privacy for us as well, as the building will be looking into the couryard straight way!

For the general, the traffic will be badly impacted which will bring the Smith Street more inconvenience and make the local people life more difficult.

After all, I strongly oppose this plan.
Please do not go on with this plan as it's not a development, no benefit to the local people and general transport.

Thank you for your consideration!

Regards,
Yuchen Yao

Attachment 3

Item 2

16/2/291

P. North

General mg
Ashfield council

2016/44

I am writing to you about 33 Smith St
Don't you think we have enough High
Rise around here

No Parking, Loud Parties + Noises
Graffiti artist please Don't let
this go thru.

all you want is the Rates and all
we want is peace and quiet

Please consider my letter

ASHFIELD COUNCIL
RECORDS SECTION
SCANNED
DATE 14 Apr 16

Attachment 3

CONDITIONS

DA 2016.44.1
33 Smith Street SUMMER HILL 2130

Description of Work as it is to appear on the determination:

Demolition of existing dwellings and construction of a part 2/3 storey infill affordable housing develp0ment under SEPP (Affordable Rental Housing) 2009 comprising 17 dwellings over basement car parking for 11 cars.

PART A

Deferred Commencement conditions to be satisfied prior to activation of consent:

This consent shall not operate until such time as the following additional/revised information is provided to the satisfaction of Council:

(1) This site shall discharge stormwater directly into a drainage system under the control of Sydney Water located directly in front of the site in Smith Street. The applicant is required to submit written approval from Sydney Water to Council that it has no objection to the proposed method of discharge.

(2) A plan and long section of the proposed Council pipe to be laid in Smith Street so as to join the site's stormwater into Sydney Water's existing pipe network. This section shall show pipe & pit levels, pipe grade, pipe depth and pipe chainages.

(3) A stormwater Concept plan, including any supporting documentation indicating the required Stormwater storage volume and all pit and pipe levels to obtain gravity fall to Sydney Water's pipe system located in Smith Street. Storages shall not be located in overland flow paths which convey catchment flows through the site, and the depth and location of all services required to be relocated due to the connection into Sydney Water's pipe system shall be indicated on a plan.

(4) The 1:8 grade to the bottom of the basement carpark ramp shall extend/curve around the side adjacent to the staircase so that vehicles may access the parking space shown as space No.1. The side is to be extended/curved a minimum grade of 1:8. The staircase in turn shall be re-configured/constructed away from the ramp corner to avoid walking over the side extended/curved ramp gradient.

(5) Deletion of rooftop terrace, associated structures and planter boxes and stair access to the roof and replacement with standard flat roof.

(6) Allocation of the front garden area to common property.

(7) Widening of garbage room doors to 1.5m.

(8) Addition of bulky goods waste room to the basement under the central pergola/BBQ area above.

(9) Deletion of the blade walls adjacent the lifts in the basement.

(10) Allocation of a realistic area compliant with the BCA for booster valve and other fire equipment location.

(11) Widening of the two east facing common entry doors on the ground floor to the same width as the internal common lobbies.

(12) Provision of a plan showing allocation of private and communal open space which allocates all external area (except balconies and rear courtyards) to communal use.

This information is required to be provided and approved by Council within 12 months of the date of the approval. Failure to satisfy the above requirements by the specified date will result in lapse of consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement condition are to form part of this consent.

Providing the above matters are satisfied by Council by the specified date, general conditions of consent are:

PART B

A ***General Conditions***

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Revision	Title	Prepared by	Amendment Date
A101	B	Cover page	Habitation	15.02.2016
A104	C	Site Plan	Habitation	08.07.2016
A105	C	Basement Floor Plan	Habitation	08.07.2016
A106	C	Ground Floor Plan	Habitation	08.07.2016
A107	C	First Floor Plan	Habitation	08.07.2016
A108	C	Second Floor Plan	Habitation	08.07.2016
A109	C	Roof Plan	Habitation	08.07.2016
A110	C	Elevations	Habitation	08.07.2016
A111	C	Elevations & Section	Habitation	08.07.2016
A120	C	Schedule of Finishes	Habitation	08.07.2016
H1	TBA	Stormwater - Basement	Rosycivil Pty Ltd	TBA
H2	TBA	Stormwater – Ground Floor	Rosycivil Pty Ltd	TBA
H3	TBA	Stormwater – Level 1	Rosycivil Pty Ltd	TBA
H4	TBA	Stormwater – Level 2	Rosycivil Pty Ltd	TBA
H5	TBA	Stormwater - Roof	Rosycivil Pty Ltd	TBA
H6	TBA	Stormwater - Details	Rosycivil Pty Ltd	TBA

Note: The architectural plans take precedence in respect of the built form. Should there be any inconsistency between the built form shown on the architectural and the engineering or landscape plans, the architectural plans take precedence.

Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

B ***Design Changes***

Nil.

C ***Conditions that must be satisfied prior to issuing/releasing a Construction Certificate***

(1) Construction and Site Management Plan

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

(a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,

(b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,

(c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,

(d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,

(e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway,or
- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

(2) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environment Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

(a) *"Sedimentation and Erosion Control"* - Department of Conservation and Land Management.

(b) *"Soil and Water Management for Urban Development"* - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer
Environment Protection Authority
Inner Sydney Region
Locked Bag 1502
BANKSTOWN NSW 2200

(3) Home Building Act 1989 Insurance

Compliance with Part 6 of *Home Building Act 1989* is required. A copy of either the Builders Home Warranty Insurance OR a copy of the Owner-Builder Permit shall be submitted to Council.

(4) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service

Payments Acts 1986 – is required. All building of $25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(5) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

(6) Landscaping plan

(a) Submission of a *Detailed Landscape Plan* at scale 1:100 or 1:200 (prepared by a landscape architect, landscape designer or other suitably qualified person who is eligible for membership of the Australian Institute of Landscape Architecture or the Australian Institute of Landscape Designers and Managers) to the Principal Certifying Authority. The plan should be consistent with the approved development plans including any approved *Landscape Concept Plan* and include -

(b) **Site information –** show existing structures, fencing, neighbouring buildings, existing trees and rock outcrops, man-made structures.

(c) **Landscape Design** - proposed landscaping, surface levels, external/internal dimensions, retaining walls, driveways/pathways, screen planting, pools and features, lawn areas, soil depth on suspended concrete slabs etc.

(d) **Planting Schedules** - detail common/ botanic names and quantities.

Note: Ashfield Council encourages the use of indigenous native plants where appropriate.

(e) **Maintenance/Embellishment Strategy** - to ensure plants are successfully established and maintained- show construction work exclusion areas, irrigation details, staking, topsoil, mulch etc.

(f) Landscaping details are to be provided for approval with the Construction Certificate. All site works and landscaping is to be carried out in accordance with the approved plans prior to completion of work and/or occupation of the premises.

The following trees are to be shown on the landscape plan:

- Centre of soft soil front setback area: 1 canopy tree capable of reaching at least 8m in height.
- Deep soil area to west of BBQ/Pergola area: 2 deciduous canopy trees capable of reaching at least 8m in height (offset 2m from side boundary).
- Rear boundary: 6 deciduous canopy trees capable of reaching at least 7m in height.

All are to be a minimum height of 2m at planting.

(7) Section 94 Development Contributions

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

Community Infrastructure Type	Contribution
Local Roads	$4,992.40
Local Public Transport Facilities	$7,652.09
Local Car Parking Facilities	$0.00
Local Open Space and Recreation Facilities	$123,170.05
Local Community Facilities	$6,485.49
Plan Preparation and Administration	$6,114.09
TOTAL	**$148,414.12**

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_C = \frac{\$C_P \times CPI_C}{CPI_P}$$

Where:

$ C_C is the amount of the contribution for the current financial quarter

$ C_P is the amount of the original contribution as set out in this development consent

CPI_C is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPI_P is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

(8) Surveillance

A surveillance system, for the building, open space and basement car park is to be designed by a professionally recognised security firm, which include the following:

- a closed circuit television (surveillance cameras);
- the Manager's office having the relevant control panels; and
- Tapes/digital data 'on disc' to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

Details to be shown on the construction certificate and provided to Ashfield Police prior to occupation.

(9) Access and services for people with a disability – flats/mixed development

Detailed plans drawn to the scale of 1:50 shall be submitted detailing compliance with the requirements of AS4299 and AS 1428 Part 1 and the provisions of Ashfield Development Control Plan for Access and Mobility prior to the issue of a Construction Certificate, showing a minimum of 2 adaptable and accessible units within the development and details of complying levels, ramp slopes, door widths, circulation spaces within the development.

(10) SEPP 65 – Design Verification

Prior to release of the Construction Certificate design verification is required to be submitted from the original designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No – 65 Design Quality of Residential Flat Building Development.

(11) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of $20,000 is to be submitted prior to any of the following:

- commencement of works or

- demolition or
- excavation upon the site or
- the release of the **Construction Certificate**

whichever may come first, covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an **original with no end date** and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.
Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.
Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.
At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

(12) Footpath/laneway- photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

(13) Design and construction of car parking area

The car park layout is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking" as well as AS2890.6 -2009 Parking Facilities - Off-street parking for people with disabilities.

This shall include but not be limited to the following design aspects being included prior to the release of the Construction Certificate:

(1) Appropriate traffic signal treatment supplemented with mirrors and signage/line marking shall be implemented to guide vehicles to view and give-way to pedestrians when exiting the driveway.

(2) The driveway entre/exit at Council's footpath is to be kept visually clear of vegetation and walls are to be splayed to view pedestrians in accordance to "Minimum Sight Lines for Pedestrian Safety" AS2890.1:2004 Section 3.2.4.

(3) All vehicles must enter and exit the site in a forward direction.

(14) Services adjustment or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development

(15) Direct discharge into Sydney Water pipe network needs approval of Sydney Water

As it is proposed to discharge stormwater directly into a drainage system under the control of Sydney Water, Documentary evidence from Sydney Water confirming that it has no objection to the proposed method of discharge and that all their requirements have been satisfied shall be submitted to Council.

(16) Connection to Council's street drainage

Details of the proposed street drainage line in Smith Street shall be prepared by a suitably qualified professional civil engineer in accordance with Council's Stormwater Management Code, and submitted and approved by Council prior to the release of the Construction Certificate.

Details to be submitted shall include a long section of the proposed Council pipe line to be constructed in Smith Street showing the pipe invert levels proposed pipe cover and the location of any obstacles lane (i.e. gas, water, sewer, electricity, Telstra, etc).

The depth and location of all services within the area affected by the new 375mm stormwater pipeline to be laid in Smith Street (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate.

(17) Pumpout system specifications

A pumpout system may be permitted to discharge small volumes of stormwater from the basement car parking area. Full details of the pump size, capacity, performance curves, friction losses etc from the manufacturers specifications must be submitted with the stormwater drainage calculations demonstrating that the pump will function in accordance with the manufacturer's specifications for the required volume of stormwater at the subject total head. Minimum pump capacity allowable is for a 5 minute 1 in 20 ARI storm.

The drainage sump storage area for the pump shall be a bunded area able to cater for a 1 hour 1 in 20 ARI storm to minimise flooding in the event of a power blackout during a storm.

A dual pumpout arrangement will be necessary, these pumps will be required to be connected in parallel and alternate automatically, with each pump being capable of emptying the holding tank or holding area at the permissible site discharge rate. (All pumps must be Class 1 Zone 2, if the pumps are located within a building (i.e. in the basement).

The stormwater volumes discharged from the pumpouts are to be included in the permissible amount of stormwater discharged from the site as stated in other relevant conditions.

(18) Stormwater disposal-calculations

(a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council's Stormwater Management Code** and submitted to, and approved by, Council or Certifier prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

(i) Roof areas.

(ii) Paved areas.
(iii) Grassed areas.
(iv) Garden areas.
(v) The percentages of Pre-development and Post-development impervious areas

(b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%.).

(c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan

(d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.

(e) The depth and location of all services within the area affected by the development including the new 375mm stormwater pipeline to be laid in Cecil Street (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site.

(f) All garbage and waste areas must drain to the sewer and not the stormwater system.

(19) Stormwater detention storage facility

(a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council or Certifier prior to the release of the Construction Certificate.

(b) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:

- where the storage and silt arrestor pits are located
- which parts of the system need to be accessed for cleaning and how access is obtained
- description of any equipment needed (such as keys and lifting devices) and where they can be obtained
- the location of screens and how they can be removed for cleaning
- who should do the maintenance (i.e. commercial cleaning company)
- how often should it be done

The abovementioned maintenance schedule is to be submitted to and approved by Ashfield Municipal Council prior to the release of the Occupation Certificate.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

(a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:

(i) Council; or
(ii) an accredited certifier; and

(b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and

(c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(3) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' *Stormwater Pollution Control Code for Local Government*.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

(5) Building location - check survey certificate

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

(i) location of the building with respect to the boundaries of the site;

(ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);

(iii) site coverage of the buildings on the site.

(6) Crane permit

Should the applicant need to use a crane during the course of building, it will be necessary to first obtain a "Crane Permit" from Council's One Stop Shop. A fee of is payable for the permit. The approval of other authorities (eg Police Department, RTA) may be required for the use of a crane.

(7) Site fencing/security

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

(8) Support for neighbouring buildings and notice to adjoining owners

(1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

(a) must preserve and protect the building from damage, and

(b) if necessary, must underpin and support the building in an approved manner, and

(c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

(i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.

(ii) allotment of land includes a public road and any other public place.

(9) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(10) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

(11) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 39 and 29 Smith Street must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owners of the subject properties and to Council.

(12) Sanitary facilities - demolition/construction sites

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(13) Public liability insurance – Works on Council/public lands

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of $10 million and shall provide proof of such cover prior to carrying out the works.

(14) Traffic Management Plan

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hour of operation, access arrangements and traffic control will be submitted to Council, for approval, prior to the commencement of any works on site.

All vehicles associated with development- construction activity (which includes demolition, excavation and construction) shall be accommodated on-site.

(15) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction eg. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted to Council and approved prior to the release of the Construction Certificate.

E Conditions that must be complied with during construction or demolition

(1) Building materials and equipment - storage/placement on footpath/roadway - Council approval

All building materials and equipment shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

(2) Signs to be erected on building and demolition sites

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(a) stating that unauthorised entry to the work site is prohibited; and

(b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and

(c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.

(2) Any-sign shall be maintained and not removed until work has been finished.

(3) Demolition/excavation/construction - hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(4) Demolition requirements/standards

Demolition is to be carried out in accordance with the following:

(a) Australian Standard 2601 and any requirements of the Workcover Authority.

(b) The Waste Management Plan submitted with the Development Application.

(c) The property is to be secured to prohibit unauthorised entry.

(d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.

(e) All other materials and debris is to be removed from the site and disposed of to approved outlets.

(f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:

(g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

(h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.

(i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).

(j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.

(k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.

(l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.

(m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.

(n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.

(o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(5) Waterproofing materials/installation – BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(6) Safety Glazing - BCA

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

(7) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate as obtained on Insert date of BASIX from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au .

(8) Storage of building materials

Building materials and spoil are to be located wholly on site and not placed in a position that may result in materials being washed onto the roadway or into the stormwater system.

(9) Demolition/excavation/construction - noise - Protection of the Environment Operations Act 1997

Noise arising from demolition/excavation/construction works shall be controlled in accordance with the requirements of *Protection of the Environment Operations Act 1997* and guidelines currently contained in the *NSW EPA Environmental Noise Control Manual.*

(10) Dust control

Adequate measures are to be implemented,.including, for example, water spraying/mesh barriers, to prevent dust from causing any nuisance.

(11) Retention/repair of doors/windows

Original doors and windows are to be retained and repaired. Where necessary, authentic reconstruction is encouraged.

(12) Grills/metal screens prohibited

Modern-style security grilles, roll-up metal screens, metal window awnings, and non-characteristic shade treatments are not permitted.

(13) Tree Planting

The trees required to be planted on the site in accordance with this consent are to be of a minimum 2m in height at planting.

(14) Entry control - safety

At the entry to the resident basement car park, the following shall be provided:

- a security gate/ shutter or door; and
- an intercom system between visitors and residents to enter and exit from the car park.

(15) Exhaust fumes from car park

Any exhaust ventilation from the carpark is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. details demonstrating compliance are to be provided with the Construction Certificate.

(16) No external service ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

(17) Ausgrid Requirements

Ausgrid shall be consulted and its requirements be met in the construction of the development. Details to be provided.

(18) Building location - check survey certificate

To ensure that the height of the building complies with ALEP 2013 and satisfies the provision of the approval, a check survey certificate shall be submitted to Council prior to the pouring of the ground floor slab including :-

(i) The RL and height of the top most level ensuring that no GFA is located above Xm at any point; and

(ii) The overall height of the building does not exceed Xm at any point

(19) Noise transmission - stair shaft - BCA

The walls of the stair shaft to have a Sound Transmission Class of not less than 45 and to be constructed in accordance with the relevant provisions of Part F5 of the *Building Code of Australia.*

(20) Noise transmission - dividing walls - BCA

The walls dividing bathrooms, laundries and kitchens in one flat from habitable rooms in an adjoining flat having a Sound Transmission Class of not less than 50 and being constructed in accordance with the provisions of Part F5 of the *Building Code of Australia.*

(21) Noise transmission - soil/waste pipes - BCA

Soil and waste pipes, including those that pass through a floor shall be separated from the rooms of any flat immediately adjacent thereto by construction having a Sound Transmission Class in accordance with Part F5 of the *Building Code of Australia.*

(22) Footpath, kerb and gutter reconstruction

The public footpath, verge, and kerb and gutter outside the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(23) Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense

(24) Vehicle access driveways

A new vehicular access driveway shall be constructed in accordance with Council's standard drawing and specifications. The driveway shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveway shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of the Occupation Certificate.

(25) Road opening permit- Council controlled lands

A "road use-opening permit" shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

(26) Traffic control on public roads

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

(27) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for (kerb/gutter/crossing etc) at the following stages:

(i) After excavation.
(ii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete.
(iii) After placement of road base course.
(iv) After pipes have been laid and prior to backfilling.
(v) On completion of works.

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

(28) Finished ground surface levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary.

(29) Spoil and building materials on road and footpath

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

(30) Stormwater runoff-collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate drainage line (to be determined by Council) at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge equals the Post-development discharge of a 1:100 ARI event.

NOTE: If approval is given from Sydney Water to discharge stormwater directly into its drainage system, the above Council stormwater discharge rate from the site will not be enforced. However Sydney Water may require a stormwater discharge rate which may increase the proposed on-site detention storage for this development.

(31) Connection to Council's street drainage

The connection to Sydney Water's street drainage system shall be constructed at the applicant's expense. It shall consist of a pipeline across to the street kerb with the pipeline then continuing under the carriageway to Sydney Water's pipeline.

The pipes shall be 375 mm diameter reinforced concrete spigot and socket with rubber ring joins. A pit shall be constructed at the property boundary and at the kerb line.

Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained prior to works commencing.

Prior to works commencing a Council "Road Opening Permit" must be obtained.

(32) Stormwater runoff

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties

(14) Materials and colours

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder. In particular, the colours and finishes shall be as follows (or equivalent):

Item 2

Building Element	Material	Manufacturer	Colour
External walls below AHD 13.9 (ie podium, walls lining basement driveway in front setback area	Dry pressed face brick	Bowral or similar	The following colours are acceptable: • Gertrudis brown; • Bowral blue; • Brahman granite
Front fence (base and piers)	Dry pressed face brick	Bowral or similar	The following colours are acceptable: • Gertrudis brown; • Bowral blue; • Brahman granite
Front fence (timber section)	Timber pickets with no capping at least 70mm in width with at least 20mm spacing between	N/A	As per approved schedule of finishes
Paving	Pavers	N/A	To match the brickwork noted above.
Driveway	As selected by applicant	N/A	To match the brickwork noted above.
Garage Door	Panel lift or similar with no patterning or decoration.	N/A	To match the brickwork noted above.

F ***Conditions that must be complied with prior to installation of services***

nil

G ***Conditions that must be complied with before the building is occupied***

(1) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(2) Landscaping completion

All site works and landscaping are to be carried out in accordance with the approved landscaping plans prior to the issue of the occupation certificate.

(3) Street Number

A street number appropriately designed to complement the character of the must be displayed in a position clearly visible from the street, in numbers having a height of not less than 200 mm. The number must be in place before the premises can be occupied.

(4) Boundary fencing replacement

The existing boundary fencing along the side and rear boundaries is to be replaced with fencing at the applicant's/owner's cost to a minimum height of 1.8m consisting of treated pine in lapped and capped construction. Fencing between the building and the street alignment shall match the height of similar adjacent fences.

(5) Surveillance

A surveillance system, for the building, open space, site link and basement car park is to be designed by a professionally recognised security firm, which include the following:

Attachment 4

- a closed circuit television (surveillance cameras);
- A room having the relevant control panels; and
- Digital data 'on disc' or similar to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

Details to be shown on the construction certificate and provided to Ashfield Police prior to occupation.

(6) Engineering conditions to be satisfied prior to the issue of occupation certificate

Prior to the release of the Occupation Certificate when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

(a). Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:
- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(b) Engineer's Certificate

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- the soundness of the storage structure;
- the capacity of the detention storage;
- the emergency overflow system being in place;
- the works being constructed in accordance with the Council approved plans; and
- the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.

(c) Restriction-As-To-User

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

(7) Positive Covenant-stormwater detention/surface flow paths-occupation certificate

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

(a) surface flow path
(b) finished pavement and ground levels
(c) prevent the erection of any structures or fencing
(d) on-site stormwater detention system

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

(8) Affordable housing Restriction

Before the date of the issue of the occupation certificate, a restriction is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that:

For 10 years from the date of the issue of the occupation certificate:
(i) Units 1, 2, 3, 7, 8 & 9 must be used for the purposes of affordable housing, and
(ii) those units are to be managed by a registered community housing provider.

(9) Tree Planting

The following trees are to be planted on the site at a minimum height of 2m at planting:

- Centre of soft soil front setback area: 1 canopy tree capable of reaching at least 8m in height.
- Deep soil area to west of BBQ/Pergola area: 2 deciduous canopy trees capable of reaching at least 8m in height (offset 2m from side boundary).
- Rear boundary: 6 deciduous canopy trees capable of reaching at least 7m in height.

H Conditions that are ongoing requirements of development consents

(1) Garbage bin storage/placement for collection

All garbage/recycling bins are to be kept in the garbage bin storage area in the main block. Bins are only to be placed in the designated pick up area on the day of garbage collection and are to be returned to the storage area immediately after collection. This requirement is to be incorporated into any future Strata Title of the property.

(2) Landscape Maintenance

The landscaping approved as part of this application is to be maintained to the satisfaction of Council.

(3) Design of vehicular visibility splays

Visibility splays at the junction of the driveway with the front boundary must be kept clear of fences, walls or screening shrubs to ensure visibility is maintained to pedestrians on the footpath.

I Advisory Notes

(1) Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.
  Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.

- an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973,* if strata title subdivision of the development is proposed.

- a development application for demolition approval under the *Environmental Planning and Assessment Act 1979* if consent for demolition is not granted by this consent.

(2) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of

construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.

- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway of footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(3) Application for a Construction Certificate

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result action in the Land and Environment Court and orders for demolition.

(4) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

Item 3

Item No: C0916 Item 3

Subject: DEVELOPMENT APPLICATION - 66 CONSTITUTION ROAD, DULWICH HILL

File Ref: DA201600079/10/105841.16

Prepared By: Dimitiri Gotsis - Town Planner Development Assessment, Marrickville

Authorised By: Phil Sarin - Director, Planning and Environment

SUMMARY

This report concerns an application to demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking and associated landscaping works. The application was notified in accordance with Council's notification policy and 28 submissions were received.

The development results in a departure of 413.3m² (65.01%) from the FSR development standard contained in Clause 4.4 of Marrickville Local Environmental Plan (MLEP) 2011. The proposal also results in a 2.5 metre departure (14.7%) from the building height development standard contained in Clause 4.3 of MLEP 2011. The application was accompanied by a written request under Clause 4.6 of MLEP 2011 in relation to the variation for building height and FSR which is supported for the reasons outlined in this report.

The site is located in the Hoskins Park Planning Precinct (Precinct 9.11) under MDCP 2011. The site sits within 'Site 4' of the Hoskins Park Masterplan area (MA 11.1) which consists of 66, 68, 70 and 72 Constitution Road. 'Site 4' envisages the amalgamation of the 4 allotments to achieve a desired amalgamation pattern and building envelopes for future development. The application seeks a variation to the required amalgamation pattern for 'Site 4' to develop in isolation to the 3 remaining sites (68, 70 and 72 Constitution Road). The applicant has made genuine efforts to acquire the adjoining site (68 Constitution Road) in accordance with the NSW Land and Environment Court Planning Principles for site amalgamation/site isolation.

As the site proposes to develop in isolation within 'Site 4' and adjoining buildings in the 'Arlington Grove' development have been approved in close proximity and locations contrary to the original suggested amalgamation pattern in the Masterplan area, the site is constrained in its ability to comply with required solar access and building envelope provisions contained within MDCP 2011. In response to the constraints of the site, the height of the development has been increased above the maximum height required for development within 'Site 4' of the Masterplan area in an effort to improve solar access to units. The non-compliant height of the development is considered an appropriate response for an isolated development within 'Site 4' given the location of the site between the 8 storey 'Arlington Grove' development to the north-west, the 4 storey development envisioned for the remainder of sites within 'Site 4' (68 – 72 Constitution Road) and the recently approved 7 storey shop top housing development on the opposite side of road at 62 Constitution Road.

The application is referred to Council for determination in view of the extent of the departure from the maximum FSR and Height development standards, which exceed officer's delegations.

RECOMMENDATION

THAT the application be approved subject to the impositions of conditions in accordance with Part E of this report, and including endorsement of actions B and C contained therein.

PART A - PARTICULARS

Location: North-east side of Constitution Road, Dulwich Hill between Grove Street and Light Rail Corridor.

Item 3

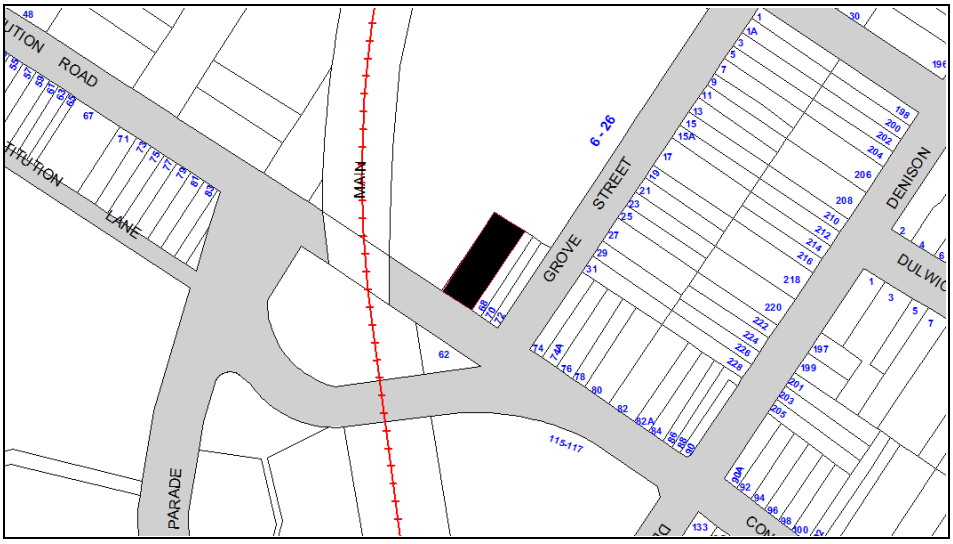

Image 1: Location Map

D/A No:	201600079
Application Date:	2 March 2016. Additional information submitted on 15 July 2016 and 2 September 2016
Proposal:	To demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking and associated landscaping works
Estimated Cost:	$3,895,000
Applicant:	Nino Urban Planning + Development
Zoning:	R1 - General Residential

PART B - THE SITE AND ITS ENVIRONMENT

Improvements: Single storey dwelling house and warehouse outbuilding



Image 2: The Site

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Current Use: Residential and ancillary warehouse/storage structure

Prior Determinations: No prior determinations of relevance

Environment: Residential, light industrial/warehousing, public recreation and rail infrastructure.

PART C - REQUIREMENTS

1 Zoning

Is the proposal permissible under zoning provisions? Yes

2 Development Standards (Statutory Requirements):

Type	*Required*	*Proposed*
Height of Buildings (max)	17 metres	19.5 metres
Floor Space Ratio (max)	1.3:1	2.146:1

3 Departures from Development Control Plan:

Type	*Required*	*Proposed*
Solar Access	See Body of Report	
Parking	See Body of Report	
Landscaped Area	See Body of Report	
Dwelling Mix	See Body of Report	
Site Coverage	See Body of Report	
Site Amalgamation	See Body of Report	
Building Envelope	See Body of Report	

4 Community Consultation:

Required: Yes (newspaper advertisement, on site notice and resident notification)
Submissions: 28 submissions

5 Other Requirements:

ANEF 2033 Affectation: Not affected
Marrickville Section 94/94A Contributions Plan 2014
State Environmental Planning Policy No. 55 - Remediation of Land
State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007

PART D - ASSESSMENT

1. The Site and Surrounds

The site is legally defined as Lot 2 in DP86920 and is known as 66 Constitution Road, Dulwich Hill. The site is a rectangular shaped allotment with a frontage of 13.565 metres to Constitution Road, a depth of 36.59 metres and a rear boundary width of 13.145 metres. The site has an area of approximately 489sqm.

The site currently accommodates a single storey period dwelling house with a side driveway accessed off Constitution Road. In addition, at the rear of the site there is a large warehouse /storage structure which abuts the rear and side boundaries.

The site is zoned R1 General Residential under the MLEP 2011. The site is not identified as a heritage item and not within a heritage conservation area. The site is identified as being within a masterplan area in the Hoskins Park Planning Precinct under Part 9.11 of MDCP 2011. The site is one of 4 sites within 'Site 4' of the Hoskins Park Masterplan area, being the subject site and the adjoining three single storey terraces, known as 68, 70 and 72 Constitution Road Dulwich Hill.

The Hoskins Park Masterplan area includes the recently approved development at 6-26 Grove Street and 60-64 Constitution Road Dulwich Hill, known as 'Arlington Grove'. Formally an industrial site, the 'Arlington Grove' development comprises 3 x 8 storey buildings and 3 x 4 storey buildings with approximately 250 apartments and 1 café. The approved building footprint of 'Arlington Grove' is shown in Image 6 below.

To the north-west, the site adjoins 64 Constitution Road which previously contained a single storey dwelling house that was recently demolished and now forms part of 'Arlington Grove'. The adjoining building under construction is known as building A1 and includes a 8 storey residential flat building and café forming part of 'Site 3' in the Hoskins Park Masterplan area. A new 'right of way' (South Lane) is being constructed between building A1 and the subject site along its side north-west boundary. South Lane will provide an exit only onto Constitution Road adjoining the site with entry only access from Grove Street (see Image 6 below).



Image 3: 60-64 Constitution Road (60-64 Constitution Road – 'Arlington Grove' development)

At the end of Constitution Road further to the north-west and approximately 25 metres from the site is the entrance to the Arlington Light Rail Station.

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Image 4: Arlington Light Rail Station viewed towards the north-west on Constitution Road

To the south-east, the site adjoins 68 Constitution Road which accommodates a single storey semi-detached dwelling house and is 1 in a row of 3 semi-detached dwellings from 68-72 Constitution Road. The subject site and the 3 adjoining sites in this row form 'Site 4' of the Hoskins Park Masterplan area.



Image 5: 68 -72 Constitution Road

To the north-east of the site, the site adjoins South Lane which is under construction as part of 'Site 3' in the 'Arlington Grove' development with South Lane being constructed along the rear boundary (see Image 6 below).

Image 6 shows the site (marked in red) in the context of the required amalgamation pattern within the Hoskins Park masterplan area and the approved 'Arlington Grove' development to the north (rear) and north-west (side) of the site. Note: The DCP amalgamation pattern has not been realised as part of the proposed development nor in the approved adjoining 'Arlington' Grove development.



Image 6: MDCP 2011 Masterplan (MA 11.1) & site footprint & adjoining approved development

Opposite the site to the south-west (front) is 62 Constitution Road which currently contains a 3 storey warehouse building. A 7 storey shop top housing development was recently approved on the site by the Land and Environment Court (see Image 7 below). 62 Constitution Road does not form part of the Hoskins Park Masterplan area.



Image 7: Existing warehouse and approved 7 storey development – 62 Constitution Road

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The immediate surrounds of the site are in transition from a mix of light industrial and low density residential development to a mix of low to high density residential development. There are two parks within the surrounding area: J.F. Laxton Reserve approximately 120 metres to the south-east of the site across the light rail corridor and Johnson Park approximately 65 metres to the east across the light rail corridor.



Image 8: Surrounding context and land uses (Source: Nino Urban Planning & Development)

To the north-east across the light rail corridor is the former Waratah Flour Mills residential development.

2. The Proposal

Approval is sought to demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking, associated landscaping works and public domain works to Constitution Road.

The development is further summarised as follows:

Basement Level

- Vehicle ramp accessed from South Lane;
- Lift core;
- Fire stairs;
- 6 car parking spaces;
- 15 bicycle spaces; and
- Storage cages.

Ground Floor

- Driveway access from South Lane;
- Pedestrian entry lobby;
- Lift core;
- Open space/deep soil planting (101sqm);
- Garbage room (27.5sqm);
- Unit G01 – 1 Bed (52sqm); and
- Unit G02 – 2 Bed (81sqm).

First Floor

- Lift core, garbage chute & lobby;
- Unit 101 – 1 Bed (50sqm);
- Unit 102 – 1 Bed, adaptable (84sqm); and
- Unit 103 – 2 Bed (84sqm).

Second Floor

- Lift core, garbage chute & lobby;
- Unit 201 – 1 Bed (50sqm);
- Unit 202 – 1 Bed, adaptable (84sqm); and
- Unit 203 – 2 Bed (84sqm).

Third Floor

- Lift core, garbage chute & lobby;
- Unit 301 – 1 Bed (50sqm);
- Unit 302 – 1 Bed, adaptable (84sqm); and
- Unit 303 – 2 Bed (84sqm).

Fourth Floor

- Lift core, garbage chute & lobby;
- Unit 401 – 1 Bed (50sqm);
- Unit 402 – 1 Bed, (84sqm); and
- Unit 403 – 2 Bed (84sqm).

Fifth Floor

- Lift core, garbage chute & lobby;
- Communal roof terrace (33sqm) and storage; and
- Unit 501 – 2 Bed (78sqm)

Public Domain Works

Public domain works are included (to be carried out by the applicant) by way of:-

- Paving of Constitution Road to Grove Street; and
- Removal of 2 power poles and relocation of power lines underground.

The public domain works have been included in a detailed landscape plan.

A copy of the site plan, floor plans, elevations and sections of the development submitted with the application are reproduced below:

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Image 9: Render of the development viewed to the north-east from Arlington Light Rail Station

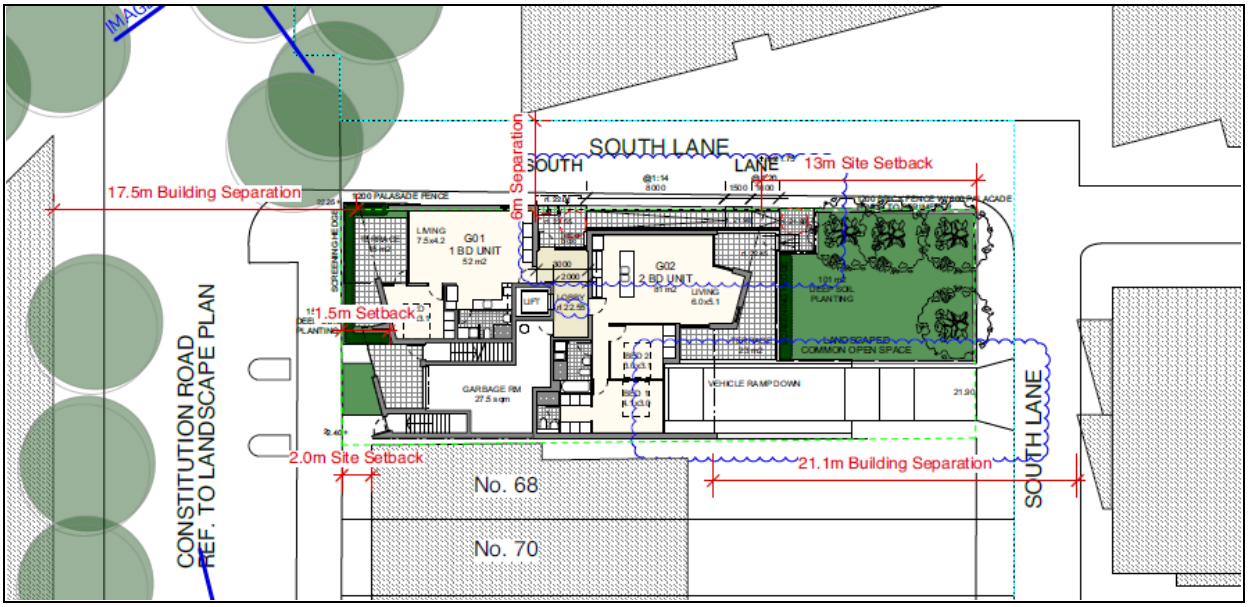

Image 10: Site Plan

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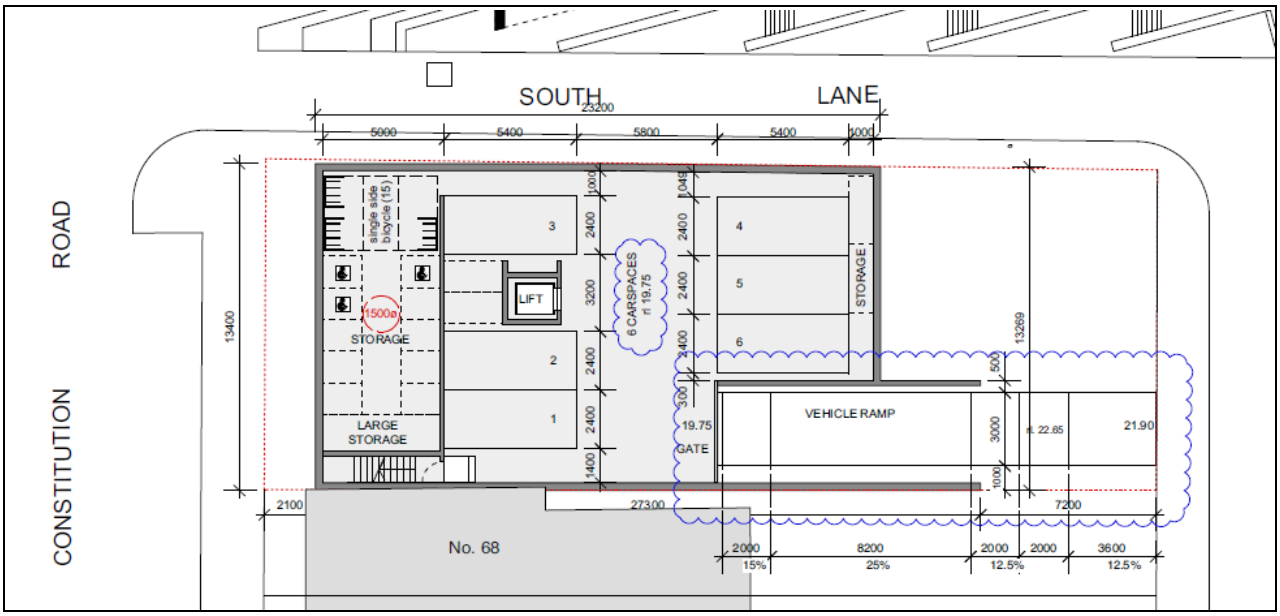

Image 11: Basement Level

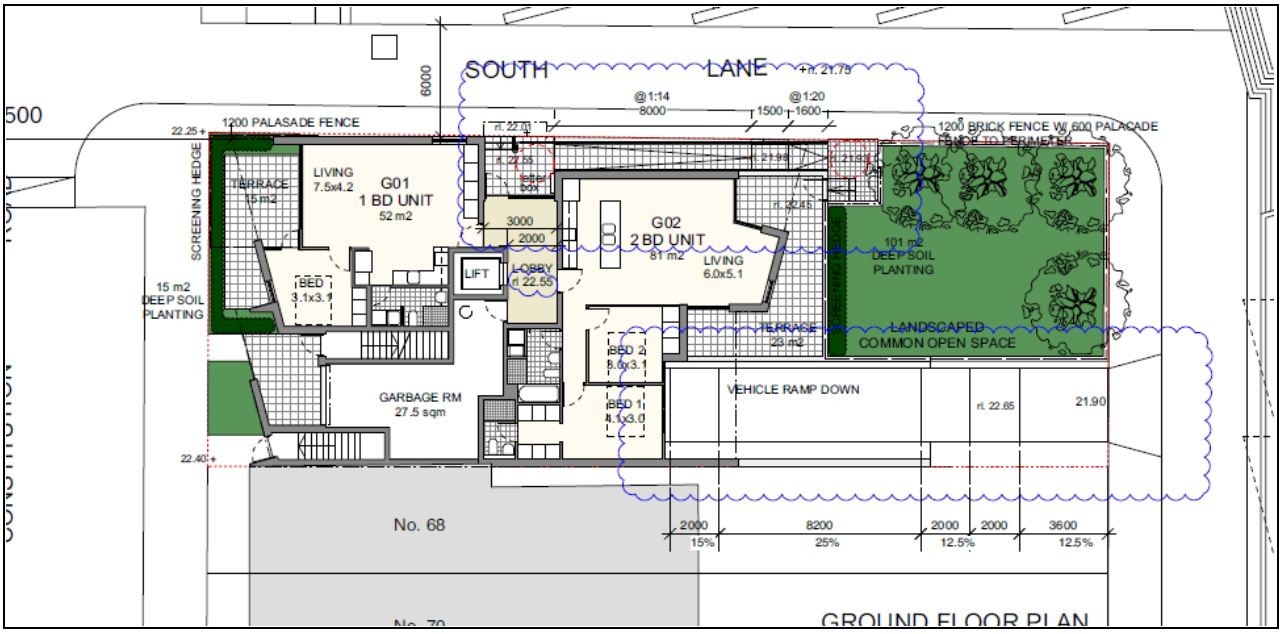

Image 12: Ground Floor

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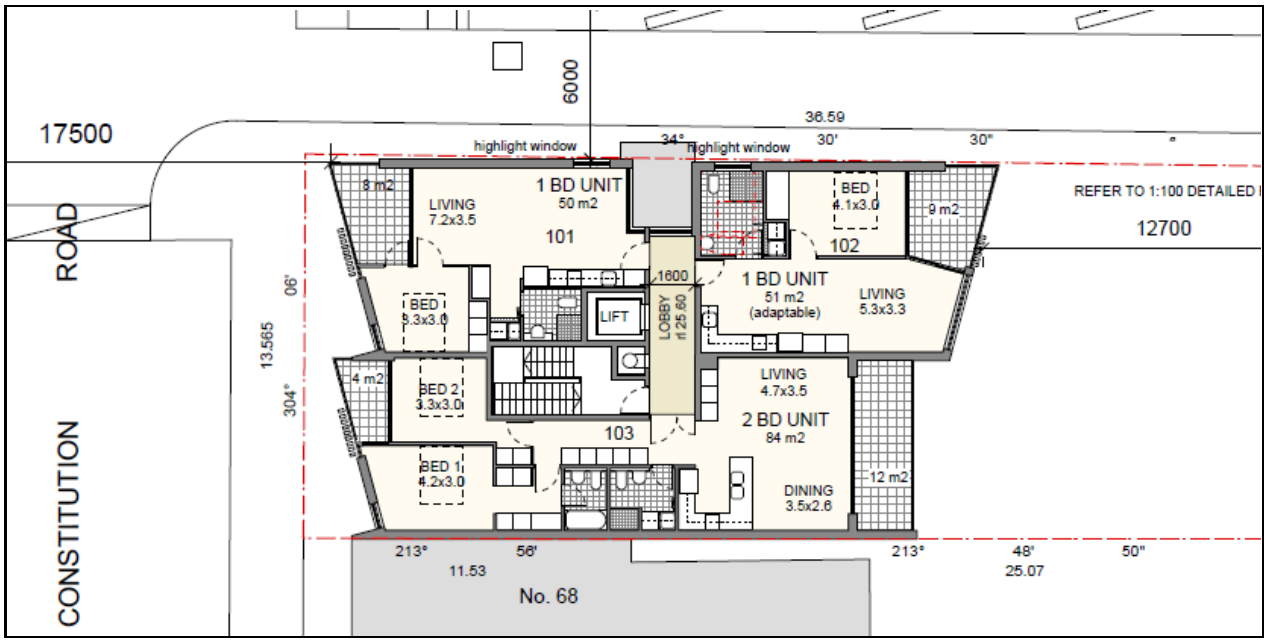

Image 13: First Floor

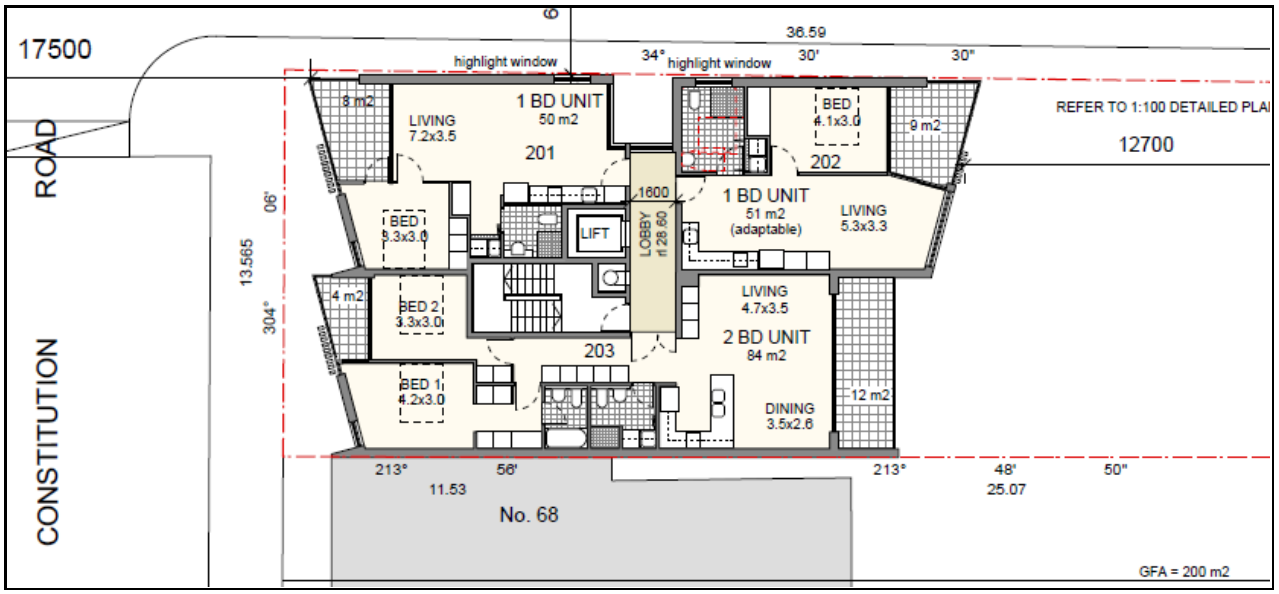

Image 14: Second Floor

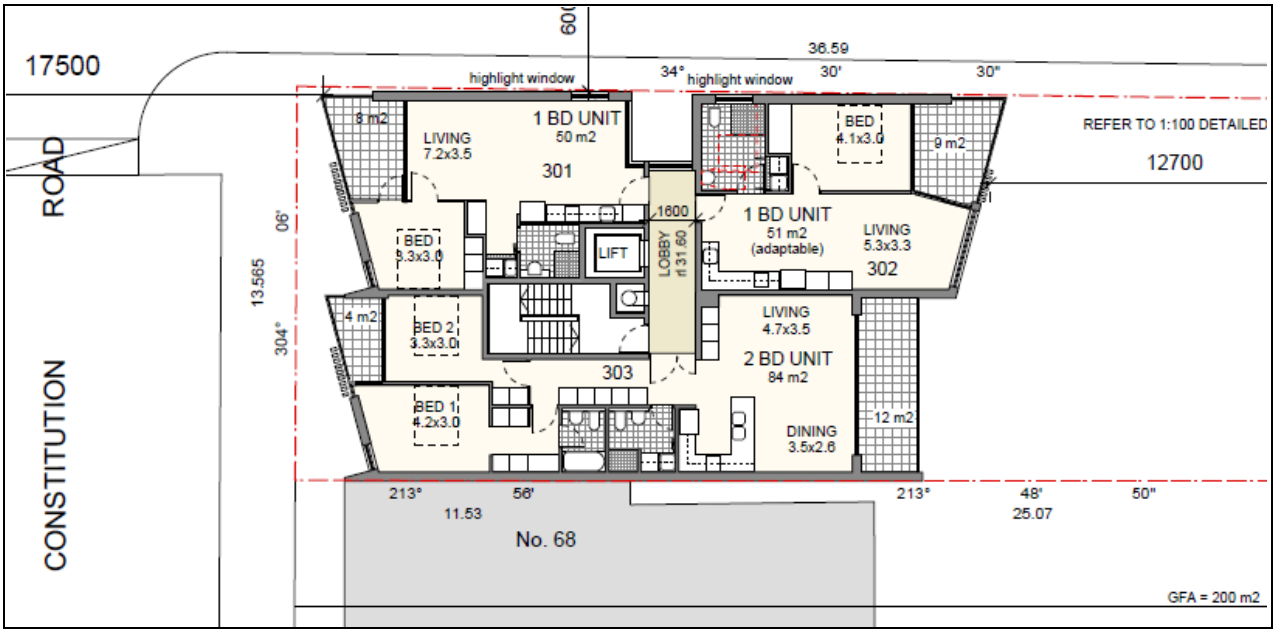

Image 15: Third Floor

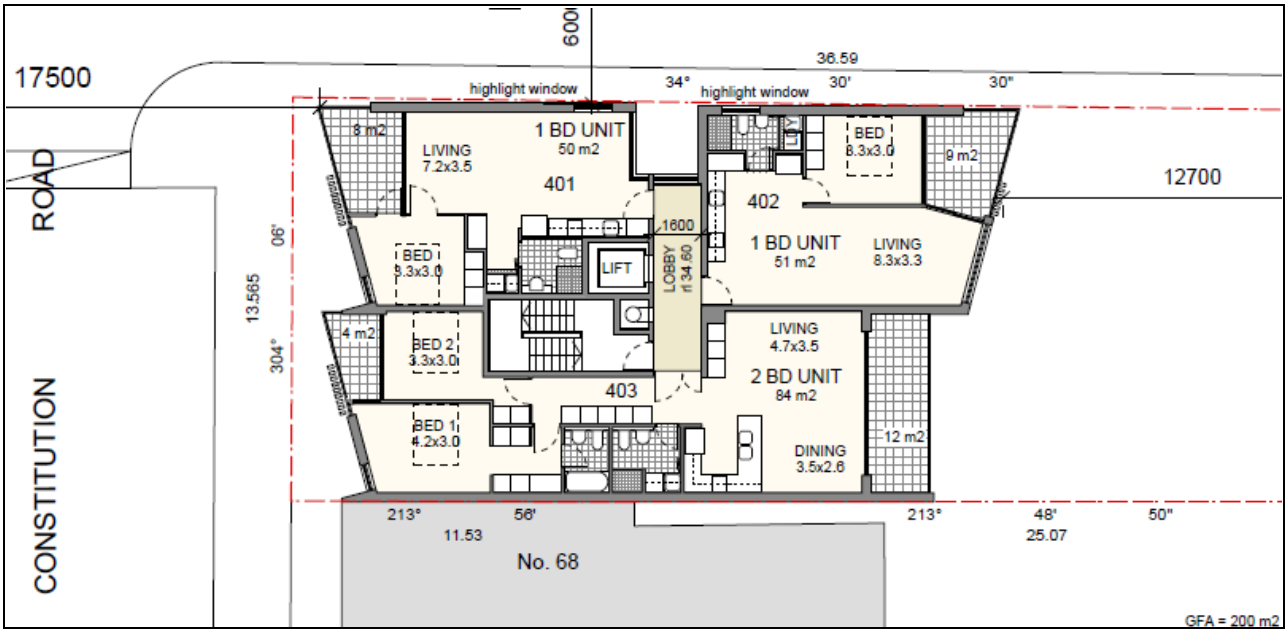

Image 16: Fourth Floor

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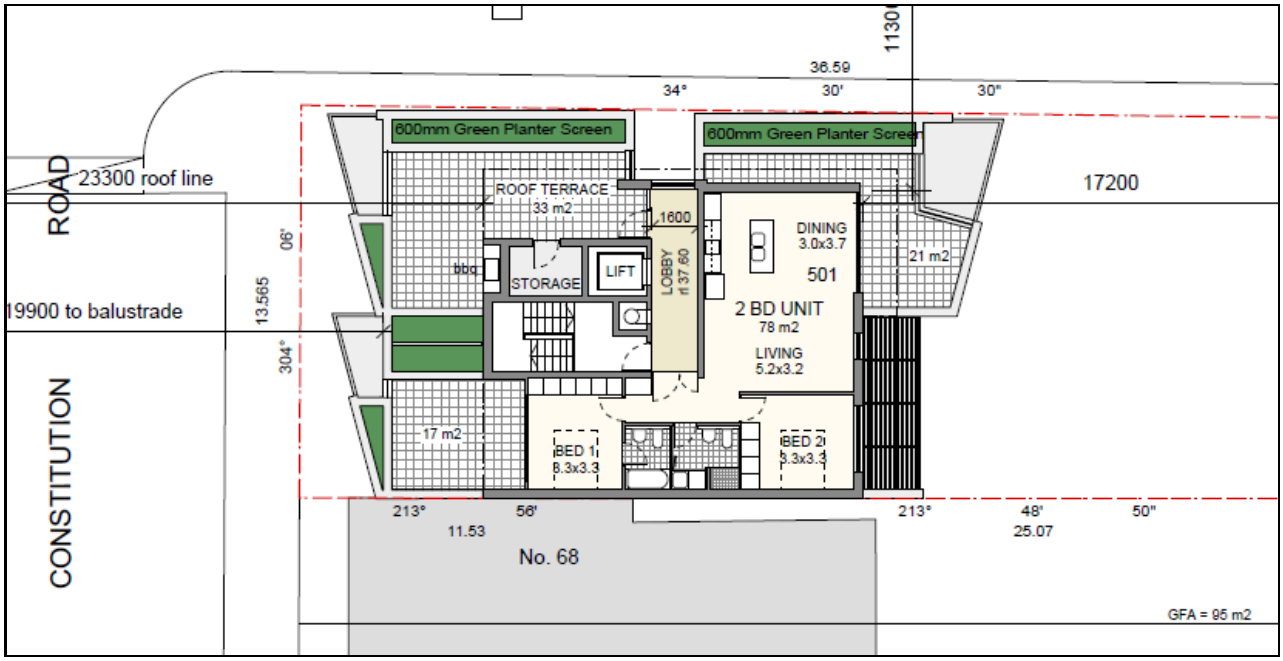

Image 17: Fifth Floor

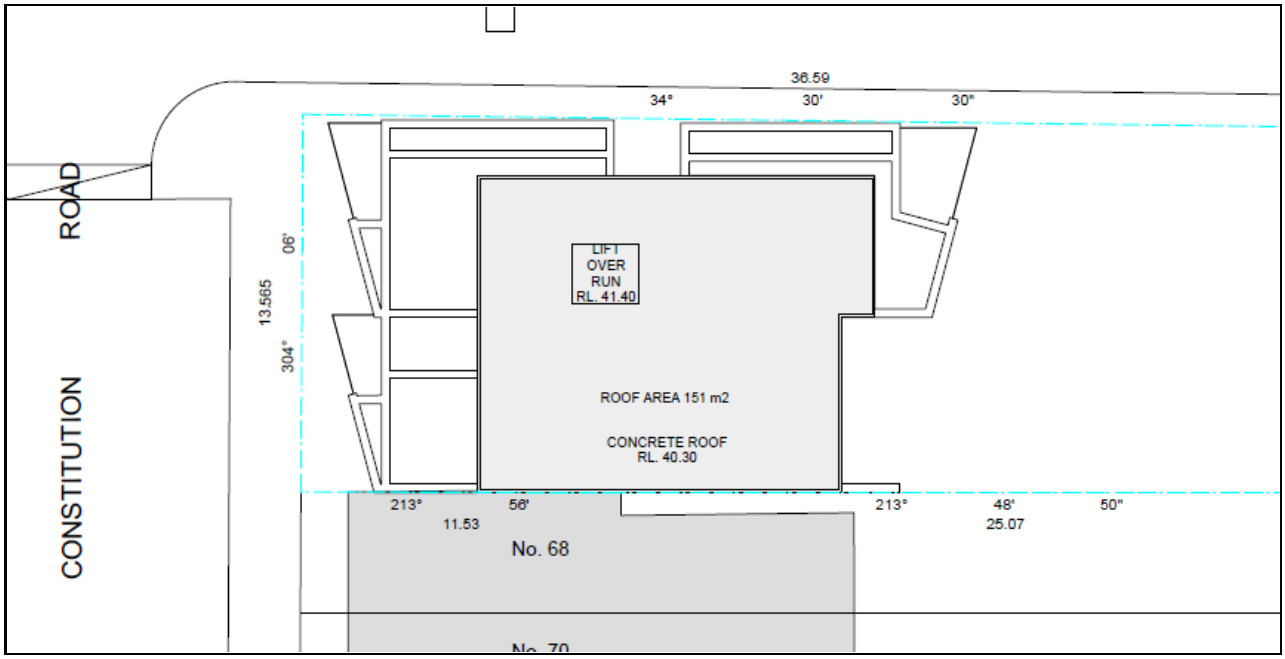

Image 18: Roof Plan

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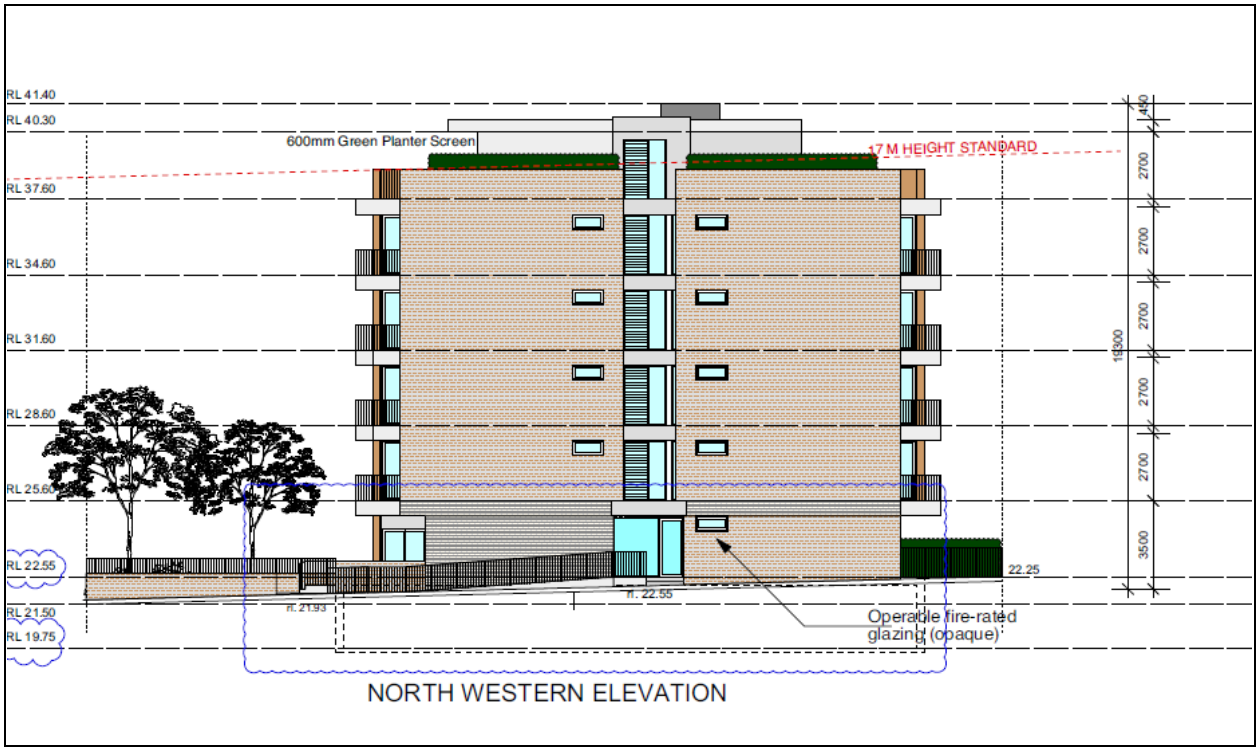

Image 19: North West Side Elevation (South Lane)

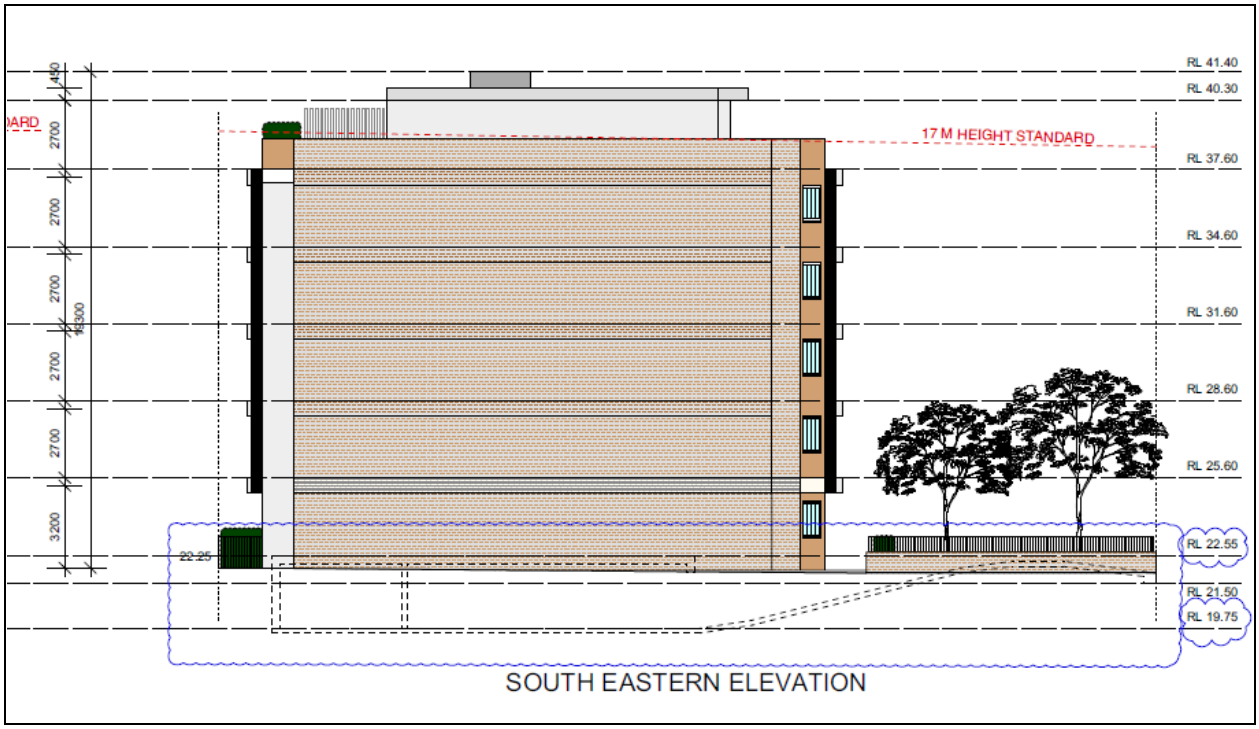

Image 20: South East Side Elevation

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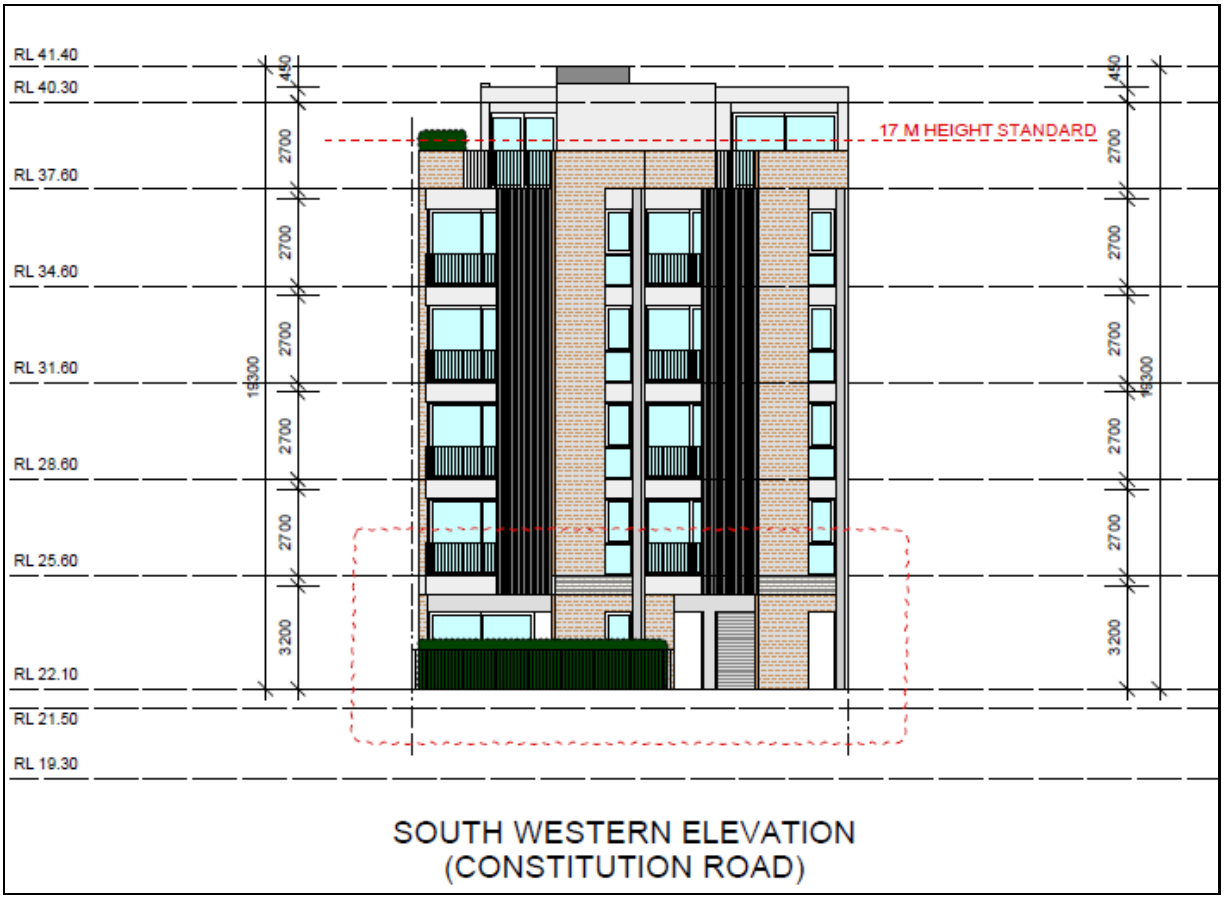

Image 21: South West Elevation (Front – Constitution Road)

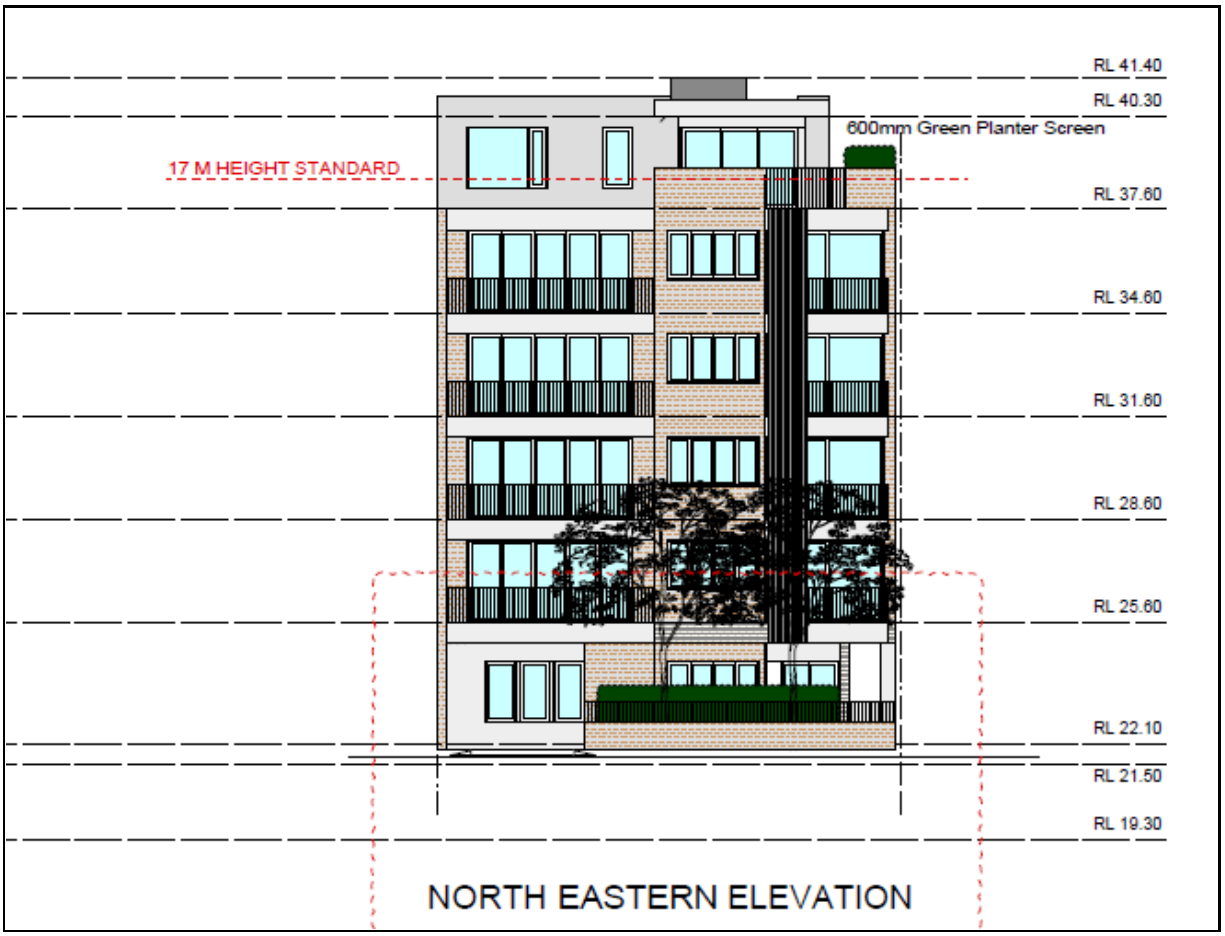

Image 22: North East Elevation (Rear – South Lane)

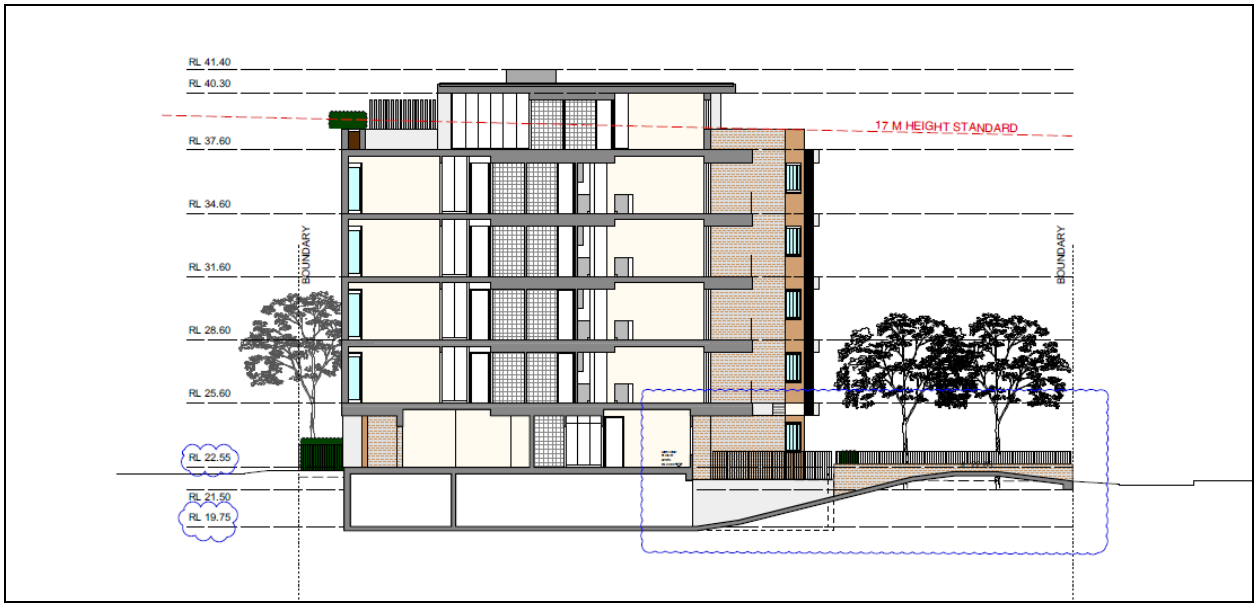

Image 23: Section

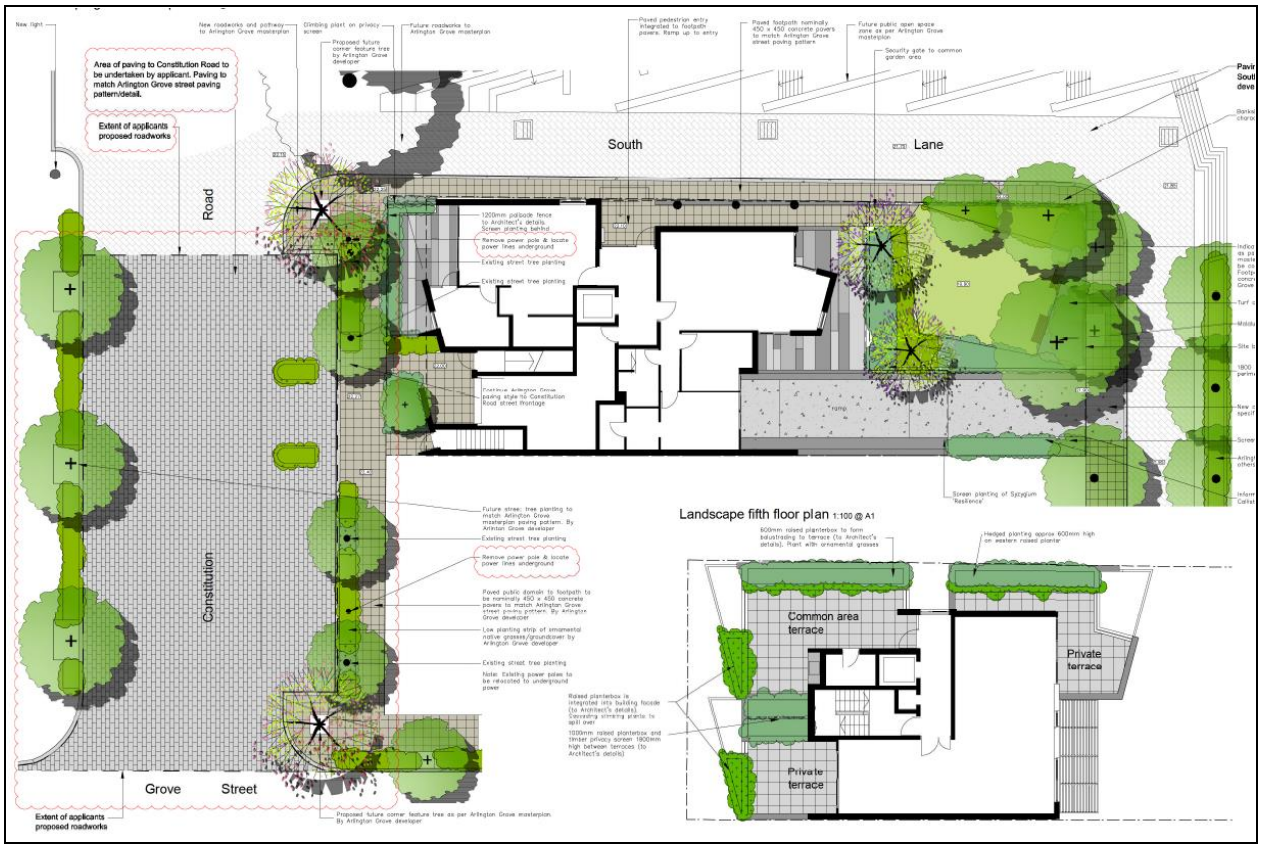

Image 24: Landscape Plan & Public Works Plan (Constitution Road)

3. State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. Marrickville Development Control Plan 2011 (MDCP 2011) provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site is currently occupied by a residential building, however previous uses, degrading buildings and parking of vehicles warranted a Detailed Site Investigation to be undertaken. This was submitted with the application. The detailed site investigation concluded the following:

- Detailed Site Investigation complies with the *NSW EPA's Guidelines for Consultants: Reporting on Contaminated Sites*
- The site and surrounding areas were free of statutory notices issued by the EPA under the
  Contaminated Land Management Act 1997 and the Protection of the Environment Operations Act 1997;
- There is no evidence of underground or aboveground storage tanks;
- Five bore samples collected across the site identified hot spot contamination of Benzo(a)pyrene in excess of adopted HIL B limits at three locations that requires additional investigations for delineation and remediation;
- Groundwater investigations were not undertaken and are recommended for further investigation

Upon the request of Council, the applicant prepared a Remedial Action Plan for the site with remediation of the site proposed to be undertaken after demolition of existing structures.

The detailed site investigation and remedial action plan adopted HIL B investigation levels for the site. This is suitable for the residential component of the development; however this is not suitable for the 101m^2 deep soil planting and common space area on the northern portion of the site.

More conservative investigation levels should be adopted, being HIL C, as it is assumed that occupants may have substantial opportunity for exposure to this portion of the site, and as such any potential contaminants that may be present. This is recommended in the NEPM 1999 which states *"Landscaped/playground (including sandpit) areas used for recreation within a high-density development should be assessed on the basis of the more conservative HIL C values"* (National Environment Protection (Assessment of Site Contamination) Measure 1999, Schedule B7, 3.2.2*).*

Conditions are included in the recommendation addressing HIL C investigation levels and further RAP requirements. Subject to compliance with the above, the proposal is considered acceptable having regard to the provisions of SEPP 55.

4. State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (Amendment 3)

The development is subject to the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65). SEPP 65 prescribes 9 design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

The development is generally acceptable having regard to the 9 design quality principles as:-

- The development is a site specific response presenting appropriate density, scale and built form within a masterplanned precinct;

- Resource, energy and water efficiency has been addressed through lodgement of a BASIX certificate;
- Adequate deep soil planting and landscaping is provided;
- The development provides good amenity for the dwellings;
- The development improves the safety and security of the street and is acceptable when considered against CPTED principles; and
- Council's Architectural Excellence Panel supports the contemporary development.

Apartment Design Guide

The ADG contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP the requirements contained within MDCP 2011 in relation to visual privacy, solar and daylight access, common circulation and spaces, apartment sizes and layout, ceiling heights, private open space and balconies, natural ventilation and storage have no effect. In this regard objectives design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The development has been assessed against the relevant design criteria within Part 3 and 4 of the ADG as follows:

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

The development provides a total of 134sqm of open space equal to 27% of the site. The communal open space consists of 101sqm of open space on the ground level and 33sqm on level 5.

The principal communal open space used by occupants is likely to be the ground floor open space to the rear of the site abutting South Lane.

Due to the proximity of approved heights of development to the north and west ('Arlington Grove') the ground floor open space will not receive a minimum of 2 hours solar access between 9:00am and 3:00pm mid-winter.

Given that the approved heights of the adjoining developments limit solar access on the ground floor for any potential development on site, an additional area of communal open space has been provided level 5 which is likely to receive the minimum solar access required. In this regard, the non-compliant level solar access received to the principal area of communal open space on the ground floor is acceptable in this instance.

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m^2	-	7%
650m^2 - 1,500m^2	3m	
Greater than 1,500m^2	6m	
Greater than 1,500m^2 with significant existing tree cover	6m	

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The site has an area less than 650sqm and provides 101sqm of deep soil area, equal to 20% of the site area and therefore complies with the prescribed ADG requirements for deep soil zones.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres
Over 25 metres (9+ storeys)	12 metres	6 metres

A 12.7 metre rear setback to South Lane has been provided with resulting separation between the approved 4 storey 'Arlington Grove' building to the rear complying with the above rear setback requirement.

On the north western side of the site, the adjoining building A1 within the 'Arlington Grove' development was approved at 8 storeys in height with a 6 metre setback to the boundary of the subject site which was a departure from the 7 metre setback required by Part 9.11 of MDCP 2011.

Building A1 contains habitable areas at 6 metres measured to the side boundary of the site from level 1 to level 8.

Levels 4 and 5 of the proposed development consequently do not achieve the required 9 metre side setback from the adjoining habitable areas of building A1 with a 7.4 metre setback proposed between the habitable rooms of the adjoining building and the habitable rooms of the development on level 5 and balconies on level 6.

Despite the building separation non-compliance of levels 4 and 5, the development will maintain adequate visual privacy as:-

- The building has been designed in an orientation so that apartment sightlines are directed away from building A1 of the 'Arlington Grove' development; and
- Screens have been provided to balconies and openings where necessary and highlight windows are provided on the north-west elevation with opaque glazing.

Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

The proportion of units which comply with the minimum solar access requirements of the ADG is 9 of 15, being 60%, with 1 unit (0.66%) receiving no direct sunlight mid-winter.

Due to the orientation of the site and the height and siting of approved buildings to the side and rear of the site, achieving 2 hours of solar access to the internal and external living areas of 70% of the dwellings is difficult.

In response to the external site constraints posed by adjoining development, living areas and glazing have been orientated to maximise solar access and the height of the development has been increased to an appropriate transition point between the approved building to the north-west and potential future development at 68, 70 and 72 Constitution Road in order to provide units with good solar access on levels 4 and 5.

Further, an independent solar access report prepared by Steven King was commissioned by the applicant. The report included thorough solar access 3D modelling of the development and shadow impacts of approved development surrounding the site. The report notes that the development would be capable of achieving 70% of apartments receiving 2 hours solar access in mid-winter had the adjoining 8 storey development been approved with side setbacks above 5 storeys at the required distance in accordance with the ADG. The report concludes that achieving 60% of apartments receiving 2 hours solar access in mid-winter is a result of significant design effort in response to site constraints.

On balance, the design is well considered having responded to site constraints and a variation to the required number of units receiving a minimum of 2 hours of solar access in mid-winter is considered acceptable in this instance.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

The plans indicate that 10 of the 15 units, being 66%, will allow for natural ventilation. No balcony servicing a cross through unit contains a balcony of depth greater than 18 metres.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres

The ceiling height of each storey will be a minimum 2.7 metres throughout each apartment. The ground floor has a ceiling height of 3.05 metres which allows for increased solar access to the lower level apartments.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m^2
1 Bedroom apartments	50m^2
2 Bedroom apartments	70m^2

All units comply with the minimum area as stipulated under the ADG.

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Apartment Layout

The ADG prescribes the following recommendations for apartment layouts:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of $10m^2$ and other bedrooms $9m^2$ (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
  - 3.6 metres for studio and 1 bedroom apartments.
  - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Room depths, room sizes and dimensions and window sizes for each unit complies with the ADG.

Units 102, 202, 302, and 402 propose a width of 3.3 metres for the combined living and dining rooms falling 300mm short of the 3.6 metre depth recommended by the ADG. As the depth and resulting amenity for future occupants of these units is considered satisfactory, the minor variation is considered acceptable in this instance.

Private Open Space and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	$4m^2$	-
1 Bedroom apartments	$8m^2$	2 metres
2 Bedroom apartments	$10m^2$	2 metres

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1 metres.

The ADG also prescribes that for apartments at ground level or on a podium or similar structure, a private open space area is provided instead of a balcony. It must have a minimum area of $15m^2$ and a minimum depth of 3 metres.

All units provide a balcony of the required size and dimension as recommended by the ADG. Units G01 and G02 on the ground floor provide a terrace area of 15sqm and 28sqm respectively.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
Studio apartments	$4m^3$
1 Bedroom apartments	$6m^3$
2 Bedroom apartments	$8m^3$

Note: At least 50% of the required storage is to be located within the apartment.

In addition to storage within units, storage cages have been provided on the basement level. All units are provided with an area of storage greater than the minimum area recommended by the ADG.

5. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application indicating the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

6. State Environmental Planning Policy (Infrastructure) 2007

The site is located within 25 metres of a rail corridor. Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) requires the consideration of potential effects to the ongoing operation and safety of the rail corridor for development within 25 metres. Clause 87 of the SEPP relates to the impact of rail noise or vibration on non-rail development, and for a development for the purpose of a building for residential use, requires appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

The proposal was referred to Sydney Trains for comment. Conditions of consent were provided including the requirement for an Acoustic Assessment Report to be provided before the issue of a Construction Certificate. Those conditions are included in the recommendation.

7. Marrickville Local Environmental Plan 2011

(i) Land Use Table and Zone Objectives (Clause 2.3)

The site is zoned R1 – General Residential under the provisions of MLEP 2011. The development is permissible with Council's consent under the zoning provisions applying to the land.

The development is acceptable having regard to the objectives of the R1 - General Residential zone.

(ii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

(iii) Height (Clause 4.3)

A maximum building height of 17 metres applies to the land under MLEP 2011. The development has a maximum building height of 19.5 metres which does not comply with the development standard.

A written request, in relation to the development's non-compliance with the building height development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011, was submitted with the application. That request is discussed later in this report under the heading "Exceptions to Development Standards (Clause 4.6)".

(iv) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 1.3:1 applies to the development under MLEP 2011.

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The development has a gross floor area (GFA) of 1049.4sqm which equates to a FSR of 2.09:1 on the 489sqm site which does not comply with the development standard.

A written request, in relation to the development's non-compliance with the FSR development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011, was submitted with the application. That request is discussed later in this report under the heading "Exceptions to Development Standards (Clause 4.6)".

(v) Exceptions to Development Standards (Clause 4.6)

Clause 4.6 contains provisions that provide a degree of flexibility in applying certain development standards to particular development. Under Clause 4.6(2), Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

The development exceeds the maximum building height development standard prescribed under Clause 4.3 of MLEP 2011 and floor space ratio development standard prescribed under Clause 4.4 of MLEP 2011. A written request in relation to the contravention to the building height and floor space ratio development standards in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application.

Building Height

The applicant considers compliance with the building height development standard to be unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

- The site is located adjacent to an approved 8 storey building with a height of 27.53 metres with substantial overshadowing of the subject site expected in addition to adjoining terraces on Constitution Road. This presents a site constraint for any development on site and the development is required to be taller in order to achieve increased solar access into units. A reduction in height to a compliant level would reduce solar access and it will be difficult to achieve a development of acceptable standard and amenity;

- The proposed height is contextually appropriate as it provides a height transition between the approved 8 storey building to the north-west and potential future 4 storey development envisaged by Part 9.11 of MDCP for development at 68, 70 and 72 Constitution Road. The height transition is well balanced and proportional to the site and is supported by Professor Peter Webber, Steve King and Council's AEP. In this regard, the development is a better planning outcome as a reduction in height to achieve numerical compliance would not provide appropriate height transition between developments and would be disproportionate in scale;

- The 17 metre height control is reasonably capable of accommodating a 5.5 storey building. The half storey component is represented by limiting the sixth storey to one apartment, which is setback from the front and located to the centre of the floor plate. This limits the visibility of the apartment from the street level and provides a recessed sixth floor;

- The height protrusion is attributed to the sixth floor, with the primary non-complying element being the lift over-run and fire stair in addition to the top floor 2 bedroom apartment. If the apartment were to be deleted, the height variation would remain, as the lift over-run and fire stair will still be required to provide access to the roof terrace. The top floor apartment is setback and recessed and is not highly visible from the street level. Therefore, there would be no discernible benefit of deleting the top floor apartment, as it would not result in compliance with the height standard;

- Shadow diagrams submitted with the application demonstrate that the shadow cast by the subject development is smaller than the shadow cast by the adjoining approved 8 storey building to the north-west. Therefore, the proposal will not generate any a greater shadow than the shadow that will be created by the 8 storey building. In this regard, the proposal does not generate any adverse shadow impact;

- Consideration has been given to visual and acoustic privacy. The building is designed in a north-east, south-west orientation with apartments directed away from the adjoining approved buildings. A substantial rear setback is provided to increase building separation and improve solar access. Screens have been provided where necessary and high-light windows are provided in opaque glazing for daylight. The proposal is a considered response to the context and does not generate any privacy impact to adjoining development;

- The streetscape plan submitted with the application illustrates that the proposal provides a contextually appropriate height transition within an emerging high density residential area. The building is well articulated and composes quality materials such as dry-pressed bricks, decorative brickwork on side façades and use of vertical elements that are balanced with horizontal banding. The building is a carefully designed high-quality development that exhibits design excellence and will deliver visually interesting building that compliments the streetscape and immediate area;

- The proposed height of the development provides amenity to future occupants that is considered to be a better planning outcome than that of a compliant proposal and is of a superior urban outcome in the context of surrounding approved development;

- The proposal is consistent with the objectives of the height of building standard and the objectives would be thwarted if compliance was required; and

- The proposal is consistent with the zone objectives;

The justification provided in the applicant's written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the height development standard should be varied in this particular circumstance based on the outcomes of planning law precedents such as those contained in *Wehbe v Pittwater Council [2007] NSWLEC827, Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90* and *Moskovich v Waverley Council [2016]*.

As demonstrated in the assessment provided in this report, the additional dwelling does not result in adverse amenity impacts for residents of adjoining properties and the architectural form proposed responds appropriately to the future context of the site.

Floor Space Ratio

A written request in relation to the contravention to the FSR development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application. The applicant considers non-compliance with the FSR development standard to be acceptable for the following reasons:

- The proposed bulk, mass and density of the development is contextually appropriate and rationalises the height and FSR standards. In this context, the FSR standard of 1.3:1 is a disconnect with the 17 metre height standard, and in the circumstances of this case, the proposed FSR of 2.146:1 provides a rationalisation and better relationship with the height standard and height of adjoining approved development;

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- Due to the substantial overshadowing as result of the adjoining approved 8 storey development to the north west, an increase in height is required to improve solar access. In order to achieve this increase in height, flexibility is required to the FSR standard. This will enable a development that achieves better amenity for future occupants than a development that would strictly comply with the FSR. This demonstrates that the benefits of varying the FSR and height are distinct and particular to the application;

- The development is consistent with the desired future character of the locality and the design of the development is considered to be a better urban outcome that will compliment future adjoining development;

- The proposed residential flat building will provide an improved streetscape presentation and building form that includes good quality finishes and materials and will contribute positively to the locality;

- The proposal does not result in any undue or adverse environmental planning impacts in terms of shadow, amenity, privacy, traffic, view loss or streetscape presentation;

- The proposed development is compatible with the approved development in the immediate vicinity and is not considered to detract from the streetscape of Constitution Road. The proposal is exemplary of the desired future character of the area, as established through the land use zone under MLEP 2011 and planning precinct provisions in MDCP 2011 and surrounding recently approved development;

- The proposal is consistent with the objectives of the FSR standard; and

- The proposal is consistent with the zone objectives.

The justification provided in the applicant's written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning law precedents such as those contained in *Wehbe v Pittwater Council [2007] NSWLEC827, Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90* and *Moskovich v Waverley Council [2016]*.

As demonstrated in the assessment provided in this report, the additional FSR does not result in adverse amenity impacts for residents of adjoining properties, results in improved amenity for future occupants and the architectural form proposed responds appropriately to the adjoining site context and future character of the masterplan area.

(vi) Preservation of Trees or Vegetation (Clause 5.9)

Clause 5.9 of MLEP 2011 concerns the protection of trees identified under Marrickville Development Control Plan 2011.

There are no trees on the property covered by and protected under Marrickville Development Control Plan 2011. However, the neighbouring property at 68 Constitution Road contains a Norfolk Pine which is of high retention value and may be impacted by the proposed development due to its proximity to the common boundary.

Council's Tree Management Officer recommended that the tree be retained and protected during construction. Despite the likelihood of future removal of the tree due to redevelopment and associated remediation works of the neighbouring property, conditions of consent are included in the recommendation requiring the retention and protection of the tree during construction.

(vii) Earthworks (Clause 6.2)

Clause 6.2 of MLEP 2011 requires the consent authority to have regard to certain matters where earthworks that require development consent are proposed. The development includes excavation for a basement level, which subject to conditions which have been included in the recommendation, is unlikely to have a detrimental impact on environmental functions or processes, neighbouring sites, cultural or heritage items or features of the surrounding land.

(viii) Flood Planning (Clause 6.3)

The land is not identified as land that is shown as "Flood planning area" on the MLEP 2011 Flood Planning Area Map; however, the site is subject to flooding.

The application was referred to Council's Development Engineer who advised that South Lane is subject to flooding and that amended driveway access and ground floor levels are required to ensure the site is not impacted by floodwaters.

Due to the location of the driveway access point and entry lobby on South Lane, the driveway height and floor levels of the lobby and ground floor units were subsequently modified.

Council's Development Engineer raised no concerns with respect to the amended plans subject to the imposition of conditions that have been incorporated into the recommendation.

(ix) Terrestrial Biodiversity (Clause 6.4)

The land is identified as "Biodiversity" on the MLEP 2011 Natural Resource - Biodiversity Map.

The land is also located in the Bandicoot Protection Area as identified in the Biodiversity Map contained in Appendix 3 of Part 2.13 of MDCP 2011 being an area identified as a potential habitat for the Long-nosed Bandicoot. The property has a site area which is greater than 450sqm.

The development was referred to Council's Biodiversity Officer who provided conditions of consent addressing any potential impact on biodiversity during demolition, construction and throughout the use of the development. Those conditions are included in the recommendation.

8. Marrickville Development Control Plan 2011

An assessment of the development having regard to the relevant provisions of Marrickville Development Control Plan 2011 (MDCP 2011) is provided below.

PART 2 – GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

The development is acceptable having regard to the relevant aspects of the 12 urban design principles.

The application was also referred to Council's Architectural Excellence Panel (AEP) who support the proposal. It is also noted that the proposal responded favourably to the AEP's feedback at Pre –DA stage and DA stage in:

- Altering the design to ensure that the streetscape presentation be improved with increased articulation features to the Constitution Road elevation; and
- Increasing the presence of the entry lobby with an increased opening to South Lane.

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(ii) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the application and is acceptable.

(iii) Equity of Access and Mobility (Part 2.5)

The development would require a minimum of 3 adaptable dwellings and 3 accessible resident parking spaces. In addition, all areas of the development are required to be accessible by persons with a disability.

The development provides 3 adaptable dwellings, accessible entry and continuous path of travel within the development in accordance with the requirements of MDCP 2011. An Access Report was submitted with the application and demonstrates compliance with relevant access requirements.

The matter of accessible car spaces is discussed below in this section of the report under the heading 'Parking (Part 2.10)'.

Further assessment of the application under the Premises Standards will occur at Construction Certificate stage. Appropriate conditions are included in the recommendation to ensure compliance.

(iv) Acoustic and Visual Privacy (Part 2.6)

The development would maintain a high level of acoustic and visual privacy for the adjoining approved development within the Masterplan area and adjoining residential dwellings on Constitution Road and ensures a high level of acoustic and visual privacy for future occupants of the development itself. The following points are noted:

- Private open space areas have been provided in the form of balconies in a north-east and south-west orientation to avoid overlooking of the adjoining 'Arlington Grove' development to the north west and south east;
- The balconies have been articulated and constructed with blade walls/screens to minimise potential overlooking of adjoining residential development and to provide privacy for future occupants;
- The highlight windows to the north-west façade do not generate any privacy issues, as they are opaque windows that allow for daylight and ventilation and are not transparent;
- The rear of the building is substantially setback from the boundary which minimises potential for overlooking of the approved development to the rear across South Lane;
- Balconies and habitable rooms facing Constitution Road are articulated and screened to minimise potential for overlooking of the approved development at 62 Constitution Road;
- Areas of common open space are not likely to generate unreasonable levels of noise out of character with what is expected of a residential use; and
- A condition of consent has been included requiring any noise from plant and equipment (i.e. – air conditioning units) to not exceed 5dBa above background noise.

(v) Solar Access and Overshadowing (Part 2.7)

Overshadowing

The shadow diagrams submitted with the application illustrate the extent of overshadowing to surrounding properties and demonstrate that proposal does not create any greater shadow than the shadow that is generated by the approved 8 storey building to the north west. As a result, the development does not generate any shadow that will reduce solar access to adjoining properties to the south.

Therefore, the development is not considered to be unreasonable in the circumstances and would not cause any unreasonable amenity impacts for surrounding residential development.

Solar Access

Solar access has been discussed above in section 4 of this report.

(vi) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives relating to community safety. The proposal provides clear visible entrances to the building from Constitution Road and South Lane, secure parking, habitable rooms overlooking Constitution Road and design features which would allow for casual surveillance of along both street frontages. Appropriate conditions are included in the recommendation regarding lighting and anti-graffiti treatment to the development.

(vii) Parking (Part 2.10)

Car, Bicycle and Motorcycle Parking Spaces

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. The following table summarises the car, bicycle and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Resident Car Parking	0.4 car parking space per studio	N/A	6	No
	0.5 car parking spaces per 1 bedroom unit	6 x 1 bed unit (non-adaptable) = 3 spaces		
	1 car parking space per 2 bedroom unit	6 x 2 bed unit = 6 spaces		
	1.2 car parking spaces per 3 bedroom unit	N/A		
	1 car space per 1 adaptable dwelling	3 accessible spaces		
	TOTAL REQUIRED:	**12 spaces**		
Visitor Car Parking	0.1 car parking space per unit	15 units = 1.5 spaces	0 spaces	No
	1 accessible visitor's car parking space per 4 accessible car parking spaces	0 accessible space **TOTAL: 1.5**		
Bicycle Parking				
Resident Bicycle Parking	1 bicycle parking space per 2 units	15 units = 8 spaces	15 spaces	Yes
Visitor Bicycle Parking	1 bicycle parking space per 10 units	15 units = 1.5 spaces		
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	N/A	-	-

The application proposes the provision 6 car parking spaces which does not comply with the requirements set out in the above table.

The applicant has indicated that the 6 parking spaces are to be allocated to the 6 x 2 bedroom units resulting in no allocated parking spaces for the 9 x 1 bedroom units.

Part 2.5 of MDCP 2011 requires the provision of 1 car space per adaptable unit, therefore the proposal is required to provide a total of 3 adaptable spaces and no adaptable parking spaces are proposed.

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Whilst it is acknowledged that the proposed basement is considerably constrained and limited in size, the provision of accessible parking is necessary to ensure the adaptable units are adequately catered for. It is considered the proposal could provide for 2 accessible car spaces with minimal loss of parking. The provision of 2 accessible parking spaces would result in the loss of 1 car space to provide for a shared zone resulting in a total of 5 on-site car parking spaces. This is considered to be a better outcome for the site and its potential tenants.

Having regard to the limited space within the proposed car park, space 5 as shown on the basement plan could be deleted and converted to a 'shared area' to accommodate 2 accessible parking spaces on either side (spaces 4 & 6). A condition of consent is included in the recommendation to this effect.

The parking shortfall is considered moderate and it is noted that due to the amended location of the basement access off South Lane (an amendment made at the request of Council), one additional on street parking space will be provided in place of the existing and redundant driveway to the site off Constitution Road.

Despite the car parking space shortfall, the development is considered acceptable for the following reasons:-

- The development is within 25 metres of the Arlington Light Rail Station which will assist in mitigating car ownership, particularly for occupants travelling to and from the CBD;
- The development is within 280 metres walking distance to Old Canterbury Road and 700 metres walking distance to the Dulwich Hill Town Centre both of which provide well serviced bus stops; and
- The site size is constrained and any further parking would require a further excavation for additional parking which is not considered a reasonable outcome given the minimal benefit in additional car spaces and appropriateness of further excavation on the small site.

Further, the applicant submitted a Traffic and Parking Assessment Report which concludes that the proposed development is a moderate trip generator for the weekday peak times and will not negatively impact the ongoing use and function of the surrounding road network and intersections.

On balance, the development contributes to urban renewal in an emerging compact urban centre close to multiple public transit networks in the interest of supporting compact urban form, economic viability and sustainable transport. The development is therefore considered to be acceptable having regard to the objectives of Part 2.10 of MDCP 2011.

(viii) Landscaping and Open Spaces (Part 2.18)

Part 2.18.11.5 of MDCP 2011 prescribes landscaped area, private and common open space controls for residential flat buildings.

Landscaped Area

The development provides landscaping to the front of the site abutting Constitution Road and 101sqm of landscaped area at ground level located at the rear of the site. Although the landscaped area provided does not comply with the required provision for 45% landscaping of the site area required by MDCP 2011, the area is considered sufficient in size and function as it is provided as deep soil and is of a size which is considered appropriate given the relatively small nature of the development and expected occupancy rate.

A landscape plan and maintenance schedule was not submitted with the application. A condition is included in the recommendation requiring the submission of a landscape plan and maintenance schedule.

Private and Common Open Space

The units are provided with private open space in accordance with the required sizes in Part 2.18 of MDCP 2011. The common open space on ground level and level 5 are considered to afford a good level of amenity for future occupants. The development satisfies Part 2.18 in this regard.

(ix) Site Facilities and Waste Management (Part 2.21)

2.21.2.1 Recycling and Waste Management

A Recycling and Waste Management Plan (RWMP) was submitted with the application and is considered to be adequate. In accordance with Part 2.21 of MDCP 2011, development with 4 or more storeys requires a garbage chute or waste storage room for waste disposal on each floor. The development provides a chute on each floor.

2.21.2.5 Residential Waste

Residential waste facilities have been provided on the ground floor level with direct access to Constitution Road. The garbage room has an area of 27.5sqm which is considered of a sufficient size to accommodate the required 14 x 240 litre bins for waste and recycling.

A condition of consent is included in the recommendation requiring adequate bin management for collection periods as to minimise the impact of bins left out on the street on collection days.

2.21.3.1 Clothes drying facilities

Under the provisions of Part 2.21.2 of MDCP 2011, external clothes drying areas are required at a rate of 3.75m² per dwelling, with a minimum 6 metres of clothes line for each dwelling.

The balconies proposed for each dwelling are considered to be capable of accommodating suitable clothes drying facilities for future occupants.

2.21.3.2 Public utilities

A condition is included in the recommendation advising the person acting on the consent to liaise with the relevant authorities/service providers for public utilities (Sydney Water Corporation, Ausgrid, AGL and Telstra) concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.

2.21.3.3 Mail Boxes

A condition is included in the recommendation to ensure that suitable letterbox facilities are provided in accordance with Part 2.21.4 of MDCP 2011.

2.21.3.4 Building identification numbers

A condition is included in the recommendation requiring appropriate numbering details to be submitted in accordance with Part 2.21.5 of MDCP 2011.

2.21.3.5 Telecommunication facilities

A condition is included in the recommendation requiring the provision of suitable telecommunication facilities in accordance with Part 2.21.6 of MDCP 2011.

(x) Stormwater Management (Part 2.25)

The application was referred to Council's Development Engineer who provided conditions to be included in the recommendation to address stormwater management.

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Part 4 - RESIDENTIAL DEVELOPMENT

Part 4.2 – Multi Dwelling Housing and Residential Flat Buildings

The site is located within the Hoskins Park Planning Precinct pursuant to Part 9.11 of MDCP 2011. Many of the controls and objectives contained within Part 4.2 are effectively superseded by the controls contained within Part 9.11. The following assessment is in regards to controls which are not replicated within Part 9.11 of MDCP 2011:

(i) General Controls (Part 4.2.3)

Part 4.2.3 of MDCP 2011 prescribes the following unit mix requirements for residential flat buildings containing 6 or more dwellings:

Dwelling Type	Proposed	Required (%)
Studio	4 dwellings (18%)	5-20%
1 bedroom	11 dwellings (50%)	10-40%
2 bedroom	7 dwellings (31%)	40-75%
3 bedroom	0 dwellings (0%)	10-45%

The development includes 0 x studio dwellings (0 % of 15), 9 x 1 bedroom dwellings (60 % of 15), 6 x 2 bedroom dwellings (40 % of 15) and 0 x 3 bedroom dwellings (0% of 15) which does not comply with the abovementioned unit mix requirements. Notwithstanding, there is considered to be an acceptable range of dwelling sizes and types to meet the future needs of the area across the precinct. The variation is not considered to warrant refusal of the application.

(ii) Built Form and Character (Part 4.2.4)

4.2.1.1 Floor Space Ratio and Site Coverage

The floor space ratio of the development has been discussed earlier in this letter under the provisions of MLEP 2011.

Part 4.2.4.1 MDCP 2011 specifies the following maximum site coverage controls for residential flat buildings:

Development Type	Maximum Site Coverage
Residential flat building	45% for one storey 35% for two storey 30% for three or more storeys

The site coverage for this proposal, measured in accordance with the above, equates to 42% of the site area which does not comply with such requirement. Notwithstanding, the variation is considered acceptable given the site accommodates a sufficient deep soil area and an acceptable area of landscaping and common open space as discussed above in Section 8 of this report.

4.2.4.2 Building Heights

This matter has been discussed earlier in this letter under the provisions of MLEP 2011.

(iii) Streetscape, General Appearance and Materials (Part 4.2.5)

The development is considered acceptable with regards to the streetscape design parameters prescribed under Part 4.2.5 of MDCP 2011. The original application was reviewed by the AEP who found the proposal to be of an overall high design standard with an appropriate use of colours and materials. Minor amendments to the entry area and lobby off South Lane and the architectural expression facing Constitution Road were recommended. These amendments were undertaken and amended plans were submitted.

In summary, the design of the development is of a high standard in terms of its architectural expression, use of colours and materials, its relationship with the public realm and internal amenity for future occupants.

PART 9 – STRATEGIC CONTEXT

The site is located in the Hoskins Park Planning Precinct (Precinct 9.11) and the Hoskins Park Masterplan area (MA 11.1) under MDCP 2011.

Part 9.11 of the DCP prescribes the following site specific planning controls to achieve the desired future character for the Hoskins Park Planning Precinct:

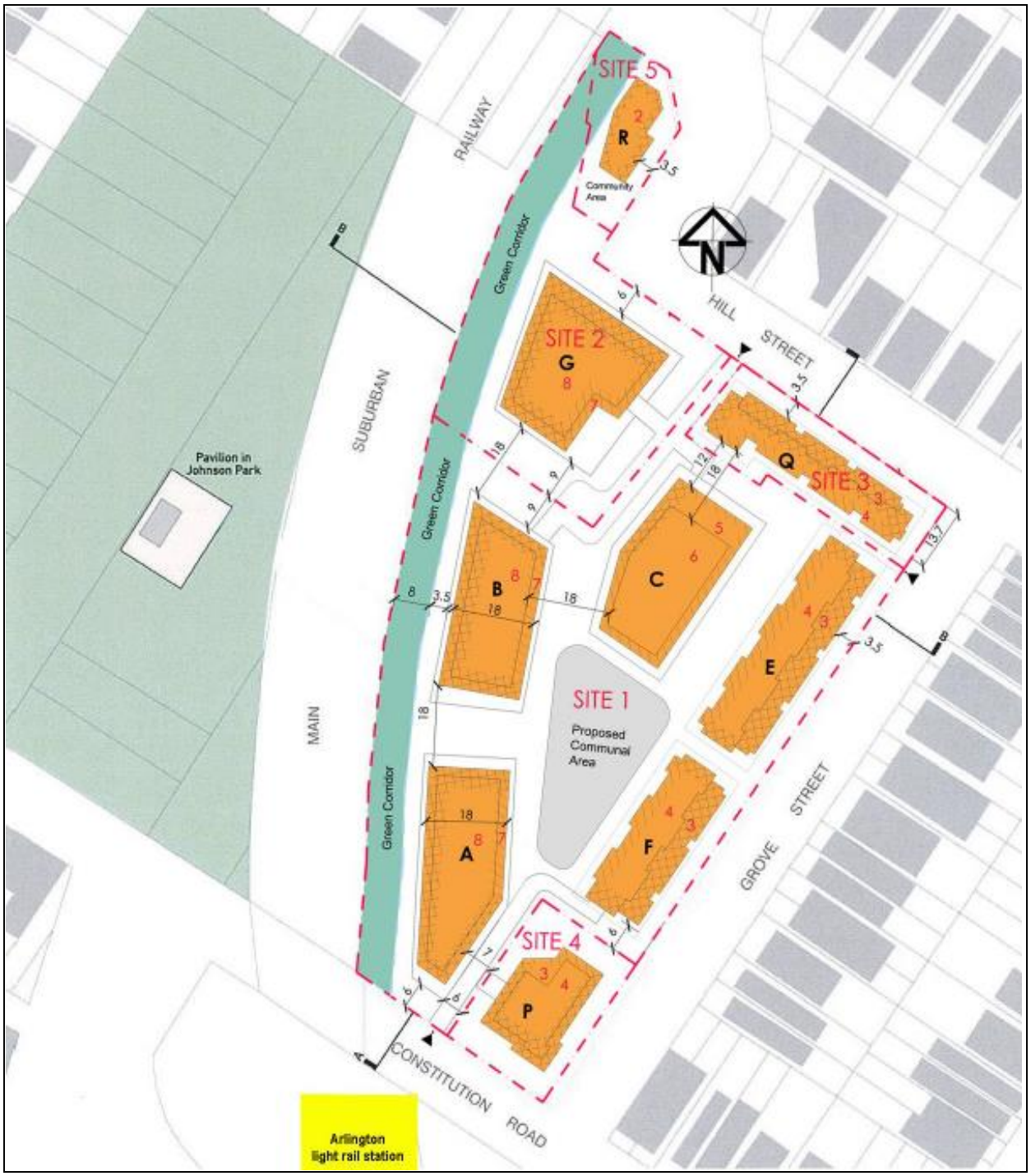

Image 25: Figure 11.1b – (MA 11.1) Part 9.11 of MDCP 2011

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(i) Masterplan Area (MA 11.1) – (Part 9.11.5.1)

Site Amalgamation

The site is 1 of 4 properties within 'Site 4' as shown in 'Image 23' above and further demonstrated in 'Image 19' below.

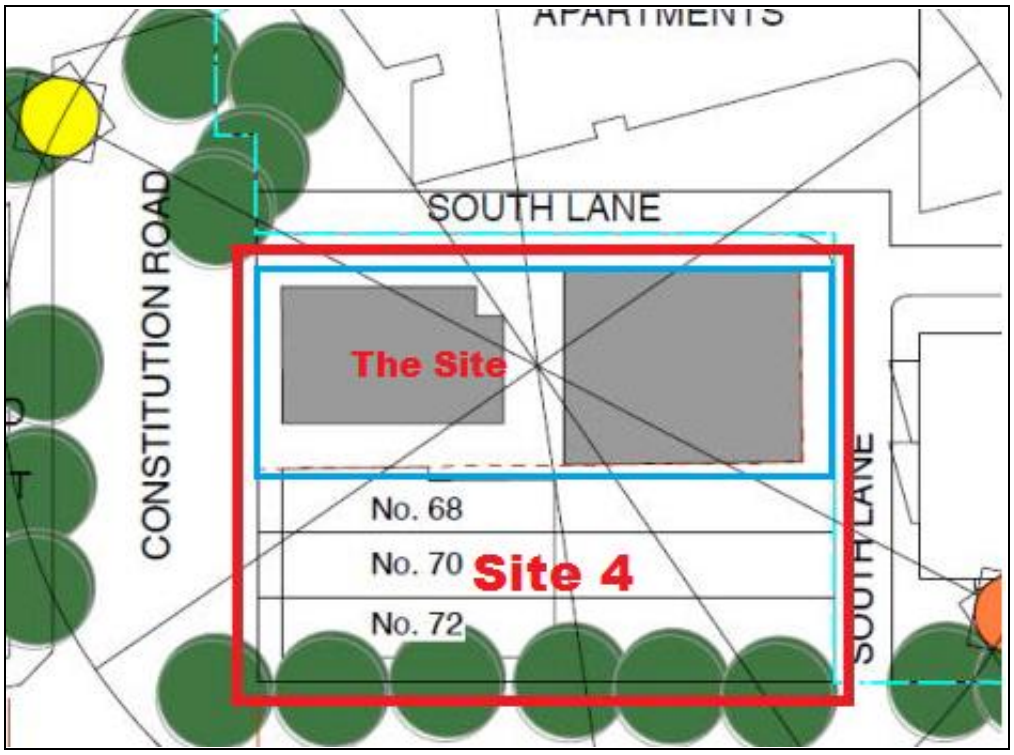

Image 26: Site 4 (Site 4 marked red & subject site marked in blue)

In accordance with Control C15 and C17 under Part 9.11.5.2 of MDCP 2011, the site is required to be amalgamated with 68, 70 and 72 Constitution Road in accordance with the pattern prescribed for 'Site 4'.

The development does not propose to amalgamate with 68, 70 and 72 Constitution Road. Documentation provided to Council indicates genuine attempts to amalgamate with the adjoining sites have been made and have been unsuccessful to date.

In support of the development without amalgamation with the adjoining sites within 'Site 4', the application was accompanied by alternative masterplan outcomes relating to remaining lot amalgamation opportunities. Modelled development outcomes to develop the adjoining 3 properties in isolation were provided to justify the proposed departure. This was undertaken by the applicant by:-

- The submission of detailed modelling of potential built form outcomes on the alternative amalgamated sites (68, 70 and 72 Constitution Road) and demonstrating how the sites could be amalgamated and redeveloped to be compliant with relevant planning policy controls; and

- demonstrating how they fit with the underlying intentions and objectives of the master plan, in the overall context of the Masterplan area.

In consideration of the evidence provided by the applicant, Council is satisfied that the applicant has demonstrated that the NSW LEC Planning Principles for site amalgamation/site isolation have been satisfied.

Building Height

The building does not comply with the building height development standard in MLEP 2011.

Further to this, Part 9.11 of MDCP 2011 prescribes a height limit expressed in storeys, being a 3 storey podium with a 4th storey setback 3 metres.

The subject development proposes a 5 storey podium with a setback 6th storey.

In assessing the appropriateness of these height departures, consideration is given to the scale of the development in the context of surrounding approved buildings to the north west (building A1, 'Arlington Grove' – 8 storeys) and to the south west (62 Constitution Road – 7 storeys). In addition, consideration is given to the sites' constraints in terms of ability to provide complaint solar access for future occupants due to the proximity of the site to the adjoining approved 8 metre building to the north-west and the 4 storey building to the north.

Although the height of the development is non complaint, both numerically and when expressed as a number of storeys, the development provides a suitable visual transition between surrounding development to the north west and south west ('Arlington Grove' and 62 Constitution Road), the expected 4 storey height envisaged by Part 9.11 for 68, 70 and 72 Constitution Road and residential dwellings to the east on Grove Street. This is demonstrated in 'Image 21 and Image 22' below:-

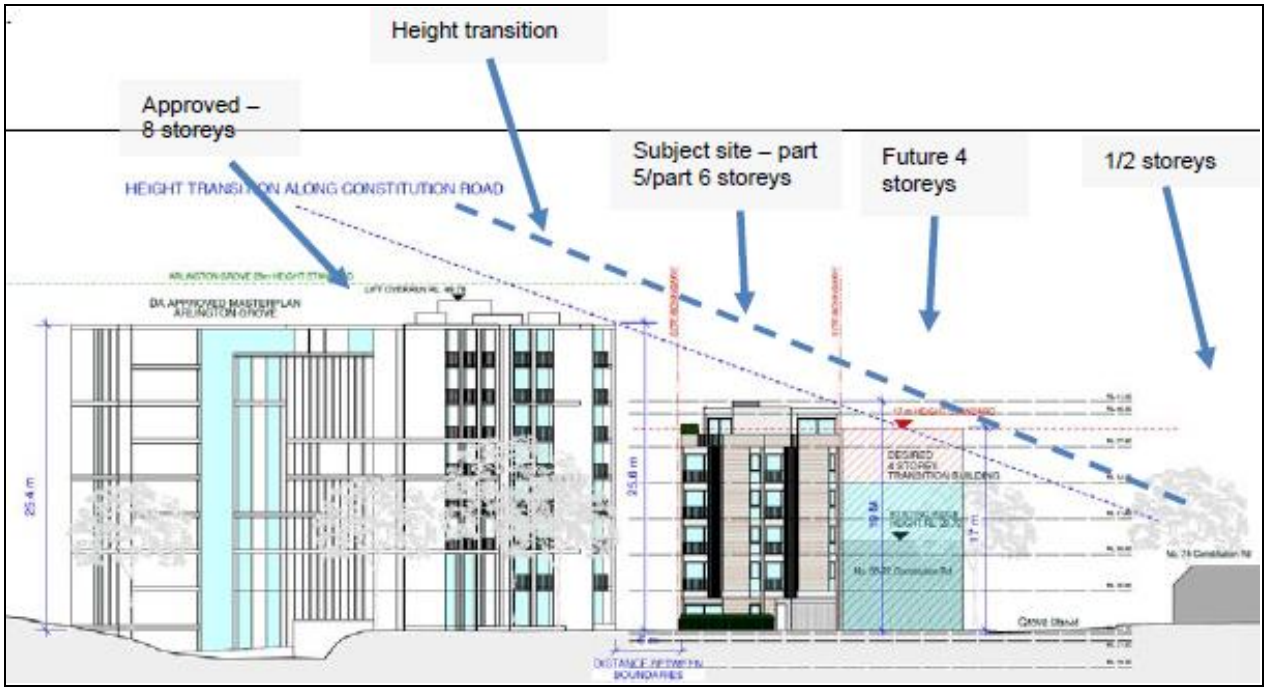

Image 27: Constitution Road streetscape elevation – height transition between approved 8 storey building, the subject site and possible future development at 68 – 72 Constitution Road

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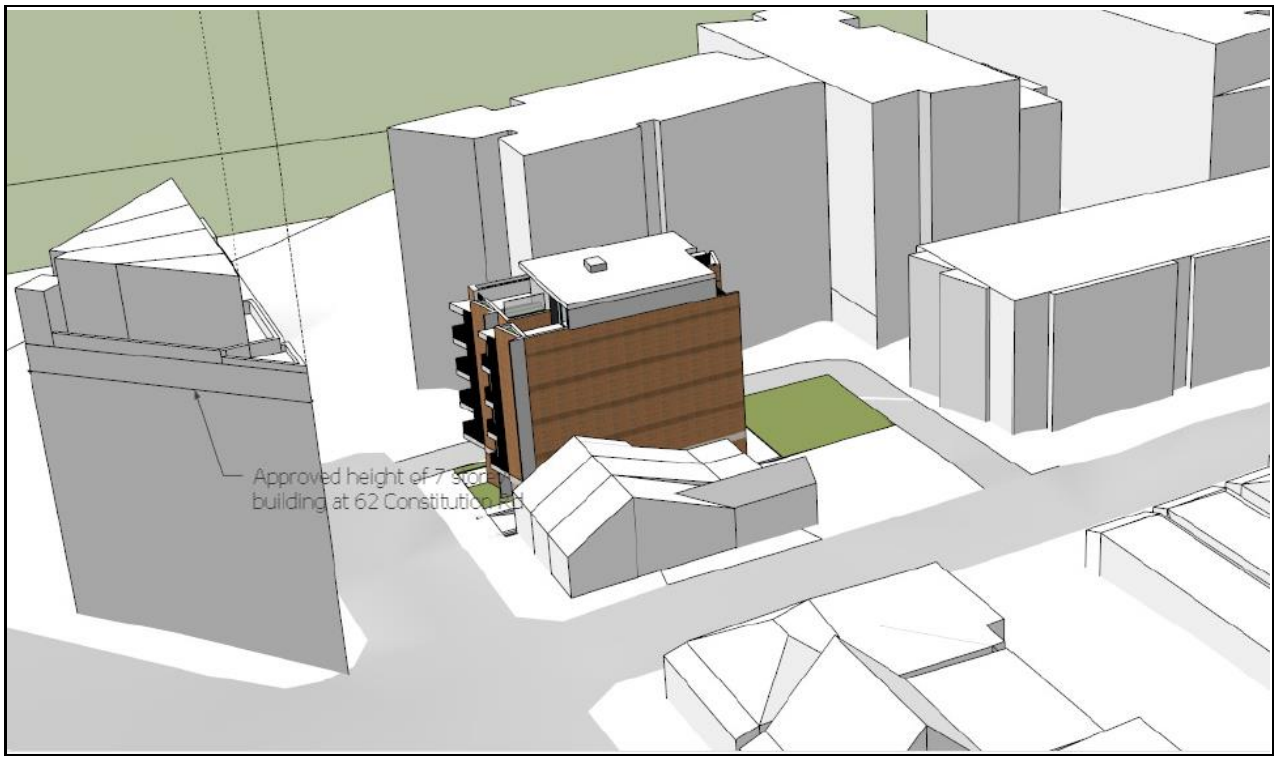

Image 28: Sketch Up model of the development in the context of surrounding existing and approved development

Although the subject proposal has six levels, the single unit at the top is recessed so that the new building would read as only five storeys from the street level.

The proposed height on the constrained site allows for better amenity for future occupants by providing good solar access to the upper 5th and 6th storey where as a reduced and compliant height would not allow for overall adequate solar access to units. It is noted that the approved 4 storey building to the north was not positioned in accordance with the prescribed building pattern within the Masterplan area. Open space is prescribed in the Masterplan area in the location of the approved 4 storey building. This has reduced the opportunity for good solar access for lower level units for any potential development on the subject site.

It is therefore considered that the height and number of storeys of the development presents a suitable transition between the 8 storey development to the north-west and the existing and potential future residential buildings to the south east.

Boundary Setbacks/Upper Floor & Roof Setbacks

Figure 11.1b in Part 9.11 of MDCP 2011 below, shows required boundary and upper floor/roof setbacks for a building where the suggested site amalgamation for 'Site 4' has been achieved.

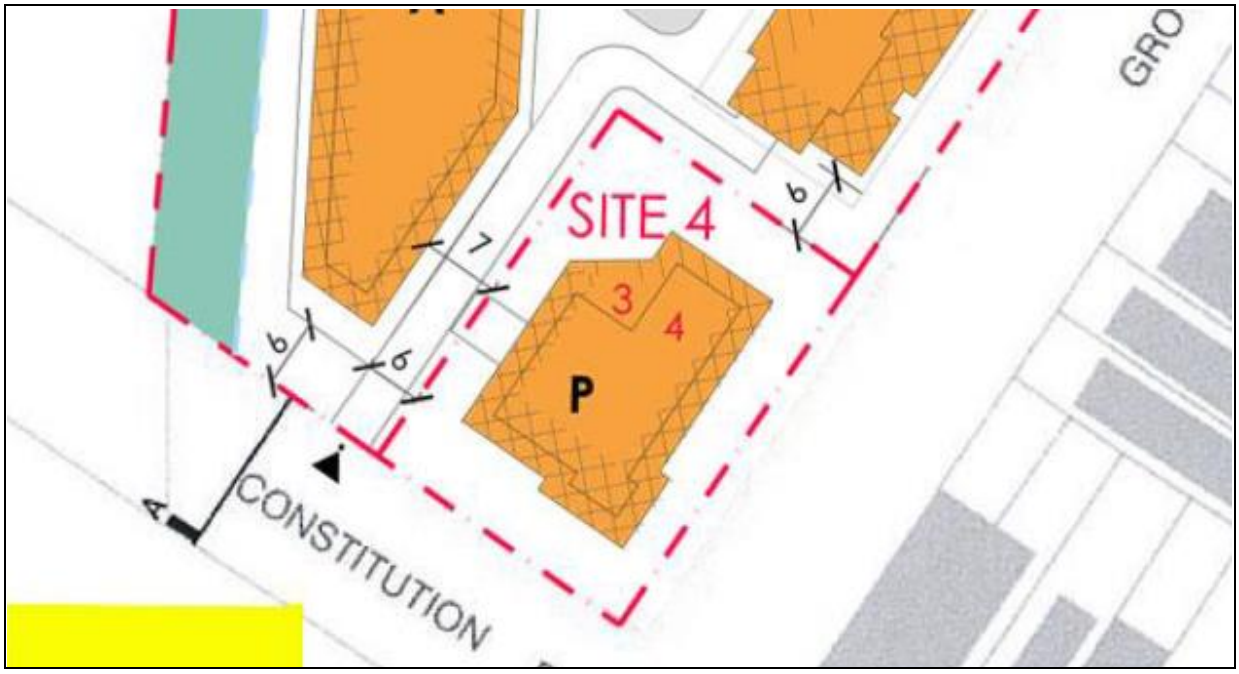

Image 29: Site 4 Boundary Setbacks/Upper Floor & Roof Setbacks

As the site has not been amalgamated as suggested for 'Site 4', the ability for the development to achieve the required setbacks is compromised. The development proposes to vary required side and front setbacks with a nil side setback to South Lane and 68 Constitution Road and a 1.5 – 2 metre front setback to Constitution Road. The upper level (level 5) is compliant with the exception of the south east side boundary shared with 68 Constitution Road. The required rear setback has been achieved with a proposed 12.7 metre setback to South Lane.

Side Setbacks

The proposed nil side setbacks provides for development at a suitable width whilst maintaining privacy to adjoining development, having orientated balconies and habitable rooms to the north east and south west. As per the suggested setbacks and heights shown above, a compliant development would not benefit from better solar access and privacy, therefore the proposed alternative side setback is considered an acceptable response to the sites' constraints given it does not reduce potential for good amenity to units. Further, the remaining 3 sites within 'Site 4' have opportunity for future redevelopment on the boundary shared with the site.

Rear Setback

The development proposes a rear setback of almost double the required setback as shown in Image 22 above. This has been undertaken to improve solar access to rear facing units and has resulted in a reduced front setback of 1.5 – 2 metres to Constitution Road.

Front Setback

Pre-DA advice was provided to the applicant by the AEP and suggested that the front setback be reduced to improve solar access to rear facing units and amenity to the rear open space. A reduced front setback was also suggested to promote a more solid presence for the building to Constitution Road in light of the approved 7 storey building at 62 Constitution Road which opposes the site. If the development were to be setback as shown in Image 22 above, the solar access, rear open space and streetscape presence of the development would be significantly compromised. It is therefore considered that the development is a better outcome for development on site. Further, it is likely that the 3 adjoining sites to the south east will redevelop with a similar front and rear setback to that of the subject development to achieve similar solar access, open space and streetscape outcomes.

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Upper Floor & Roof Setbacks

The required 3 metre setback to level 5 and its roof has been provided with the exception of the south east side which abuts the boundary shared with Constitution Road. This is an appropriate response as the adjoining site at 68 Constitution Road is likely to be redeveloped with nil side setbacks.

Sustainable Envelope and Occupant Amenity

The objective of the sustainable envelope and occupant amenity control is to achieve a form of development that results in the future occupants of the building achieving adequate amenity, while protecting the amenity of the adjoining properties. The proposed development is considered to achieve this objective through orientating the majority of the internal and external living areas to the north east and south west, providing adequate solar access, cross-ventilation and providing a separation from adjoining properties to mitigate any overlooking. The development is considered acceptable in this regard.

Articulation Zones

The proposal generally complies with the articulation zones prescribed within Part 9.11 of MDCP 2011 to the front and rear. The development provides a 6 metre setback from the Constitution Road frontage to the building facade, however, includes the provision of balconies within the 6 metre setback.

The proposal provides good articulation on front and rear elevations which breaks up the visual massing of both elevations when viewed from and beyond Constitution Road and South Lane. The application is considered acceptable in this regard.

Domain Interface and Structure

The proposal generally complies with the controls relating to the domain interface and vehicle access location. Public domain works to Constitution Road, being works to Constitution Road for a 'Shared Zone' and grounding of power lines along Constitution Road and Grove Street, form part of this application. The proposed public domain works are considered to provide a good urban design outcome for the site and surrounding development and public land uses.

Concluding Remarks

The proposal seeks significant variations to the Strategic Context Controls contained within Part 9.11 of the MDCP 2011.

In March 2013, changes to Section 79C of the *Environmental Planning and Assessment Act 1979*, changed the status of Development Control Plans through the introduction of Sub-Section 79C(3A) that as follows:

> *(3A)* ***Development control plans***
>
> *If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*
>
> *(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards - is not to require more onerous standards with respect to that aspect of the development, and*

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards - is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

*(c) may consider those provisions only in connection with the assessment of that development application. In this subsection, **standards** include performance criteria.*

The intent of the above is to ensure that the application of controls contained within a DCP is done in a manner that allows flexibility and complements the development standards of the prevailing Local Environmental Plan (LEP).

In this instance, the controls of Part 9.11 of the MDCP 2011 constrain the development potential of land by imposing development controls that conflict with those permitted under the provisions of MLEP 2011.

As such, based on the intent of sub-section 79C (3A)(b), Council is required to be flexible in the application of the development controls and allow an alternative solution that achieves the objectives of the standard.

As stated above, the proposed development is supported in respect to variations to the prevailing development standards contained in MLEP 2011 and does not contravene the objectives of the development controls contained in MDCP 2011. As such the alternative solution proposed is considered acceptable for the site.

9. Public Domain Works

The adjoining 'Arlington Grove' development approval included paving works to South Lane and on Constitution Road from the Arlington Station entrance to approximately 1 metre past the boundary of the subject site up Constitution Road. The Arlington Grove approval also required the establishment of a 'Shared Zone' on Constitution Road to its intersection with Grove Street.

To complete the paving required for the future 'Shared Zone', the application proposes to pave the remaining length of Constitution Road in contrasting colours comprising replacement of all asphalt with pavers to match South Lane and Arlington Grove works. Works are to be undertaken from the 'Arlington Grove Plaza' to the corner of Constitution Road and Grove Street. This shall continue the plaza type finish at the Constitution Road interface and will enable the shared zone to continue.

To further improve the public domain and site frontage, the application proposes the removal of 2 power poles and the undergrounding of power lines.

Public domain works proposed are shown in 'Image 30 below:

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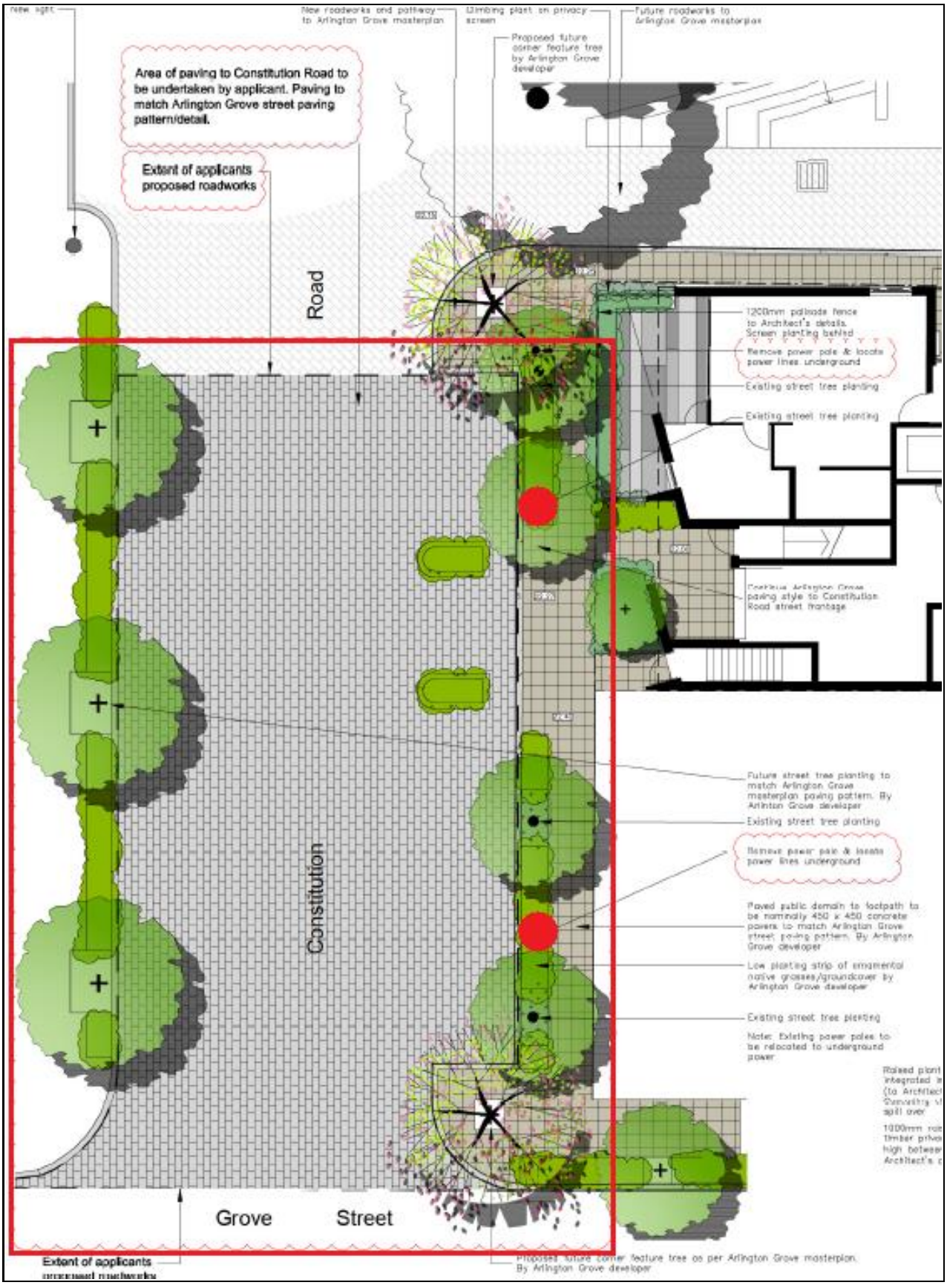

Image 30: Public Domain Works to Site Frontage

10. Marrickville Section 94/94A Contributions Plan 2014

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of $222,931.28 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

11. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 28 submissions were received raising the following concerns which have already been discussed throughout the main body of this report:

(i) Height;
(ii) FSR;
(iii) Solar Access & Overshadowing;
(iv) Privacy;
(v) Traffic;
(vi) Parking;
(vii) Site Isolation;
(viii) Variation to the Masterplan Site;
(ix) Garbage Bins/Disposal; and
(x) Unit sizes

In addition to the above, the submissions raised the following concerns which are discussed under the respective headings below:

(i) Further Setback or landscaping and architectural articulation should be provided to the north west elevation to reduce the visual impact of the development when viewed from Building A1 ('Arlington Grove').

Comment:
A variation to the required side setback is supported for the reasons discussed above in this report. The architectural expression on side boundaries was reviewed by the AEP and no objection was raised. Additional articulation to the north-west elevation would compromise the design and would likely require reduced internal floor plates and would impact the amenity of units.

(ii) The Traffic Report submitted with the application contains a number of errors including address names and adjoining development parking numbers.

Comment:
Council notes the discrepancies listed in the Traffic Report; however, the impact of the development on traffic and parking has not been impacted by the discrepancies and has been assessed against relevant controls and policies.

(iii) There is not enough parking for the units and there is no visitor parking. The application should be refused on this basis or more parking spaces/less units should be provided.

Comment:
Whilst it is acknowledged that there is likely to be some occupants and visitors that will not have a parking space to use on site, appropriate conditions are included in the recommendations specifying that the residents and therefore visitors of the development will not be eligible for any resident parking schemes. In addition, the overall impact of the development on parking is considered minimal for a 15 unit development within close proximity to public transport services and the parking impacts are not such to warrant refusal of the proposal.

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(iv) There is a large accumulative traffic impact associated with approved surrounding development in Arlington Grove and other developments within the surrounding locality. The development will contribute to this and the application should address this.

Comment:
Issues of cumulative impacts are considered when planning controls are established and through the Masterplanning process. The proposal will lead to minimal increased traffic generation. The traffic impacts associated with the proposal are not considered of such significance to warrant refusal of the proposal, particularly when the anticipated redevelopment of the site given the planning controls is considered and the 15 unit development contains only 6 parking spaces that will generate minimal increased traffic.

(v) Pedestrian safety will be at risk due to a driveway located across a high pedestrian area footpath.

Comment:
The position of the driveway was relocated to the rear of the site off South Lane with an exit from South Lane to Constitution Road being established as a shared zone subject to construction works by the applicant and developer of 'Arlington Grove'.

(vi) Public transport, schools and childcare centres are at capacity and will be degraded due to the population increase.

Comment:
Any upgrade of these facilities need to be instigated by the relevant provider(s).

(vii) There is not enough space in the road for construction vehicles

Comment:
During construction, all necessary permits will be applied for by the applicant in accordance with conditions included in any consent issued.

(viii) Structural damage to surrounding buildings as a result of large clay and soft sandstone on the site. Residents have experienced some damage to houses from construction at Arlington Grove. Dust and pollution will also impact surrounding houses and cars during construction.

Comment:
Construction related impacts are able to be appropriately regulated through the recommended conditions of consent.

(ix) A dilapidation report should be provided prior to the issue of a construction certificate extending to 74A constitution Road and a Geotechnical Report should include this property.

Comment:
It is considered unreasonable to extend the requirement of a dilapidation report and Geotechnical Report to a property of approximately 32 metres from the site.

(x) It is not clear what the VPA for the development includes and how it will benefit surrounding residents.

Comment: A VPA no longer forms part of this application.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.

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12. Conclusion

The application seeks consent to demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking and associated landscaping works.

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application. The proposal results in departures with the storey limit contained in MDCP 2011 and the FSR and height development standard in MLEP 2011. Notwithstanding this, the extent of the proposed non-compliances is not considered to result in adverse impacts on the amenity of the adjoining development or the future character of the Hoskins Park Planning Precinct.

The application is suitable for approval subject to the imposition of appropriate conditions.

PART E - RECOMMENDATION

A. **THAT** the development application to demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking and associated landscaping works be **APPROVED** subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA002, Rev G	Site Plan	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16
DA101, Rev G	Basement Floor Plan	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16
DA102, Rev G	Ground Floor Plan	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16
DA103, Rev F	First Floor Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA104, Rev F	Second Floor Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA105, Rev F	Third Floor Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA106, Rev F	Fourth Floor Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA107, Rev F	Fifth Floor Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA108, Rev F	Roof Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA 201,Rev F	Section AA	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16
DA301 Rev G	North-West & North East Elevations	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16
DA302, Rev G	South West & South East Elevations	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16

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DA601, Rev F	Materials & Finishes Schedule	16/02/16	Julie Cracknell & Peter Lonergan	02/03/16
DA602, Rev F	Brick Pattern Wall Detail	16/02/16	Julie Cracknell & Peter Lonergan	02/03/16
1/2, Issue C	Landscape Plan	14.07.2016	Paul Scrivener	02/09/16
2/2, Issue C	Landscape Plan	14.07.2016	Paul Scrivener	02/09/16
-	Driveway Ramp Detail	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
No. 698525M	BASIX	22 February 2016	Greenwood Architectural Drafting	02/03/16
-	Access Report	17 February 2016	Ergon Consulting	02/03/16
E785/2	Remedial Action Plan – 66 Constitution Road	15 July 2016	Benviron Group	02/09/16
Report No. P2016-003-G133, Rev 0	Geotechnical Investigation Report	January 2016	Benviron Group	02/03/16

and details submitted to Council on 2 March 2016, 15 July 2016, 2 September 2016 and 7 September 2016 with the application for development consent and as amended by the following conditions.
Reason: To confirm the details of the application submitted by the applicant.

2. Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:

a) the plans and/or information approved under this consent; or

b) any relevant requirements of this consent,

the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.
Reason: To ensure the development is carried out in accordance with this Determination.

3. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified in Drawing Nos. DA601 and DA602, dated 16 February 2016, prepared by Julie Cracknell & Peter Lonergan. No changes may be made to these drawings except by way of an application under section 96 of the *Environmental Planning and Assessment Act 1979*.
Reason: To ensure the final built development has an appearance that accords with the approved materials and finishes.

4. Where units or dwellings are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.
Reason: To ensure the aesthetics of the building and architecture are maintained.

5. The development must be carried out substantially in accordance with, Remediation Action Plan 66 Constitution Road, Dulwich Hill NSW, E785/2, dated 15 July 2016, prepared by Benviron Group and submitted to Council on 17 May 2016 with the application for development consent and as amended by the following conditions.
   Reason: To confirm the details of the application as submitted by the applicant.

6. The premises must be used exclusively as a residential flat building and not be adapted for use as a backpackers' accommodation, serviced apartments or a boarding house and must not be used for any industrial or commercial purpose.
   Reason: To ensure that the premises are used exclusively as a residential flat building.

7. 5 off-street car parking spaces must be provided, paved, linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
   Reason: To ensure practical off-street car parking is available for the use of the premises.

8. 2 car parking spaces, for persons with a disability, required as part of the total parking required under this Determination must be provided and marked as disabled car parking spaces.
   Reason: To ensure that disabled car parking spaces are provided and marked accordingly and that disabled persons are advised and directed to such parking.

9. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
   Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.

10. A minimum of 3 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
    Reason: To make reasonable provision in the development to provide residential accommodation suitable for people with a disability.

11. The use of any plant and equipment must not give rise to:

    a) transmission of unacceptable vibration to any place of different occupancy;

    b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

    Reason: To prevent loss of amenity to the area.

12. The owners of the property appointing a designated person(s) responsible for moving waste bins from their usual storage space in the basement to the place to the collection point for the storage of domestic bins being in accordance with details to be submitted to Council's satisfaction. The bins shall only be placed in the approved collection point after 7.00pm on the day prior to collection and are to be returned to their storage location within the building within two (2) hours of the bins being collected by Council. The owner's corporation shall be responsible to ensure compliance with this condition. Should

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the above conditions not be adhered to, Council reserves the right to reconsider servicing the site for garbage collection. The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
Reason: To ensure the appropriate collection and disposal of waste generated on the site and to ensure that the use does not interfere with the amenity of the surrounding neighbourhood.

13. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to "offensive noise' as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure its operation does not adversely impact on the amenity of the surrounding neighbourhood.
Reason: To protect the amenity of the surrounding neighbourhood.

14. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
Reason: To ensure that the development is adequately serviced.

15. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).

16. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever is permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before occupation of the site.
Reason: To ensure there is no encroachment onto Council's road.

17. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council and undertaken before occupation of the site.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.

18. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by−laws of any future residential strata plans created for the property shall reflect this restriction.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.

19. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
Reason: To provide for adequate site drainage.

20. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
    Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

21. All reasonable directions by the project arborist in relation to tree management and tree protection shall be complied with.
    Reason: Council requires details of the project arborist to facilitate communication if required.

22. Sydney Trains and Transport for NSW are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
    Reason: To clarify the terms of Sydney Trains Concurrence

23. No work is permitted within the rail corridor at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
    Reason: To clarify the terms of Sydney Trains Concurrence

24. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
    Reason: To clarify the terms of Sydney Trains Concurrence

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

25. No work must commence until:

    a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within 2 days of the appointment; and
    b) A minimum of 2 days written notice given to Council of the intention to commence work.

    Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

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26. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

27. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities must be located so that they will not cause a nuisance.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

28. All demolition work must:

a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
b) Where asbestos is to be removed it shall be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

Reason: To ensure that the demolition work is carried out safely.

29. Where any loading, unloading or construction is to occur from a public place, Council5 must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
Reason: To protect the amenity of the area.

30. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
Reason: To ensure that the demolition work is carried out safely.

31. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
Reason: To secure the area of the site works maintaining public safety.

32. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:

a) The name, address and telephone number of the PCA;
b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

33. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan shall indicate:

a) Where the builder's materials and waste are to be stored;

b) Where the sediment fences are to be installed on the site;
c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

34. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 64 Constitution Road and 68 Constitution Road, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
Reason: To catalogue the condition of the adjoining properties for future reference in the event that any damage is caused during work on site.

35. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
Reason: To provide a person that residents can contact.

36. Where it is proposed to carry out in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount as provided for in Council's adopted fees and charges.
Reason: To ensure that all restoration works are in accordance with Council's Code.

37. The person acting on this consent must apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
Reason: To ensure all necessary approvals have been applied for.

38. A detailed Traffic Management Plan to cater for construction traffic must be submitted to and approved by Council before commencement of works. Details must include proposed truck parking areas, construction zones, crane usage, truck routes etc. All construction traffic complying at all times with the approved Traffic Management Plan. The developer must ensure that all construction workers and contractors are fully aware of the approved Traffic Management Plan.
Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.

39. The person acting on this consent must provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent must submit a hoarding application and pay all relevant fees before commencement of works.
Reason: To secure the site and to maintain public safety.

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40. Alignment levels for the site at all pedestrian and vehicular access locations must be obtained from Council before the commencement of construction. The alignment levels must match the existing back of footpath levels at the boundary. Failure to comply with this condition will result in vehicular access being denied.
Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.

41. All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order. Details of the method(s) of protection of such trees must be submitted to and be approved by Council before commencing works.
Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

42. All approved protection measures must be installed prior to commencing any work and must be maintained for the duration of construction.
Reason: To ensure that all trees are appropriately protected during demolition and construction works.

43. Where scaffoldings or hoardings are to be erected, street trees must be protected during construction works as follows:

a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AQF 2 or 3) and must include:

(i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
(ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage;
(iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion, and
(iv) Tree trunk and major branch protection must remain in place for the duration of construction and development works, and must be removed at the completion of the project.

b) All hoarding support columns must be placed a minimum of 300mm from the edge of the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.

c) Materials or goods, including site sheds, must not be stored or placed:

(i) around or under the tree canopy; or
(ii) within 2 metres of tree trunks or branches of any street trees.

d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Tree Management Officer on ☎9335 2242, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

44. a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works. Only minor pruning works will be approved by Council.

b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. Those works must be completed immediately following the trees removal.

Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

45. If a new street number or a change to the street number (this includes unit and shop numbers) is required, a separate application must be made to and approved by Council prior to that street number being displayed.
Reason: To ensure that the building is easily identifiable.

46. Prior to commencement of any excavation, demolition or construction work, all workers on the work site are to be made aware of the potential presence of Long-nosed Bandicoots as part of the site induction (including what they look like).
Note: To the untrained eye, a Long-nosed Bandicoot may be mistaken for a rodent.
Reason: To avoid direct physical harm to Long-nosed Bandicoot, it is important that workers are aware of the potential for their presence and conservation significance

47. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

48. Prior to the commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains or Transport for NSW, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from the requesting Agency and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
Reason: To clarify the terms of Sydney Trains Concurrence

49. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
Reason: To clarify the terms of Sydney Trains Concurrence

50. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying

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Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
Reason: To clarify the terms of Sydney Trains Concurrence

51. Before commencing works, a project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged to provide an Arboricultural Impact Assessment (AIA) report with respect to the methods for retention and tree protection measures of the *Araucaria heterophylla* (Norfolk Island pine) in the neighbouring property at 68 Constitution Road. The AIA report shall comply with the requirements outlined in Marrickville Development Control Plan 2011, Section 2.20, Appendix 1.
Reason: To provide protection for the neighbouring tree and its root zone and ensure its ongoing viability is not compromised.

52. The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.
Reason: Council requires details of the project arborist to facilitate communication if required.

53. The tree protection measures identified in the Arboricultural Impact Assessment (AIA) report shall be established before work commences.
Reason: To ensure that the stability and ongoing viability of the neighbouring tree being retained is not compromised.

54. The project arborist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with those detailed in the Arboricultural Impact Assessment (AIA) report before work commences.
Reason: The project arborist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained are not compromised.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

55. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.
Please refer to the web site www.sydneywater.com.au for:
- Quick Check agents details - see Plumbing, building and developing then Quick Check agents and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Plumbing, building and developing then Plan submissions

or telephone 13 20 92.
The stamped plans must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure compliance with Sydney Water requirements.

56. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment

Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

57. Details of an anti-graffiti treatment to the front, rear and north-west side elevation(s) of the development must be submitted to and approved by Council before the issue of a Construction Certificate.
Reason: To ensure the proposed development remains free of graffiti.

58. a) Landscaping for the whole site (including rooftop gardens) must consist of only local native plants to consist of a grassy understorey with dense shrub layer and associated canopy that utilises a diverse and representative range of species from the Sydney Turpentine-Ironbark Forest (STIF).
a) Final landscape plans must be reviewed and approved by Council's Acting Team Leader Biodiversity before the issue of a Construction Certificate .
Note: Further advice and information on relevant species can be found in the GreenWay Revegetation Plan 2011 (attached) and Council's DCP 2.18 – Landscaping and open spaces p11).
Reason: To ensure that provision of foraging opportunities and habitat for the endangered Long-nosed Bandicoot population has been considered

59. Bicycle storage with the capacity to accommodate a minimum of 15 bicycles must be provided in accordance with the requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure sufficient bicycle storage facilities are provided on the site.

60. Details regarding all hard paved areas within the development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. In this regard the materials used should be chosen to break up the extent of hard paving and enhance the appearance of the development.
Reason: To ensure all hard paved areas within the development are sympathetic to and enhance the appearance of the development.

61. A detailed plan showing the height, colour and material of all fencing within the development in accordance with Part 2.11 of Marrickville Development Control Plan 2011 – Fencing must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure all fencing is in keeping with the character of the area and maintains adequate privacy.

62. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure adequate mail collection facilities are provided.

63. Adequate outdoor clothes drying areas must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure adequate outdoor clothes drying facilities are provided.

64. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure appropriate lighting is provided to create a safe living environment.

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65. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Note: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).

Reason: To ensure that the BASIX commitments are incorporated into the development.

66. Noise attenuation measures must be incorporated into the development complying with State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
Reason: To reduce noise levels within the development from rail noise

67. Section 94 Contribution

a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.

b) Before the issue of a Construction Certificate or issue of a Subdivision Certificate, whichever comes first, the Council must be paid a monetary contribution of $222,931.28 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 04 September 2016.

***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC001578)

b) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Facilities $24,813.64
Plan Administration $4,371.19
Recreation Facilities $190,704.33
Traffic Facilities $3,042.12

d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at http://www.marrickville.nsw.gov.au.

e) The contribution must be paid either in **cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card***.

*NB A 1% credit card transaction fee applies to all credit card transactions.

Reason: To ensure provision is made for the increase in demand for public amenities and services required as a consequence of the development being carried out.

68. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

69. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:
a) A minimum of 2 car parking spaces must be provided for people with a disability that are directly accessible to the entrance to the building. The car parking must be designed to comply with AS 1428.1 - 2009 'Design for access and mobility - General requirements for access - buildings' and AS 2890.1 1 'Off-street car parking'.

Reason: To ensure that the premises provide equitable access to all persons.

70. Before the issue of a Construction Certificate the owner or builder must sign a written undertaking that they are responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

71. The person acting on this consent shall provide to Council a bond in the amount of $18,892.40 and pay the related Section 138 (Roads Act) inspection fee of $206.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.
Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

72. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

73. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
Reason: To ensure the aesthetics of the building and architecture are maintained.

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74. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
    i. The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. shall be reconstructed and upgraded in accordance with the Street Tree Masterplan, the Draft Marrickville Public Domain Code and Draft Technical Manual or Council's standard plans and specification in place at the time the works are undertaken;
    ii. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
    iii. New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
    iv. Alignment levels to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations.

    • Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate with all works completed prior to the issue of an Occupation Certificate.

    Reason: To provide for essential improvement works to the public domain consistent with Council's desired future character for the area

75. The Stormwater Drainage Plans 15328 Sheets 1 to 5 (Issue 1 dated 26/2/16) submitted by CK Engineering Services shall be amended and/or additional information provided before the issue of a Construction Certificate as follows;
    a) Details and procedures for the maintenance of the stormwater treatment system (WSUD maintenance plan) including access arrangements, maintenance schedule and recording procedure;
    b) The plans shall be amended to suit the new architectural plans and vehicular access arrangement including flood protection measures; and
    c) Construction details for the proposed new kerb inlet pit and Council stormwater pipe to be installed in Constitution Road. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail.

    Reason: To provide for satisfactory site stormwater drainage and to ensure that the quality of stormwater discharged off site is improved.

76. As identified in the Flood Impact Assessment for 2-24 Grove Street, Dulwich Hill by WMA Water dated 25/10/13 the site is affected by adjacent overland flows during a 1 in 100 year storm event. The top water level of overland flows adjacent to the site has been determined to be of RL 22.25m AHD. The following flood protection measures shall be undertaken as follows:
    a) The underground carpark must be protected to a minimum height of RL 22.55m AHD providing a minimum 300m freeboard. All penetrations into the underground carpark including stairs, elevators, shutters and louvers shall be set at or above RL 22.55m AHD; and
    b) The ground floor dwellings must be protected to a height of RL 22.55m AHD providing a minimum 300mm freeboard.

    Amended plans complying with the above requirements shall be submitted to and approved by Council before the issue of a Construction Certificate.
    Reason: To protect the site and occupants from stormwater overland flows during a 1 in 100 year storm event.

77. Prior to the issue of a Construction Certificate the person acting on this consent is shall prepare and provide to Sydney Trains for approval/certification the following items:

(i) Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
(ii) Final Construction methodology with construction details pertaining to structural support during excavation.
(iii) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
(iv) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains land and infrastructure.
(v) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
(vi) Final drainage details based on the final approved development.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Reason: To clarify the terms of Sydney Trains Concurrence

78. Prior to the issue of a Construction Certificate the person acting on this consent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
Reason: To clarify the terms of Sydney Trains Concurrence

79. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
Reason: To clarify the terms of Sydney Trains Concurrence

80. Prior to the issue of a Construction Certificate a Risk Assessment, Rail Safety Management Plan, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
Reason: To clarify the terms of Sydney Trains Concurrence

81. Prior to the issue of a Construction Certificate the person acting on this consent is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
Reason: To clarify the terms of Sydney Trains Concurrence

82. Prior to the issue of a Construction Certificate the person acting on this consent is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
Reason:To clarify the terms of Sydney Trains Concurrence

SITE WORKS

83. All excavation, demolition, construction and deliveries to the site necessary for the carrying out of development must be restricted to between 7.00am to 5.30pm Mondays to Saturdays excluding Public Holidays. Notwithstanding the above, no work is to be carried out on any Saturday that falls adjacent to a Public Holiday, or as amended by Council.
Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

84. Notwithstanding the above condition, all remediation works must be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no works being carried out on Sundays and Public Holidays or any Saturday that falls adjacent to a Public Holiday.
Reason: To ensure that the remediation works are only carried out during the hours of operation permitted under Part 2.24 of Marrickville Development Control Plan 2011 – Contaminated Land.

85. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

86. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'.
Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

87. All demolition work must be carried out in accordance with the following:

a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
e) the generation of dust and noise on the site must be controlled;
f) the site must be secured to prohibit unauthorised entry;

g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

88. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

a) At the commencement of the building work;
b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the Building Code of Australia.

89. All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Reason: To ensure that imported fill is of an acceptable standard.

90. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:

a) protect and support the adjoining premises from possible damage from the excavation, and
b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
c) at least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice must include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report must be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

91. All vehicles carrying materials to, or from the site, must have their loads covered with tarpaulins or similar covers.
Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

92. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.
Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.

93. The disposal of contaminated soil must be carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.
Reason: To provide for correct disposal of wastes.

94. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
Reason: To ensure all works are contained within the boundaries of the allotment.

95. No part of the fencing is to encroach upon Council's footpath. The footings of the fence must not encroach upon Council's property unless they are located at a depth of not less than 1350mm below the pathway level, in which case they must not project further than 450mm.
Reason: To ensure the proposed fence does not encroach on the footpath.

96. During construction, all holes (e.g. created for footings etc.), machinery and construction material stockpiles must be inspected daily prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in these areas. In the event that a bandicoot is found, no work must proceed until the bandicoot has been safely vacated from the works area.
Reason: To protect Long-nosed Bandicoots.

97. After demolition of existing structures, remedial activities shall be undertaken as outlined the site Remedial Action Plan, 66 Constitution Road, Dulwich Hill NSW, E785/2, dated 15 July 2016, prepared by Benviron Group. The deep soil and communal space portion of

the site shall be validated to comply with HIL A – Residential with garden/accessible soil due to the high likelihood of access to this portion of the site by occupants after completion.
Reason: To ensure compliance with *SEPP 55* and the *Contaminated Land Management Act 1997*

98. After demolition of existing structures, sampling and analysis of soils shall be undertaken to classify the waste in situ in accordance with *NSW EPA Waste Classification Guidelines 2014*, allowing the soil to be removed from site. Records of waste disposal shall be supplied prior to commencement of construction and the issue of a construction certificate.
Reason: To ensure the correct disposal of waste.

99. Within 30 days of completion of remedial works set out in the Remedial Action Plan, a validation report complying with the *NSW EPA's Guidelines for Consultants: Reporting on Contaminated Sites* shall be submitted to Council that demonstrates that remedial activities have rendered the site suitable for the proposed development. The deep soil and communal space portion of the site shall be validated to comply with HIL A – Residential with garden/accessible soil due to the high likelihood of access to this portion of the site by occupants.
Reason: To ensure compliance with *SEPP 55* and the *Contaminated Land Management Act 1997*

100. If during site works there are significant unexpected occurrences, site works shall immediately cease. A suitably qualified environmental consultant shall be engaged to assess the site and determine if the remediation is required as per the *NSW EPA's Guidelines for Consultants: Reporting on Contaminated Sites* to adequately address the unexpected occurrence. Any amendments to the approved remedial action plan to address unexpected occurrences shall be reported to. Council may request that a NSW EPA Accredited Site Auditor review any proposed changes to any management or remedial action plans.
Reason: To ensure remediation activities are undertaken in a way that minimises impacts on the environment, site workers and the community.

101. Any groundwater shall be discharged to sewer (appropriate licence to be obtained); or disposed off-site to a suitably licensed facility. If any water is to be discharged to Council's stormwater system, the water shall comply with the *ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems* (95% protection level for freshwater ecosystems). Water testing shall be carried out to ensure water is appropriate for discharge to the stormwater system. This testing shall be undertaken by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative appropriate means.
Reason: To ensure aquatic ecosystems are not polluted.

102. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary.
Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.

103. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
Reason: To provide for adequate site drainage.

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104. Tree protection measures detailed in the Arboricultural Impact Assessment (AIA) report and in Section 4 of Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping (except where these conditions permit otherwise).

    Reason: To ensure trees being retained are effectively protected and managed and their stability and ongoing viability are not compromised.

    Note: Australian Standards can be purchased via the Standard Australia publisher SAI Global Limited at www.saiglobal.com.

105. Street trees adjacent to the subject property shall be protected in accordance with Section 4 of Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 for the duration of works including site preparation, demolition, construction and landscaping.
    Reason: To ensure that the street trees are adequately and effectively protected from development-related impacts.

106. The new trees shall be planted following completion of construction and prior to the issue of the Occupation Certificate.
    Reason: To sustain the urban forest canopy across the LGA.

107. The new trees shall be planted in accordance with the following criteria:
    a) The new trees shall be located in accordance with the approved landscape plan and shall be located a minimum of 1.0 metre from the dividing boundary fences and 1.5 metres from any building.
    b) The species of trees and planting stock size shall be as detailed in the landscape plan approved before work started.
    c) The planting stock size shall be at least 75 litres.
    d) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
    e) The new trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Please note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be staked.
    f) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
    g) Each replacement tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).
    h) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

    Reason: To ensure that the new trees provide adequate and appropriate compensation, are planted in a suitable location and maintained properly.

108. All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
    Reason: To clarify the terms of Sydney Trains Concurrence

109. No rock anchors/bolts are to be installed into the rail corridor.
    Reason: To clarify the terms of Sydney Trains Concurrence

BEFORE OCCUPATION OF THE BUILDING

110. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:

a) A copy of the determination;
b) Copies of any documents that were lodged with the Occupation Certificate application;
c) A copy of Occupation Certificate, if it was issued;
d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
e) A copy of any missed inspections; and
f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

111. Occupation of the building must not be permitted until such time as:

a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
c) An Occupation Certificate has been issued.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

112. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

113. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
b) Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.

Reason: To ensure compliance with Sydney Water requirements.

Item 3

114. Upon the completion of any remediation works stated in the RAP the person acting on this consent must submit to Council a Validation and Monitoring Report. The report must be conducted in accordance with the NSW Environment Protection Authority's *"Guidelines for Consultants Reporting on Contaminated Sites 1998".*
Reason: To ensure that the remediated site complies with the objectives of the RAP.

115. A Section 73 Compliance Certificate from Sydney Water must be submitted to Council before occupation of the premises.
Reason: To comply with the requirements of that Act.

116. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate.
Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

117. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved details and must be maintained at all times to Council's satisfaction.
Reason: To ensure adequate landscaping is maintained.

118. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and

b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the dwellings from aircraft and rail noise and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

119. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

120. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.

Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

121. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of Council before being displayed.
Reason: To ensure that the building is easily identifiable.

122. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
Reason: To ensure person acting on this consent completes all required work.

123. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council

124. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
Reason: To ensure there is no encroachment onto Council's Road.

125. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
Reason: To ensure that items of local heritage value are preserved.

126. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.

127. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.

128. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage and water quality measures have been constructed in accordance with the approved plans be submitted to and accepted

by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
Reason: To ensure drainage works are constructed in accordance with approved plans.

129. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant shall include the following:

a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility in accordance with the approved plans;

b) The proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to competent person to record the annual inspections.

c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.

Reason: To ensure that the integrity of the stormwater quality treatment facilities is maintained.

130. Before the issue of an Occupation Certificate the adjacent public right-of-way ("South Lane") required for vehicular and pedestrian access to the site must be created on title and constructed to Council's satisfaction.
Reason: To ensure the property has legal and physical right of access.

131. All instruments under Section 88B of the Conveyancing Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.
Reason: To ensure Council's interests are protected.

132. The existing overhead power cables along the Constitution Road frontage of the site must be relocated underground with appropriate street lighting and new metal light poles being installed at no cost to Council and before the issue of an Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid.
Reason: To ensure appropriate lighting is provided to create a safe environment.

133. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

134. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree removal, tree pruning, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions.

The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.

Reason: To ensure that conditions that aim to ensure the sustainability of Inner West urban forest are complied with.

135. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easement. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
Reason: To clarify the terms of Sydney Trains Concurrence

BEFORE THE RELEASE OF A STRATA PLAN

136. The strata subdivision of the development must be carried out in accordance with survey plans to be submitted to and approved by Council. Such plans to be submitted together with the required fee for the approval of the final plan under the Strata Schemes (Freehold Development) Act 1973. Car spaces shall not be given separate strata lot numbers.
Reason: To facilitate the subdivision of the land and to confirm the terms of Council's approval.

137. The submission of a final survey plan and 4 copies for the Strata subdivision.
Reason: To comply with Council's requirements.

138. All instruments under Section 88B of the Conveyancing Act used to create easements or right-of-ways must include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Council.
Reason: To ensure Council's interests are protected.

139. The payment of the required fee, under Council's adopted fees and charges, for the approval of the final plan under the terms of the Strata Schemes (Freehold Development) Act 1973.
Reason: To comply with the requirements under the Environmental Planning and Assessment Act and the Strata Schemes (Freehold Development) Act 1973.

140. Compliance with the conditions of this Determination with the development being completed in accordance with the approval to Council's satisfaction before the release of the Strata Plan.
Reason: To ensure compliance with the conditions of development consent for the erection of the building.

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.

Item 3

- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

- Contact "Dial Before You Dig" before commencing any building activity on the site.

- The enclosed Fact Sheet on Long-nosed Bandicoots should be read before commencing any works on site, including site preparation works.

- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
NSW Food Authority	☎ 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au

WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

B. **THAT** those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.

C. **THAT** the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 – Exceptions to Development Standards, that Council has agreed to the variation of the following development standard/development standards:

Premises:	66 Constitution Road, Dulwich Hill
Applicant:	Nino Urban Planning + Development
Proposal:	To demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking and associated landscaping works
Determination:	Approval
DA No:	201600079
Lot and DP:	Lot 2 in DP86920
Category of Development:	2
Environmental Planning Instrument:	Marrickville Local Environmental Plan 2011
Zoning of Land:	R1 - General Residential
Development Standard(s) varied:	Height (Clause 4.3) & Floor Space Ratio (Clause 4.4)
Justification of variation:	The proposal satisfies provides high residential amenity; results in no unreasonable amenity impacts to adjoining properties; is consistent with the objectives of the development standards and respective zone; and is appropriate in the context.
Extent of variation:	Floor Space Ratio – 413.3m² (65.01%) Height – 2.5 metres (14.7%)
Concurring Authority:	Council under assumed concurrence of the Secretary Department of Planning and Environment
Date of Determination:	

ATTACHMENTS

Nil.

Item 4

Item No: **C0916 Item 4**

Subject: **DEVELOPMENT APPLICATION - 351 TRAFALGAR STREET, LEWISHAM**

File Ref: DA201500648/104133.16

Prepared By: Planning Consultant

Authorised By: Phil Sarin - Director, Planning and Environment

SUMMARY

This report concerns an application to demolish existing improvements and construct a 5 storey residential flat building containing 7 dwellings with basement car parking. The application was notified in accordance with Council's notification policy and 3 submissions were received.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011). The development has a variation of 33% from the floor space ratio (FSR) development standard contained within MLEP 2011. A written submission under Clause 4.6 of MLEP 2011 in relation to the FSR departure accompanied the application and is considered to be well founded and worthy of support. The proposed development complies with the building height development standard.

The potential impacts to the surrounding environment have been considered as part of the assessment process. The application has been amended to address comments raised by Council Officers and Council's Architectural Excellence Panel. Any potential impacts from the amended development are considered to be acceptable given the context of the site and the development is considered to be an appropriate outcome.

The application is referred to Council for determination in view of the extent of the departure from the maximum FSR development standard, which exceeds officer's delegation.

RECOMMENDATION

THAT the application be approved subject to the imposition of conditions in accordance with Part E of this report, and including endorsement of actions B and C contained therein.

PART A - PARTICULARS

Location: The site is situated on the southern side of Trafalgar Street, Petersham between Nelson Place to the east and Gordon Street to the west.

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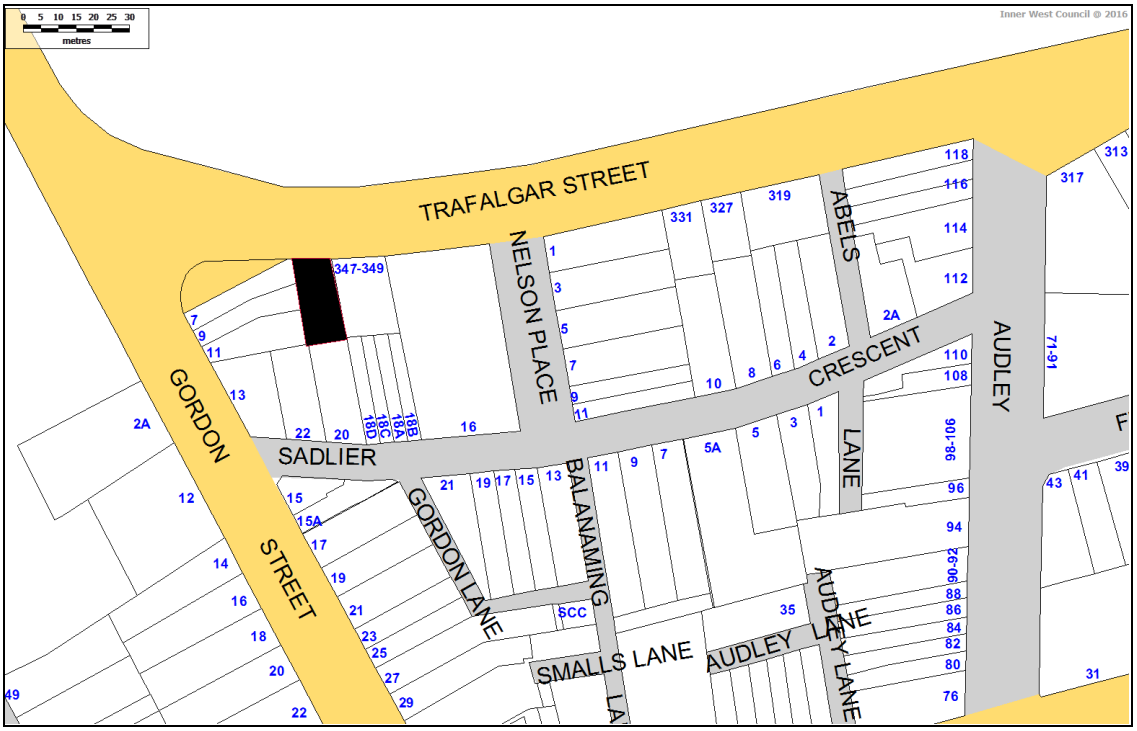

Image 1: Location Map

DA No: 201500648

Application Date: 13 November 2015. Additional information submitted on 26 April 2016 and 5 August 2016.

Proposal: To demolish existing improvements and construct a 5 storey residential flat building containing 7 dwellings with basement car parking.

Estimated Cost: $2,250,000

Applicant: James Confos and Diane Plunkett

Zoning: R4 High Density Residential

PART B - THE SITE AND ITS ENVIRONMENT

Improvements: Double storey mid-century red brick and metal roof warehouse building, built to the site boundaries.

Item 4



Image 2: The Site

Current Use: Industrial

Prior Determinations: Development Consent No: 6744 dated 26 August 1976 – issued approval to use the two existing factory buildings for the purposes of sewing and the finishing of clothes.

Development Consent No: 9073 dated 18 May 1983 – issued approval to use the existing factory building for the purposes of general printing.

Determination No: 1560 dated 26 August 1994 – issued approval to use the factory premises for furniture restoration, repairs and French polishing.

Environment: The local context is currently characterised by a mix of residential and commercial land uses. The area is currently undergoing redevelopment; with the emergence of higher density residential land uses. The western railway corridor is situated to the north of the site.

PART C - REQUIREMENTS

1 Zoning
Is the proposal permissible under zoning provisions? Yes

2 Development Standards (Statutory Requirements):

Type	*Required*	*Proposed*
Height of Buildings (max)	17 metres	17 metres
Floor Space Ratio (max)	1.6:1	2.13:1

3 Departures from Development Control Plan:

Type	*Required/Proposed*
Car Parking	Discussed in body of report
Waste	Discussed in body of report
Setbacks (rear)	Discussed in body of report
Dwelling mix	Discussed in body of report
Petersham South Planning Precinct	Discussed in body of report

4 Community Consultation:
Required: Yes (on site notice and resident notification)
Submissions: 3 submissions

5 Other Requirements:
State Environmental Planning Policy No. 55 – Remediation of Land
State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (State and Regional Development) 2011

ANEF 2033 Affectation: 20-25 ANEF
Marrickville Section 94/94A Contributions Plan 2014

PART D - ASSESSMENT

1. The Site and Surrounds

The site is legally described as Lot 4 DP 87707 and is known as 351 Trafalgar Street, Petersham. The site is situated on the southern side of Trafalgar Street and comprises a north-south orientation, facing the western railway corridor.

The site is a regular shaped allotment comprising a frontage of 10.95 metres, an eastern side boundary of 21.755 metres and a western side boundary of 24.03 metres. The site has a total area of 243.5m^2.

The site contains a double storey mid-century red brick and metal roof warehouse building, built to the site boundaries.

Adjoining to the east is 347-349 Trafalgar Street, Petersham. This site has recently undergone redevelopment with a 5 storey residential flat building now occupying the site.

Land uses to the south of the site comprise a group of terrace houses and 2 residential dwellings with a frontage to Sadlier Crescent; these properties are nominated for potential future redevelopment.

Item 4

Existing land uses to the west of the site comprise 3 residential dwellings with a frontage to Gordon Street; these properties are also nominated for potential future redevelopment.

The local context is characterised by a mixture of commercial and residential land uses and is currently undergoing redevelopment, primarily comprising higher density residential land uses.

2. The Proposal

Approval is sought to demolish existing improvements and construct a 5 storey residential flat building containing 7 dwellings with basement car parking.

A detailed description of each level of the proposed development is provided below:

Basement Carpark:

- 5 parking spaces (including an accessible car space) in the form of a mechanical car stacker;
- 1 motorcycle parking space;
- 7 bicycle parking spaces;
- Vehicle circulation and maneuvering space;
- Storage areas;
- Bin Store area; and
- Lift access.

Ground Floor:

- Front entry from Trafalgar Street with mailboxes;
- Lobby area including lift access and store/service meter area;
- Apartment 1 comprising:
    - 2 bedrooms (Bedrooms 1 & 2);
    - 1 study;
    - Living room and kitchen;
    - 2 bathrooms (including ensuite to main bedroom);
    - Laundry;
    - Store room; and
    - Front and rear terraces.

First Floor:

- Lobby area including lift access;
- Apartment 2 comprising:
    - 2 bedrooms (Bedrooms 1 & 2);
    - 1 bathroom;
    - Living room and kitchen;
    - Laundry;
    - Storage area; and
    - North facing terrace.
- Apartment 3 (adaptable) comprising:
    - 1 bedroom (Bedroom 1);
    - 1 accessible bathroom;
    - Living room and kitchen;
    - Laundry;
    - Storage area; and
    - North facing terrace.

Second Floor:

- Lobby area including lift access;
- Apartment 4 comprising:
    - 2 bedrooms (Bedrooms 1 & 2);
    - 1 bathroom;
    - Living room and kitchen;
    - Laundry;
    - Storage area; and
    - North facing terrace.
- Apartment 5 comprising:
    - 1 bedroom (Bedroom 1);
    - 1 bathroom;
    - Living room and kitchen;
    - Laundry;
    - Storage area; and
    - North facing terrace.

Third Floor:

- Lobby area including lift access;
- Ground Floor Apartment 6 comprising:
    - 1 bedroom (Bedroom 3);
    - 1 bathroom;
    - Living room and kitchen;
    - Laundry;
    - Storage area; and
    - North facing terrace.
- Ground Floor Apartment 7 comprising:
    - 1 bedroom (Bedroom 3);
    - 1 bathroom;
    - Living room and kitchen;
    - Laundry;
    - Storage area; and
    - North facing terrace.

Fourth Floor:

- First Floor Apartment 6 comprising:
    - 2 bedrooms (Bedrooms 1 & 2);
    - 1 bathroom;
    - Storage room; and
    - North facing terrace accessed via Bedroom 1.
- First Floor Apartment 7 comprising:
    - 2 bedrooms (Bedrooms 1 & 2);
    - 1 bathroom;
    - Storage room; and
    - North facing terrace accessed via Bedroom 1.

The development includes a total of 7 dwellings, comprising a mix of 2 x 1 bedroom dwellings, 3 x 2 bedroom dwellings and 2 x 3 bedroom dwellings.

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A copy of the floor plans and elevations of the development submitted with the application are reproduced below:

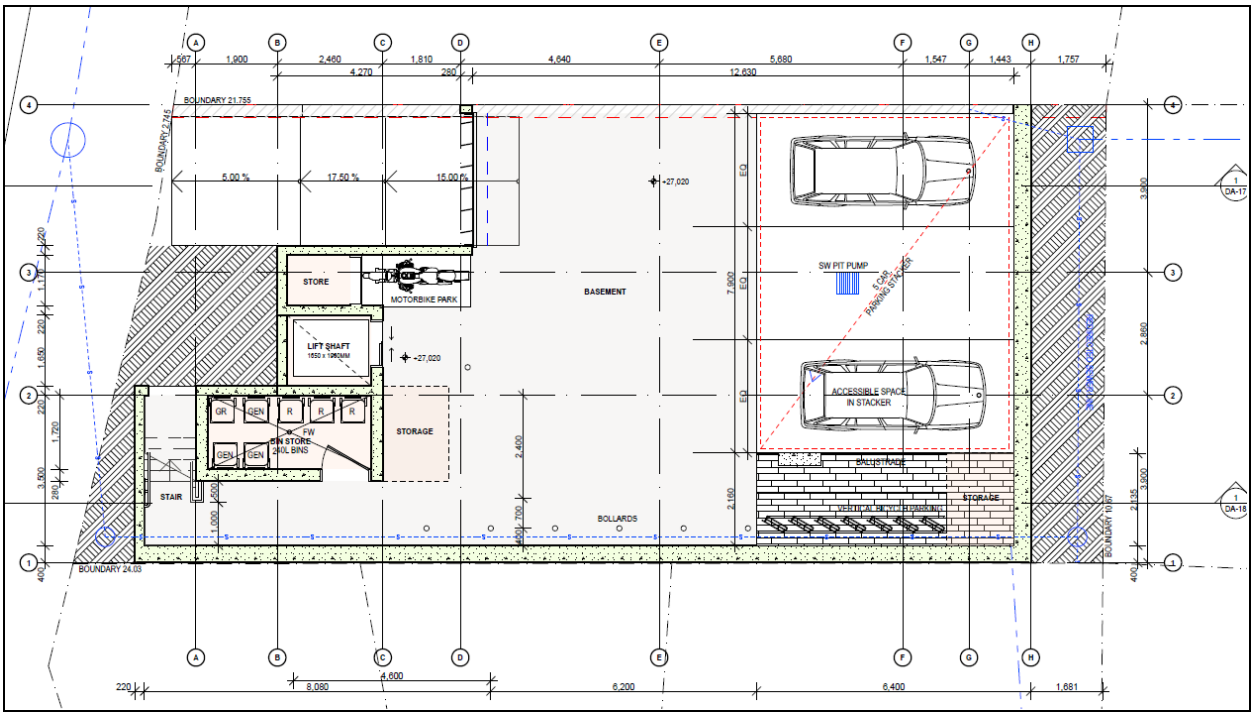

Image 3: Basement Plan

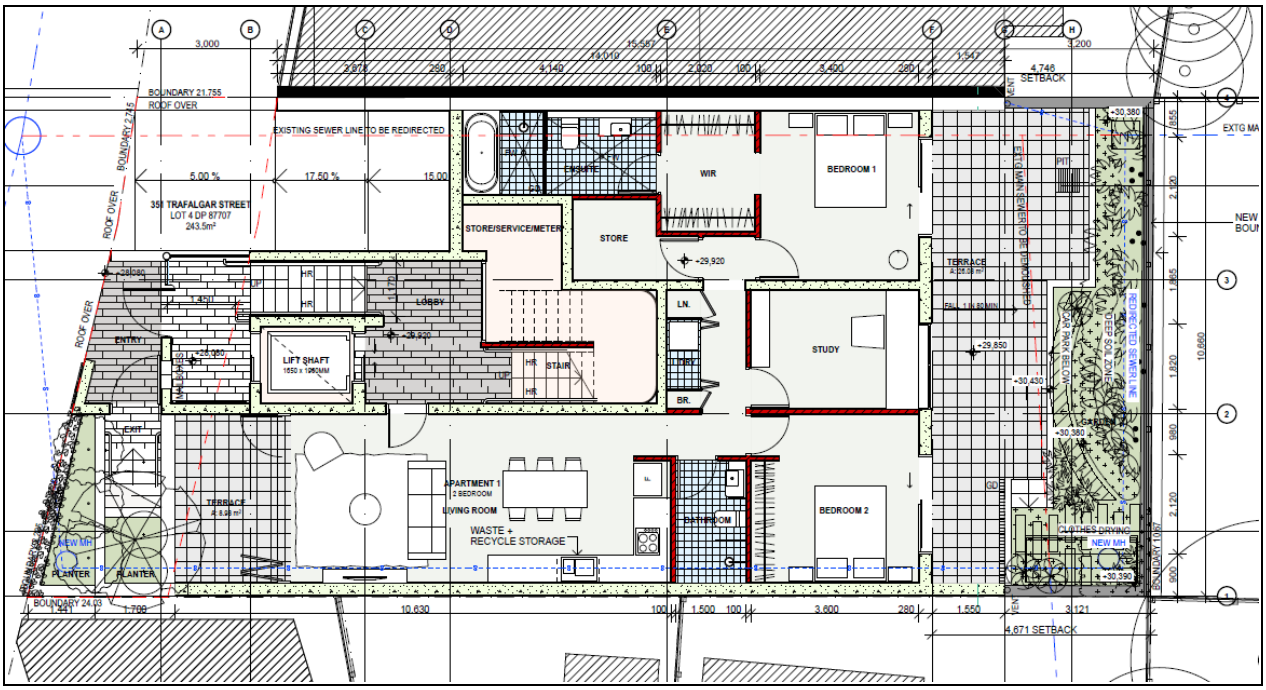

Image 4: Ground Floor Plan

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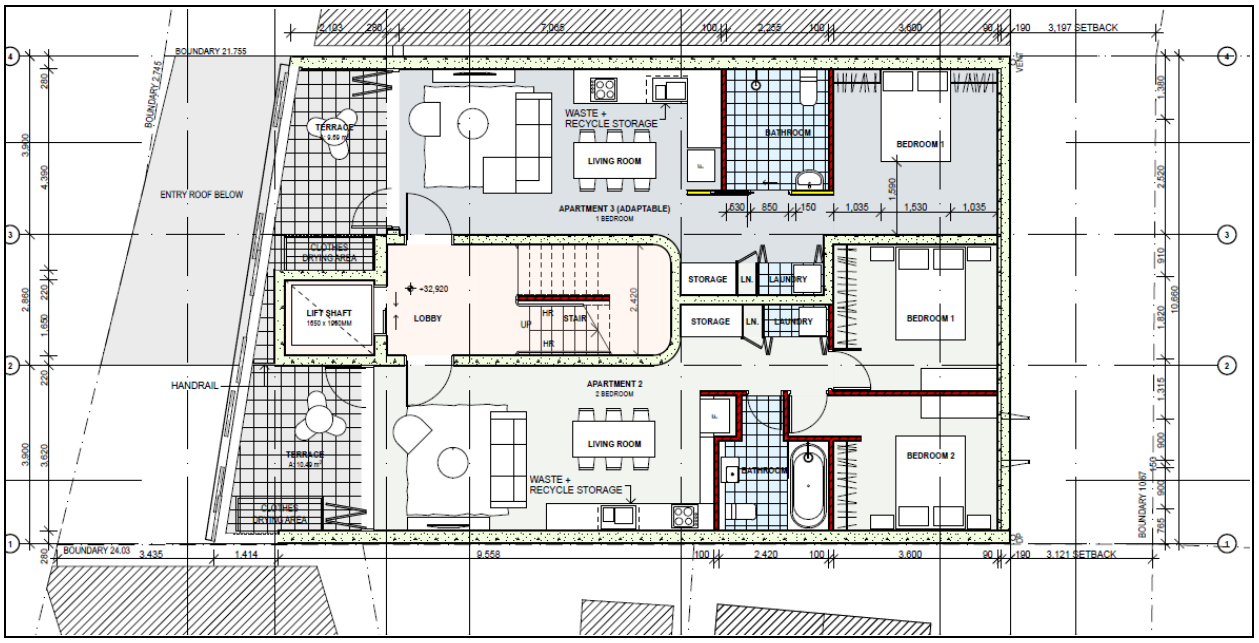

Image 5: First Floor Plan

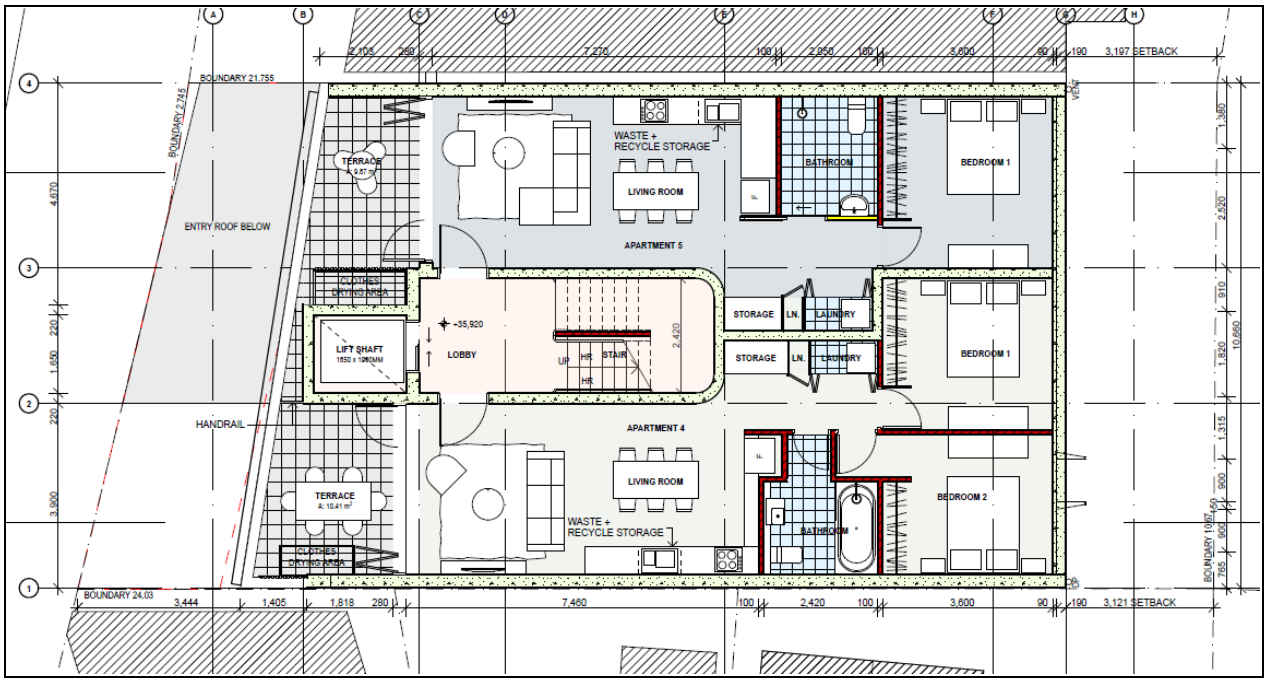

Image 6: Second Floor Plan

Item 4

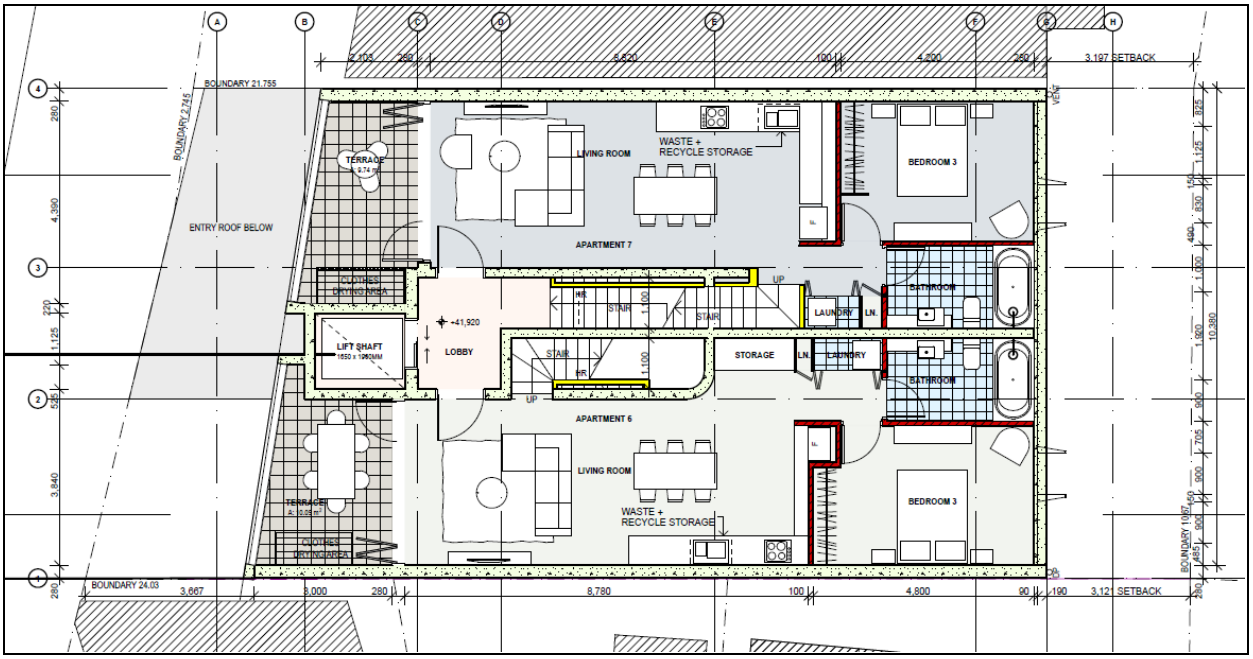

Image 7: Third Floor Plan

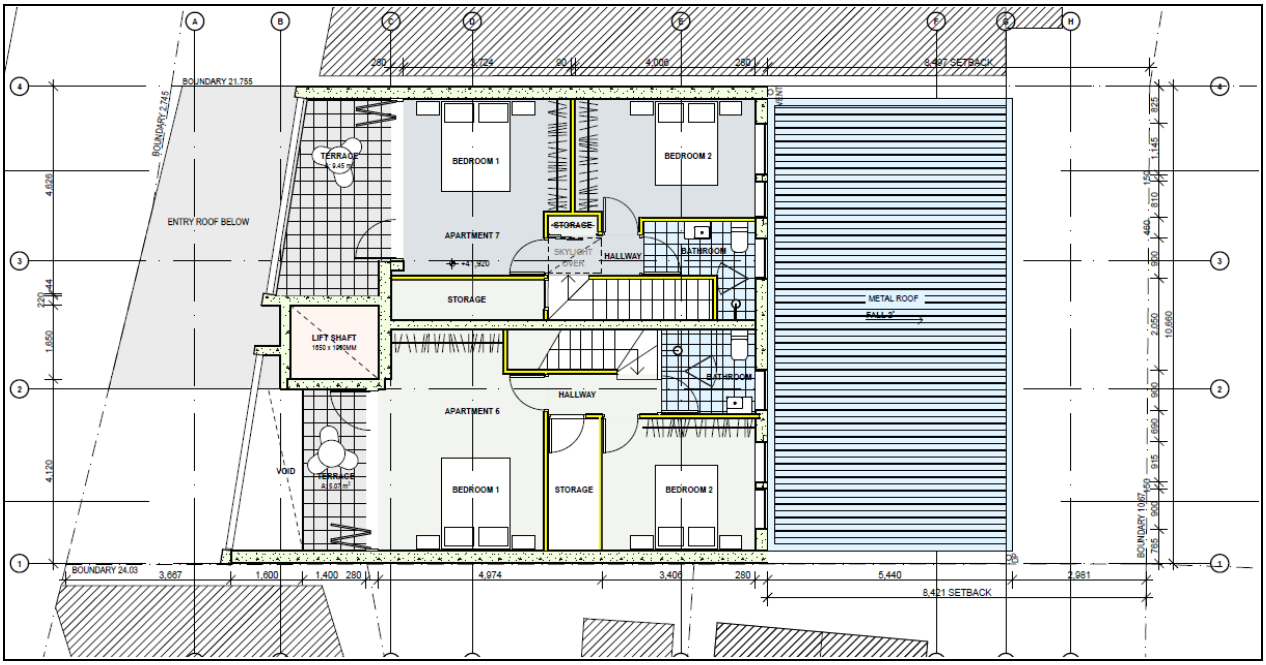

Image 8: Fourth Floor Plan

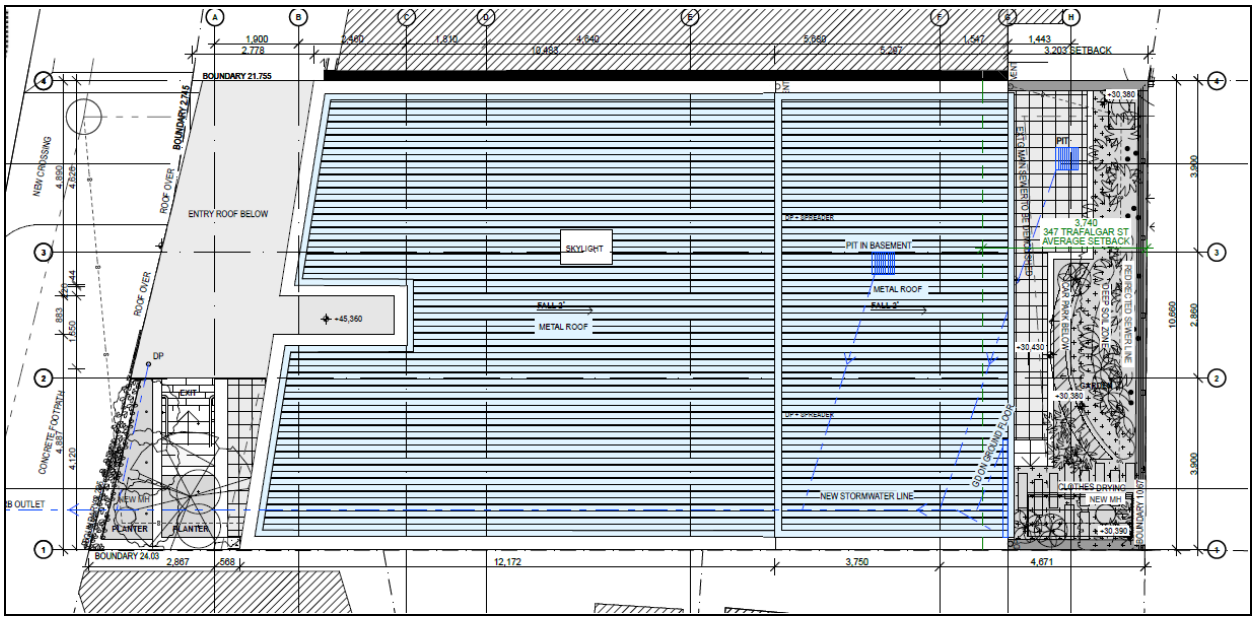

Image 9: Roof Plan

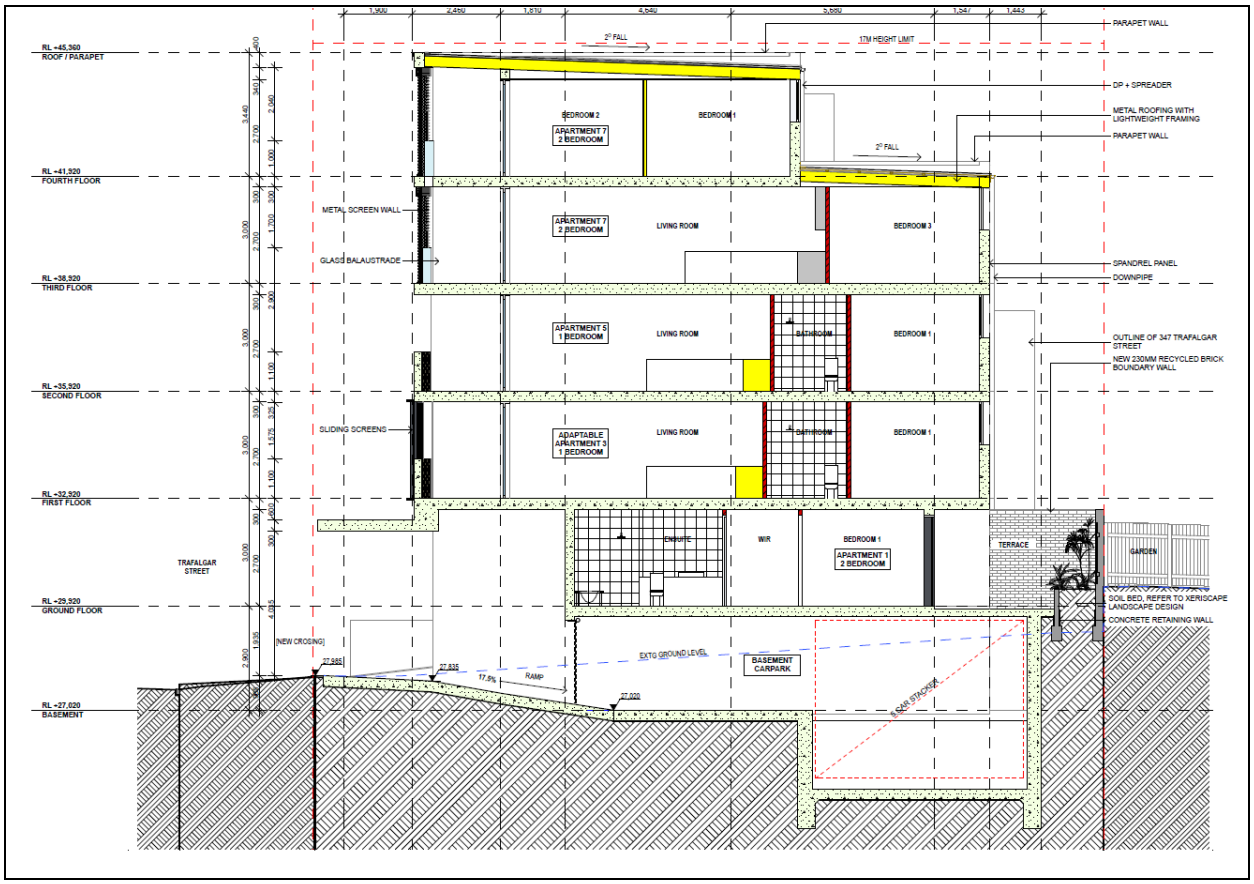

Image 10: Section A-A Plan

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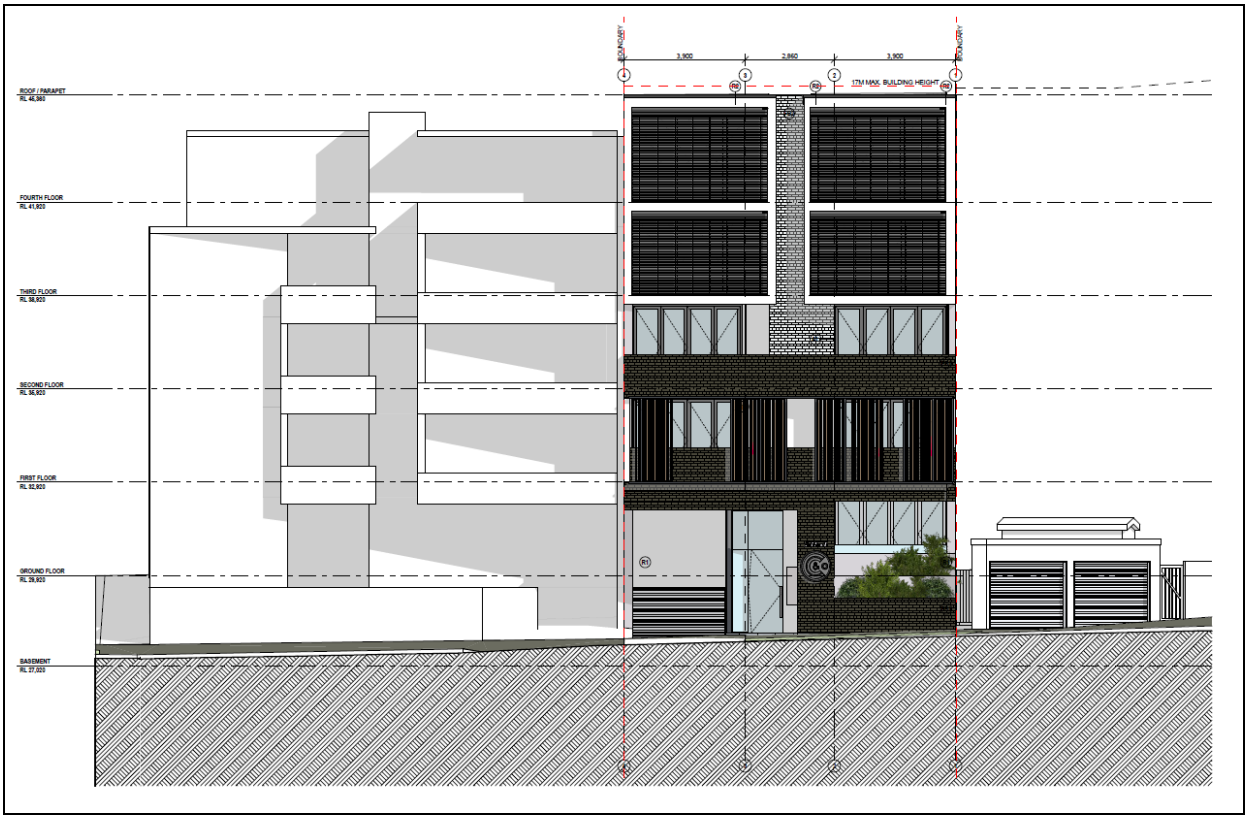

Image 11: North Elevation Plan

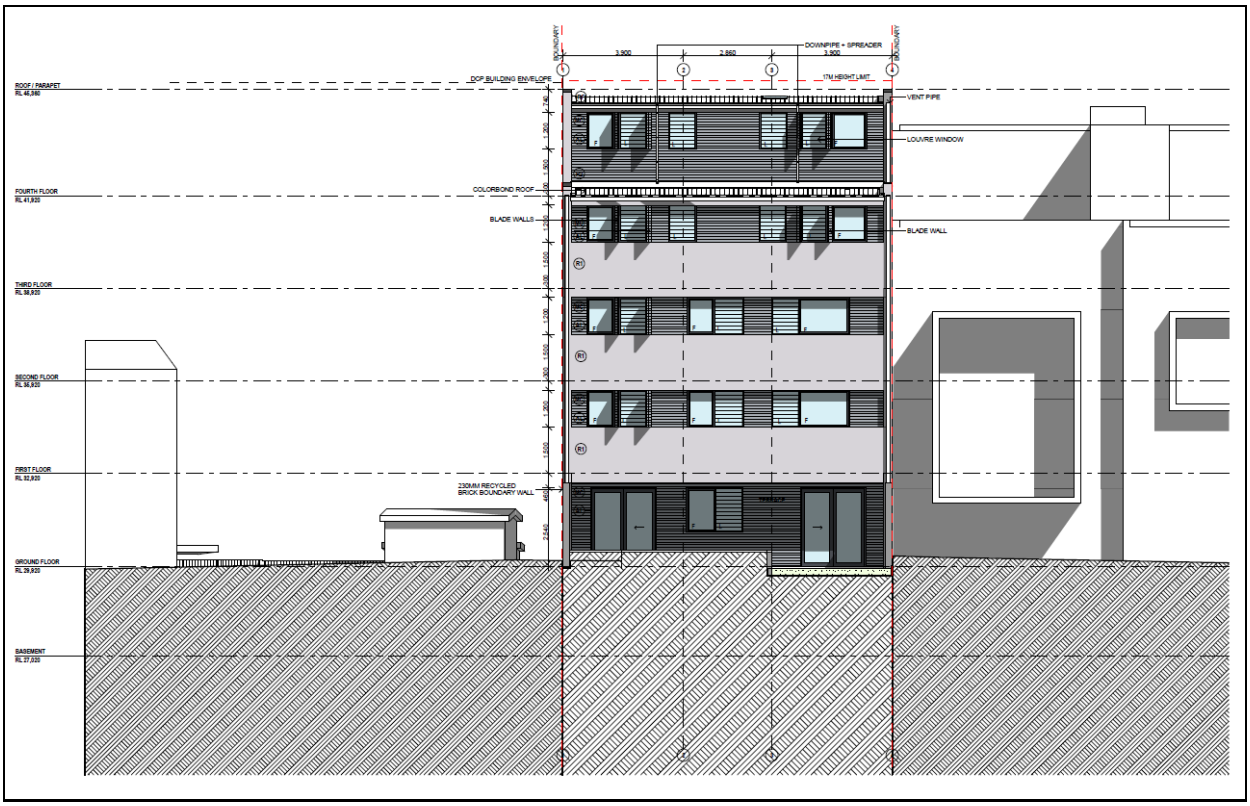

Image 12: South Elevation Plan

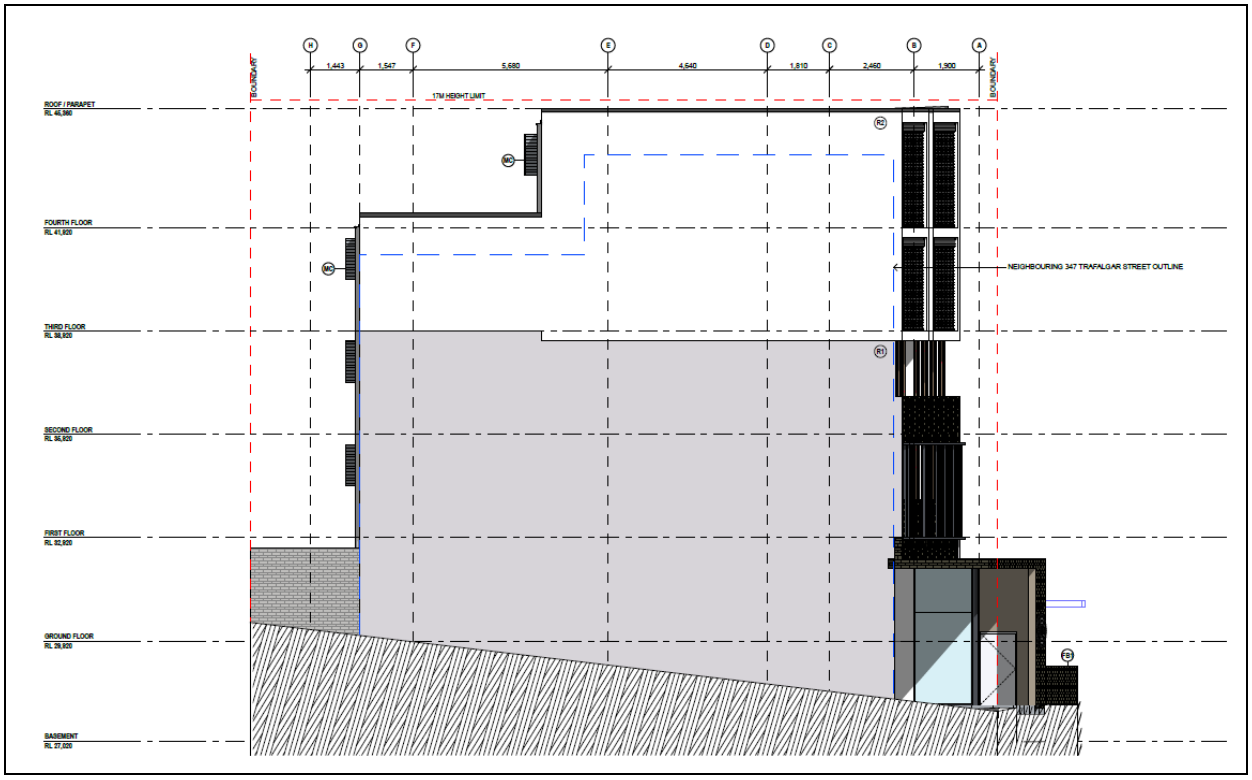

Image 13: East Elevation Plan

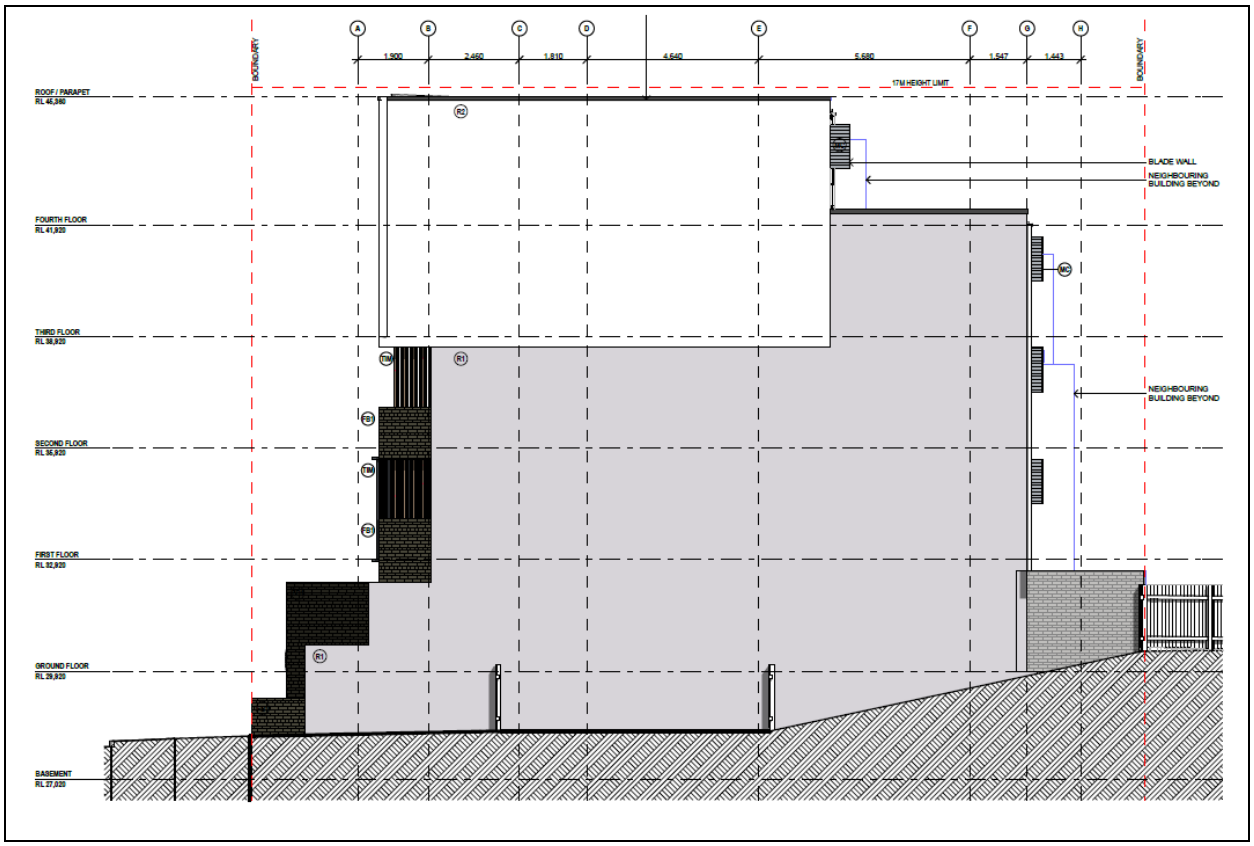

Image 14: West Elevation Plan

Item 4



Image 15: Artist Impression of development viewed from Trafalgar Street

1. Architectural Excellence Panel

The proposal was reviewed by Council's Architectural Excellence Panel (AEP) who requested additional information and amendments in relation to:

1. The composition of the façade;
2. Further refinement of the composition of materials toward higher quality materials;
3. Rear setback; and
4. Location of the lift core.

Following submission of amended plans by the applicant on 5 August 2016 the amended plans are generally supported by Council's AEP.

2. State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. Marrickville Development Control Plan 2011 (MDCP 2011), provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The history of land use for the site has been considered as an indicator for potential contamination of the site. According to Council records, the site is known to have been used in the past for various industrial uses including clothing manufacturing, general printing and furniture restoration, repairs and French polishing.

Pursuant to SEPP 55, the NSW Department of Planning and Infrastructure's guidelines "Managing Land Contamination - Planning Guidelines for SEPP 55 - Remediation of Land" (SEPP 55 Guidelines) and Marrickville Development Control Plan 2011 (MDCP 2011), a Phase 1 Site Contamination Assessment was prepared to accompany the application.

This Site Contamination Assessment concluded and recommended the following:

> *A review of the land use history for the subject site indicates that it is unlikely that any of the contaminating activities listed in Table 1 of the SEPP 55 report have been conducted on the site. Contaminants were not observed at or above threshold levels for the proposed land use.*
>
> *It is considered that the risks to human health and the environment associated with soil contamination at 351 Trafalgar Street, Petersham are low. It is our opinion that the site is suitable for the proposed land use and no further soil contamination investigations are required.*
>
> *Any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC (2009).*

The application was reviewed by Council's Environmental Services Section who provided the following comments in relation to the application:

- As part of the development application for this site, a Preliminary Site Investigation (PSI) was undertaken to determine potential contaminating activities that may warrant further investigation. The PSI, undertaken in February 2014, determined that prior activities posed minimal risk of site contamination. In addition, the PSI drew from a Detailed Site Investigation (DSI) conducted in 2012 of the neighbouring property to determine that the site is suitable for the proposed development.

- The site was previously used for clothing production, printing and furniture restoration (including spray booths onsite), and the building was constructed sometime between 1943 and 1955. These activities and the age of the building suggest that contaminating substances may be present in the building (such as asbestos and lead etc) that may contaminate the environment and be hazardous to site workers and neighbours.

- No waste classification is provided as there has been no sampling of the material proposed to be removed from the site. In addition there is no information available about the depth and condition of the groundwater, particularly important as the site requires excavation. For this reason, should groundwater be encountered during excavation, it must be managed so not to impact on stormwater and should be discharged to the sewer. Groundwater may be discharged to stormwater only if it is tested to meet the appropriate environmental guidelines.

Considering the above, the proposed development is considered to be acceptable having regard to contamination in accordance with SEPP 55 with the imposition of appropriate conditions contained within the recommendation.

3. State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (Amendment 3)

The development is subject to the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65). SEPP 65 prescribes 9 design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

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In accordance with Clause 30 of the SEPP if the development satisfies the following design criteria, the consent authority must not refuse the application on the following matters:

- if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the ADG,
- if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the ADG,
- if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the ADG.

The development is generally acceptable having regard to the 9 design quality principles.

Apartment Design Guide

The ADG contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP the requirements contained within MDCP 2011 in relation to visual privacy, solar and daylight access, common circulation and spaces, apartment sizes and layout, ceiling heights, private open space and balconies, natural ventilation and storage have no effect. In this regard objectives design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The development has been assessed against the relevant design criteria within Part 3 and 4 of the ADG as follows:

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

Comment: The proposal does not provide any communal open space. The Statement of Environmental Effects (SEE) acknowledges the difficulty in providing 25% of the site as communal open space which also receives winter sunlight.

In lieu of the provision of communal open space, each apartment is provided with a private terrace area which capitalises on the northern aspect of the site, ensuring adequate solar access is achieved.

While non-compliant, the areas of open space afforded to each dwelling in the form of terrace area is considered acceptable for the development type.

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m^2	-	7%
650m^2 - 1,500m^2	3m	
Greater than 1,500m^2	6m	
Greater than 1,500m^2 with significant existing tree cover	6m	

Comment: The site comprises a total area of 243.5m^2. Whilst no minimum dimension is required, there is a deep soil zone provided towards the rear of the site which comprises 8% of the site area. The accompanying SEE acknowledges that given the small size of the site, opportunities for deep soil planting are limited. As a result, planter beds have been proposed at the front of the site to address this issue and allow for a softer appearance of the development when viewed from Trafalgar Street.

The amount of deep soil proposed is considered acceptable for the development type.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres
Over 25 metres (9+ storeys)	12 metres	6 metres

The ADG prescribes the following minimum required separation distances from buildings within the same site:

Five to eight storeys/up to 25 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	18 metres
Habitable Rooms to Non-Habitable Rooms	12 metres
Non-Habitable Rooms to Non-Habitable Rooms	9 metres

Comment: The development proposes a nil side boundary setback on both side boundaries which is considered appropriate for the site and context. Accordingly, no building separation is required for the eastern and western side façades.

A rear setback of 8.497 metres is provided for the fourth floor bedrooms. A rear setback of 3.203 metres is provided from the bedrooms on the first, second and third floors of the development. The ground floor maintains a rear setback of 4.671 metres.

An average rear setback of 3.74 metres has previously been approved on the adjoining 347 Trafalgar Street site. The proposed rear setbacks are considered appropriate for the site and context.

There is only one building proposed on the site; the provisions of separation distances from buildings on the same site are therefore not applicable.

Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.

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- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment: The living rooms and terraces of all dwellings are situated on the northern side of the building, ensuring that these areas receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.

No more than 15% of the apartments receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

Comment: Apartments 1, 6 and 7 provide natural ventilation, which equates to 43% of the dwellings. Given that each dwelling provides a sliding door onto the terrace, this variation is considered suitable.

It is noted that there is a discrepancy between the floor plans and the rear elevation plan with respect to the windows. The rear windows on the amended floor plans have been deleted, however still remain on the elevation plan. A condition of consent has been imposed to require the floor plans to be amended to be consistent with the rear elevation plan, i.e. windows to be provided.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
Attic Spaces	1.8 metres edge of room with a 30 degree minimum ceiling slope
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

Comment: A minimum floor to ceiling height of 2.7 metres is achieved for all proposed apartments. Whilst a minimum ceiling height of 3.3 metres for the ground floor has not been achieved, the proposed ceiling heights are considered acceptable for the development type.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m^2
1 Bedroom apartments	50m^2
2 Bedroom apartments	70m^2
3 Bedroom apartments	90m^2

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.

Comment: The sizes of proposed Apartments 1, 3, 5 and 6 all exceed the minimum requirements of the ADG for 1, 2 and 3 bedroom dwellings.

Apartments 2, 4 and 7 all have an area that is less than the ADG requirements for 2 and 3 bedroom dwellings. A deferred commencement consent is recommended to ensure compliance with the apartment size requirements, by reducing the number of bedrooms.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
  - 3.6 metres for studio and 1 bedroom apartments.
  - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: The development is considered acceptable having regard to the above apartment layout requirements with all dwellings achieving compliance.

Private Open Space and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m^2	-
1 Bedroom apartments	8m^2	2 metres
2 Bedroom apartments	10m^2	2 metres
3+ Bedroom apartments	12m^2	2.4 metres

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1 metres.

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The ADG also prescribes for apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m^2 and a minimum depth of 3 metres.

Comment: The 1 bedroom dwellings, i.e. Apartments 3 and 5 are provided with a terrace area of 9.69m^2 and 9.67m^2, respectively. The two bedroom dwellings, i.e. Apartments 2 and 4 are provided with a terrace area of 10.49m^2 and 10.41m^2, respectively. The 3 bedroom apartments, i.e. Apartments 1, 6 and 7 are provided with the areas of 35.06m^2, 15.12m^2 and 19.19m^2, respectively. A 3 bedroom dwelling (Apartment 1) has been proposed on the ground floor to capitalise on the use of the open space to the rear of the site.

The development complies with the above private open space requirements.

Common Circulation and Spaces

The ADG prescribes the following requirements for common circulation and spaces:

- The maximum number of apartments off a circulation core on a single level is 8.
- For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

Comment: The development proposes a maximum of 2 apartments per floor level which complies.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
Studio apartments	4m^3
1 Bedroom apartments	6m^3
2 Bedroom apartments	8m^3
3+ Bedroom apartments	10m^3

Note: At least 50% of the required storage is to be located within the apartment.

Comment: Designated storage areas have been provided in each dwelling as well as 3 additional storage areas in the basement and are considered adequate.

4. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

5. **State Environmental Planning Policy (Infrastructure) 2007**

Clause 87 – Impact of rail noise or vibration on non-rail development

Clause 87 of the SEPP relates to the impact of rail noise or vibration on non-rail development, and for a development for the purpose of a building for residential use, requires appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded. In this regard those measures are to ensure that the following LAeq levels are not exceeded:

"(a) in any bedroom in the building - 35 dB(A) at any time between 10.00pm and 7.00am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time."

An Acoustic Report has been submitted by which includes an assessment of railway noise on the proposed development. The findings of this report having regard to railway noise are detailed below:

- *The traffic and rail noise document for assessment purposes is the NSW Department of Planning "Development Near Rail Corridors and Busy Roads – Interim Guideline".*
- *According to this document, rail vibration is only a potential issue to be assessed if the site is within 60m of the railway line.*
- *The proposed site is 80m away from the existing rail corridor, so at this location, no issue is to be addressed.*
- *Similarly, if the site is more than 80m from the railway line, then even if the line speed is more than 80km/hr, then rail noise is unlikely to be a feature of the site.*
- *We have spoken to Sydney Trains and the line speed is 80-100km/hr between Petersham and Lewisham stations.*
- *The site is 78m to the nearest track and more than 80m to the other tracks.*

Conditions have been included in the recommendation to ensure compliance with the recommendations of the Acoustic Report.

Clause 101 (2) - Development with frontage to Classified Road

The site has a frontage to Trafalgar Street which is a classified road. Vehicular access to the property is provided from Trafalgar Street. The development would not affect the safety, efficiency and ongoing operation of the classified road as it is utilising an existing vehicular crossing.

Impact of road noise or vibration on non-road development (Clause 102)

The development is a type of development that is sensitive to traffic noise or vehicle emissions. An Acoustic Report accompanies the application and addresses the requirements under the Infrastructure SEPP.

Appropriate conditions are recommended to be imposed on any consent granted for the proposal requiring noise attenuation to be implemented in accordance with the submitted Acoustic Report.

6. Marrickville Local Environmental Plan 2011

(i) Land Use Table and Zone Objectives (Clause 2.3)

The site is zoned R4 – High Density Residential under the provisions of MLEP 2011. The development is permissible with Council's consent under the zoning provisions applying to the land.

The development is acceptable having regard to the objectives of the R4 - High Density Residential zone.

(ii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

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(iii) Height (Clause 4.3)

A maximum building height of 17 metres applies to the land under MLEP 2011. The proposed building maintains a maximum building height of 17 metres, which complies with the development standard.

(iv) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 1.6:1 applies to the development under MLEP 2011.

The development has a gross floor area (GFA) of 520sqm which equates to a FSR of 2.13:1 on the 243.5sqm site (representing a non-compliance of 33%) which does not comply with the development standard.

A written request, in relation to the development's non-compliance with the FSR development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011, was submitted with the application. That request is discussed later in this report under the heading "Exceptions to Development Standards (Clause 4.6)".

(v) Exceptions to Development Standards (Clause 4.6)

As detailed earlier in this report, the development exceeds the maximum floor space ratio standard prescribed under Clause 4.4 of MLEP 2011. A written request in relation to the contravention to the floor space ratio development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application.

The applicant considers compliance with the development standard to be unreasonable and unnecessary for the following reasons:

- A 5 storey building has been approved under the same controls at 347-349 Trafalgar Street.
- The bulk and scale of the proposed building will be similar to the adjoining building.
- The scale of the building will be consistent with the other developments in the locality.
- The design is consistent with the desired future character of the locality.
- The Pre-DA advice was to increase the size of the units.
- The surrounding properties are designated for redevelopment.
- The SEPP 65 report prepared by the architect demonstrates the quality of the design and suitability of the proposal for the site and locality.

Compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances given that:

- A taller context is emerging with the approvals for taller buildings adjacent to the site the proposed scale and design of the building is considered to be consistent with the adjoining development approved to the east and the desired future character of the locality.
- The site is within walking distance of Petersham Rail Station;
- The existing site area constraints of the small size of the lot which is unable to be amalgamated in accordance with Part 9 of MDCP 2011;

The justification points provided in the Clause 4.6 variation request are considered well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning law precedents such as those contained in *Wehbe v Pittwater Council [2007] NSWLEC827, Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90* and *Moskovich v Waverley Council [2016]*.

The contravention of the development standard does not raise any matter of significance for state and regional environmental planning, and that there is no public benefit in maintaining the development standard for the development.

(vi) Development in areas subject to Aircraft Noise (Clause 6.5)

The land is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour.

The development is likely to be affected by aircraft noise and the carrying out of the development would result in an increase in the number of people affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts.

Appropriate conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

7. Marrickville Development Control Plan 2011

PART 2 – GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

The development is acceptable having regard to the relevant aspects of the 12 urban design principles. The application was referred to Council's Architectural Excellence Panel (AEP), who support the amended plans.

(ii) Equity of Access and Mobility (Part 2.5)

The development provides 1 adaptable dwelling and 2 accessible resident parking spaces which does not comply with the minimum requirement for the development. Part 2.5 requires 1 adaptable dwelling per 5 dwellings or part thereof. Given that 7 dwellings are proposed which would require 2 adaptable dwellings to be provided, a condition has been included in the recommendation to ensure 2 adaptable dwellings are proposed in compliance with Part 2.5.

No provision is made for a dedicated accessible visitor's parking space. While non-compliant, this departure from the development control is considered acceptable for the development size and type.

A Statement of Consistency accompanies the application and states that *for the purpose of a Development Application, the design of the proposed Residential Flat Building at 351 Trafalgar Street Petersham NSW 2049 is capable of achieving the relevant requirements of Clause 2.5 Equity of Access and Mobility and Table 1 Minimum Access Requirements of Part 2 – Marrickville Development Control Plan 2011.*

Specifically, the proposed development achieves the abovementined requirements as follows:

- *The development includes one (1) adaptable dwelling.*
- *The adaptable dwelling, Apartment 3 is designed in accordance with AS4299*
- *Adaptable House Class C.*
- *Access for all persons is provided through the principal pedestrian entrance and to all common areas in accordance with the Australian Standards.*

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Further assessment of the application under the Premises Standards will occur at Construction Certificate stage. Appropriate conditions are included in the recommendation to ensure compliance.

Given the above, the development is reasonable having regard to the access controls contained in MDCP 2011.

(iii) Acoustic and Visual Privacy (Part 2.6)

To ensure the development maintains acoustic and visual privacy for the surrounding residential properties and for future occupants of the development, the following measures are proposed:

- Balconies are proposed to be fitted with louvered privacy screens on the northern and southern facades to alleviate impacts upon adjoining properties and within the development and allows sufficient separation between the dwellings to maintain visual privacy for the occupants;
- Windows facing the rear and are not considered to present any visual privacy concerns that they are for low impact uses such as bedrooms;
- With regard to acoustic privacy, the development is captured by SEPP Infrastructure as it is located on a classified road and appropriate noise attenuation measures have been incorporated into the development; and

The proposal complies with the visual and acoustic privacy controls under MDCP 2011.

(iv) Solar Access and Overshadowing (Part 2.7)

Overshadowing

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties. Currently a number of properties to the south of the site do not currently receive sufficient solar access in accordance with Council's controls. The shadow diagrams illustrate that the properties located to the south of the site are not significantly adversely affected by the development with the exception of a small amount of additional overshadowing that will occur at midday to a small area of private open space at 11 Gordon Street and 22 Sadlier Crescent.

The proposed setback and the resulting overshadowing impact are considered to strike a reasonable balance between development of the site and its resulting impacts. Given the above, the overshadowing of the amended proposal appears to be generally consistent with the impacts of a 'compliant' built form and is acceptable in this regard.

Solar Access

The plans and shadow diagrams submitted with the application illustrate that the development complies with Council's solar access controls as greater than 65% of the units achieve solar access.

(v) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives relating to community safety. In this regard, the development is considered reasonable having regard to community safety for the following reasons:

- The building entry is clear and visible from the street.
- Appropriate lighting will be provided to ensure the entrance and foyer is lit.

- Natural surveillance is ensured by providing adequate overlooking onto Trafalgar Street.
- The basement is provided with secure access and would require keypad or remote control access via intercom. Only authorised users would have access to the basement carpark.
- Appropriate signage will be provided.
- Pedestrian and vehicular movements are clearly segregated.

(vi) Parking (Part 2.10)

Car, Bicycle and Motorcycle Parking Spaces

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. The following table summarises the car, bicycle and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Resident Car Parking	0 car parking space per studio	0 studio units = 0 spaces	5 spaces	No
	0.5 car parking spaces per 1 bedroom unit	2 x 1 bed units = 1 space		
	1 car parking spaces per 2 bedroom unit	2 x 2 bed unit = 2 spaces		
	1.2 car parking spaces per 3 bedroom unit	3 x 3 bed unit = 4 spaces		
	1 car parking space per 1 adaptable dwelling	1 accessible space		
	TOTAL:	**8 spaces**		
Visitor Car Parking	0.1 car parking space per unit	7 units = 1 space	0 spaces	No
	1 accessible visitor's car parking space per 4 accessible car parking spaces	0 accessible space		
Bicycle Parking				
Resident Bicycle Parking	1 bicycle parking space per 2 units	7 units = 4 spaces	7 spaces	Yes
Visitor Bicycle Parking	1 bicycle parking space per 10 units	7 units = 0 spaces		
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	0.4 car parking spaces required = 0 space	1 space	Yes

Table1: Car, Bicycle and Motorcycle Parking Control Compliance Table

As detailed above, the development does not comply with Council's car parking requirements. A Traffic Impact Assessment was submitted with the development application and provides the following justification for a variation to the number of car spaces required:

> *Taking into consideration that the site is well served by public transport routes and will provide bicycle parking facilities the development satisfies Part 4.2.6.1 within MCC's DCP for a variation (reduction) in parking requirement.*

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The development will provide a total of six (6) resident parking spaces as follows:

- *five (5) car parking spaces as part of a mechanical car stacker; and*
- *one (1) motorcycle parking space.*

Given the sites constraints provision of additional parking was unable to be achieved. Hence on the basis of the above, the development is seeking a relaxation in the parking requirements from those contained within MCC's DCP. As stated above, the site satisfies Part 4.2.6.1 within MCC's DCP for a reduction in parking requirement and the slight shortfall of two (2) parking space is not anticipated to create a significant impact on the surrounding on-street and publicly available parking facilities.

The development does comply with the bicycle and motorcycle parking requirements.

The site is situated approximately 350 metres walking distance from the pedestrian entry to Petersham Railway Station. It is also acknowledged that the size of the site precludes the provision of additional car parking spaces, and the number of spaces has been maximised by the inclusion of a car stacker. The proposed car stacker is considered to provide suitable accomodation for standard vehicles.

The proposed variation from the car-parking requirement is considered suitable for the proposed development. It is noted that the development exceeds Council's controls in relation to bicycle and motorcycle parking which is considered to be acceptable in accordance with Part 2.10 of MDCP 2011.

(vii) Landscaping and Open Spaces (Part 2.18)

Part 2.18.11.5 of MDCP 2011 prescribes landscaped area, private and common open space controls for residential flat buildings.

Landscaped Area

A pervious landscape area is provided within the front setback. The total site landscape area at ground level is below the required 45%. This non-compliance is considered acceptable given the site constraints and that the landscaping in the front setback is provided through the use of planter boxes.

Private and Common Open Space

Each dwelling maintains a private open space area in the form of a terrace which has an area greater than $8m^2$.

A landscape plan and maintenance schedule was submitted with the application. The application was referred to Council's Tree Management Officer who provided the following comments:

"The potential for trees in neighbouring properties to be impacted by the proposed development and to present a constraint was identified at the pre-DA stage. The applicant was advised to ensure that any trees in close proximity were assessed by a project arborist and that an Arboricultural Impact Assessment (AIA) report should be submitted with the DA.

One tree was identified as a potential constraint and it was assessed by the project arborist. Encroachment into the Tree Protection Zone (TPZ) is minimal and the only protection measures considered necessary is that the dividing fence is maintained in situ for the duration of demolition and construction and that no excavation is permitted outside the subject property."

The conditions recommended by Council's Tree Management Officer are included in the recommendation.

(viii) Tree Management (Part 2.20)

An Aboricultural Impact Assessment has been prepared that assesses the condition of an existing tree on the adjoining property at 22 Sadlier Crescent, Petersham.

The tree the subject of the Aboricultural Impact Assessment is identified as *Persea Americana,* more commonly known as an Avocado tree.

The Aboricultural Impact Assessment relevantly provides the following recommendations:

- That tree 1 be retained and protected.
- Protection for tree 1 is to be achieved through the retention of existing boundary fencing.
- All demolition works for the existing building footings to the north of the tree within the tree TPZ of 3.6 metres radius should be undertaken utilising hand tools. Beyond this zone mechanical means can be utilised.

Conditions from Council's Tree Management Officer have been included in the recommendation.

(ix) Site Facilities and Waste Management (Part 2.21)

2.21.7 Recycling and Waste Management Plan

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.

2.21.11 Residential Waste

A minimum of 3 x 240 litre recycling, 3 x 240 litre general waste bins and 1 green waste bins are required to be provided for the development.

A bin storage area is proposed within the basement floor level of the development with a capacity to accommodate the required waste facilities for recycling and general waste under Part 2.21.

Due to the small number of units, the ease of access to the bin room via the lift, and the provision of adequate domestic waste storage and recycling within the kitchen areas, the proposal does not include a bin room or garbage room on each floor.

In addition there is no area suitable for a waste chute/bin room at the landings and if required, this would be located adjacent an apartment entry, which is highly undesirable and a management issue for a group of apartments this size.

To service the waste adequately, the applicant has proposed a domestic waste storage area within each apartment and a management system that requires each unit to deliver their waste to a garbage room in the basement, an area regularly maintained by the body corporate or management. The journey to the bin room can easily be made on exiting the building during the day or at night, via the lift (or stairs).

Based on the above justification, the proposed waste management arrangements are considered acceptable.

(vii) Stormwater Management (Part 2.25)

Stormwater management has been addressed as follows:

- Stormwater from the roof and rear courtyard will be discharged by gravity via a pipe running along the ceiling and wall of the basement. The basement ceiling is above street level.
- Any stormwater in the basement will be discharged via a pump out system.

Council's Development Engineer has provided conditions that are recommended to be imposed on any consent granted for the proposal.

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Part 4 - RESIDENTIAL DEVELOPMENT

Part 4.2 – Multi Dwelling Housing and Residential Flat Buildings

Part 4.2 of MDCP 2011 provides controls relating to Multi Dwelling Housing and Residential Flat Buildings provisions including building form, building detail and desired future character guidelines and controls for specific centres. An assessment of the development having regard to the relevant provisions of Part 4.2 of MDCP 2011 is provided below.

(i) General Controls (Part 4.2.3)

Part 4.2.3 of MDCP 2011 prescribes the following unit mix requirements for residential flat buildings containing 6 or more dwellings:

> ***"C1*** *New developments with six or more dwellings must provide the following mix of dwelling types:*
>
> | | | |
> |---|---|---|
> | *i.* | *Studio* | *5% - 20%;* |
> | *ii.* | *1 bedroom* | *10% -40%;* |
> | *iii.* | *2 bedroom* | *40% - 75%; and* |
> | *iv.* | *3 bedroom or bigger* | *10% - 45%."* |

The development includes 2 x 1 bedroom dwellings (28.5 % of 7), 2 x 2 bedroom dwellings (28.5 % of 7) and 3 x 3 bedroom dwellings (43% of 7). The number of 2 bedroom dwellings provided is below the minimum 40% requirement which does not comply with the abovementioned unit mix requirements.

Whilst the proposal does not strictly comply with the numerical requirement for 2 bedroom dwellings, it is acknowledged that different apartment sizes are proposed (noting that under the recommended deferred commencement condition both of the 2 bedroom units must be reconfigured to 1 bedroom units). The overall mix is considered appropriate as the unit mix can be achieved across the wider precinct, and this development provides 3 bedroom units that are not usually included on small compact sites. On this basis, this departure from the controls is considered justified.

(ii) Built Form and Character (Part 4.2.4)

4.2.1.1 Floor Space Ratio and Site Coverage

The floor space ratio of the development has been discussed earlier in this report under the provisions of Marrickville Local Environmental Plan 2011.

Part 4.2.4.1 MDCP 2011 specifies the following maximum site coverage controls for residential flat buildings:

Development Type	Maximum Site Coverage
Residential flat building	45% for one storey 35% for two storey 30% for three or more storeys

Council considers the site coverage of a development to be *"the proportion of the allotment occupied by the ground floor plan area of a building or buildings, including garages, carports, awnings, out buildings, etc, expressed as a percentage ratio"*.

The site coverage for this proposal, measured in accordance with the above, equates to 71.8 % of the site area which does not comply with such requirement. Given the design and scale of the proposed building and its consistency with the scale of the adjoining approved building at 347-349 Trafalgar Street, this non-compliance is considered acceptable.

4.2.4.2 Building Heights

This matter has been discussed earlier in this report under the provisions of Marrickville Local Environmental Plan 2011.

4.2.4.3 Building Setbacks

Part 4.2.4.3 of MDCP 2011 prescribes front, side and rear setback controls. Setbacks are generally required to allow neighbours adequate access to sunlight, for view sharing, to preserve established tree and vegetation corridors and provide adequate separation between buildings to maintain privacy.

The setbacks applicable to the proposed development are discussed in Part 9 – Strategic Context, which contains site specific setback requirements for the subject site.

(iii) Streetscape, General Appearance and Materials (Part 4.2.5)

4.2.5.1 Façade and streetscape design
4.2.5.2 Bulk and scale relationship
4.2.5.3 Materials, finishes, textures and colours

A Statement Regarding Future Context has been prepared by the applicant's architects, which relevantly provides:

> *In designing the new Residential Development for 351Trafalgar St, we have carefully modeled the recently constructed 5 storey residential development at 347- 9 Trafalgar St and the masterplan envelopes for the adjacent sites to the West, to ensure the proposal fits the future context.*
>
> *The proposed Trafalgar Street façade responds to the massing of the adjacent approved development and presents a covered entry area and planting to the street, with an elevated terrace to the ground floor behind. Above this is a single storey rendered façade with inset private balconies over and the fourth and fifth level read as smaller balconies over 2 levels and are set back further from the street.*
>
> *To the rear the massing is also similar to 347- 9 Trafalgar St, with banded masonry and metal cladding. The fifth floor is set further back.*
>
> *The future context is envisaged as 4-5 storey masonry walled buildings to Trafalgar St and Gordon St. An articulation zone to the street frontages will present street front balconies, the upper storeys of the proposed residential development and the future developments will have greater setbacks and a different articulation to reduce apparent vertical scale from the street.*

Council's Architectural Excellence Panel has supported the final version of the plans. The design including materials and finishes are considered to be high quality.

(iv) Ceiling heights (Part 4.2.7)

Part 4.2.7 of MDCP 2011 prescribes ceiling heights for residential flat building developments.

A minimum finished floor to finished ceiling height of 2.7 metres is achieved for all proposed apartments. Whilst a minimum ceiling height of 3.3 metres for the ground floor has not been provided, the proposed ceiling heights are considered acceptable for the development type given that it is a residential flat building.

PART 9 – STRATEGIC CONTEXT

The land is located in the Petersham South Planning Precinct (Precinct 6) under Marrickville Development Control Plan 2011.

Site Amalgamation

The site is shown on the lot consolidation map to be amalgamated with the adjoining property at 347-349 Trafalgar Street. In 2012 Council approved a new residential flat building on the adjoining property, after attempts to amalgamate the properties were unsuccessful.

The site in not suitable to amalgamate the properties to the west that face Gordon Street. It considered feasible for the site to be redeveloped without site amalgamation.

Building Height

The guideline for a 4 storey building in the Precinct Guidelines is under the 17 metre height standard prescribed by the LEP.

The proposal complies with the height of building standard in the MLEP 2011 and the height of the proposed building is considered acceptable in the context of the recently constructed 5 story residential flat building on the adjoining site.

Setbacks

The front façade is setback 3 metres from the front boundary. A canopy is provided over the front entry.

At the rear, the fourth level is not set back by the recommended 4 metres. The top floor is set back from the building line of the lower floors. The top floor is set back 8.5 metres from the rear boundary. The lower floors are set back 3.2 metres from the rear boundary. Given the site constraints and the setbacks that have been approved on the adjoining site, the proposed variation from the required setbacks is considered acceptable.

Envelopes

The DCP nominates a building separation between new development on the Trafalgar Street frontage and the Sadlier Street frontage of 16m. When Council approved the application at 347-349 Trafalgar Street it approved a variation to this 16m separation, largely on the basis that the 12m building separation which applied under the Residential Flat Design Code would be achieved. The rear building line on the subject site is the same as the approved rear building line at 347-349. This variation is therefore considered acceptable.

Articulation zones

The design of the front façade has been divided into a base, a middle and a top. The combined treatment of the fourth and fifth level on the street elevation adds interest and character to the street elevation as required in the shallow articulation zone.

Domain Interface

There is no requirement for an active commercial frontage on this site. The location of the driveway is adjacent to the driveway at 347-349. This is considered acceptable for the proposed development. Pedestrian links are not required for this site. Public domain infrastructure is not required for this site. A road widening dedication does not apply to this site.

8. Marrickville Section 94/94A Contributions Plan 2014

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of $105,361.24 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

9. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 3 submissions were received raising the following concerns which have already been discussed throughout the main body of this report:

(i) Variation to the car parking space requirements on the basis that 'the area is well serviced by public transport'; and
(ii) Weight and size restrictions of the parking stacker will limit the vehicles that are able to utilise it which will force more on-street parking;
(iii) Solar access and overshadowing to adjoining properties to the south.

In addition to the above, the submissions raised the following concerns which are discussed under the respective headings below:

(i) Safety of the parking stacker for children, given that the 2 x 3 bedroom apartments are capable of accommodating families.

Comment:

The parking layout has been designed in accordance with the AS2890.1 and a mechanical car stacker service contract has been provided as part of the Traffic Impact Assessment prepared for the development.

(ii) The WestConnex project is encouraging greater car dependency and therefore this site is not favourable for residential development; but rather should be utilised for a petrol station, a car park, auto wrecker, car sales yard, tyre junkyard, respiratory illness medical centre, accident trauma centre, tow-truck or NRMA depot, road-rage counselling centre, etc.

Comment:

The proposed development is a permissible land use in the R4 High Density Residential zone applicable to the site and is considered to be supportable. The suggested land uses are all prohibited development in the R4 High Density Residential zone.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.

10. Conclusion

This application is to demolish existing improvements and construct a 5 storey residential flat building containing 7 dwellings with basement car parking. The heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application. The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Plan 2011. The FSR non-compliance has been addressed through a Clause 4.6 variation request, which is supported. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is suitable for approval subject to the imposition of appropriate conditions.

PART E - RECOMMENDATION

A. **THAT** the development application to demolish existing improvements and construct a 5 storey residential flat building containing 7 dwellings with basement car parking be **APPROVED** and a **DEFERRED COMMENCEMENT CONSENT** be issued subject to the following terms and conditions:

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PART A - DEFERRED COMMENCEMENT CONSENT –

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

- To ensure compliance with the apartment size requirements contained within the Apartment Design Guide (ADG), amended plans shall be submitted to the satisfaction of Council which indicate a revised layout. All apartments within the development shall comply with the minimum apartment sizes prescribed by the ADG in accordance with Objective 4D-1, specifically Apartments 2 and 4 shall be amended to be 1 bedroom apartments.
- To ensure consistency in the plans, the floor plans for Apartments 2, 3, 4 & 5 and the ground floor plans of Apartment 6 & 7 are to be amended in respect to the provision of windows on the rear elevation; to be consistent with the provision of windows shown on the rear elevation plan.

Evidence of the above matters must be produced to the Council or its delegate within 2 years of the date of this Determination otherwise the Consent will lapse.

PART B - CONDITIONS OF CONSENT

Once operative the consent is subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA-01, Rev B	Title Page	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-06, Rev B	Proposed Ground Floor Plan	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-07, Rev B	Proposed First Floor Plan	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-08, Rev B	Proposed Second Floor Plan	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-09, Rev B	Proposed Third Floor Plan	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-10, Rev B	Proposed Fourth Floor Plan	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-11, Rev B	Proposed Roof Plan + Concept Drainage Plan	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-12, Rev B	Proposed Basement Plan	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-13, Rev B	North Elevation	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-14, Rev B	South Elevation	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-15, Rev B	East Elevation	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-16, Rev B	West Elevation + Materials	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-17, Rev B	Section A-A	26/04/2016	Mackenziepronk Architects	05/08/2016

DA-18, Rev B	Section B-B	26/04/2016	Mackenziepronk Architects	05/08/2016
DA-19, Rev B	Area Diagrams	26/04/2016	Mackenziepronk Architects	05/08/2016
621458M	BASIX Certificate	13/08/2016	Ecocorp Consulting Pty Ltd	13/11/2015
XS15-90, Rev B	Landscape Plan	17/07/2015	Xeriscapes	13/11/2015
P1981.001R 351 Trafalgar St, Petersham TIA	Traffic Impact Assessment	05/06/2016	Bitzios Consulting	13/11/2015
-	Acoustical Assessment Report	22/01/2015	Acoustica	13/11/2015
3572	Aboricultural Impact Assessment	12/02/2015	Tree and Landscape Consultants	13/11/2015

2. Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:

   a) the plans and/or information approved under this consent; or

   b) any relevant requirements of this consent,

   the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

   All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.
   Reason: To ensure the development is carried out in accordance with this Determination.

3. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified in Drawing No. DA-16 dated 26/04/2016, prepared by Mackenziepronk Architects. No changes may be made to these drawings except by way of an application under section 96 of the *Environmental Planning and Assessment Act 1979*.
   Reason: To ensure the final built development has an appearance that accords with the approved materials and finishes.

4. Where units or dwellings are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.
   Reason: To ensure the aesthetics of the building and architecture are maintained.

5. The premises must be used exclusively as a residential flat building and not be adapted for use as a backpackers' accommodation, serviced apartments or a boarding house and must not be used for any industrial or commercial purpose.
   Reason: To ensure that the premises are used exclusively as a residential flat building.

6. 7 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated as follows:

   a) A minimum of 5 spaces being allocated to the residential dwellings; and

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b) 2 accessible car parking spaces, 1 accessible car space per adaptable dwelling.

All accessible car spaces must be provided and marked as disabled car parking spaces.

Reason: To ensure practical off-street car parking is available for the use of the premises.

7. 7 off-street bicycle parking spaces must be provided, paved, linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
Reason: To ensure practical off-street car parking is available for the use of the premises.

8. 1 off-street motorcycle parking spaces must be provided, paved, linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
Reason: To ensure practical off-street car parking is available for the use of the premises.

9. A minimum of 2 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility. One disabled parking space must be allocated to each adaptable dwelling.
Reason: To make reasonable provision in the development to provide residential accommodation suitable for people with a disability.

10. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.

11. The use of any plant and equipment must not give rise to:

a) transmission of unacceptable vibration to any place of different occupancy;
b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

Reason: To prevent loss of amenity to the area.

12. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to "offensive noise' as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure its operation does not adversely impact on the amenity of the surrounding neighbourhood.
Reason: To protect the amenity of the surrounding neighbourhood.

13. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition.

In addition the by−laws of any future residential strata plans created for the property shall reflect this restriction.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.

14. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
Reason: To provide for adequate site drainage.

15. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

16. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the water may be stored separately on site and reused for the watering of landscaped areas.
Reason: To ensure that there are no dry-weather flows of any seepage water directed to the kerb.

17. All trees, covered by Part 2.20 of Marrickville Development Control Plan 2011 - Tree Management, not requiring removal to permit the erection of the development must be retained.
Reason: To preserve existing mature trees on the property.

18. The person acting on this consent must follow all recommendations contained within the Aboricultural Impact Assessment report prepared by Tree and Landscape Consultants submitted to Council on 13 November 2016.
Reason: To ensure the protection of the existing tree on the adjoining property.

19. Dividing fences between the subject property and the tree in 22 Sadlier Crescent shall remain in situ for the duration of demolition and construction. No access for any construction related activity is permitted in that property within 3.6 metres of the avocado tree (Persea americana).
Reason: To provide tree protection fencing for the neighbour's tree.

20. No excavation is permitted outside the property boundary of the subject property within 4.0 metres of the of the avocado tree (Persea americana) in 22 Sadlier Crescent.
Reason: To ensure that the roots of the neighbour's tree are not damaged.

21. It may be necessary for the installation of a suitable electrical sub-station for the distribution of electrical power in this area to be located on the land, and that an area of land suitable for Ausgrid to provide such an installation be set aside for this purpose.

Before proceeding with your development further, you are directed to contact the General Manager of Ausgrid, George Street, Sydney, with respect to the possible need for such an installation immediately or in the future.
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

22. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
Reason: To ensure that the development is adequately serviced.

23. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).

24. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever is permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before occupation of the site.
Reason: To ensure there is no encroachment onto Council's road.

25. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The by−laws of any future residential strata plans created for the property shall reflect this restriction.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.

26. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council and undertaken before occupation of the site.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.

27. All groundwater encountered during demolition, construction and occupancy of the new development is to be disposed in to the sewer. Groundwater is not permitted to enter the stormwater unless it treated to the appropriate environmental levels. Details of the adopted groundwater management plan and any monitoring data is to be provided to Council.
Reason: To prevent the pollution of waterways with contaminated groundwater.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

28. No work must commence until:

a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within 2 days of the appointment; and

b) A minimum of 2 days written notice given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

29. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

30. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities must be located so that they will not cause a nuisance.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

31. A Hazardous Materials Survey is to be completed prior to demolition of existing structures to ensure hazardous materials that have been used in the existing buildings are appropriately managed during demolition. This must also prevent the spread of contamination and potential health risks to site workers and neighbours. A copy of the survey must be provided to Council.
Reason: To minimise the impact of hazardous building material on people and the environment.

32. All demolition work must:

a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
b) Where asbestos is to be removed it shall be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

Reason: To ensure that the demolition work is carried out safely.

33. Where any loading, unloading or construction is to occur from a public place, Council5 must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
Reason: To protect the amenity of the area.

34. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
Reason: To ensure that the demolition work is carried out safely.

35. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

36. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
Reason: To secure the area of the site works maintaining public safety.

37. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:

a) The name, address and telephone number of the PCA;
b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

38. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan shall indicate:

a) Where the builder's materials and waste are to be stored;
b) Where the sediment fences are to be installed on the site;
c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

39. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
Reason: To ensure all necessary approvals have been applied for.

40. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
Reason: To ensure that all restoration works are in accordance with Council's Code.

41. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
Reason: To secure the site and to maintain public safety

42. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.

Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.

43. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

44. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the property owner of the identified property, before work commences, on the buildings on the adjoining property at 347 Trafalgar Street and 5, 7 and 11 Gordon Street, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
Reason: To catalogue the condition of the adjoining property for future reference in the event that any damage is caused during work on site.

45. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
Reason: To provide a person that residents can contact.

46. The person acting on this consent must provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent must submit a hoarding application and pay all relevant fees before commencement of works.
Reason: To secure the site and to maintain public safety.

47. All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order. Details of the method(s) of protection of such trees must be submitted to and be approved by Council before commencing works.
Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

48. All approved protection measures must be installed prior to commencing any work and must be maintained for the duration of construction.
Reason: To ensure that all trees are appropriately protected during demolition and construction works.

49. Where scaffoldings or hoardings are to be erected, street trees must be protected during construction works as follows:

    a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AQF 2 or 3) and must include:

        (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;

(ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage;
(iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion, and
(iv) Tree trunk and major branch protection must remain in place for the duration of construction and development works, and must be removed at the completion of the project.

b) All hoarding support columns must be placed a minimum of 300mm from the edge of the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.

c) Materials or goods, including site sheds, must not be stored or placed:

(i) around or under the tree canopy; or
(ii) within 2 metres of tree trunks or branches of any street trees.

d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Tree Management Officer on 9335 2242, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

50. a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works. Only minor pruning works will be approved by Council.

b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. Those works must be completed immediately following the trees removal.

Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

60. If a new street number or a change to the street number (this includes unit and shop numbers) is required, a separate application must be made to and approved by Council prior to that street number being displayed.
Reason: To ensure that the building is easily identifiable.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

61. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.
Please refer to the web site www.sydneywater.com.au for:
    - Quick Check agents details - see Plumbing, building and developing then Quick Check agents and
    - Guidelines for Building Over/Adjacent to Sydney Water Assets – see Plumbing, building and developing then Plan submissions

    or telephone 13 20 92.
The stamped plans must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure compliance with Sydney Water requirements.

62. The person acting on this consent shall provide to Council a bond in the amount of $4,202.10 and pay the related Section 138 (Roads Act) inspection fee of $209.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.
Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

63. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

64. A stormwater construction plan detailing the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes, and proposed site levels together with hydrologic and hydraulic calculations being submitted to and accepted by Council before the issue of a Construction Certificate.
Reason: To assess the adequacy of the proposed/existing site drainage.

65. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
Reason: To ensure the aesthetics of the building and architecture are maintained.

66. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

67. Details of an anti graffiti treatment to the northern, southern and western elevation(s) of the development must be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To ensure the proposed development remains free of graffiti.

68. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
Reason: To ensure the aesthetics of the building and architecture are maintained.

69. Details regarding all hard paved areas within the development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. In this regard the materials used should be chosen to break up the extent of hard paving and enhance the appearance of the development.
Reason: To ensure all hard paved areas within the development are sympathetic to and enhance the appearance of the development.

70. A detailed plan showing the height, colour and material of all fencing within the development in accordance with Part 2.11 of Marrickville Development Control Plan 2011 – Fencing must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure all fencing is in keeping with the character of the area and maintains adequate privacy.

71. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure adequate mail collection facilities are provided.

72. Adequate outdoor clothes drying areas must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure adequate outdoor clothes drying facilities are provided.

73. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure appropriate lighting is provided to create a safe living environment.

74. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Note: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).

Reason: To ensure that the BASIX commitments are incorporated into the development.

75. Insulation, having a minimum R3.0 rating, must be provided to the ceiling or roofs in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To achieve an overall increase in thermal comfort and reduce the impact of greenhouse gases on the environment.

76. Reticulated gas infrastructure, with a separate meter for each dwelling must be provided to each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To provide the potential to reduce greenhouse emissions.

77. Fixtures for bathroom and kitchen taps, showerheads, dishwashers and toilet cisterns must have a minimum 3 Star WELS rating.
Note: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
Reason: To conserve water.

78. New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.
Note: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
Reason: To conserve water.

79. A hot water system with a minimum 3.5 energy star Greenhouse rating must be provided for each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure that the dwellings incorporate energy and water efficient measures.

80. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.
Reason: To reduce noise levels within the development from aircraft.

81. a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.

b) Before the issue of a Construction Certificate, the Council must be paid a monetary contribution of $105,361.24 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 7 September 2016.

***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC001580)

c) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Facilities	$12,544.12
Plan Administration	$2,065.87
Recreation Facilities	$91,942.92
Traffic Facilities	$-1,191.66

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d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at http://www.marrickville.nsw.gov.au.

e) The contribution must be paid either in **cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card***.

*NB A 1% credit card transaction fee applies to all credit card transactions.

Reason: To ensure provision is made for the increase in demand for public amenities and services required as a consequence of the development being carried out.

82. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

83. Before the issue of a Construction Certificate the owner or builder must sign a written undertaking that they are responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

84. Plans, details and calculations of an On Site Detention system in accordance with Marrickville Council Stormwater and On Site Detention Code, must be submitted to Council's satisfaction before the issue of a Construction Certificate. The on site detention system must be designed for all storm events from the 1 year to the 1:100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second. Storage for the 1 year storm event must be provided fully below ground. Details must also include the Height v Storage and Height v Discharge relationships. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area.
Reason: To ensure the development does not increase the stormwater runoff from the site.

85. It should be noted that dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the water may be stored on site and reused for the watering of landscaped areas or discharged using a timed pump out system between the hours of midnight and 4.00am.
Reason: To ensure that there are no dry-weather flows of any seepage water through kerb outlets.

86. The footpath along the Trafalgar Street frontage of the site must be reconstructed and upgraded in accordance with the Marrickville Public Domain Code and Technical Manual when adopted. Full detailed construction plans and specifications must be submitted to Council for approval under Section 138 of the Roads Act, 1993 before the issue of a Construction Certificate.
Reason: To ensure the footpath is reconstructed and upgraded in accordance with the Marrickville Public Domain Code and Technical Manual.

SITE WORKS

87. All excavation, demolition, construction and deliveries to the site necessary for the carrying out of development must be restricted to between 7.00am to 5.30pm Mondays to Saturdays excluding Public Holidays. Notwithstanding the above, no work is to be carried out on any Saturday that falls adjacent to a Public Holiday.
Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

88. All demolition, construction and associated work necessary for the carrying out of the development must be restricted to between the hours of 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above, no work is to be carried out on any Saturday that falls adjacent to a Public Holiday.

All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, must only have access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer must ensure that all contractors associated with the development are fully aware of these requirements.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

89. If during site works there are significant odours or evidence of contamination (including asbestos) or other unexpected occurrence, site works should immediately cease. An environmental consultant should be engaged to assess the site and determine if a Remedial Action Plan (RAP) is to be prepared in accordance with the NSW EPA's (2011) Guidelines for Consultants: Reporting on Contaminated Sites. Council must be notified and receive a copy of any prepared RAP.

Upon the completion of any remediation works stated in the Remedial Action Plan, the person acting on this consent shall submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW EPA's (2011) Guidelines for Consultants Reporting on Contaminated Sites.

Reason: To ensure that the remediated site complies with the objectives of the RAP and that the land is suitable for its proposed use and poses no risk to the environment and human health.

90. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

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91. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'.
Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

92. All demolition work must be carried out in accordance with the following:

a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
e) the generation of dust and noise on the site must be controlled;
f) the site must be secured to prohibit unauthorised entry;
g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

93. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

a) At the commencement of the building work;
b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.
Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the Building Code of Australia.

94. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. **Note:** This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the issued alignment levels. Failure to comply with this condition will result in vehicular access being denied.
Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.

95. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
Reason: To provide for adequate site drainage.

96. All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Reason: To ensure that imported fill is of an acceptable standard.

97. Alignment levels for the site at all pedestrian and vehicular access locations must be obtained from Council before the commencement of construction. The alignment levels must match the existing back of footpath levels at the boundary. Failure to comply with this condition will result in vehicular access being denied.
Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.

98. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:

a) protect and support the adjoining premises from possible damage from the excavation, and
b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
c) at least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice must include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report must be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

99. All vehicles carrying materials to, or from the site, must have their loads covered with tarpaulins or similar covers.
Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

100. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.
Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.

101. The disposal of contaminated soil must be carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.
Reason: To provide for correct disposal of wastes.

102. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
Reason: To ensure all works are contained within the boundaries of the allotment.

103. No part of the fencing is to encroach upon Council's footpath. The footings of the fence must not encroach upon Council's property unless they are located at a depth of not less than 1350mm below the pathway level, in which case they must not project further than 450mm.
Reason: To ensure the proposed fence does not encroach on the footpath.

104. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
Reason: To provide for adequate site drainage.

105. All stormwater drainage must be designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3.2-1998 'Stormwater Drainage-Acceptable Solutions' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems must be designed to cater for the 20 year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the 20 year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the 50 year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths must be designed to cater for the 100 year A.R.I. storm.
Reason: To provide for adequate site drainage.

106. Activities and storage of materials must be kept away from garden beds.
Reason: To ensure the safety and protection of the endangered Long-nosed Bandicoot population (*NSW Threatened Species Conservation Act 1995*) during excavation, demolition or construction work.

107. All soil is to be classified as per the NSW EPA Waste Classification Guidelines: Part 1 – Classifying waste (EPA 2014) and disposed of to a licensed waste facility.
Reason: To provide for correct disposal of wastes.

BEFORE OCCUPATION OF THE BUILDING

108. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:

a) A copy of the determination;
b) Copies of any documents that were lodged with the Occupation Certificate application;
c) A copy of Occupation Certificate, if it was issued;
d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
e) A copy of any missed inspections; and
f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

109. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
Reason: To ensure person acting on this consent completes all required work.

110. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council

111. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
Reason: To ensure there is no encroachment onto Council's Road.

112. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
Reason: To ensure that items of local heritage value are preserved.

113. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.

114. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.

115. The footpath adjacent to the site on Trafalgar Street shall be reconstructed in accordance with the Draft Public Domain Technical Manual and Council's standard plans and specifications. These works shall be undertaken at no cost to Council and before the issue of the Occupation Certificate.
Reason: To provide suitable means of public pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.

116. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that the stormwater drainage has been constructed in accordance with the approved plans shall be submitted to and accepted by Council. The Certificate shall also state that no dry-weather flows of seepage or groundwater have been connected to any kerb outlets. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
Reason: To ensure drainage works are constructed in accordance with approved plans.

117. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

118. Occupation of the building must not be permitted until such time as:

a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
c) An Occupation Certificate has been issued.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

119. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

b) Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.

Reason: To ensure compliance with Sydney Water requirements.

120. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate.
Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

121. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved details and must be maintained at all times to Council's satisfaction.
Reason: To ensure adequate landscaping is maintained.

122. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and prior to the occupation of the dwellings a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets AS2021- 2000 as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and

b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the dwellings from aircraft and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021-2000.

123. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

124. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.
Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

125. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of Council before being displayed.
Reason: To ensure that the building is easily identifiable.

126. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site must be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before occupation of the site.
Reason: To provide suitable means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.

127. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the residential component of the approved development:

- 3 x 240 litre bins for general waste streams;
- 3 x 240 litre for recycling waste streams; and
- 1 x 240L green waste bins.

Reason: To confirm the operation and servicing of the site meets Council's requirements prior to occupation or use of the building.

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.

- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor **must** complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

- Any natural light or ventilation gained by windows within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.

- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	1100 www.dialbeforeyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

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B. **THAT** those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.

C. **THAT** the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 – Exceptions to Development Standards, that Council has agreed to the variation of the following development standard:

Premises:	351 Trafalgar Street PETERSHAM
Applicant:	James Confos/Diane Plunkett
Proposal:	To demolish existing improvements and construct a 5 storey residential flat building containing 7 dwellings with basement car parking
Determination:	Deferred Commencement
DA No:	201500648
Lot and DP:	Lot 4 DP 87707
Category of Development:	Residential
Environmental Planning Instrument:	Marrickville Local Environmental Plan 2011
Zoning of Land:	R4 High Density Residential
Development Standard(s) varied:	Clause 4.4 Floor Space Ratio
Justification of variation:	Strict compliance with the FSR development standard is unnecessary; The additional FSR does not contribute to additional adverse impacts on adjacent development.
Extent of variation:	33%
Concurring Authority:	Council under assumed concurrence of the Secretary Department of Planning and Environment
Date of Determination:	

ATTACHMENTS

Nil.

Item No: **C0916 Item 5**

Subject: **DEVELOPMENT APPLICATION - 308-314 STANMORE ROAD, PETERSHAM**

File Ref: DA201600108/105142.16

Prepared By: Kaitlin Zieme - Town Planner Development Assessment, Marrickville

Authorised By: Phil Sarin - Director, Planning and Environment

SUMMARY

This report concerns an application to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist.

The original application was notified in accordance with Council's Notification Policy and 12 submissions were received. During the assessment of the application, amended plans were submitted reducing the size of the second floor to be within the existing building envelope and reducing the number of hotel rooms from 13 to 12. The modifications are considered to be of a lesser impact and as a result re-notification was not required.

The development results in a departure of 1.32 metres (13.9%) from the height of building development standard and 365.73m² (48%) from the FSR development standard prescribed by Marrickville Local Environmental Plan (MLEP) 2011. The application was accompanied by written requests under Clause 4.6 of MLEP 2011 in support of the proposed variations which are accepted for the reasons outlined in this report. No additional height is proposed beyond the existing maximum ridge height.

The extent of the proposed non-compliances is not considered to result in any adverse impacts on the amenity of the adjoining developments and/or the streetscape and the variations are cumulative variations based on an existing non-compliant building. The proposal involves a change of use to the heritage listed item being the former Stanmore Fire Station which is an important element of the Stanmore Road streetscape and Petersham South Heritage Conservation Area.

The application is referred to Council for determination in view of the extent of the departures from the maximum building height and FSR development standards, which exceed officer's delegation.

RECOMMENDATION

That the application be approved subject to the imposition of conditions in accordance with Part E of this report, and including endorsement of actions B and C contained therein.

PART A - PARTICULARS

Location: Southern side of Stanmore Road on the eastern corner of Albert Street, Petersham.

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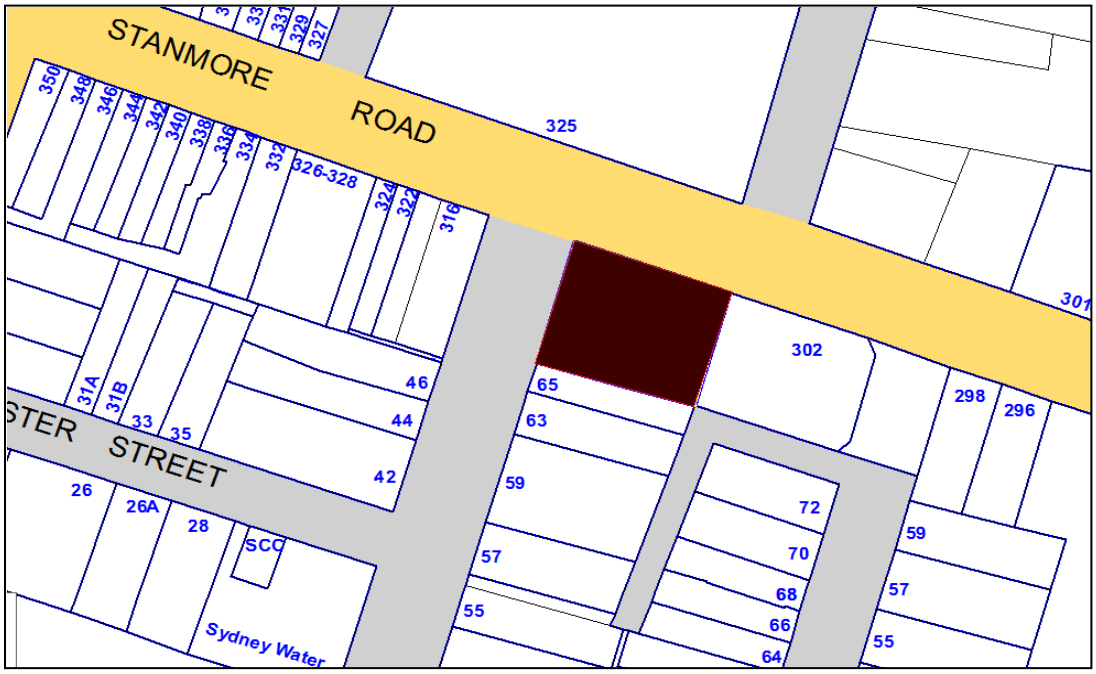

Image 1: Location Map

D/A No: 201600108

Application Date: 15 March 2016. Additional information submitted on 6 and 7 July 2016, 23 August 2016 and 1 September 2016.

Proposal: To demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist.

Applicant: 43 Hubert Street Pty Ltd - Scott Andrew Feneck

Estimated Cost: $1,113,000.00

Zoning: B1 - Neighbourhood Centre

PART B - THE SITE AND ITS CONTEXT

Improvements: 2 storey with attic heritage listed former fire station



Image 2: The Site

Current Use: Dwelling house

Prior Determinations: Determination No. 9628, dated 30 August 1984, granted approval to an application to carry out alterations and additions to the existing fire station.

Determination No. 16677, dated 8 August 1996, granted approval to an application to carry out alterations to the premises and to use the premises for the purposes of a box manufacturing business, museum of box machinery and a dwelling. This Determination was modified on 11 September 1997.

Determination No. 200600113, dated 7 June 2006, granted a deferred commencement consent to an application to use the premises for administration and equipment storage associated with a construction, shop fitting and property maintenance business with an associated dwelling and to paint the exterior of the building. The deferred commencement matters were not satisfied and the consent subsequently lapsed.

Determination No.201300226, dated 19 September 2013, approved an application for the use of the premises as a residential dwelling and office premises, including the addition of a swimming pool, new fencing to Albert Street, new BBQ area with pizza oven, raised timber decking, new paving and landscaping works.

Determination No.201300593, dated 4 August 2014, approved an application to carry out alterations and additions to the premises to reinstate the former watchtower to the building on the north western corner of the building (not yet constructed).

Environment: A mixture of residential and commercial along Stanmore Road and residential to the south along Albert Street.

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PART C - REQUIREMENTS

1. Zoning

Is the proposal permissible under zoning provisions? No *

* *Clause 5.10 (Heritage Incentive) of Marrickville Local Environmental Plan 2011 permits prohibited uses where the applicant can demonstrate that the proposal will facilitate the conservation of a heritage item.*

2. Development Standards (Mandatory Requirements):

Type	*Required*	*Proposed*
Height of Buildings (max)	9.5 metres	10.82 metres
Floor Space Ratio (max)	0.85:1	1.26:1

3. Departures from Council's Codes and Policies:

Type	*Required*	*Proposed*
Parking	(discussed in body of report)	

4. Community Consultation:

Required: Yes (newspaper advertisement, on-site notice and resident notification)
Submissions: 12 submissions

5. Other Requirements:

ANEF 2033 Affectation: 20-25 ANEF
Marrickville Section 94/94A Contributions Plan 2014 - $11,130.00

PART D - ASSESSMENT

1. Background

Following a preliminary assessment of the application, Council requested submission of amended plans requiring a reduction in the proposed gross floor area of the additions on the second floor so that the size of the second floor/attic addition be contained within the existing building envelope. Amended plans were subsequently submitted, reducing the size of the second storey/attic and reducing the number of proposed hotel rooms from 13 to 12.

On 23 August 2016, an amended Clause 4.6 variation request was submitted in support of the FSR breach and on 1 September 2016, the applicant submitted an amended Plan of Management to reflect the reduction in the number of hotel rooms proposed.

2. The Site and Surrounds

The site is located on the southern side of Stanmore Road on the eastern corner of Albert Street, Petersham. The site is known as 308-314 Stanmore Road, Petersham and is legally described as Lot 1 in DP 723900 and Lot 1 in DP 723936. The site has a frontage of 33.5 metres to Stanmore Road and a 25.6 metre frontage to Albert Street, resulting in an approximate site area of 906m².

The building was originally constructed as a Fire Station in the late 1800's and the physical exterior of the original building remains largely intact. It is currently being used as a residential dwelling and ancillary office premises.

The entire site is listed as a Heritage Item and is located within the Petersham South Heritage Conservation Area under MLEP 2011. The site is located opposite a Heritage Item at 325 Stanmore Road (All Saints Anglican Church) listed under MLEP 2011.

Adjoining the site to the east is single storey grocery store/fruit market, to the south is a single storey residence and to the west on the opposite corner of Albert Street is a 2 storey mixed use building comprising as café on the ground floor with residence above.

The surrounding area is generally characterised by commercial development along Stanmore Road and residential development to the south of the site along Albert Street.

3. The Proposal

Approval is sought to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist.

The proposed development seeks the adaptive re-use of the heritage listed former Fire Station which is currently used as a dwelling house. The development would involve relatively minor internal alterations on the ground and first floor and the replacement of the existing attic with a slightly higher roof form and dormer windows to allow 2 hotel rooms/suites within the existing attic space (the only visible external modification).

The application proposes the following;:
Ground floor:

- 41. 9sqm café and 36sqm florist to be open to the public,
- 2 functions rooms (former fire engine parking bays) to be utilised by private booking.
- General back of house hotel facilities including admin, office, disabled toilet, lift and plant services would be located at the rear of the hotel,
- Gym, existing kitchens, dining and bar area, swimming pool, cabana to be retained and utilised by hotel guests only.
- 1 hotel room located on the ground floor.

First floor

- 9 rooms (with ensuites) accessed via a new lift and multiple existing stairwells.

Second Floor

- 2 rooms, 1 of which is a penthouse style suite with internal kitchen, dining and lounge room.
- The attic modification also includes internal access to the watch tower approved by Determination No.201300593, dated 4 August 2014.

The following is an extract from the Statement of Environmental Effects submitted with the application which outlines the proposed operation of the premises:

> *"The Hotel*
>
> *The hotel is to operate as a boutique style 12 room premises.*
>
> *A breakfast and casual lunch and dinner service will be included in the room tariff on demand in the rear dining area and courtyard.*
>
> *Ancillary services available to hotel patrons include use of the in-house gym and swimming pool/ spa. These areas will not be open to the general public.*
>
> *The hotel is to operate on a 24 hours basis with a night manager.*
>
> *The reception is to operate between 6am and 10pm. The main access to the reception is to be via the Albert Street entry.*
>
> *The night manager will be available on a 24 hour basis.*

Ancillary Services

Behind the café various back-of-house space are provided they are:-

- *2 administrative spaces (23.1m²); and*
- *a staff area (18.9m²).*

A gym room is provided for hotel guests on the ground floor, as are lounge, kitchen and dining areas. The central courtyard is also to be used by hotel guests only.

The café

The café will have floor area of 41.9 m² and will cater to less than 20 patrons at any one time. The premises will have access to a disabled toilet on the ground floor.

Limited cooking will take place within the café premises. Food to be served will be prepared off-site and major on-site cooking will take place within the hotel's kitchens.

The hours of operation sought for the café are 6am to 10pm - 7 days a week.

The Function Rooms

It is envisaged the use of the function room will be for social gathering generally as required by hotel guests and members of the general public by appointment only. These spaces are also envisaged to have a general utility function within the development e.g. functioning as on-site parking / loading if required.

Access to sanitary facilities on ground floor is provided for the function rooms.

The hours of operation sought for the function rooms are aligned to the hotel use however functions past 12 midnight are not envisaged.

The Florist

The florist is to be open to the general public and also function as an in-house florist for the hotel/ café use.

The Stanmore Road entry to the florist is also to function as an entry to the Café and a secondary entry to the hotel reception area.

The hours of operation sought for the florist are 6am to 8pm - 7 days a week.

Staff

Staff required for each use are:-

Staff Hotel x 3
Café x 2
Florist x 1
And occasional function room staff as required."

A copy of the site plan, floor plans and elevations of the development submitted with the application are reproduced below:

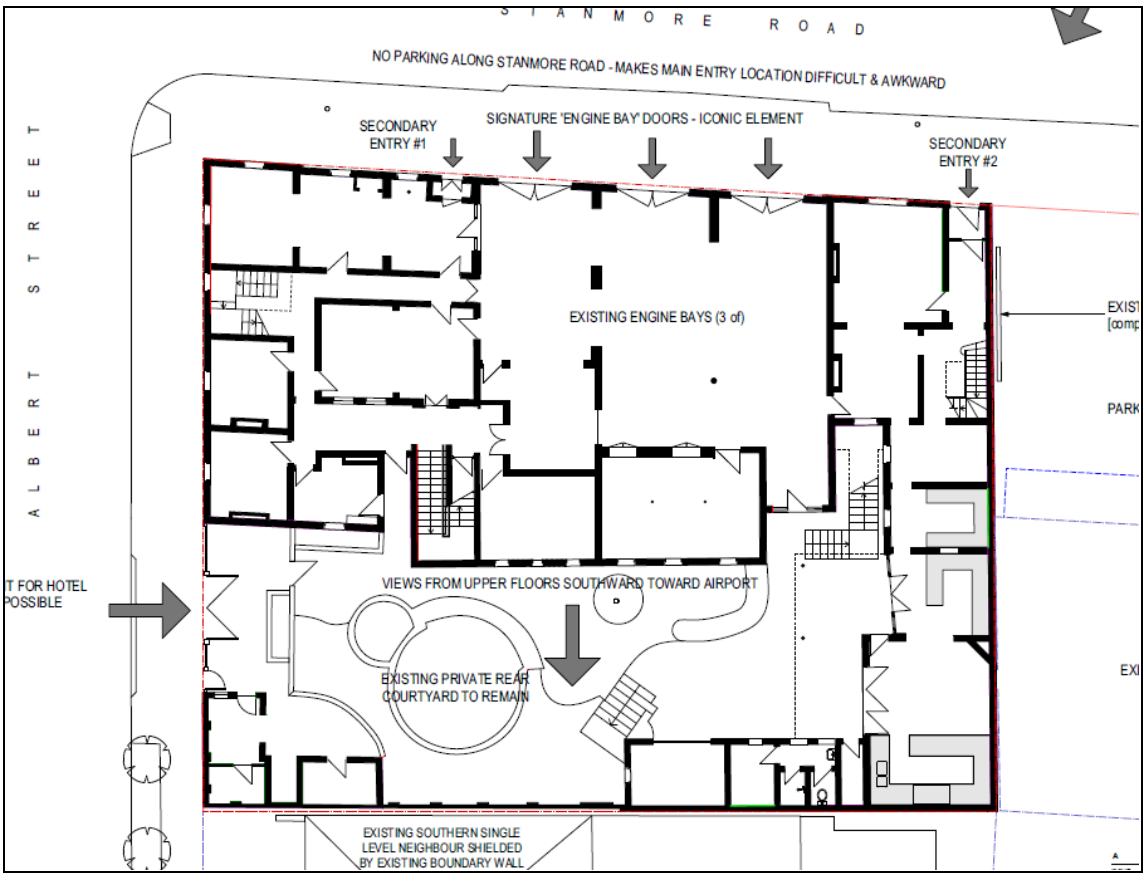

Image 3: Site Plan

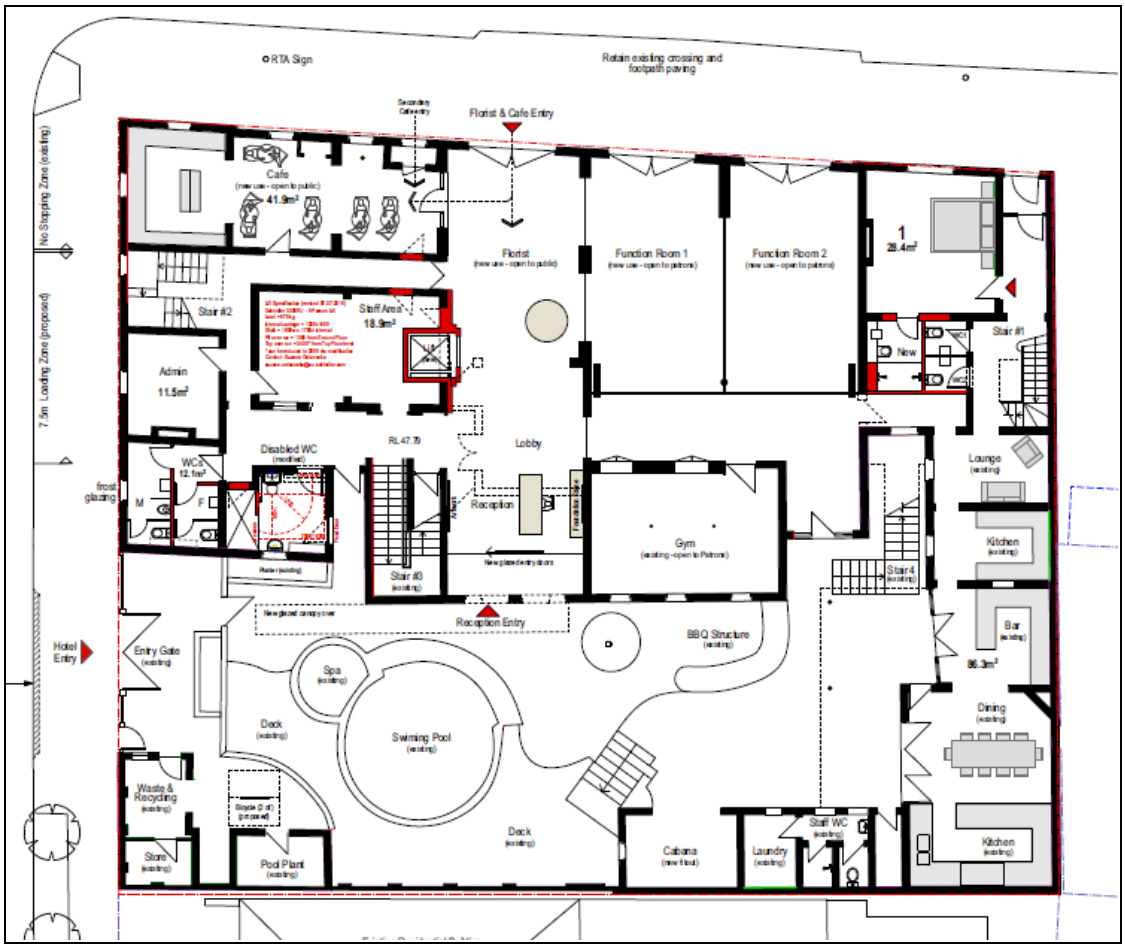

Image 4: Ground Floor Plan

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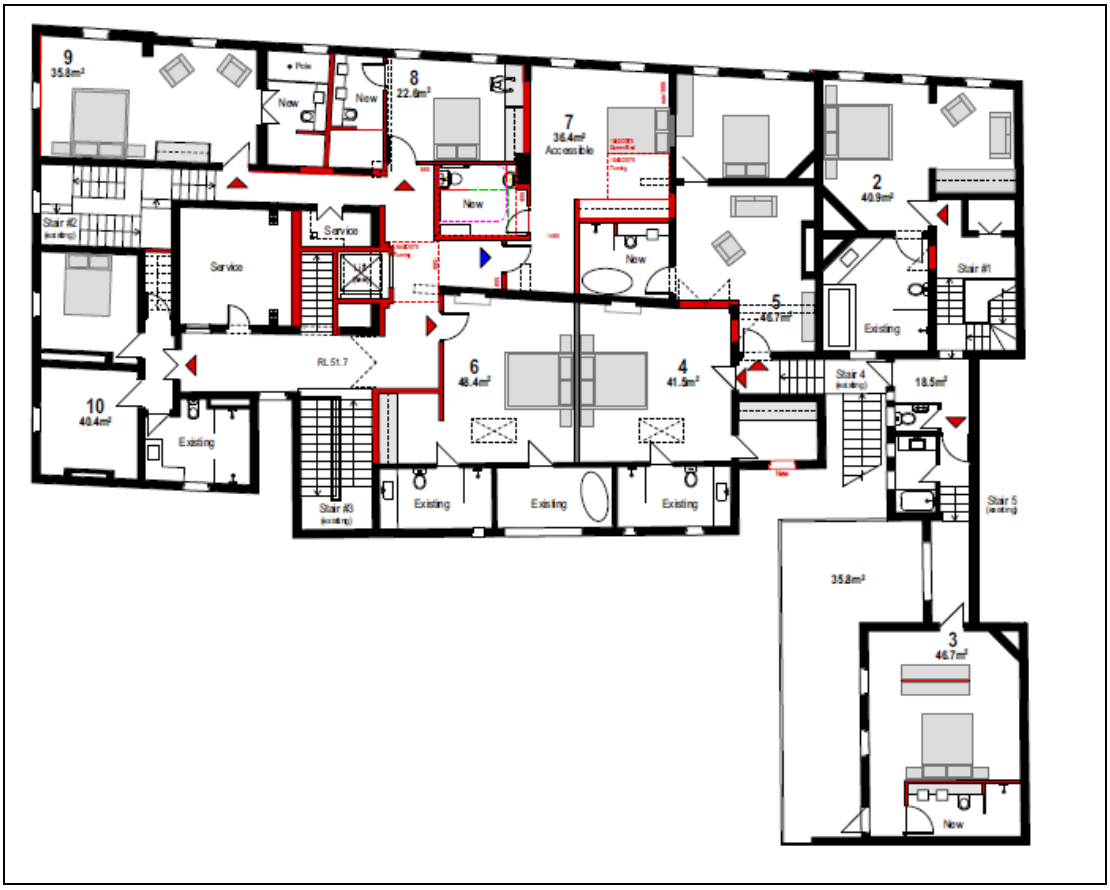

Image 5: First Floor Plan

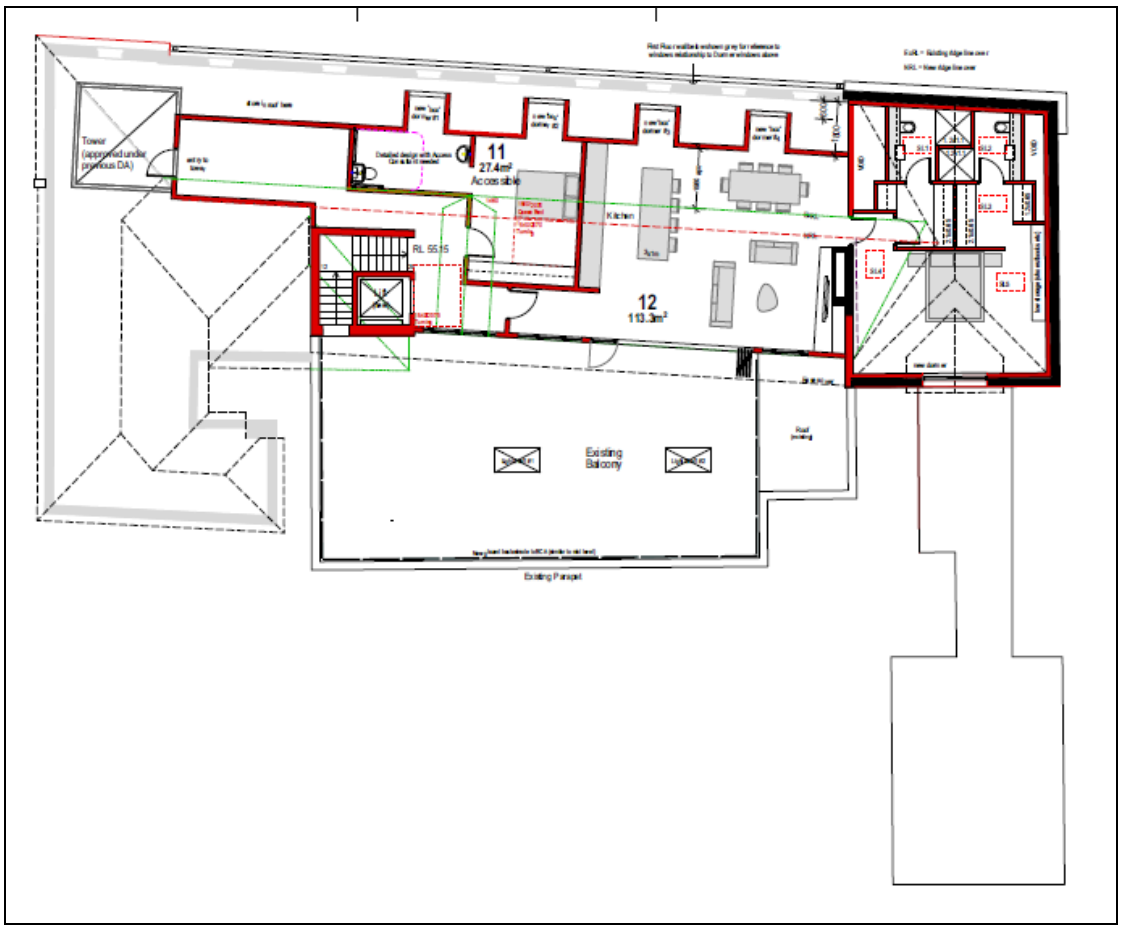

Image 6: Second Floor Plan

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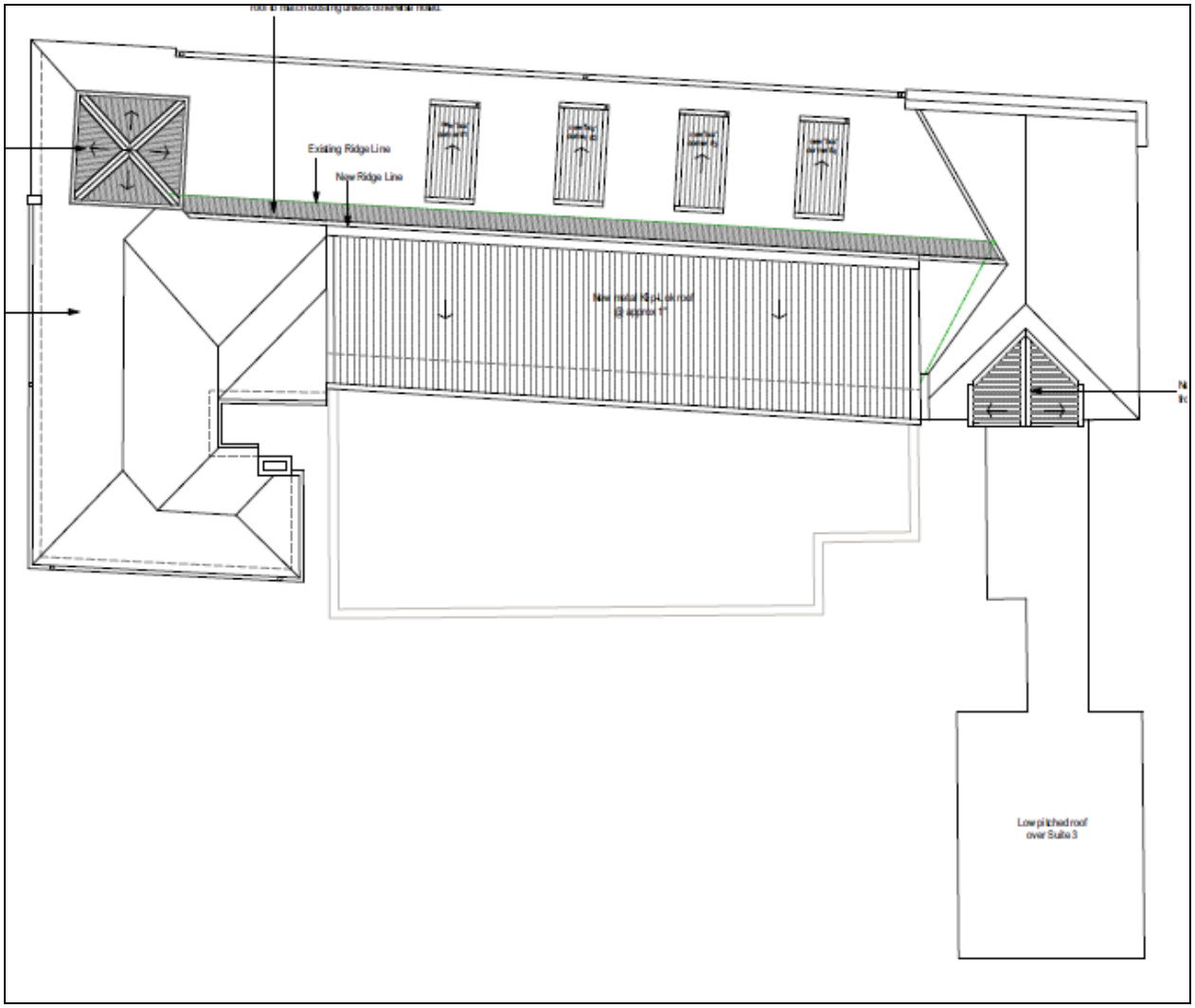

Image 7: Roof Plan

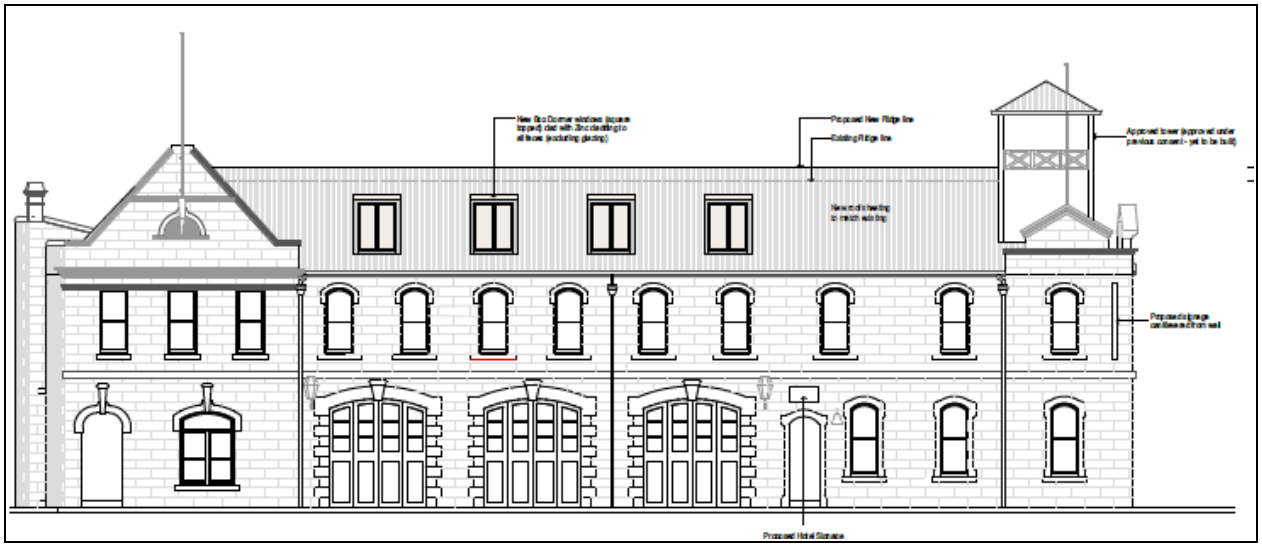

Image 8: Front (Northern) Elevation

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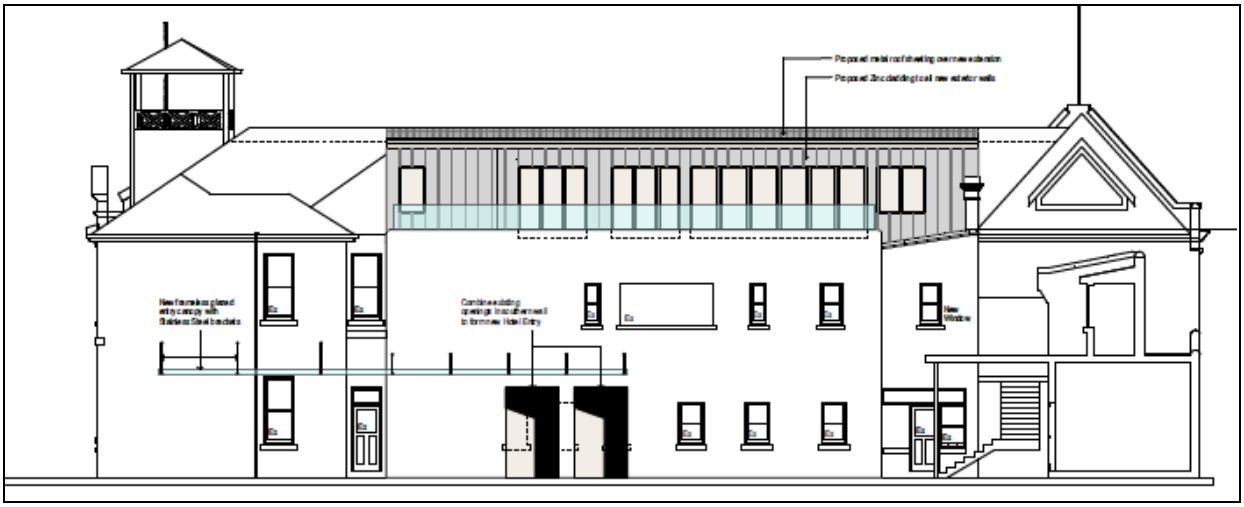

Image 9: Rear (Southern Elevation)



Image 10: Side (Western) Elevation

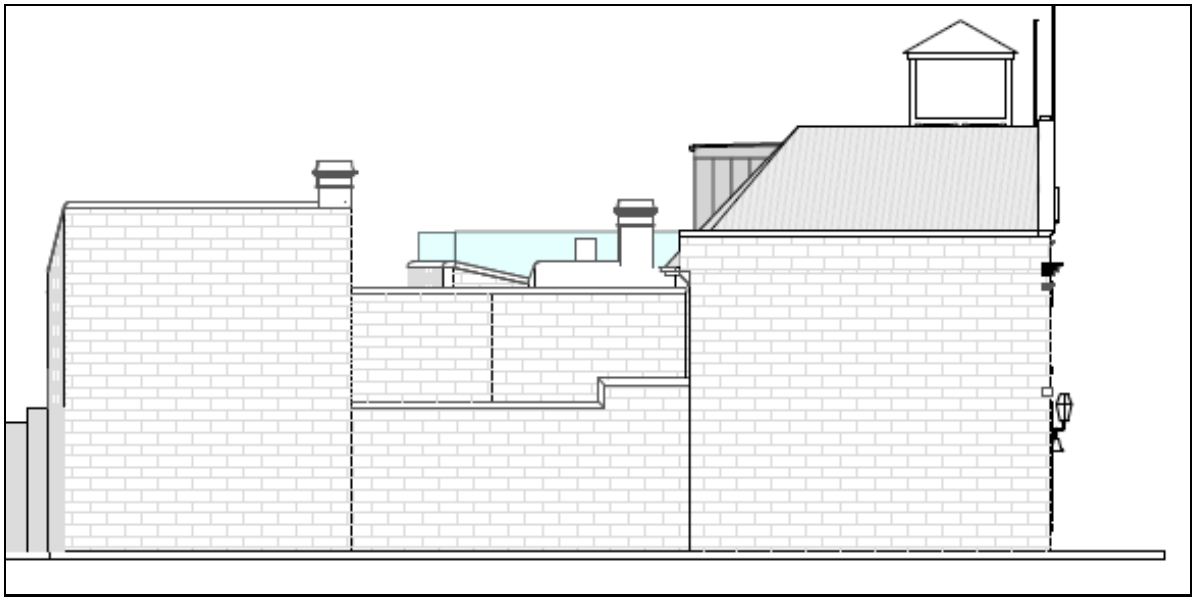

Image 11: Side (Eastern Elevation)

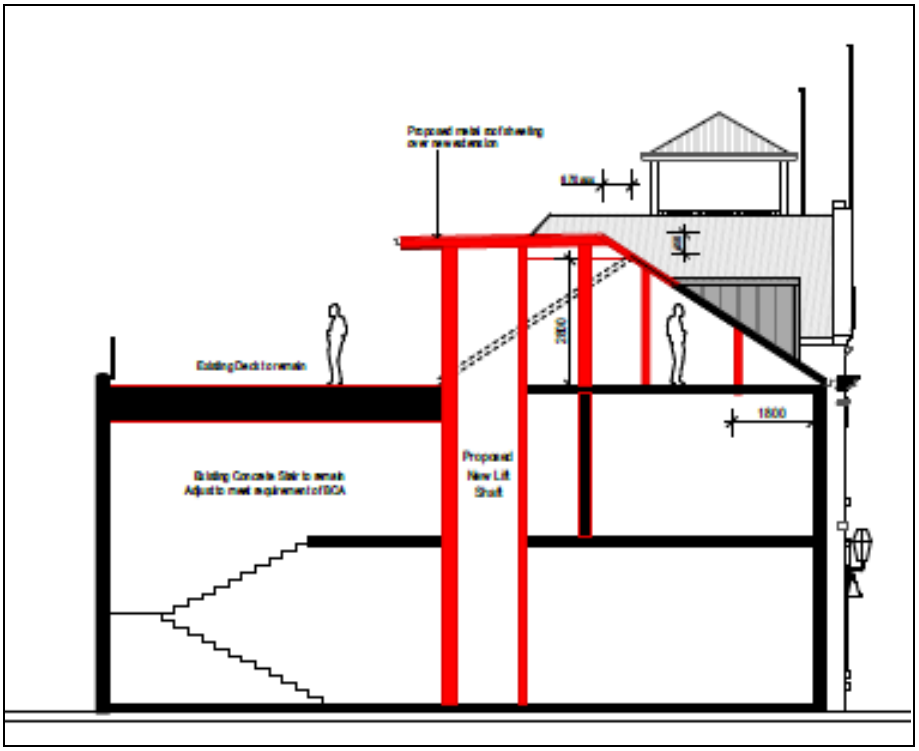

Image 12: Section

4. State Environmental Planning Policy (Infrastructure) 2007

The site has a frontage to Stanmore Road, a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007, (Infrastructure SEPP) the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

Vehicular access to the property is currently provided from Stanmore Road however as part of the proposal it is proposed to discontinue the use of the existing vehicular access from Stanmore Road as the existing former fire engine bays (currently used for parking) will be used as a florist and function rooms. The proposed development does not provide for on-site parking and this is discussed in greater detail later in this report, however, it is considered that the proposed development would not affect the safety, efficiency and on-going operation of the classified road.

Stanmore Road is a Classified Road, however it does not have a daily traffic volume of more than 40,000 vehicles and as a result Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 is not required to be addressed in terms of acoustic privacy.

5. Marrickville Local Environmental Plan 2011

(i) Land Use Table and Zone Objectives (Clause 2.3)

The property is zoned B1 – Neighbourhood Centre under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). The development is not permissible under the zoning provisions applying to the land, however the application seeks Council's consent for the proposed development pursuant to the Heritage Incentive provisions within Clause 5.10 of MLEP 2011. This matter is discussed in more detail later in this report under the heading 5(v) below.

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(ii) Height (Clause 4.3)

A maximum building height of 9.5 metres applies to the property as indicated on the Height of Buildings Map that accompanies MLEP 2011. The proposed development has a maximum building height of 10.82 metres which does not comply with the height development standard. It should be noted that the existing building has a maximum height of 11.52 metres and approved watch tower a height of 13.72 metres. The development does not propose to exceed either of these maximum heights.

The application was accompanied by a written submission in relation to the contravention of the height development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011. The submission is discussed later in this report under the heading *"Exceptions to Development Standards (Clause 4.6)"*.

(iii) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.85:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has a gross floor area (GFA) of 1129.2sqm which equates to a FSR of 1.26:1 on the 898.2sqm site which does not comply with the FSR development standard.

The application was accompanied by a written submission in relation to the contravention of the FSR development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011. The submission is discussed later in this report under the heading *"Exceptions to Development Standards (Clause 4.6)"*.

(iv) Exceptions to Development Standards (Clause 4.6)

The development exceeds the maximum building height development standard prescribed under Clause 4.3 of MLEP 2011 and maximum floor space ratio development standard prescribed under Clause 4.4 of MLEP 2011. The application was accompanied by a written submission in relation to the contravention of the development standards in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011.

Building Height

The application proposes a maximum building height of 10.82 metres which represents a variation of 1.32 metres or 13.9% and does not comply with the height development standard. It should be noted that the existing building has a height of 11.52 metres (21% variation) and the approved watch tower on the site has a height of 13.72 metres (44% variation). The development does not propose to exceed either of the existing and/or approved maximum building heights. Nonetheless, a Clause 4.6 variation request is required for the new portion of the building exceeding the maximum building height.

The applicant considers compliance with the development standard to be unreasonable and unnecessary for the following reasons:

- The non-compliance concerns a partial increase in height of the existing buildings main ridge by 450 millimetres, being the upper part of the rear attic and new dormers to Stanmore Road;
- The highest part of the building will still be maintained as the eastern roof ridge and street parapet and the approved and yet to be constructed watch tower;
- The increase will have a minor impact and is not detrimental to the presentation of the building to the public domain;
- The additional height will not have any significant additional overshadowing or overlooking impacts on adjoining properties being more than 20 metres from the residential properties to the rear;

- The additional height is contextually appropriate to the existing non-compliant building height and will not exceed the existing highest part of the building;
- The development is consistent with the desired future character of the area, maintaining the heritage item, with the additional height necessary for the viable and rational reuse of the existing building;
- The addition of a lift to improve the accessibility of the development results in a requirement to provide an increased height for the attic/second storey;
- The development would be in the public interest as it provides an appropriate and desirable heritage and land use outcome for the heritage listed site;
- The proposal is consistent with the objectives of Clause 4.6, the height control and land use and heritage objectives for the site. The additional height has an acceptable impact on the street presentation of the building.

The justification provided in the applicant's written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning principles such as contained in *Wehbe v Pittwater Council [2007] NSWLEC827, Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90 or Moskovich v Waverley Council [2016]*.

Compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard in this instance given that:

- The proposed building height is 700 millimetres below the existing maximum height of the development and 2.9 metres below the approved watch tower to be re-instated at the site, as a result the non-compliance will be negligible in terms of the existing built form and its context within the streetscape;
- The non-compliance with the standard does not contribute to adverse environmental impacts in terms of overshadowing, visual impacts or view loss to the site or adjoining properties;
- The site is a heritage listed item, the proposed change of use and alterations and additions would ensure the longevity and retention of the significant building and allow for public utilisation of the building; and
- The high quality architectural design of the additions is supported by Council's Heritage Officer, the additional ridge height and dormers will read as sympathetic modern insertions and is small in proportion to the overall scale of the existing built form.

It is considered that the applicant's written submission has satisfactorily addressed the relevant matters under Clause 4.6 of MLEP 2011 and as such the proposal's non-compliance with the height development standard is considered acceptable. The contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the development.

Floor Space Ratio

The application proposes a maximum floor area of 1129.2sqm resulting in an FSR of 1.26:1 on the 898.2sqm site. This is a variation of 365.73sqm or 48% from the prescribed development standard. The existing building currently has a non-compliant floor space of 957.4sqm, representing a variation of 193.93sqm or 25% from the prescribed standard. Consequently the only additional floor area proposed as part of this development is 171.8sqm (22.5% variation on top of the existing non-compliance).

It is noted that during the assessment of the application the proposed floor area was reduced at the request of Council to delete any additional floor area outside of the existing building envelope on the second or attic floor reducing the proposed FSR variation from 1.33:1 to 1.26:1.

The applicant considers compliance with the development standard to be unreasonable and unnecessary for the following reasons:

- The additional floor space proposed is an attic addition within the profile of the existing roof, with the only addition outside of this being the front and rear dormers and lift core to provide disabled access;
- The works provide for a change of use of the existing floor space within the existing building envelope that are compatible with and will conserve the existing heritage listed building;
- The scale, volume and heritage significance of the building justifies the additional floor space proposed;
- The additional floor area will not result in any visual or acoustic privacy impacts with the new windows of the attic addition windows more than 20 metres away from the adjoining property;
- There will be no additional overshadowing impacts on the adjoining properties as a result of the additional floor area;
- The sites heritage status is a site specific justification to support the variation and warrants a flexible and merit based approach to the additional floor space proposed. If strict compliance with the standard were to be applied the existing heritage fabric would need to be removed;
- The development is an adaptive re-use of a heritage item, the development would still satisfy the relevant objectives of the floor space ratio control and the B1 zone and therefore should be supported.

The justification provided in the applicant's written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning principles such as contained in *Wehbe v Pittwater Council [2007] NSWLEC827, Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90 or Moskovich v Waverley Council [2016]*. As detailed in this report, it is considered that the proposed development would not result in adverse environmental impacts on the surrounding neighbourhood.

Compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard given that:

- The site is a heritage listed item and located within a heritage conservation area, the proposed additional floor area will mostly sit within the existing building envelope with minor modifications to the external appearance of the building to facilitate the additional floor area which are considered complimentary to the existing architectural style of the building;
- The development would result in a building height which does not exceed the existing maximum ridge height;
- The non-compliance with the standard does not contribute to adverse environmental impacts in terms of overshadowing, visual impacts or view loss;
- The additional floor area will not result in any increased bulk and scale of the development and the adaptive re-use of the building will allow a viable commercial use which will fund the ongoing maintenance and preservation of the item and increased public patronage.

The current development proposes to vary the FSR development standard, however the outcome is considered to be better than a fully compliant development. The majority of the additional floor area fits within existing building footprint and the modification to the existing roof form and addition of the dormers to allow the additional floor area within the attic space is a form that is sympathetic to the existing heritage item. The change of use and additional floor space will allow for the continued preservation of the heritage item, re-instatement of the original watch tower and increased public use of the building.

It is considered that the applicant's written submission has satisfactorily addressed the relevant matters under Clause 4.6 of MLEP 2011 and relevant court principles and as such the proposal's non-compliance with the FSR development standard is considered acceptable. The contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the development.

(v) Heritage Conservation (Clause 5.10)

The site is listed as a heritage item, namely (former) Stanmore Fire Station (Item I223) and is located within a Heritage Conservation Area (Heritage Conservation Area C18- Petersham South) under MLEP 2011.

Under Clause 5.10 (10) of MLEP 2011 Council may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if Council is satisfied that:

"(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area."

The application was supported by a Heritage Impact Statement submitted with the application that satisfactorily addresses the relevant heritage conservation provisions contained in Clause 5.10 of MLEP 2011. The application was referred to Council's Heritage Advisor who provided the following comments in relation to the proposed development:

> *"The item has been well conserved by the present owners, but its long term use as a residence, and therefore its continuing conservation will be dependent on its continuing to have a viable use. As a residence, it is unique, and in the long term it might not appeal to an owner with the will and means to continue its conservation. The proposed use would appear to offer prospects for this, and for that reason the use of the heritage incentives clause 5.10 (10) is supported.*
>
> *The only major issue is the alterations to the roof. These involve the insertion of dormers and an increase in the ridge height……The dormers will read as sympathetic modern insertions and on inspection, it was considered that the increase in the ridge height is small in proportion……*

On balance, the development is not considered to have any negative impacts on the heritage item or the heritage conservation area and will ensure the long term conservation of the heritage item and improve public access to and appreciation of the building.

In order to ensure the conservation works are carried out in their entirety including the reinstatement of the former watchtower (which forms part of a separate DA approval), a condition is included in the recommendation of this report requiring compliance with the conditions prescribed by Determination No.201300593, dated 4 August 2014, which approved an application to carry out alterations and additions to the premises to reinstate the former watchtower to the building on the north western corner of the building as well as compliance with the conservation works schedule identified in the Heritage Impact Statement submitted with the application prepared by Paul Davies dated March 2016.

The proposed development complies with the provisions of Clause 5.10 of MLEP 2011 for the following reasons:

- The conservation of the item, being the former Stanmore Fire Station, is further facilitated through the provision of a use that is compatible with the Item's heritage significance. The use as a hotel will also provide an economic justification for the conservation works required. A comprehensive scope of conservation works has been included with this development application;
- Whilst the building is in good condition at this point, the cost of conservation and maintenance to date has been significant and the ongoing maintenance costs are far beyond the costs of a typical dwelling house (which is its current use). Establishing a hotel use in the premises will ensure that the building is conserved to a high standard as the use depends on the quality of the building and its presentation;
- The proposed development is in accordance with the provided conservation management plan and compliance with this plan is included as a condition in the recommendation of this report;
- Small hotel use fits within the fabric of the building comfortably and does not present difficulties of amenity. While there may be other uses that could be contemplated on the site, most are likely to have adverse impacts on fabric whilst the proposed hotel use is able to be integrated into the building with minimal impact.
- The proposed development would have little if any impact on the amenity of surrounding residential development by way of bulk and scale;
- The works ensure the significance of the item is retained in the following manner;
    a. The proposal retains a high level of heritage fabric;
    b. The proposal works within existing room forms; and
    c. The proposal seeks to reinstate an integral part of the former heritage fabric (the watch tower) and limits new interventions to areas of low significance in the new extended roof form

The Statement of Environmental Effects submitted with the application satisfactorily addresses the relevant heritage conservation provisions contained in Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011. Overall, the development is not considered to have any significant impacts on the heritage item and satisfies the heritage incentive provisions.

The application was also referred to the Marrickville Heritage Society for an opportunity to comment on the proposal. That advice is as follows:

> *"The Marrickville Heritage Society is concerned that important features of the building will be compromised by the proposal to convert the Old Marrickville Fire Station to a hotel. The protection of the heritage values of the building must be given the highest priority as the applicants are proposing to use the 'conservation provisions' of the Marrickville LEP to apply for the change of use to a hotel, on the grounds that the new use will provide for the conservation of the building. The only work in the proposal that could be described as a positive heritage outcome for the building is the proposed reinstatement of the watch tower. This worthwhile proposal must be required work in any approval for development, and its completion must be required before an Occupation Certificate can be issued for the new hotel.*
>
> *When the watchtower and chimneys were removed, the original roofing material would have also been removed. As this is an 1880s building it is likely that the original roofing was slate or tiles, and if further research confirms this, than the original roofing and chimney forms should be required to be reinstated as part of the conservation works to the building.*

In regard to the internal works, the proposals to alter the existing room configurations and install new bathrooms and services must be fully reversible. Original interior features and finishes, including the timber stairs and pressed metal ceilings must be retained and restored.

The addition of new dormer windows to the main facade roof will have a substantial detrimental impact on the visual integrity of the main facade, and should be refused by Council.

Council must require that there is a substantial link between the provision of a new use for the building, and conservation works to protect its heritage values."

Whilst it is acknowledged that the Heritage Society object to the addition of the dormers, the application has been assessed by Council's Heritage Advisor who has advised that the proposed works are considered sympathetic to the existing building. As noted previously conditions are included in the recommendation of this report requiring compliance with the conservation works schedule identified in the Heritage Impact Statement. The works proposed are not considered contrary to the Conservation Management Plan, and a condition is also included to ensure the watchtower is constructed prior to the issue of an Occupation Certificate for use as a hotel. The application was accompanied by a conservation works schedule to ensure the work carried out adequately restores the building without compromising its historical significance. The recommendation to ensure that the works are fully reversible is considered somewhat onerous as the building has already been substantially modified to accommodate its current use as a residence. The proposed works do not substantially alter the original fabric of the original building and work within existing rooms structures. Overall, the development is not considered to have any significant impacts on the heritage item and ensures a sustainable and viable future use for the premises.

(vi) Development in areas subject to Aircraft Noise (Clause 6.5)

The land is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour.

The development is likely to be affected by aircraft noise.

The carrying out of development would result in an increase in the number of people affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts. Appropriate conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

(viii) Airspace Operations (Clause 6.6)

The subject land is within an area identified on the "Obstacle Limitation Surface Map" where the OLS level is set at RL 51 AHD. The proposal has a maximum RL of 58.4 metres AHD. Therefore, the development would penetrate the OLS. As such, the application was referred to Sydney Airports Corporation Limited (SACL) in accordance with the requirements of Clause 6.6 of MLEP 2011.

SACL have raised no objection to the construction of the development penetrating the Limit or Operations Surface, subject to conditions. Those conditions are included in the recommendation.

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6. Marrickville Development Control Plan 2011

PART 2 - GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

The development is acceptable having regard to the relevant aspects of the 12 urban design principles.

(ii) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the development application and is acceptable.

(iii) Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent.

For a hotel development Part 2.5 of MDCP 2011 requires the following:

- 1 accessible room per 5 guest rooms (or part thereof);
- Appropriate access for all persons through the principal entrance of a building and a continuous accessible path of travel (CAPT), designed in accordance with the National Construction Code (Building Code of Australia) and relevant Australian Standards; and
- General access for all persons to appropriate sanitary facilities and other common facilities including kitchens, lunch room, shower facilities and outdoor recreational facilities.

The applicant provided a Statement of Consistency as part of the development application that seeks to demonstrate that the proposal satisfies the access and mobility controls contained in MDCP 2011 in the following manner:

- 2 accessible rooms proposed;
- Appropriate access is provided for all persons through the principal entrance to the premises;
- The addition of a lift will ensure all levels of the development are accessible;
- A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is

provide which allows a person with a disability to gain access to all areas within the commercial areas of the development; and

- An accessible toilet is provided.

The development is required to provide 3 accessible hotel rooms in accordance with Part 2.5 of MDCP 2011 and only 2 are proposed. A condition is included in the recommendation of this report requiring that an additional accessible room be provided given that 12 rooms are proposed and there is lift access to the upper floors.

Subject to compliance with the above, the proposed development is considered reasonable having regard to the access controls contained in MDCP 2011.

Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the new Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the new Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage of the proposal.

(iv) Acoustic and Visual Privacy (Part 2.6)

The layout and design of the development ensures that the acoustic and visual privacy currently enjoyed by residents of adjoining residential properties is protected.

The development proposes the addition of windows on the second/attic floor level consisting of 4 dormer windows facing Stanmore Road which would overlook the street and would not have any privacy implications. Two windows, 2 sets of 3 pane sliding glass doors and one set of 6 pane sliding doors are proposed on the rear (southern) elevation of the development for room 12. The addition of the windows and doors would have minimal privacy implications, being setback more than 20 metres from adjoining property and would overlook the roofs of the adjoining properties.

The existing building footprint is proposed to remain relatively unchanged. With regard to acoustic privacy, the use of the outdoor swimming pool, bbq and cabana area which are existing structures and located at the rear of the property are to be restricted to patrons of the hotel accommodation only and would not be open to the public. The use of the external areas (i.e. the pool and courtyard are to be restricted to 9:00pm and a condition is included in the recommendation to reflect this. Similarly, the existing large balcony located on the second floor off room 12 has the potential to create amenity impacts without restrictions on use and conditions are included in the recommendation requiring that this balcony not to be used for functions.

Conditions regarding the noise levels of the hotel and trading hours are also included in the recommendation to protect the amenity of neighbouring residences.

An Acoustic Report was submitted with the application which details that the development could be noise attenuated and conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

Overall, subject to compliance with the above, the development maintains a high level of acoustic and visual privacy for the surrounding residential properties and would ensure a high level of acoustic and visual privacy for future occupants of the development itself.

(v) Solar Access and Overshadowing (Part 2.7)

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties and demonstrates that the proposed development complies with Council's overshadowing controls with additional shadowing generated by the proposed development at 9am to the neighbouring residence to the south being limited to over the roof and not impacting the provision of light to any windows. Increased shadowing at winter solstice to neighbouring development is nominal and unlikely to affect the amenity of adjoining development.

The development is located wholly within the existing building envelope with a minor modification to the second floor/attic roof form. The modifications will not result in any detrimental increased overshadowing impacts on the subject site or adjoining properties and is considered acceptable with regard to Part 2.7 of MDCP 2011.

(vi) Social Impact Assessment (Part 2.8)

The applicant submitted a Social Impact Statement as part of the application within the Statement of Environmental Effects. The applicant considers the development to have the following positive social impacts:

- The location of the site close to Newington College will cater for demand for accommodation facilities in the local area;

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- The development is located in an area well served with the local community facilities and easy access to transportation services;
- The site is located along Stanmore Road, and will be an ideal addition to the local commercial uses in the area;
- The small scale is aimed at the boutique accommodation market and is unlikely to significantly increase the transient population;
- The development would provide for enhanced security and increased activity and natural surveillance after hours; and
- The site has excellent access to local recreation facilities and has provided for areas of recreation within the site which will contribute to the local activity in the Petersham area.

The contention that the proposal will have positive impacts with limited negative outcomes is generally agreed with. In view of the circumstances no objections are raised to the proposed development on social impact grounds.

(vii) Community Safety (Part 2.9)

The development is reasonable having regard to community safety for the following reasons:

- The entrances to the café, florist and hotel accommodation are visible from the street;
- No solid roller shutters are proposed on the building; and
- The entrance to the commercial uses and hotel accommodation will be well lit.

(viii) Parking (Part 2.10)

Car and Bicycle Parking Spaces

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. The following table summarises the car and bicycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Café and Florist	1 space per 80sqm GFA for customers and staff	77sqm GFA = 1 space	Nil	No
Hotel or Motel Accommodation	1 space per 4 staff for staff + 1 per 3 units for residents	5 spaces		
Bar component of hotel	1 per 5 staff + 1 per 30 patrons	1 space		
TOTAL REQUIRED : 7 spaces				
Bicycle Parking				
Hotel or Motel Accommodation	1 bicycle parking space per 20 units or rooms for staff and patrons	0.6 space	2 bicycle racks	Yes
Café & florist	1 per 80sqm GFA for staff + 2 for customers	77sqm GFA = 1 space		
Florist	1 per 300sqm GFA for staff	36sqm GFA = 0 space		
TOTAL REQUIRED: 2 Spaces				

Table 1: Car and Bicycle Parking Control Compliance Table

The proposal provides 2 bicycle spaces at the rear of the site and complies with the requirements prescribed in this regard.

The proposed development generates the requirement for 7 on-site car parking spaces and 1 on-site loading space. The application does not propose any on-site parking or space for loading and unloading. The development as discussed earlier in this report involves the change of use of the existing dwelling (former fire station) into a hotel with ancillary commercial uses. The conversion of the premises into the hotel does not allow for any on-site parking, however the re-instatement of an existing vehicular crossing to the site along Albert Street to kerb and gutter would increase the amount of on-street parking available by 1 space. The existing former fire engine bays are currently utilised as parking for the dwelling, however due to the location on Stanmore Road and limited visibility to/from these spaces requiring reversing movements, it is considered that the use of the bays for parking would not be appropriate.

The application was referred to Council's Local Traffic Committee as the application proposes the provision of an on-street loading zone along Albert Street to allow for the servicing of the hotel. The following is an extract from the report presented to the Local Traffic Committee on 4 August 2016 prepared by Council's Traffic Engineer:

> *"The Development Application proposal has a shortfall of 100% in off-street parking spaces and this directly impacts on-street parking which is highly utilised. Furthermore, on-street loading zones are typically provided for situations where a number of businesses can benefit from the zone rather than standalone situations. As part of any new development, it would be expected that the provision for loading and unloading is made on-site rather than on-street*."

The provision of a loading zone on Albert Street was not supported by the Committee due to the absence of on-site parking for the proposal and therefore undersupply of parking provision under Council's DCP.

Whilst it is considered that the development would result in a shortfall of parking and intensification of use on the site, the heritage listing of the building and existing ancillary structures located at the rear of the site limit the capacity for on-site parking. The proposed commercial uses being a café, florist and private function rooms are small spaces with a combined area of 159sqm and it is considered the café and florist would be patronised by passing and local pedestrian traffic, and use by hotel patrons rather than a standalone destination that customers would drive to and require parking to visit. The site is located within 700 metres of Petersham Station and 650 metres of Stanmore Station and located in close proximity to regular bus services. Furthermore the applicant has stated that being a "boutique" hotel a centralised booking service for car share services would be provided to guests by the 24 hour hotel management.

With regard to the impact of the development on local traffic, the following was outlined in the Traffic Committee Report;

> *"The applicant's traffic consultant report stated that the estimated traffic generation from the proposed hotel with 13 rooms would be 5 vehicle trips per peak hour and the estimated traffic generation from the proposed retail businesses with GFA of 150m$_2$ would be 5 vehicle trips per peak hour. Therefore, the total estimated traffic generation from the proposed hotel and retail development would be 10 vehicle trips per peak hour. These estimated traffic generation rates are considered to be acceptable and can be accommodated with the surrounding road network."*

Having regard to the above conclusion that the proposal is unlikely to impact negatively on traffic in the locality, the existing site constraints and the need to retain the heritage fabric, the limited number of hotel rooms proposed and that the site is highly accessible via public transport, the shortfall in parking is considered acceptable in this instance and can be supported.

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Notwithstanding the above, the applicant's Plan of Management indicates that the existing former fire engine bays off Stanmore Road may intermittently be used for loading/unloading goods and the plan indicates the driveway crossing is to be maintained. However in order to ensure pedestrian safety, a condition is included in the recommendation of this report requiring that the redundant crossings fronting Stanmore Road be reinstated to kerb to ensure this area is not used for loading purposes which could interfere with the operation of Stanmore Road and jeopardise pedestrian and traffic safety.

Similarly there is a redundant driveway crossing on Albert Street. A condition included in the recommendation of this report requiring the applicant reinstate this crossing to sandstone kerb increasing the provision of on-street parking availability on Albert Street.

Subject to compliance with the above, the proposal is considered satisfactory having regard to Part 2.10 of MCDP 2011.

(ix) Signage and Advertising Structures (Part 2.12)

Part 2.12 of MDCP 2011 specifies Council's objectives and requirements for the erection and display of advertising signs. Those provisions are intended to protect the significant characteristics of retail/commercial strips, neighbourhoods, buildings, streetscapes, vistas and the skyline. The provisions include general controls for signage, prohibitions, preferred options for signage and size restrictions for signage.

The application seeks approval for the following signs:

- 1 flush wall sign on the western elevation (facing Albert Street): non illuminated 0.6 metres x 1.24 metres;
- 1 vertical projecting wall sign on the northern elevation (facing Stanmore Road) measuring: 0.6 metres x 2.4 metres; and
- 1 flush sign facing (Stanmore Road) measuring 0.56 metres x 0.8 metres

Part 2.12.4.2 of MDCP 2011 states that the total permissible area of all signs must not exceed 1sqm of advertising per 1.5 metre of street frontage.

The site has a frontage of 33.5 metres to Stanmore Road and a 25.6 metre frontage to Albert Street, consequently 22.3sqm of signage is permitted on the Stanmore Road frontage and 17sqm of signage is permitted for the Albert Street frontage.

The proposal seeks to provide 1.9sqm of signage to Stanmore Road and 0.74sqm of signage to Albert Street, well below the maximum area prescribed.

Notwithstanding the compliance with the size requirements prescribed, Control 30 in Part 2.12.4.9 of MDCP 2011 prescribes the following for signage on heritage items;

> *"Signs between the first floor level and the parapet of a heritage item are not permissible, unless it can be demonstrated that the signs are an important aspect of the heritage significance of heritage item."*

The projecting wall sign fronting Stanmore Road cannot be supported as it bears no relationship to the significance of the item and a condition is included in the recommendation requiring the deletion of this sign.

Furthermore, the applicant has not provided detail with respect to finishes of the signage and a condition is included in the recommendation of this report requiring that the colour, materials and artwork of all signage to be submitted to the satisfaction of Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.

Subject to compliance with the above, the 2 flush wall signs are considered to be of a modest nature, compatible with the building and locality and are considered in keeping with the character of the Heritage Conservation Area and Heritage Item and is acceptable having regard to the controls contained in MDCP 2011.

(x) Energy Efficiency (Part 2.16)

Part 2.16 of MDCP 2011 contains the objectives and controls relating to energy efficiency. Council's standard conditions are included in the recommendation relating to the provision of energy and water efficient fixtures and fittings for the development.

(xi) Site Facilities and Waste Management (Part 2.21)

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.

PART 5 - COMMERCIAL AND MIXED USE DEVELOPMENT

Part 5 of MDCP 2011 contains controls for commercial and mixed use developments. The controls contained within Part 5, generally pertain to large modifications and infill development, overall the proposal would be consistent with the controls for commercial and mixed used developments and would not result in any environmental or amenity impacts.

(i) Plan of Management (Part 5.3.1.1)

A Plan of Management (PoM) was submitted with the development application. The PoM sets out general regulations and rules and guidelines associated with the on-going use of the premises as for hotel accommodation and the general operation of the commercial uses within the hotel.

The Plan of Management has appropriately addressed the following matters referred to in Part A.2.6 of MDCP 2011:

- Objectives of the PoM;
- Operational Details including hours of operation;
- Deliveries and loading/unloading;
- Security and Safety;
- Customers and Patrons;
- Details of Ancillary Services;
- Transport Services;
- Occupancy;
- Signage;
- Waste Management (expanded further in WMP);
- Maintenance;
- Amenity;
- Noise;
- Staff responsibilities;
- In-house guest reception;
- Management of retail uses;
- Review of PoM;
- Evacuation plan; and
- Staff Training;

The Plan of Management is considered to outline the appropriate procedures for the adequate management of the hotel accommodation and ancillary commercial uses. A condition is included in the recommendation to ensure that the PoM is implemented and complied with to ensure the ongoing operation of the premises complies with the plan.

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(ii) Noise and Vibration Generation (Part 5.3.1.2)

The application was accompanied by an acoustic report and plan of management which aims to protect the acoustic amenity of the adjoining properties and of the building itself. Conditions restricting trading hours, operation of machinery and noise levels, maximum number of patrons etc. are included in the recommendation which will mitigate any potential acoustic impacts on surrounding developments.

(iii) Hours of Operation (Part 5.3.1.4)

The application seeks approval to use the premises as hotel accommodation on a 24 hour basis with a night manager. Specific areas of the premises are proposed to operate as follows:

Reception – 6.00am to 10.00pm - Monday to Sunday including public holidays (accessed via Albert Street) however night manager will be available 24 hours a day. Maximum 32 guests within the hotel accommodation at any given time.

Café – 6.00am to 10.00pm - Monday to Sunday including public holidays – Maximum 20 persons within the café at any one time

Florist – 6.00am to 8.00pm - Monday to Sunday including public holidays

Function Rooms- no times provided in application however indicated that functions shall not extend past 12:00am midnight.

Café Hours

The application seeks early morning trading for the café and florist from 6:00am, however an analysis of nearby properties indicates that there are no other premises trading at this time.

The adjoining area is characterised by commercial developments along Stanmore Road with some shop top housing and low density residential development to the south of the site along Albert Street.

It is noted that the approved operating hours of the adjacent café (Big Brekky) at 316 Stanmore Road are as follows;

7.00am to 6.00pm Mondays to Wednesdays,
7.00am to 10.00pm Thursdays and Fridays,
7.00am to 10.00pm Saturdays,
8.00am to 4.00pm Sundays and
8.00am to 10.00pm Public Holidays.

The Public House at 292 Stanmore Road has approved hours of:

9.00am to Midnight Monday – Saturday and
9.30 am to 8.00pm Sundays and Public Holidays.

Having regard to the above, trading from 6:00am as proposed is not supported given the adjoining site context, however trading from 7:00am is considered more appropriate. The proposal to trade until 10:00pm for the café, considering the limited number of seats within the premises (20), is unlikely to have amenity impacts on the surrounding neighbourhood. To ensure the quiet and orderly ingress and egress of patrons of the café and to protect the amenity of the surrounding residential neighbourhood a condition is included in the recommendation requiring that signs being appropriately located within the café and hotel advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises with the proprietors of the café/hotel ensuring that staff take reasonable steps to control noisy behaviour of patrons entering or leaving the premises.

Florist

The application seeks to trade from 6:00am to 8:00pm seven days a week including Public Holidays for the florist. As per the trading hours of the café discussed above, the proposed hours florist are extensive, and the opening time of the florist should be consistent with the café. Having regard to the small size of the premises and the limited foot traffic anticipated with such a use, these amended hours are unlikely to affect the amenity of surrounding development and are considered acceptable.

Hotel/reception

As anticipated with any Hotel, its use extends over 24 hours. Reception is proposed to be available from 6:00am to 10.00pm which is considered acceptable as this component of the use is unlikely to have any amenity impacts.

Function Rooms

The application has not specified hours for the use of the function rooms but has indicated that functions would not extend beyond midnight. It is considered that the use of the function rooms should be restricted to 8.00am to 10.00pm Monday to Sundays including public holidays and that a total maximum number of people within both function rooms be limited to 35 persons at any one time, with the use of these rooms managed/operated by the Hotel.

Hotel Amenities

Whilst the SEE and PoM specify that the in-house gym, courtyard, swimming pool, spa, cabana, kitchen and dining areas would be restricted to use by hotel guests only, operating times for these facilities have not been specified. It is considered that the use of the outdoor areas such as the courtyard and pool should be restricted to 8.00am to 9.00pm Monday to Sunday including public holidays to ensure the amenity of the adjoining residential property to the south is maintained and a condition is included in the recommendation to this effect.

Deliveries

The PoM proposes that deliveries shall occur between 7:00am and 6:00pm and is considered satisfactory.

Subject to compliance with the above and the measures outlined in the Plan of Management submitted with the development application, the recommended hours of operation, maximum patron numbers and imposition of amenity conditions, the proposed use is unlikely to cause any unreasonable impacts to the residential amenity of the area.

PART 9 - STRATEGIC CONTEXT

The property is located in the Newington Planning Precinct (Precinct 9) under Marrickville Development Control Plan 2011.

The development would be consistent with the desired future character of the area as it would allow for the preservation and protection of the existing heritage listed building within the precinct and would protect the identified values of the Petersham South Heritage Conservation Area.

7. Marrickville Section 94/94A Contributions Plan 2014

A Section 94A levy of $11,130.00 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that levy to be paid is included in the recommendation.

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8. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 12 submissions were received raising the following concerns which have already been discussed throughout the main body of this report:

(i) Traffic and Parking;
(ii) Heritage;
(iii) Use of the pool at all hours by non-hotel patrons;
(iv) Acoustic Impacts/Noise; and
(v) Permissibility.

Other concerns raised are addressed below;

"The function rooms is of concern given they are of major significance with the potential to generate a lot of vehicle traffic and pedestrian activity and noise…unlimited hours of the function centre"

Comment:

The application does not propose the provision of a function centre, but function rooms within the hotel. Any functions will be managed by the hotel operators. The function rooms have a combined area of approximately 72sqm and as discussed in the body of this report to minimise any potential impacts conditions are included in the recommendation of this report restricting the number of people utilising these spaces to a maximum of 35 persons at any one time between the hours of 8:00am and 10.00pm.

"If the application is approved with no-off street parking I would request that the Council then ensure the streets around the development: Albert Street, Chester Street, John Street, Hopetoun Street, Frederick Street be upgraded to "2 hour parking, 8:00am to 10:00pm Monday to Sunday Resident Permit Excepted".

Comment:

The application was accompanied by a Traffic Report and the matters concerning parking have been discussed in the body of this report under Heading 6(viii). Whilst amending the resident parking scheme in the vicinity of the site can be investigated by Council's Infrastructure Services Division, it is unlikely that any overflow of parking associated with the subject use would be as widespread as suggested, and the provision of a resident parking scheme is not within the scope of the assessment of this development application.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.

9. Conclusion

The application seeks consent to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist.

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application.

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape.

The application is suitable for approval subject to the imposition of appropriate conditions.

PART E - RECOMMENDATION

A. **THAT** the development application to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist be **APPROVED** subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA02, Revision C	Proposed Ground Floor	7 July 2016	Blue World Architecture	7 July 2016
DA03, Revision C	Proposed First Floor	7 July 2016	Blue World Architecture	7 July 2016
DA04, Revision C	Proposed Second Floor	7 July 2016	Blue World Architecture	7 July 2016
DA05, Revision C	Proposed Roof Plan	7 July 2016	Blue World Architecture	7 July 2016
DA06, Revision C	Elevations and Sections	7 July 2016	Blue World Architecture	7 July 2016
DA07, Revision C	Finishes & Photographs	7 July 2016	Blue World Architecture	7 July 2016
	Heritage Impact Assessment	March 2016	Paul Davies Pty Ltd	15 March 2016
Job No. 05-153	Plan of Management	1 September 2016	BBC Consulting Planners	1 September 2016
	Conservation Management Plan	April 2013	Howard Heritage Consultancy	1 September 2016
20151386.1/1111A/R0/GC	DA Environmental Noise Impact Assessment	11 November 2015	Acoustic Logic	15 March 2016

and details submitted to Council on 15 March 2016, 6 and 7 July 2016, 23 August 2016 and 1 September 2016 with the application for development consent and as amended by the following conditions.
Reason: To confirm the details of the application submitted by the applicant.

2. Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:

   a) the plans and/or information approved under this consent; or

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b) any relevant requirements of this consent, the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

Reason: To ensure the development is carried out in accordance with this Determination.

3. The operation of the premises complying at all times with the Plan of Management prepared by BBC Consulting, dated 1 September 2016 submitted on 1 September 2016 to Council. The Plan of Management as approved shall not be amended without the prior written approval of Marrickville Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.
   Reason: To ensure that the operation of the premises complies with the endorsed Plan of Management.

4. The premises being used exclusively as a hotel and not being adapted for use as a residential flat building, backpackers' hostel, serviced apartments or boarding house.
   Reason: To ensure that the premises are used exclusively as a hotel.

5. A minimum of three (3) adaptable rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
   Reason: To make reasonable provision in the development to provide accommodation suitable for people with a disability.

6. a) Staff employed by the café/hotel being responsible to ensure that patrons are not loitering in front of adjoining residences.
   b) Staff employed by the café/hotel being responsible at all times to ensure the orderly dispersal of patrons from the premises.
   c) Signs being appropriately located within the café and hotel advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the café and hotel ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the café/hotel.
   Reason: To ensure the quiet and orderly ingress and egress of patrons of the cafe and to protect the amenity of the surrounding residential neighbourhood.

7. The use of amenities within the premises, i.e., gym, courtyard and pool are restricted to Hotel patrons only.
   Reason: To confirm the terms of Council's approval

8. The use of the café must be restricted to the north western corner of the ground floor with not more than 20 customer seats (including outdoor seating) without the prior approval of Council.
   Reason: To ensure that the number of customers on the premises at any one time is not increased without a further review.

9. The maximum number of patrons within the function rooms (combined) must be restricted to not more than 35 persons without the prior approval of Council. Management/booking of the function rooms shall be operated by the Hotel.
   Reason: To ensure that the number of patrons utilising the function rooms on the premises at any one time is not increased without a further review.

10. The balcony attached to room 12 not be used for functions.
Reason: To minimise amenity impacts to neighbouring properties.

11. The maximum number of patrons residing within the hotel accommodation at any one time being restricted to 32 persons.
Reason: To ensure that the number of customers on the premises at any one time is not increased without a further review.

12. No live music or entertainment must be provided within the premises.
Reason: To protect the amenity of the surrounding neighbourhood.

13. A footpath licence must be obtained from Council for the use of that part of the footpath area adjacent to the site before using such area. The usage of that part of the footpath must only be carried out whilst the footpath licence remains in force.
Reason: To confirm the terms of Council's approval.

14. A minimum of 3 adaptable rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
Reason: To make reasonable provision in the development to provide accommodation suitable for people with a disability.

15. 2 off-street bicycle spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
Reason: To ensure practical bicycle storage is available for the use of the premises.

16. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.

17. The use of the premises must not give rise to:

    a) transmission of unacceptable vibration to any place of different occupancy;
    b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

    Reason: To prevent loss of amenity to the area.

18. The installation of any sign on a heritage item must be carried out in a reversible manner without damage to the significant fabric. In the case of a sign affixed to any stone or brick wall of a heritage item the sign is to be fixed in such a way that stone is not damaged and any fixings are put only into mortar joints.
Reason: To ensure the signage does not impact the heritage item.

19. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent. The shop windows must not be painted with advertisements and no flashing lights must be installed on the premises. The projecting wall sign on Stanmore Road is to be deleted.
Reason: To confirm the terms of Council's approval.

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20. The advertising structure(s) and associated advertisement(s) must be properly and safely maintained at all times.
Reason: To ensure that the signage does not have any detrimental effect upon the amenity of the area or endanger the safety of the public.

21. Any advertisement to be displayed must be only to identify the premises, the occupier of the site, the activity conducted thereon or the goods and services available on the premises associated with the use approved in this development consent.
Reason: To ensure that all signs on the premises relate to the approved use.

22. The signage must:

a) not flash, move, be animated, or be decorated with rotating or flashing lights;
b) not have any apparatus attached to it which will provide sound of any description whether associated with the sign or other object or activity;
c) be neatly affixed to the building and any damage to the building caused to the exterior of the building by the erection of the advertising structure must be promptly repaired with materials to match those of the existing building;
d) comply with the Advertising Code of Ethics; and
e) comply with the requirements of the Roads and Maritime Services Authority.

Reason: To confirm the terms of Council's approval.

23. No storage of goods or equipment external to any building on the site being permitted.
Reason: To ensure the premises are kept in a neat and tidy manner.

24. No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
Reason: To prevent the public footpath from being obstructed.

25. All loading and unloading in connection with the use must be carried out during the approved hours of operation in such a manner as not to cause inconvenience to the public. Loading/unloading shall only occur between the hours of 7:00am to 6:00pm Mondays to Saturdays.
Reason: To ensure loading and unloading operations do not interfere with traffic and pedestrian movements in the area.

26. All machinery must be installed in accordance with the manufacturer's specifications and being maintained at all times if in use.
Reason: To ensure that such machines are properly installed and maintained so as to prevent noise generation, vibration and any other disturbances to adjoining premises.

27. The hours of operation of the site being restricted in the following manner for each use:

Hotel (accommodation only):	
Mondays to Sundays:	
(including Public Holidays):	24 hours
Reception:	
Mondays to Sundays:	
(including Public Holidays):	6:00am to 10:00pm
Outdoor areas (i.e. cabana, pool, courtyard):	
Mondays to Sundays:	
(including Public Holidays):	8:00am to 9:00pm
Cafe:	
Mondays to Sundays:	
(including Public Holidays):	7:00am to 10:00pm

Florist:
Mondays to Sundays:
(including Public Holidays): 7:00am to 8:00pm

Function Rooms:
Mondays to Sundays:
(including Public Holidays): 8:00am to 10:00pm

Reason: To confirm the hours of operation.

28. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
Reason: To ensure that the development is adequately serviced.

29. All trade waste must be stored within the site boundaries and must be contained in such a manner so as not to cause a nuisance.
Reason: To provide for correct storage of wastes.

30. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).

31. The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises.

NOTE: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au.

Reason: To ensure that the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health.

32. The storage and/or handling of food products externally of the approved food premises are prohibited.
Reason: To ensure that the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health.

33. The construction, fit-out and finishes of the food premises must comply with the Food Act 2003, the Australian and New Zealand Food Standards Code and Australian Standard 4674 - Design, Construction and Fit-out of Food Premises.
Reason: To ensure that the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health.

34. All waste and waste receptacles associated with the usage of the premises are to be stored within the site boundaries of the subject premises and are to be contained in such a manner so as to comply with the requirements of the Food Act 2003 and Australian Standard 4674 - Design, Construction and Fit-out of Food Premises.
Reason: To ensure waste and waste receptacles do not pose a nuisance, danger or risk to public health and safety

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35. The building must not exceed a maximum height of 58.4 metres AHD, inclusive of all lift over runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
Reason: Department of Infrastructure and Regional Development requirement.

36. The proponent must advise Airservices at least 3 business days prior to the controlled activity commencing by emailing pds.obs@airservicesaustralia.com and quoting "SY-CA-302".
Reason: Department of Infrastructure and Regional Development requirement.

37. Separate approval **must be sought** under Regulations for any cranes required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
Reason: Department of Infrastructure and Regional Development requirement.

38. At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.
Reason: Department of Infrastructure and Regional Development requirement.

39. Owners, staff and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.

40. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

41. No work must commence until:
    a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
    b) A minimum of 2 days written notice given to Council of the intention to commence work.

    Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

42. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

43. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

    Facilities must be located so that they will not cause a nuisance.

    Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

44. All demolition work must:

    a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and

    b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

    Reason: To ensure that the demolition work is carried out safely.

45. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
    Reason: To protect the amenity of the area.

46. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
    Reason: To ensure that the demolition work is carried out safely.

47. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and must be submitted to and accepted by the PCA before work commences.
    Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

48. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
    Reason: To secure the area of the site works maintaining public safety.

49. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign must include:

    a) The name, address and telephone number of the PCA;

    b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and

    c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

    Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

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50. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:

    a) Where the builder's materials and waste are to be stored;

    b) Where the sediment fences are to be installed on the site;

    c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and

    d) How access to the site will be provided.

    All devices must be constructed and maintained on site while work is carried out.

    Reason: To prevent soil erosion and sedimentation of the stormwater network.

51. All wastewater arising from the use of the premises must be directed to the Sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The person acting on this consent is advised that pre-treatment of wastewater may be a requirement of the corporation prior to the discharge to sewer. Details of the Corporation's requirements must be obtained prior to the commencement of work.
    Reason: To comply with the requirements of Sydney Water Corporation for the installation and maintenance of grease traps.

52. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
    Reason: To ensure all necessary approvals have been applied for.

53. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
    Reason: To ensure that all restoration works are in accordance with Council's Code.

54. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
    Reason: To secure the site and to maintain public safety

55. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.
    Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.

56. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
    Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue the Construction Certificate.

57. A levy of $11,130.00 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

    The Section 94A Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

    The Section 94A levy (as adjusted) must be paid to the Council **in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card*** before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 94A levies **CANNOT** be made by Personal Cheque or Company Cheque.

    *NB A 1% credit card transaction fee applies to all credit card transactions.

    (LEVY PAYMENT REFERENCE NO. DC001576)

    NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

    Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

58. A comprehensive fully costed schedule of conservation and maintenance works to be submitted to the satisfaction of Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.
    Reason: To confirm the terms of Council's approval.

59. Details of all finished surface materials, including colour and texture, to be used in development, must be submitted to the satisfaction of Council's Heritage and Urban Design advisor before the issue of a Construction Certificate.
    Reason: To ensure the materials and colours are compatible with the development and surrounding buildings.

60. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction illustrating the deletion of the projecting wall sign fronting Stanmore Road.
    Reason: To ensure compliance with part 2.12.4.9 of Marrickville development Control Plan 2011.

61. The colour, materials and artwork of all signage to be submitted to the satisfaction of Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.
    Reason: To ensure the proposed signage is sympathetic to the heritage item.

62. A photographic archival record of the subject property is to be prepared in accordance with 'Guide to Photographic Archival Records' available on Council's website:

    http://www.marrickville.nsw.gov.au/Documents/Marrickville%20Assets/guide%20to%20archival%20records%202012.pdf.

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The record is to be submitted to and approved by Council's Heritage and Urban Design Advisor prior to the issue of a Construction Certificate.
Reason: To provide an archival record of a locally significant building prior to development.

63. An Interpretation Plan for the building prepared by a suitably qualified heritage consultant, providing for at least one informative panel located so as to be readily visible to visitors, is to be submitted to and approved by Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.
Reason: To ensure the significance of the building and fabric is clearly identified for guests.

64. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction indicating the existing buildings being upgraded to comply with the provisions of the Building Code of Australia.
Reason: To ensure the building is suitable for the proposed use.

65. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).
Reason: To ensure that the premises are accessible to all persons.

66. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:

a) Access to the premises via the principal place of entry to the building, complying with AS 1428.1- 2009 'Design for access and mobility';
b) An accessible toilet complying with AS 1428.1- 2009 'Design for access and mobility';
c) An accessible lift must be installed. The stairway lift must be capable of transporting a wheelchair and designed in accordance with AS1735.7 'Lifts, escalators and moving walks, Part 7: Stairway Lifts' as a minimum requirement;
d) The lift design must comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement; and
e) An accessible counter complying with AS 1428.2 - 2001 'Design for access and mobility';
f) 3 adaptable hotel rooms being provided complying with AS 4299-1995 "Adaptable Housing".

Reason: To ensure that the premises provide equitable access to all persons.

67. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NOTE: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

68. To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - Design, Construction and Fitout of Food Premises, and must be:

a) Provided with a hose tap connected to the water supply;

b) Paved with impervious floor materials;

c) Coved at the intersection of the floor and walls;

d) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);

e) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and

f) Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code (Building Code of Australia).

Detailed plans and specifications for the construction of the waste storage area must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure the storage facility for garbage and recyclable matter are suitable for the volume and types of garbage and recyclable material produced by the food business and to ensure that the facility does not provide a breeding ground for pests and must be capable of being easily and effectively cleaned without any waste water entering the stormwater system.

69. Noise attenuation measures being incorporated into the development generally in accordance with the recommendations contained in the DA Environmental Noise Assessment, Document No. 20151386.1/1111A/R0/GC, prepared by Acoustic Logic, dated 11 November 2015 and complying with requirements contained in the Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.
Reason: To reduce noise levels within the development from aircraft.

70. Before the issue of a Construction Certificate the owner or builder must sign a written undertaking that they are responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

71. The person acting on this consent shall provide to Council a bond in the amount of $19,569.60 and pay the related Section 138 (Roads Act) inspection fee of $209.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.
Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

72. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

73. The footpaths adjacent to the site shall be reconstructed and upgraded in accordance with the Draft Marrickville Public Domain Code and Draft Technical Manual. Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate. If in the event that the Public Domain Code has not been adopted at the time of undertaking the works then the footpath shall be reconstructed to Council's standard plans and specification in place at the time the works are undertaken. Plans shall include the removal of all redundant vehicular crossings to the site on both Stanmore Road and Albert Street.
Reason: To ensure appropriate public domain works are consistent with Council's desired future character for the area and of a satisfactory quality.

74. A plan detailing the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes, and proposed site levels being submitted to and accepted by Council before the issue of a Construction Certificate. Plans shall include any repairs or augmentation of the existing system including the repair/reinstatement of the defective stormwater down pipes and kerb outlets.
Reason: To assess the adequacy of the proposed/existing site drainage.

SITE WORKS

75. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

76. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

77. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'.
Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

78. All demolition work must be carried out in accordance with the following:

a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;

b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
e) the generation of dust and noise on the site must be controlled;
f) the site must be secured to prohibit unauthorised entry;
g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only having access to the site during work hours nominated by Council and all loads must be covered;
i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

79. The works must be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

a) At the commencement of the building work;
b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the National Construction Code (Building Code of Australia).

80. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure that:

a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice must include complete details of the work; and
b) Any building is preserved and protected from damage.

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Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report must be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained. Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

81. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

82. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
Reason: To ensure all works are contained within the boundaries of the allotment.

83. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.
Reason: To provide safe egress in case of fire or other emergency.

84. The coolroom which is of sufficient size for a person to enter must have:

a) a door which is capable of being opened by hand from inside without a key;
b) internal lighting controlled only by a switch which is located adjacent to the entrance doorway inside the coolroom;
c) an indicated lamp positioned outside the coolroom which is illuminated when the interior lights are switched on; and
d) an alarm that is -
   (i) located outside but controllable only from within the coolroom; and
   (ii) able to achieve a sound pressure level outside the coolroom of 90dB(A) when measured 3 metres from the sounding device,

   in accordance with Clause G1.2 of the National Construction Code (Building Code of Australia).

Reason: To ensure the safety of users of the coolroom.

85. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
Reason: To conserve water.

86. New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
Reason: To conserve water.

87. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code and Australian Standard AS3500.3-2003 'Stormwater Drainage'.
Reason: To provide for adequate site drainage.

BEFORE OCCUPATION OF THE BUILDING

88. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:

a) A copy of the determination;

b) Copies of any documents that were lodged with the Occupation Certificate application;

c) A copy of Occupation Certificate, if it was issued;

d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;

e) A copy of any missed inspections; and

f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

89. Occupation of the building must not be permitted until such time as:

a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
c) An Occupation Certificate has been issued.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

90. The informative panel/s which form part of the Interpretation Plan for the building to be installed in readily a visible location to visitors to the satisfaction of Council's Heritage and Urban Design Advisor Council's Heritage and Urban Design Advisor before the issue of an Occupation Certificate.
Reason: To ensure the significance of the building and fabric is clearly identified for guests.

91. Before the issue of any Occupation Certificate (interim or final), the works described in Conservation Works Schedule within the Heritage Impact Assessment by Paul Davies dated March 2016 must be completed and certified by Council's Heritage and Urban Design Advisor.
Reason: To ensure the ongoing conservation of the Heritage Item in accordance with the Management Document.

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92. Before the issue of any Occupation Certificate (interim or final), compliance with the terms and conditions of Determination No. 201300593 dated 4 August 2014, to reinstate the former watchtower to the building being completed in accordance with the approval with a Final Occupation Certificate issued.
Reason: To ensure the re-instatement of the watchtower is undertaken prior to the occupation of the building.

93. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and

b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

94. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination, and prior to the occupation of the development a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and

b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the development from aircraft and to ensure that the noise attenuation measures incorporated into the development satisfactorily comply with the relevant sections of Australian Standard 2021-2000.

95. Before the issue of an Occupation Certificate, Council must be notified that the premises are being used for the preparation, manufacture or storage of food for sale so that the premises can be registered on Council's food premises database.
Reason: To notify Council of your intention to commence the business so as to be included on Councils Food Safety register.

96. Before the commencement of food handling operations, the food business operator must notify the NSW Food Authority. You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or by contacting the Council for a notification form.
Reason: To comply with the requirements of the Food Act 2003.

97. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
Reason: To ensure person acting on this consent completes all required work.

98. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council

99. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
Reason: To ensure that items of local heritage value are preserved.

100. All redundant vehicular crossings to the site along Stanmore Road and Albert Street shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.

101. The footpaths adjacent to the site on Stanmore Road and Albert Street shall be reconstructed in accordance with the Draft Public Domain Technical Manual and Council's standard plans and specification. The above works shall be undertaken at no cost to Council and before the issue of the Occupation Certificate.
Reason: To provide suitable means of public pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.

102. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

ADVISORY NOTES

- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit those plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

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- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Any natural light or ventilation gained by the window(s) within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.
- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
NSW Food Authority	☎ 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

B. **THAT** those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.

C. **THAT** the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 - Exceptions to Development Standards, that Council has agreed to the variation of the following development standards:

Premises:	308-314 Stanmore Road PETERSHAM
Applicant:	43 Hubert Street Pty Ltd/ Scott Andrew Feneck
Proposal:	to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café and florist
Determination:	Approval
DA No:	201600108
Lot and DP:	Lot 1 in DP 723900 and Lot 1 in DP 723936
Category of Development:	14. Other
Environmental Planning Instrument:	Marrickville Local Environmental Plan 2011
Zoning of Land:	Neighbourhood Centre B1
Development Standard(s) varied:	Clause 4.3 Height Clause 4.4 Floor Space Ratio
Justification of variation:	Height of the existing heritage listed building already exceeds prescribed limit and works are within the existing approved height of the building FSR- building already exceeds FSR and additional floor area is within a proposed attic area
Extent of variation:	Height: 13.9% FSR: 48%
Concurring Authority:	Council under assumed concurrence of the Secretary of the Department of Planning and Environment
Date of Determination:	

Premises:	308-314 Stanmore Road PETERSHAM
Applicant:	43 Hubert Street Pty Ltd/ Scott Andrew Feneck
Proposal:	to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 13 room hotel with a ground floor café and florist.
Determination:	Consent subject to conditions
DA No:	201600108

ATTACHMENTS

Nil.

Item 6

Item No: C0916 Item 6

Subject: DEVELOPMENT APPLICATION - 106 CARLTON CRESCENT, SUMMER HILL

File Ref: 16/4718/106715.16

Prepared By: Philip North - Specialist Planner, Ashfield

Authorised By: Phil Sarin - Director, Planning and Environment

SUMMARY

This development application involves the demolition of existing buildings and construction of a part two and three storey building containing 17 dwellings. The proposal complies with the provisions of Ashfield LEP 2013, in particular in respect of height and floor space ratio, and achieves general compliance with the planning provisions applicable to the site. Despite this, a number of issues remain unresolved including an inadequate communal open space (under the SEPP 65 requirements), landscaped area and car parking, privacy issues due to first floor balconies, and some technical traffic circulation issues.

These issues, however, can be readily addressed by modifications to the design including the deletion of one unit (to increase communal open space and arrive at compliant car parking) and the deletion of the first floor balconies (to mitigate privacy impacts).

To address these matters, the recommendation includes suitable deferred commencement conditions.

RECOMMENDATION

THAT the development application be granted deferred commencement consent.

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent for demolition of existing structures and construction of a two to three storey multi dwelling housing development consisting of 17 dwellings with basement car parking.

2.0 Application Details

Applicant	:	Mr A Harb
Owner	:	Carlton Crescent Development Pty Ltd
Value of work	:	$5,898,335
Lot/DP	:	Lot 3, DP: 345408, Lot 1, DP 359745
Date lodged	:	1/04/2016
Date of last amendment	:	N/A
Application Type	:	Local
Construction Certificate	:	No

3.0 Site and Surrounding Development

The subject site is located on the southern side of Carlton Crescent, bounded by Prospect Road to the West and Lackey Street to the East. An existing warehouse building is located on the site. Surrounding development comprises residential flat buildings and detached dwellings. Refer to **Attachment 1** for a locality map. The site consists of the following individual lots:

Street Address	Lot No.	Deposited Plan	Title System	Total Site Area (by title)
106 Carlton Crescent	3	345408	Torrens	1,631m^2
106 Carlton Crescent	1	359745	Torrens	708.2m^2
TOTAL AREA				2,339.2m^2

4.0 Development History

Previous building and development applications submitted to Council for the subject site include:

No.	Determination Date	Proposal	Determination
06.1985.277	15.10.1985	Alterations to office	Approved
06.1986.439	28.11.1986	Amendment to BA 277/85	Approved
05.1994.87	02.05.1994	Advertising sign above roller shutter in front wall by Sydney Anglican Home Mission	Approved
06.1994.324	27.03.1995	New Awning for Anglican Home Mission	Refused
16.2001.11	06.12.2001	Fire upgrade	Approved
10.0215.70	14.07.2015	Multi-dwelling housing	Refused

The following table summarizes the background to the current application:

Application Milestones		
Date	**Event**	**File no**
14.07.2015	A previous similar DA for the site was refused for the following reasons: 1. The proposed development represents an overdevelopment of the site and is excessive in bulk and scale. 2. The proposed development does not comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, as follows: a. cl. 30(2)(b), Design Quality Principles: The proposal does not comply with: i. Principle 1: Context: The form and colours and materials do not relate satisfactorily to the surrounding context. ii. Principle 3: Built form: The built form is unsatisfactory. iii. Principle 4: Density: The proposed density is excessive. iv. Principle 6: Landscape: • There is inadequate landscaping on the site including deep soil and communal open space. v. Principle 7: Amenity: The courtyards are undersized. vi. Principle 9: Social Dimensions and housing affordability: Most units are 3 bedroom and do not provide an adequate housing mix which includes smaller units.	10.0215.70

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vii. Principle 10: Aesthetics: The aesthetic resolution is poor including in respect of:
- Roof forms;
- Strongly expressed masonry divisions between each unit which protrude above the roof surface;
- Bland walls facing the side boundaries;
- Fenestration patterns;
- Boundary walls; and
- Finishes and materials selection.

b. cl. 30(2)(c), Residential Flat Design Code: The proposal does not comply with :
i. Part 1, Local Context – Building Separation;
ii. Part 1, Local Context – Street setbacks;
iii. Part 2, Site Design – Deep soil zones;
iv. Part 2, Site Design - Open Space: The proposal only provides 6% of the site area as communal open space, whereas the RFDC nominates at least 25%.
v. Part 2, Site Design - Open Space: The proposed private courtyard areas are undersized.
vi. Part 3, Building Design – Minimum apartment sizes: Units 6 and 8 are undersized.
vii. Part 3, Building Design – Ceiling heights: The ceiling heights are inadequate.

3. The proposed development does not comply with Ashfield Local Environmental Plan 2013, as follows:
   a. cl. 4.4, Floor space ratio: The proposal significantly exceeds the maximum floor space ratio permitted on the site;
   b. cl. 4.6, Exceptions to development standards: the request regarding contravention of clause 4.4 in respect of floor space ratio is not well founded and cannot be supported.
   c. cl. 5.10, Heritage conservation: The relationship with nearby heritage items is not considered satisfactory;
4. The proposed development does not comply with Ashfield Local Interim Development Assessment Policy 2013, as follows:
   a. Part C1, Access and Mobility: The provision of disabled access within the development is unsatisfactory;
   b. Part C5, Multi-unit Development in Residential Flat Zones, Part 3: Preferred Development: The form of the proposal is not appropriate in the context;
   c. Part C5, Multi-unit Development in Residential Flat Zones, Part 4: Housing Density: The density is excessive;
   d. Part C5, Multi-unit Development in Residential Flat Zones, Part 5: Siting, Building Height and Solar Access: The northern courtyards of the southern units receive inadequate solar access;
   e. Part C5, Multi-unit Development in Residential Flat Zones, Part 6: Privacy, Views and Outlook: Elevated courtyards on south and side boundaries result in unacceptable overlooking of the adjacent properties;
   f. Part C5, Multi-unit Development in Residential Flat Zones, Part 8: Open Space and Landscaping: Not all

	courtyards meet the minimum area requirements; g. Part C5, Multi-unit Development in Residential Flat Zones, Part 8: Open Space and Landscaping: The area of communal open space is inadequate; h. Part C5, Multi-unit Development in Residential Flat Zones, Part 8: Open Space and Landscaping: The landscape area is inadequate; i. Part C5, Multi-unit Development in Residential Flat Zones, Part 11: Stormwater drainage: The stormwater drainage has not been satisfactorily resolved; j. Part C5, Multi-unit Development in Residential Flat Zones, Part 12: Site Facilities: Inadequate detail has been provided in respect of site facilities including letterboxes and clothes drying; k. Part D1, Planning for Less Waste, Bin presentation: Bin presentation has not been adequately addressed given that the proposal has almost no street frontage.	
04.03.2016	Provisional DA submitted	17.2016.52
15.03.2016	Letter sent to applicant raising the following issues: • The floor space ratio appears to be compliant with the requirements of Ashfield LEP 2013, please provide 1:100 plans to enable Council to undertake its own calculations • Council's Heritage Advisor has reviewed the proposal and has raised the following concerns. Please address these issues by way of amended plans. *I refer to my previous comments on an earlier version of the proposal for this site which I prepared on 13 April 2015. Substantial revisions have been made to this scheme and these appear to promise a more acceptable character in the development than had previously been the case. While some concerns about materials (the predominance of masonry, apparently concrete, in blocks, walling and paving, might be met through an agreed change to the schedule of materials, colours and finishes, the apparently serious overshadowing of heritage listed properties to the south appears to require some substantial change in block massing for an improvement to be secured.* *The small separation of the new development from the heritage listed properties is reliant upon landscaping for the achievement of reasonable mutual privacy. Screening devices are also shown on the upper level balconies and these would be necessary to prevent overlooking. The situation is further exacerbated by the need to elevate floor levels for prevention of flooding.* *It would seem that this is a situation in which the heritage concerns closely parallel the planning concerns, including amenity of the neighbouring heritage items, which underpins their future.* • The proposal fails to comply with the minimum landscaped area requirement of Ashfield Interim Development Assessment Policy 2013 and this variation will not be supported.	17.2016.52

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	• The submitted SEPP 65 Design Verification Statement should also include a report which explains the compliance of the proposal with the nine Design Quality Principles and the Apartment Design Guide. • The upper level balconies facing towards the adjoining properties to the north and south of the site are likely to result in adverse privacy impacts and should be removed. • The building separation between the southern side of the development and the adjoining properties is inadequate in respect of SEPP 65. • The side setbacks are inadequate to provide sufficient amenity to the adjoining properties. • A professionally prepared landscape plan nominating species and pot sizes be submitted. It is also suggested that the landscape concept should include more canopy trees in the communal open space area. • The applicant proposes direct connection into Sydney Water pipe and must refer the application to Sydney Water to obtain their permission to drain to the pipe. Sydney Water will provide feedback on the required storage volume for the OSD tank and the required stormwater discharge rate. • Please consult with Sydney Water regarding the location of the proposal in relation to their existing pipe. Not that the Sydney Water may require a setback from the pipe which would affect the overall site layout and design. • The configuration of the bin presentation area is not compatible with collection by Council waste collection truck. Please not that Council collection staff will not enter the property to wheel the bin to the truck as suggested in the waste management plan submitted with the documentation. Furthermore, it is not possible for the number of bins required to be presented on the verge in front of the property. As a result the applicant would need to commit to private waste collection for this site.	
01.04.2016	Development Application lodged "As-is" with no change to the above.	10.2016.67.1
03.08.2016	Letter sent to applicant identifying the following issues: 1. SEPP 65: Although SEPP 65 applies to the proposal, it has not been accompanied by a design verification statement or a design explanation. In addition, SEPP 65 has not been addressed in the SEE. 2. Landscape area: The landscape area is significantly deficient and should be amended to comply. It is suggested that deletion of units 5 and 13 and their replacement with deep soil and canopy tree planting along with any other necessary measures would produce a better site planning result which could provide: a) safer and less claustrophobic pedestrian access from	17.2015.70

	the front of the site; b) a better landscaped presentation when viewed from Allman Avenue; and c) a suitably proportioned area of communal open space (12m x 10m as a minimum). 3. Stormwater Drainage: (1) Sydney water may require a set back from their pipe – please provide written advice from Sydney Water that the proposed arrangement is satisfactory; and (2) Sydney water will need to determine OSD requirements: Please provide a copy of the advice from Sydney Water. 4. Traffic: Council's traffic engineer has provided the following comments: *"The Driveway profile at the boundary line is not in compliance to AS2890.1:2004 section 3.2.2.* *Carlton Crescent is a (sub-arterial) regional road. Vehicles should be made to come off the road and wait and hold aside within the property whilst giving way for an opposing vehicle coming up the ramp. The driveway access off Carlton Crescent has to be designed to AS 2890.1:2004 Section 3.2 and site distance for pedestrians established and designed at driveway to Section 3.2.4. At least the first 6 metres in from the property line is to be designed to a maximum of 1:20 grade.* *It is considered that the full 6.0 metre frontage should be used for layback and driveway access and pedestrian sight view. This full frontage driveway width shall extend for a distance at least 6 metres in from the boundary line. The ramp access point and side pedestrian access (to the property) and mail box area will need to be set back at least 6 metres in from the boundary line. Vehicles exiting the driveway shall be made to exit at a point at least 2.0 metres away from corner walls if the corners cannot be treated for appropriate pedestrian splay view distances according to Section 3.2.4."* *The applicant is to demonstrate what appropriate measures would be adopted to warn opposing vehicles approaching up and down the ramp (e.g. traffic lights, signs, mirrors).* 5. Privacy: a) The balconies and planters on level 3 should be deleted. b) The planter boxes along the rear boundary are too low to protect the property to the rear from overlooking. An alternative design should be provided which maintains a masonry boundary fence of 1.8-2m yet an adequate height wall to avoid overlooking from the courtyards. It may be possible to step up gradually to a higher wall from the boundary. 6. Disabled Access: All ground floor of all units should be visitable by a person with a disability and should provide at least one bathroom on the ground floor that is useable by a person in a wheelchair. Only a few of the units comply with these requirements. 7. Waste Management:	

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	a) The bin storage area along the pedestrian entry path is not appropriate and should be replaced with a garbage room in the basement. b) Council's waste collection service will not enter the site to collect bins nor is there space available in front of the property to place bins for collection. As a result, the development must rely on private bin collection service and this must occur on the site. This will require access and manoeuvring in the basement by a small truck. 8. Floor Space Ratio: The shading on the FSR diagrams provided suggests that some areas have been excluded from the gross floor area calculations that should not have been. This may result in a non-compliant FSR and should be checked. Please note that stairs should be included on all levels (except the basement). 9. Side Setbacks: The side setbacks should generally be increased to at least 1.5m (some minor variations may be acceptable). 10. Scale of Drawings: The plans lodged with the application appear to have been reduced slightly in the printing process and consequently do not scale correctly. Please correct this in any amended plans. 11. Materials and Finishes: The proposal relies excessively on painted render, especially on lower levels where it is more subject to wear and tear. It is recommended that lower levels adopt a greater use of face brick, especially boundary walls and the bases of garden beds and planter boxes. Due to the location of the heritage item to the rear of the site, the materials and finishes should make some reference to this structure and adopt a dark or muted face brick, especially where the proposal is visible adjacent to the item (i.e. from Allman Avenue). In particular, it is suggested that the masonry wall on the rear boundary be finished in a suitable dark red toned face brick.	

5.0 Zoning/Permissibility/Heritage

The site is zoned R3-Medium Density Residential under the provisions of Ashfield LEP 2013. The property is located within the vicinity of heritage item No. I-469 at 7 Allman Avenue.

The proposed works are permissible with Council consent.

6.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act.

6.1 The provisions of any Environmental Planning Instrument

6.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 (ALEP 2013) was gazetted on 23 December 2013 and applies to the proposal. The following table summarises the compliance of the application with ALEP 2013.

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	**Clause**	**Standard**	**Proposed**	**Complies**
2.3	Zone objectives and land use table	Zone R3 Medium density residential	Multi-dwelling housing	Yes
4.1	Minimum subdivision lot size	500m^2	2,339.2m^2	N/A
4.3	Height of buildings	12.5m	10.9m	Yes
4.4	Floor space ratio	0.7:1	0.7:1	Yes
5.10	Heritage Conservation	Located in the vicinity of: • Heritage Item No. I – 469 (7 Allman Avenue, Summer Hill) C42		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This sub-clause applies regardless of whether a heritage management document is prepared under sub-clause (5) or a heritage conservation management plan is submitted under sub-clause (6).	The matter has been reviewed by Council's heritage advisor and is considered satisfactory. See attached comments.	Yes
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land	A heritage management document has been submitted.	Yes

		referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.		
6.2(3)	Flood Planning	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:	Flood affectation assessed as satisfactory by Council's engineer.	Yes
6.2(3)(a)		is compatible with the flood hazard of the land, and	Flood affectation assessed as satisfactory by Council's engineer.	Yes
6.2(3)(b)		will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and	Flood affectation assessed as satisfactory by Council's engineer.	Yes
6.2(3)(c)		incorporates appropriate measures to manage risk to life from flood, and	Flood affectation assessed as satisfactory by Council's engineer.	Yes
6.2(3)(d)		will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river banks of waterways, and	Flood affectation assessed as satisfactory by Council's engineer.	Yes
6.2(3)(e)		is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.	Flood affectation assessed as satisfactory by Council's engineer.	Yes

As demonstrated in the above table above table, the proposed development satisfies the provisions of ALEP 2013.

6.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

6.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 - Remediation of land

The applicant has provided a Stage 2 Environmental Site Assessment which concludes that:

The risk posed to the receptors is moderate and will require remediation and/or management.

The site can be made suitable for the proposed development provided that the following recommendations are implemented to address the data gaps and to minimise the risks:

1. Prepare a Remediation Action Plan (RAP) to outline remedial measures for the site;
2. Prepare a Validation Assessment (VA) report on completion of remediation; and Stage 2 Environmental Site Assessment
3. Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work.

Should the application be approved, these recommendations would be included as conditions of development consent.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

The proposed development includes a residential flat building as defined by the SEPP in that it comprises 3 or more storeys and 4 or more self-contained dwellings. The proposal is therefore subject to the provisions of the SEPP. The proposal is accompanied by a suitable Design Verification Statement as required by The Regulations.

State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development			
Clause	**Standard**	**Proposed**	**Complies**
28	**Determination of Development Applications**		
28(1)	After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.	The application has been referred to Council's SEPP 65 review officer for comment.	Yes

28(2)	In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration): (a) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and (c) the Apartment Design Guide.		Yes
28(2)(b)	**The design quality principles**		
1.	Principle 1: Context and neighbourhood character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	The proposal responds appropriately to the character of the locality in that it is of a low discrete scale which is sympathetic to the character of adjacent buildings.	Yes
2.	Principle 2: Built form and scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The scale is consistent with the LEP and DCP controls for the site and generally appropriate for the context.	Yes

3.	Principle 3: Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	The density is consistent with the FSR nominated for the site by ALEP 2013.	Yes
4.	Principle 4: Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The proposal has been accompanied by a BASIX certificate demonstrating compliance with fundamental sustainability requirements.	Yes
5.	Principle 5: Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.	The landscaping satisfactorily addresses the following: • A large central communal landscaped area is provided; • Provision for deep soil planting is provided around the perimeter of the site; Despite this, the landscape area fails to meet Council's requirements by 3.5% (82m^2). This is approximately the area occupied by the footprint of Unit 5. It's deletion from the scheme would result in adequate landscaped area and also a less claustrophobic entry path as well as opportunity for the planting of several large canopy trees. Amendment recommended by way of deferred commencement	No - Condition

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	Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	condition of consent.	
6.	Principle 6: Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	Residential amenity is adequate: • Suitable internal layouts; • Adequate solar access and cross ventilation; • Adequate visual and acoustic privacy; • Suitable site layout.	Yes
7.	Principle 7: Safety Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.	Safety and security is adequate due to good passive surveillance of internal circulation spaces.	Yes
8.	Principle 8: Housing diversity and social interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and	A suitable range of units sizes is provided from 2 to 3 bedrooms.	Yes

	future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.			
9.	Principle 9: Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The aesthetic resolution is satisfactory in the context of the site.		Yes
28(2)(c)	**Apartment Design Guide**			
Part 3	**Siting the development**			
3B	Orientation	On merit.	Orientation to the street is appropriate in the context.	Yes
3C	Public domain interface	On merit.	Appropriate in the context.	Yes
3D-1	Communal open space	Communal open space: min. 25% site area: 585m^2	19% (452m^2) Deletion of Unit 5 would result in an additional 143m^2 of communal space and a total area of 595m^2 and a compliant area of 25%.	Condition
		Solar access to communal open space	Excellent solar access to communal open space.	Yes
3D-3	Communal open space is designed to maximise safety	Safety	Ground level communal open space is well observed by surrounding units.	Yes
3E-1	Deep soil zones	7% min dimension 3m: 164m^2	16% (380m^2)	Yes
3F1	Building Separation (up to four storeys)	6 metres between habitable rooms/balconies and side boundaries 3 metres between	• Side boundaries: 0.7m This is considered inadequate by • Internal separation: 9-11m • Rear boundary: 4-7m • North boundary: 1.5-6m	Condition

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		habitable rooms/balconies or blank walls and side boundaries	Generally these distances are considered adequate to provide adequate privacy given that the proposal is generally of a two storey townhouse form (it only falls under SEPP 65 by virtue of a small three storey element). Suitable location of courtyard walls and planting assist in this regard. The only unsatisfactory elements are the upper level balconies which would result in an unnecessary intrusion upon adjacent properties and are recommended for deleted by way of deferred commencement condition.	
3F-2	Privacy		Satisfactory apart from first floor balconies which will be deleted by way of deferred commencement condition.	Condition
3J-1	Car parking • 88m of railway or light rail station; or • In or within 400m of B3/B4 land	Refer to calculations under AIDAP 2013	Refer to calculations under AIDAP 2013	Yes
Part 4	**Designing the Building**			
4A-1(1)	Solar & daylight access	70% of living rooms and private open spaces: min. 2 hours solar access between 9am and 3pm in mid-winter.	100%	Yes
4A-1(3)	Solar & daylight access	No direct sunlight at the above time: max. 15%	0%	Yes
4B-3(1)	Natural ventilation	Natural cross ventilation: min. 60% of apartments	100%	Yes
4B-3(2	Natural ventilation	Maximum depth of cross through apartments: 18m glass to glass	12m	Yes
4C-1	Ceiling heights	• Habitable rooms: 2.7m • Non-habitable: 2.4m • 2 storey: 2.4m 2nd storey	2.7m	Yes

		• Attics: 1.8m at edge of room with 30 deg slope • Commercial: 3.3m ground and first floor.		
4D-1(1)	Apartment size and layout	Minimum internal areas: • Studio: 35m^2 • 1 bed: 50m^2 • 2 bed: 70m^2 • 3 bed: 90m^2	All units exceed the minimum areas.	Yes
4D-1(2)	Apartment size and layout	All habitable rooms to have window in external wall min. 10% floor area.	All units exceed the minimum areas.	Yes
4D-2	Apartment size and layout	Max. Habitable room depth: 8m	All units comply.	Yes
4D-3(1)	Apartment size and layout	Min areas: • Master bedroom: 10m^2 • Other bedrooms: 9m^2	All units comply.	Yes
4D-3(2)	Apartment size and layout	Min. Bedroom dimension (excl. Robe): 3m	All units comply.	Yes
4D-3(3)	Apartment size and layout	Min. Living room dimension: • 1 Bed Unit: 3.6m • 2 Bed Unit: 4.0m	All units comply.	Yes
4E-1(1)	Private open space & balconies	Min. Balcony size/depth: • Studio: 4m2/- • 1 Bed: 8m2/2m • 2 Bed: 10m2/2m • 3 Bed: 12m2/2.4m	All units have ground floor courtyards.	N/A
4E-1(2)	Private open space & balconies	Min. Courtyard size/depth: • 15m^2/3m	All units comply.	Yes
4F-1(1)	Common circulation spaces	Max. apartments off a single core: 8	N/A – All apartments are accessible at ground level	N/A
4F-1(2)	Common circulation spaces	Max. apartments sharing single lift: 40 (10 storeys and over)	N/A – All apartments are accessible at ground level	N/A
4G-1(1)	Storage	Minimum storage: • Studio: 4m^3 • 1 Bed: 6m^3 • 2 Bed: 8m^3 • 3 Bed: 10m^3 50% to be in	All units comply.	Yes

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		apartment (not bedroom/kitchen)		
4H-1	Acoustic privacy	Noise transfer is minimised through the siting of buildings and building layout.	Layout is considered appropriate to address acoustic privacy issues.	Yes
4H-2	Acoustic privacy	Noise impacts are mitigated within apartments through layout and acoustic treatments.	Layout is considered appropriate to address acoustic privacy issues.	Yes
4J-1	Noise and pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	Layout is considered appropriate to address acoustic privacy issues.	Yes
4J-2	Noise and pollution	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	The site is well separated from road and traffic noise.	Yes
4K-1	Apartment mix	A range of apartment types and sizes is provided to cater for different household types now and into the future.	A variety of apartment types is provided.	Yes
4L-1	Ground floor apartments	Street frontage activity is maximised.	The configuration of the site does not permit any apartments to directly address the street. This is acceptable given the site circumstances.	Acceptable
4L-2	Ground floor apartments	Private courtyards elevated above the street by 1m-1.5m	No courtyards have a street interface.	N/A
4M-1	Facades	Building facades provide visual interest and respect character of local area.	The building façade provides a variety of materials and finishes which provides good articulation and a visual character suitable to the existing and evolving context of the locality.	Yes
4M-1	Facades	Building functions are expressed on the facade.	The building functions are suitably expressed on the façade.	Yes

4N-1	Roof design	Roof treatments are integrated into the building design and positively respond to the street.	The roof is appropriate to the context.	Yes
4N-2	Roof design	Opportunities to use roof space for residential accommodation and open space are maximised.	Use of roof space is not considered appropriate in this medium density zone.	Yes
4N-3	Roof design	Roof design incorporates sustainability features.	The roof will be appropriately insulated.	Yes
4O	Landscape design		The landscape area and design is considered of inadequate size with inadequate provision of canopy trees. Conditions will be applied requiring: • 4 canopy trees in the location of Unit 5; and • 2 canopy trees in the western central courtyard.	Condition
4P-1	Planting on structures	Min. Soil depths: • 12-18m trees: 1.2m deep & 10m x 10m • 8-12m trees: 1.0m deep & 6m x 6m • 6-8m trees: 0.8m deep & 3.5m x 3.5m • Shrubs: 0.5m – 0.6m deep • Ground cover: 0.3m – 0.45m deep • Turf: 0.2m deep	Soil depths are generally 1m which is adequate for the type of planting proposed.	Yes
4Q-2	Universal design	Adaptable housing in accordance with Council policy.	Only 2 of the units are adaptable whereas Council's policy requires all units to be accessible at ground level and have visitable bathrooms. A deferred commencement condition of consent will be applied.	Condition
4R-1	Adaptive reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	New construction - not applicable.	N/A

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4S-2	Mixed use	Residential uses of the building are integrated within the development, and safety and amenity is maximised for residents.	Residential use only – not applicable.	N/A
4T-1	Awnings and signage	Awnings are well located and complement and integrate with the building design.	No awnings proposed – not applicable.	N/A
4T-2	Awnings and signage	Signage responds to the context and desired streetscape character.	No signage proposed – not applicable.	N/A
4U	Energy efficiency		A BASIX certificate has been submitted which demonstrates compliance with this provision.	Yes
4V	Water management		A BASIX certificate has been submitted which demonstrates compliance with this provision.	Yes
4W	Waste management		The garbage room is of adequate size to accommodate the number of bins required; and The waste management and collection arrangements would be satisfactory.	Yes
4X-3	Building maintenance	Material selection reduces ongoing maintenance costs.	Much of the proposal is painted render. To increase durability, low maintenance materials (e.g. dark coloured face brick) will be proposed at ground level and for fences and dwarf walls.	Condition

As identified in the above table, the proposal generally satisfies the requirements of the SEPP except as noted above where the impacts would be acceptable.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is not located on a classified road and does not propose excavation within 25m of a rail corridor. As such, it is not subject to the provisions of the SEPP.

6.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

No draft environmental planning instruments apply to the site.

6.3 The provisions of any Development Control Plan.

The Ashfield Interim Development Assessment Policy IDAP applies to the site. Please see Section 6.8 below.

6.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered as part of the assessment of the development application.

6.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

The proposed development is generally acceptable and with recommended modifications to reduce the number of units, deletion of balconies and other changes will ensure that its impact on the locality is acceptable.

6.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development.

6.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants, and Councillors from 7 April 2016 until 2 May 2016. Notification was checked during site inspection and was acceptable.

6.7.1 Summary of submissions

4 submissions (**Attachment 3**) were received during the notification of the development application.

Submission
Owners' Corporation - Summer Hill NSW 2130
J. Carreno - Summer Hill NSW 2130
S. Ho - Summer Hill NSW 2130
K. Tong - Summer Hill NSW 2130

Submission Issue	**Assessing Officer's Comment**
The boundary wall with units 3 and 4 of 104 Carlton Crescent provides excellent privacy and protection and should be retained.	There is no purpose served by the removal of this wall and a condition will be added requiring its retention.
Potential damage to the landscaping or structure of adjacent properties.	Conditions will be applied requiring the preparation by the developer of a dilapidation report and rectification of any damage to adjacent properties resulting from construction.
Proposal is more satisfactory than previous scheme.	Agreed.
Concern about damage to trees near boundary with 104 Carlton Crescent.	There should be no need for any structures on adjacent properties to be moved or damaged

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	during the construction process. Conditions will be applied requiring the preparation by the developer of a dilapidation report and rectification of any damage to adjacent properties resulting from construction.
Over development in Summer Hill.	The proposal, along with other development in the vicinity, is generally consistent with the density of development envisaged by Ashfield Local Environmental Plan 2013.
Loss of "small village vibe".	This development is unlikely to have a material impact on the specific character of the locality.
Excessive through traffic.	The proposal has been reviewed by Council's traffic engineer and the traffic generation is within the capacity of the local road network.
Exacerbation of on-street parking shortages.	The proposal is deficient in car parking spaces and a condition will be applied to reduce the size of the development so that compliance is achieved.
Strain on local infrastructure.	Should the proposal be approved, the developer will be required to pay development contributions which help fund new community infrastructure.
Stormwater drainage issues.	Conditions will be applied to ensure that the development applies best practice in storm water drainage design which should result in the correction or improvement of any existing storm water issues.
Height of buildings is greater than the existing warehouse.	Although the buildings are greater in height than the existing warehouse, they are considerably lower than the maximum height limit for the site and the height is considered acceptable.
Loss of privacy to properties at the rear in Allman Avenue.	Conditions will be applied to: • Delete first floor balconies; • Preserve of the rear boundary walls to a height capable of preserving privacy to the Allman Avenue properties.
Overshadowing to adjacent Allman Avenue properties.	The proposal involves the lowering of an existing high masonry boundary wall adjacent to properties on Allman Avenue. This will significantly increase the amount of solar access to these buildings notwithstanding the provision of some planting along the boundary.
Balconies facing Allman Avenue should be removed.	Conditions will be applied requiring the removal of any upper level balconies.
Large first floor bedroom windows could impact on privacy of adjacent properties in Allman Avenue.	Bedroom windows are not generally considered to present an unacceptable privacy impact due to the low intensity use of these rooms.
Any new boundary fence should be constructed and maintained by the developer.	Conditions will be applied requiring the construction of low maintenance face brick fences on all boundaries of the site at the developer's cost.
The colour of any new buildings should be conservative.	Given the isolated nature of the site and its lack of visibility from the street, the proposed

	contemporary character is considered acceptable.
Lawn and trees to southern boundary should be common property.	These elements are part of the required private open space of the adjacent units. Communal area is provided in the centre of the development.
Construction will be noisy and disruptive for surrounding residents.	Standard conditions will be applied setting construction hours and noise restrictions.

6.8 The public interest

Matters of the public interest have been considered in the assessment of the application.

The proposal is subject to the provisions of Ashfield Interim Development Assessment Policy 2013. A summary compliance table follows below:

Ashfield Interim Development Assessment Policy 2013 Part C1: Access, Adaptability and Mobility Summary Compliance Table				
No.	**Standard**	**Required**	**Proposed**	**Complies**
Part C1	**Access, Adaptability and Mobility**			
2.3(i)	Universal Accessible Design	Villas and Townhouses, being dwellings which are one, two or three storeys, within R3 Medium Density Residential Zone where each dwelling has its own ground level entry and private open space: All ground level apartments must comply with universal accessible design principles in design checklist 1.	Townhouse style	Noted
2.4	Adaptable Housing	10%	12% Units 1 and 17 have been nominated as adaptable.	Yes
2.5	Variations to Universal Accessible Design Requirements	Site conditions	The site conditions are complicated by flood affectation. The height limit, however, is ample and would not preclude modification of the proposal to provide compliant access.	No
6.2	Universal Accessible Design	All buildings referred to in clause 6.1 of this Part, shall be “accessible” as required in the Building	Only 2 of the 17 units comply with this requirement.	No - Deferred commenc ement

		Code of Australia and in addition have a universal accessible design for the interior design of the dwellings that meets the requirements of Section 6 of this Part.	This can be resolved by way of deferred commencement condition.	condition
6.3	Construction	In order to achieve an "implementation principle", that considers design issues at Development Application stage in sufficient detail to ensure that at construction certificate stage and during construction compliance is achieved	Inadequate detail provided. This can be addressed by way of condition.	No – Condition
6.4	Access from street to dwelling entry	Access from the street into the entry area of each townhouse by a person with a disability.	Only 2 of the 17 units comply with this requirement. This can be resolved by way of deferred commencement condition.	No - Deferred commencement condition
6.5	Interior dwelling design	The interior elements of all apartments shall be adequately sized to allow wheelchair circulation to all necessary areas (f) All ground floor levels of townhouses must contain an area which contains a toilet and which is visitable by a person with disabilities.	Only 2 of the 17 units comply with this requirement. This can be resolved by way of deferred commencement condition.	No
6.6	Access to private open space	(a) Private open space garden dimensions shall be wide enough to be able to accommodate a path accessible by wheelchair users. (b) Garden dimensions shall be wide enough to allow tree planting and also meet the requirements of clause (a). (c) Any balconies or verandahs shall be accessible.	The ground level private open spaces are accessible.	Yes
6.7	Access to car parking	Access to and from the car parking area for people with a disability by lift.	Lift has been provided.	Yes

6.8	Access to communal garden space	Where there is communal open space on the site, it must be accessible from all dwellings required to have a universal accessible design, and by all visitors to the site.	The communal open space is accessible.	Yes

Ashfield Interim Development Assessment Policy 2013 Part C5: Multi-unit Development in Residential Flat Zones Summary Compliance Table				
Clause No.	**Standard**	**Required**	**Proposed**	**Complies**
3	**Preferred Development**			
3.2	**Ashfield's Housing Character**	Developments must meet the following criteria: a) the defining characteristics of the site, its streetscape, community, and neighbourhood locality are understood; b) the proposed architectural style is suitable for the site; c) the proposed development has the potential to contribute to Ashfield's housing heritage.	The form and character of the proposal is generally satisfactory in scale and appearance.	Yes
3.5(a)	**Building Appearance and Neighbourhood Character**	Buildings at the front must be orientated to the principal street frontage, and dwellings adjacent to a public street must address the street by having a front door or living room or kitchen windows facing the street;	The character of the lychgate is acceptable in the streetscape but its setback is not consistent with adjacent development. Conditions will be applied to increase its setback to 4.4m.	Condition
3.5(b)		The building generally conforms with the building line on adjoining land and in the immediate locality;	The lychgate is not adequately set back. Conditions will be applied to any consent to increase its setback to 4.4m.	Condition
3.5(c)		Building facades are to have: • a clearly defined base-middle-top; • well-balanced vertical	The buildings are adequately articulated.	Yes

		and horizontal proportions; • modulation, including breaking up large horizontal facades into smaller articulated sections, which are also compositionally integrated with the whole building; • architectural features which give human scale at street level, such as entry porches, pergolas and fences.		
3.5(d)		Building design, roof form, detailing and materials visible from public areas and adjoining properties should not be in strong visual contrast with any positive and characteristic features of neighbouring properties. Generally the materials and finishes of the building to be similar to the traditional finishes predominating in Ashfield. Buildings to usually be in bichromatic (two colour) face brick with gabled/hipped terra cotta tiled pitched roof forms with no reflective materials that may cause glare.	The built form is appropriate.	Yes
3.5(e)		Building design enables individual dwellings to be identified from public streets.	Not applicable due to the hatchet style form of the site.	N/A
3.5(f)		Carports and garages to be compatible with the building design and not dominate the street frontage.	All parking located in basement garage.	N/A
3.5(g)		Entries to underground parking not to be visible from the street front.	The basement ramp is well screened from the street.	Yes
3.6	Fences and walls			
3.6(a)		Front fences and walls to be compatible with the streetscape.	The lychgate is set too far forward but this can be addressed by way of condition.	Condition

3.6(b)		Front fences and walls to be no more than 1.2m high if solid and forward of the building line. Height may be increased to 1.8m if the fence has openings which make it not less than 50% transparent;	The lychgate is set too far forward but this can be addressed by way of condition.	Condition
4	**Housing Density**			
4.3	**Floor Space Ratios**	0.7:1	0.7:1	Yes
4.10	**Subdivision**	Strata subdivision size will be considered on its merits	Satisfactory.	Yes
4.11	**Maximum dwelling size**	Maximum gross floor area of a dwelling should not exceed 125m^2. Smaller apartments are encouraged.	No dwellings exceed this size.	Yes
5	**Siting, Building Height and Solar Access**			
5.4	**Front Setback**	To be consistent with the predominant setback of the buildings in the street.	The lychgate is set too far forward but this can be addressed by way of condition.	Condition
5.6	**Orientation and Siting**	Side and rear setbacks to be determined by amenity and urban design. Development should not significantly affect adjoining property or resident amenity by: a) increased overshadowing, b) reduction in the level of privacy, c) obstruction of views, d) reduction in levels of daylight and ventilation.	Generally satisfactory.	Yes
5.8		Rear setbacks to allow adequate provision of green space between adjoining properties	Generally consistent with surrounding properties.	Yes
5.9	**Building Height**	12.5m as per height for R3 Medium Density Residential Zones, Code M in Ashfield LEP 2013.	9.5m	Yes
5.9(a)		3 storeys maximum height	3 storeys	Yes
5.9(b)		Maximum roof pitch of 30 degrees may contain a 4th attic storey,	No fourth storey proposed.	N/A

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5.11		Height of the first floor no to exceed 3.4m.	Up to 4.2m. Unavoidable due to required flood levels.	Satisf actory
5.12		Additional 4th storey in roof space permitted subject to: a) consistent with any conservation area listing; b) space wholly contained within a roof not exceeding 30º (excepting dormer windows); no lower than 22dand roof ridge does not exceed the maximum building height. c) sunlight, privacy, views and ventilation protected; and d) compliant with LEP height limit.	No fourth storey proposed.	N/A
5.13		No increased wall heights or larger than average dormer windows permitted to achieve the additional level permitted under cl. 5.12.	N/A	N/A
5.15	**Solar Access**	80% of units to have at least one living room window with a northerly aspect	100%	Yes
5.16		*Maximum* amount of overshadowing:		
5.16(a)		Sunlight to at least 50% (or 35m² with minimum dimension 2.5m, whichever is the lesser area) of the principal private area of ground level private open space of adjacent properties not to be reduced to less than three (3) hours between 9am and 3pm on 21 June. Where existing overshadowing by buildings and fences is greater than this, sunlight is not further reduced by more than 20% at any one time.	No principal areas of private open space on adjacent properties would be overshadowed unacceptably by the development.	Yes
5.16(b)		Private courtyards within a development to receive 3 hours of sunlight over 50% of area, between 9am and 3pm on 21 June.	All courtyards will receive adequate solar access.	Yes

5.16(c)		Existing solar access should be maintained to at least 40% of the glazed areas of any neighbouring north facing living room/dining room windows, for at least 3 hours between 9am and 3pm in mid-winter (on 21 June). If existing solar access is already less than this standard, it should not be further reduced by more than 20% at any time.	Solar access will be significantly increased to the buildings to the south.	Yes
5.16(d)		North facing windows within a new development should achieve the same standard of solar access.	All north facing windows would receive excellent solar access.	Yes
6	**Privacy, Views and Outlook**			
6.3	**Visual privacy**	Visual privacy is required to meet the following standards, both within developments as well as across boundaries:		
6.3(a)		Ground level direct facing windows to be a minimum of 9 metres apart or, where screening devices or planting is used, 6 metres apart. Direct facing includes an arc of 45º on either side of a window. If screening is used, the view of the area overlooked must be restricted within 9 metres and beyond an angle of 45º from the plane of the wall containing the opening, measured from a height of 1.7m above floor level.	All windows comply.	Yes
6.3(b)		As an alternative to 6.3 (a), windows to have minimum sill heights of 1.7m above floor level, or have fixed obscure glazing in any part of the window below 1.7m above floor level.	N/A	N/A
6.3(c)		Balconies, terraces and decks to be placed a minimum 12 metres away from any facing window or other balcony.	Balconies are proposed at first and second floor level and are unacceptable. A deferred commencement condition will be applied requiring their deletion.	Condition

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6.3(d)		Windows and balconies not to overlook adjoining areas of private open space. An outlook from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development to be obscured or screened where a direct view is available into adjoining areas of private open space.	Balconies are proposed at first and second floor level and are unacceptable as they would overlook the private open space of adjacent properties. A deferred commencement condition will be applied requiring their deletion.	Condition
6.3(e)		no screening is required where: • windows are in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and they have translucent glazing or sill heights of at least 1.7m; • windows are in habitable rooms and they have sill heights of 1.7m or more above floor level or translucent glazing to any part of a window less than 1.7m above floor level.	These measures are not required.	N/A
6.4		these standards must be achieved within developments, as well as across boundaries.	Elevated courtyards on south and side boundaries result in unacceptable overlooking of the adjacent properties which has not been adequately addressed by way of detailed design. These can be addressed by way of condition.	Condition
6.5	**Acoustic Privacy**	The level of acoustic privacy is required to meet the following standards, both within developments as well as across boundaries:		
6.5(a)		bedroom windows are to be at least 3 metres from shared streets, driveways and parking areas of other dwellings.	Complies.	Yes
6.5(b)		bedrooms of one dwelling are not to share walls with living rooms or garages of adjacent dwellings.	Complies.	Yes

6.8	**Views and outlook**	Distant views available from neighbouring properties should be maintained where possible, in keeping with principles of view sharing.	Complies.	Yes
6.9		High walls in close proximity to neighbours' windows or open space should be reasonably set back, *irrespective* of shadowing or privacy impacts.	Walls adjacent side boundaries are excessively high – will be lowered by the proposal.	No
6.10		All dwellings should have an open outlook to an area of landscaping or open space not compromised by privacy measures.	Complies.	Yes
8	**Open Space and Landscaping**			
8.6	**Private and Communal Open Space**	Each dwelling to have a private outdoor area which: a) does not encroach upon the front setback; b) is directly related to a main living area; c) is private and protected from overlooking; d) meets solar access standards; e) minimises overlooking of neighbours; f) accommodates various uses; g) is accessible by someone with a disability.	Complies.	Yes
8.7		If at ground level, • Minimum area: 35m² • Minimum width 3m:	All courtyards meet the minimum area requirements.	Yes
8.8	Balcony Size	If no private outdoor area at ground level, to be provided by a balcony or deck, with a minimum area of 10m², and a minimum dimension of 2m.	N/A	N/A
8.9	Communal Open Space	Communal open space exclusive of any drying or service areas to include a single open area with minimum dimensions of 10 metres by 12 metres. If more than 6 units, the area to be increased by	452m^2	Yes

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		5m^2 per unit. Area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. Required: 175m^2		
8.10	**Landscaping Standards**	Minimum landscaped area: 35% of the site area. To be at finished ground level with a minimum width of 2 metres.	The landscaped area is deficient.	No
8.11	**Tree Preservation**	A Tree Preservation Order covers all trees over 5 metres in height with a trunk girth of 350mm at ground level, (excluding Leyland Cypress Pine, privet, oleander, umbrella trees, cotoneaster, rubber trees, citrus and mulberry trees.	No significant tree removal proposed.	Yes
8.13		Retain sufficient curtilage around existing trees to ensure their retention.	No significant tree removal proposed.	N/A
8.14		Avoid removal or significant modification of any existing street tree along the frontage of the site.	No significant tree removal proposed.	N/A
9	**Safety and Security**			
9.2	**Security**	Buildings adjacent to public or communal streets or open space to have at least one habitable room window with an outlook to that area.	All buildings overlook all communal circulation areas.	Yes
9.3		Visitors should be visible without the need to open the front door.	Complies.	Yes
9.4		Shared entries to serve a maximum of eight dwellings and be lockable.	No shared entries proposed.	N/A
10	**Design for Climate**			
10.1	Energy Conservation	**BASIX** Certificate must be provided.	**BASIX** Certificate has been provided.	Yes
10.2 – 10.7	**Water Conservation**	**BASIX** Certificate must be provided.	**BASIX** Certificate has been provided.	Yes

10.8	**Air movement**	Harness breezes and provide fresh air indoors	All units have excellent cross ventilation.	Yes
10.11	**Services, lighting and appliances**	Dwelling design should encourage energy efficiency.	All units face north and have excellent exposure to northern winter sunlight.	Yes
10.16	**Noise on rail/traffic routes**	Where road or rail noise is an issue, buildings to be sited to: minimise the infiltration of noise into the buildings and the lot; · provide an acoustic barrier for private and communal open space; · reduces reflection of noise on to other buildings; · ensure affected windows are acoustically treated from road or rail noise.	The development is well separated from the road and rail line and as such should experience minimal road or rail noise.	Yes
11	**Stormwater Drainage**			
11.1	Objectives	a) to provide safety for the public in major storm events, & protect property from damage by flooding; b) to ensure adequate stormwater detention and run-off controls are provided for site drainage; c) to improve urban amenity through maintenance of natural drainage lines; d) to protect and maintain existing infrastructure of the LGA.	Council's engineer has reviewed the proposal and has assessed it as acceptable subject to conditions.	Yes
12	**Site Facilities**			
12.8	**Storage**	Must be adequately screened from frontage.	All storage is well concealed in basement.	Yes
12.9	**Mailboxes**	To be located close to each ground-floor dwelling entry or close to the major pedestrian entrance to the site.	Mailbox location has been nominated.	Yes
12.10	**Clothes drying**	Communal clothes drying facilities to be easily accessible to all residents and screened from streets and communal recreational areas.	No communal clothes drying facilities are proposed.	N/A
12.11		External clothes-drying area shall to be provided at the rate of 1.5 square metres per unit.	Location of clothes drying facilities has not been nominated.	No

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12.12	**Television aerials**	Only one television reception device per strata title development screened from public view.	Not nominated but can be included via a condition.	Condition

Ashfield Interim Development Assessment Policy 2013
Part C11: Parking
Summary Compliance Table

No.	Standard	Required	Proposed	Complies
3.3	Parking Credits	Do not apply if more than 50% of the building is being demolished.	100% of the existing buildings are to be demolished and as such no parking credits are applicable.	N/A
4.1	Car Parking for People with Disabilities	5% of required parking spaces to be accessible. TOTAL = 1 space	3 spaces	Yes
4.2	Bicycle and Motor Cycle Parking	Bicycle spaces: • 1 space per 10 units = 2 Motor cycle spaces: • 1 space per 25 spaces = 1	Bicycle spaces: • 0 Motor cycle spaces: • 0 (note: could be easily located in each unit's ample basement storage area).	No Condition
4.3	Parking Rates for Specific Land Uses	Residential spaces: • 1 space per unit , + 1 for every 5 two bed units + 1 per every 2 three bedroom units = 24 Visitor spaces: • 1 space per 5 units = 3 Car wash bay: • 1 space = 1 TOTAL: 29	Residential spaces: • 22 Visitor spaces: • 3 Car wash bay: 1 space = 1 Car parking is deficient by: • 2 resident spaces • 1 visitor spaces: Total deficiency: 2 spaces This is indicative of overdevelopment. It could, however, be rectified by the deletion of unit 5 which would result in a requirement for 22 resident spaces which is the number provided.	No Deferred commencement condition to delete unit 5
5.0	Design Requirements	Compliance with relevant Australian Standards and detailed requirements of the Part.	Satisfactory or capable of compliance.	Yes

Ashfield Interim Development Assessment Policy 2013 Part C12: Public Notification Summary Compliance Table				
No.	**Standard**	**Required**	**Proposed**	**Complies**
Section 2	Notification Process		The application was notified in accordance with this part.	Yes

Ashfield Interim Development Assessment Policy 2013 PartD1: Planning for Less Waste Summary Compliance Table				
No.	**Standard**	**Required**	**Proposed**	**Complies**
	Bin Numbers	Residential (17 dwellings): • 1 x 240L garbage bin/2 dwellings=9 bins • 1 x 240L recycling bin/2 dwellings=9 bins • TOTAL: 18 bins	Residential: TOTAL: 20 bins	Yes
	Bin Presentation		Bins cannot be presented on the street for collection by Council but this has been reviewed by Council's waste services & determined to be acceptable in this instance.	Yes

It is considered the application, subject to appropriate conditions, will achieve acceptable compliance with the aims and objectives of the AIDAP 2013.

7.0 Referrals

Internal Referrals		
Officer	**Comments**	**Support**
Building Surveyor	Supported subject to conditions.	Yes
Traffic Engineer	Supported subject to conditions.	Yes
Drainage Engineer	Supported subject to conditions.	Yes
Heritage Advisor	No objection.	Yes
Environmental Health Officer	Supported subject to conditions.	Yes
SEPP 65 Advisor	Supported subject to conditions.	Yes
Waste Management	Supported.	Yes

External Referrals		
Referral Body	**Comments**	**Support**
NSW Police	Supported subject to conditions.	Yes

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8.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

See 8.0

PUBLIC CONSULTATION

See 7.7

CONCLUSION

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal complies with the provisions of Ashfield LEP 2013, in particular in respect of height and floor space ratio, and achieves general compliance with the planning provisions applicable to the site. Despite this, a number of issues remain including inadequate communal open space (under the SEPP 65 requirements), landscaped area and car parking, privacy issues due to first floor balconies, and some technical traffic circulation issues.

These issues, however, could be readily addressed by modifications to the design including the deletion of one unit (to increase communal open space and arrive at compliant car parking) and the deletion of the first floor balconies (to improve privacy impacts).

To address these matters, suitable deferred commencement conditions have been recommended and with the required modifications will result in an acceptable development.

ATTACHMENTS

1.⇩ Heritage Advice
2.⇩ Plans of Proposal
3.⇩ Submissions
4.⇩ Conditions

INNER WEST COUNCIL

DEVELOPMENT SERVICES
HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	106 Carlton Crescent Summer Hill	**File No: 10.2016.89.1**
ADVISOR	Robert Moore	
DATE	29 August 2016	
STATUS	Adjacent to Heritage Conservation Area	
DESCRIPTION	Townhouse development	
PREVIOUS COMMENTS	Yes on a different scheme	
☐	HIS/CMP recommended for archiving in library	
Note: These comments relate to heritage issues only. They do not include a planning review. Planning comments will, however, be provided separately in relation to Pre-lodgement Applications or Provisional Development Applications.		

The application has been reviewed in respect of heritage issues and has been assessed as follows:

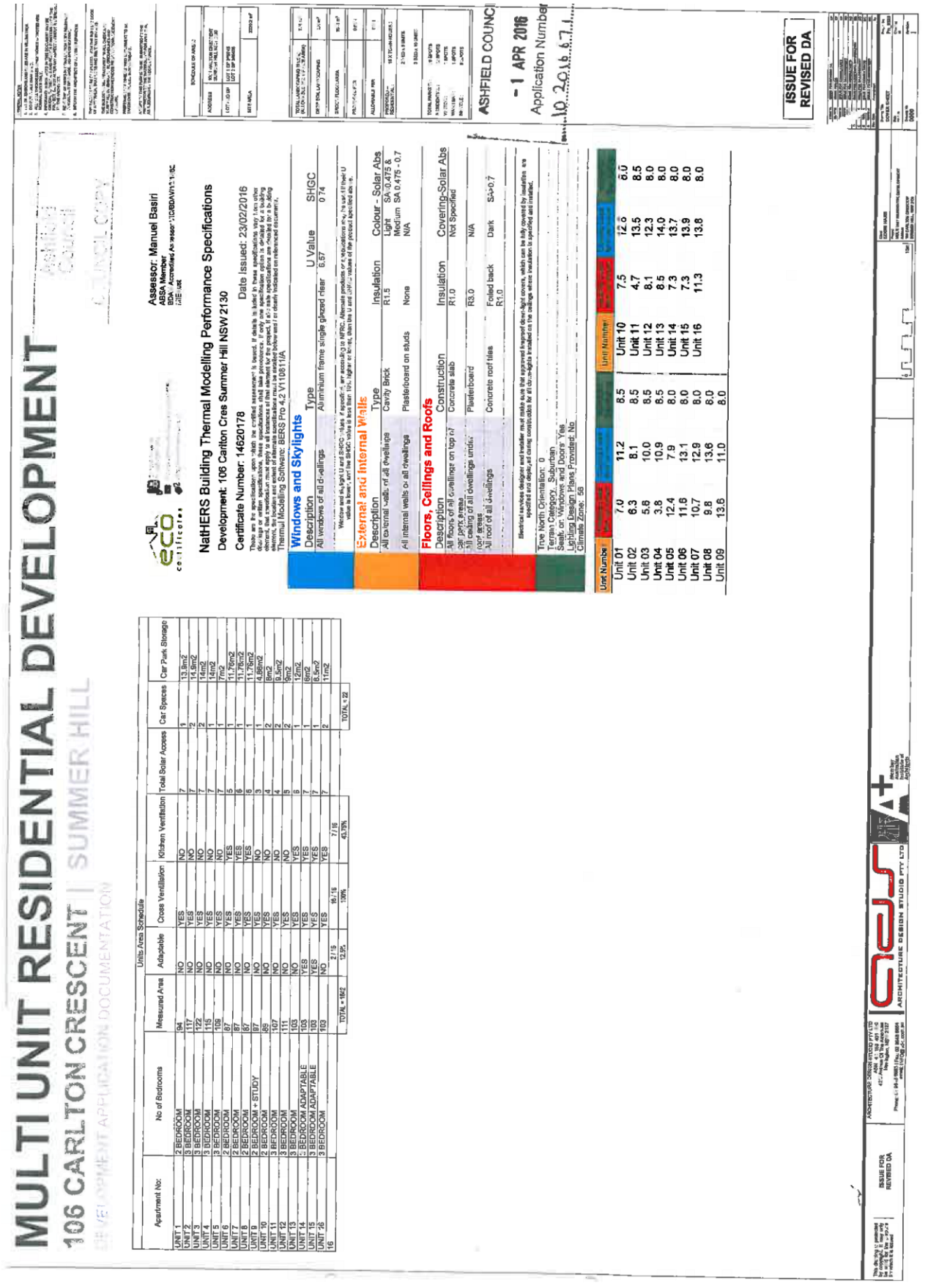
☐	**Acceptable as lodged**
☐	**Acceptable with the following Conditions of Consent Applied:**
☐	**Acceptable with the following amendments to the application:** ☐ **Application to be returned to Heritage Advisor for review after amendments** ☐ **Planner may assess amendments**
☐	**Additional information is required as follows:**
☐	**Not acceptable**

Discussion:

I refer to the townhouse proposal for this property shown in drawings by Architecture Design Studio Pty Ltd, discussed with Mr. North today. The scale, bulk and character of this proposal appear to be superior to those discussed in the past. The heritage concern remains the impact upon the adjacent Allman Avenue HCA.

In my opinion, the two storey scale is acceptable, but there must be certainty that the buildings near the component buildings of the heritage conservation area (ie., at the south boundary of the site) do not adversely impact the amenity of them as living places, since this would adversely impact their conservation, into the future. This should be assessable with the shadow diagrams. Appropriate devices should also ensure mutual privacy is maintained.

Robert Moore



MULTI UNIT RESIDENTIAL DEVELOPMENT

106 CARLTON CRESCENT | SUMMER HILL

DEVELOPMENT APPLICATION DOCUMENTATION

Units Area Schedule

Apartment No:	No of Bedrooms	Measured Area	Adaptable	Cross Ventilation	Kitchen Ventilation	Total Solar Access	Car Spaces	Car Park Storage
UNIT 1	2 BEDROOM	94	NO	YES	NO	7	1	13.9m2
UNIT 2	3 BEDROOM	117	NO	YES	NO	7	2	14.9m2
UNIT 3	3 BEDROOM	122	NO	YES	NO	7	2	14m2
UNIT 4	3 BEDROOM	115	NO	YES	NO	7	1	14m2
UNIT 5	3 BEDROOM	109	NO	YES	NO	7	1	7m2
UNIT 6	2 BEDROOM	87	NO	YES	YES	7	1	11.76m2
UNIT 7	2 BEDROOM	87	NO	YES	YES	6	1	11.76m2
UNIT 8	2 BEDROOM	87	NO	YES	YES	6	1	11.76m2
UNIT 9	2 BEDROOM + STUDY	97	NO	YES	NO	3	1	4.86m2
UNIT 10	2 BEDROOM	89	NO	YES	NO	4	2	8m2
UNIT 11	3 BEDROOM	107	NO	YES	NO	4	2	9.3m2
UNIT 12	3 BEDROOM	111	NO	YES	NO	5	2	9m2
UNIT 13	3 BEDROOM	103	NO	YES	YES	6	1	12m2
UNIT 14	2 BEDROOM ADAPTABLE	103	YES	YES	YES	7	1	6m2
UNIT 15	3 BEDROOM ADAPTABLE	103	YES	YES	YES	7	1	6.5m2
UNIT 16	3 BEDROOM	103	NO	YES	YES	7	2	11m2
		TOTAL = 1862	2 / 16 12.5%	16 / 16 100%	7 / 16 43.75%		TOTAL = 22	

ISSUE FOR REVISED DA

ARCHITECTURE DESIGN STUDIO PTY LTD

ARCHITECTURE DESIGN STUDIO PTY LTD

Assessor: Manuel Basiri
ABSA Member
BDAV Accredited Assessor

NatHERS Building Thermal Modelling Performance Specifications

Development: 106 Carlton Cres Summer Hill NSW 2130

Certificate Number: 14620178

Date Issued: 23/02/2016

Thermal Modelling Software: BERS Pro 4.2 V1106.11A

Windows and Skylights

Description	Type	U Value	SHGC
All windows of all dwellings	Aluminium frame single glazed riser	6.57	0.74

External and Internal Walls

Description	Type	Insulation	Colour - Solar Abs
All external walls of all dwellings	Cavity Brick	R1.5	Light SA 0.475 & Medium SA 0.475 - 0.7
All internal walls of all dwellings	Plasterboard on studs	None	N/A

Floors, Ceilings and Roofs

Description	Construction	Insulation	Covering-Solar Abs
All floors of all dwellings on top of carpark areas	Concrete slab	R1.0	Not Specified
All ceiling of all dwellings under roof areas	Plasterboard	R3.0	N/A
All roof of all dwellings	Concrete roof tiles	Foiled back R1.0	Dark SA>0.7

Electrical services designer and installer must make sure that approved lowproof downlight covers, which can be fully covered by insulation are specified and used, all ceiling construction for all downlights installed on the ceilings where insulation is specified and installed.

True North Orientation: 0
Terrain Category: Suburban
Seals on Windows and Doors: Yes
Lighting Design Plans Provided: No
Climate Zone: 56

Unit Number				Unit Number			
Unit 01	7.0	11.2	8.5	Unit 10	7.5	12.6	8.0
Unit 02	8.3	8.1	8.5	Unit 11	4.7	13.5	8.5
Unit 03	5.8	10.0	8.5	Unit 12	8.1	12.3	8.0
Unit 04	3.8	10.9	8.5	Unit 13	8.5	14.0	8.0
Unit 05	12.4	7.9	8.0	Unit 14	7.3	13.7	8.0
Unit 06	11.8	13.1	8.0	Unit 15	7.3	13.9	8.0
Unit 07	10.7	12.9	8.0	Unit 16	11.3	13.8	8.0
Unit 08	9.8	13.6	8.0				
Unit 09	13.6	11.0	8.0				

ASHFIELD COUNCIL
- 1 APR 2016
Application Number
10.2016.67.1

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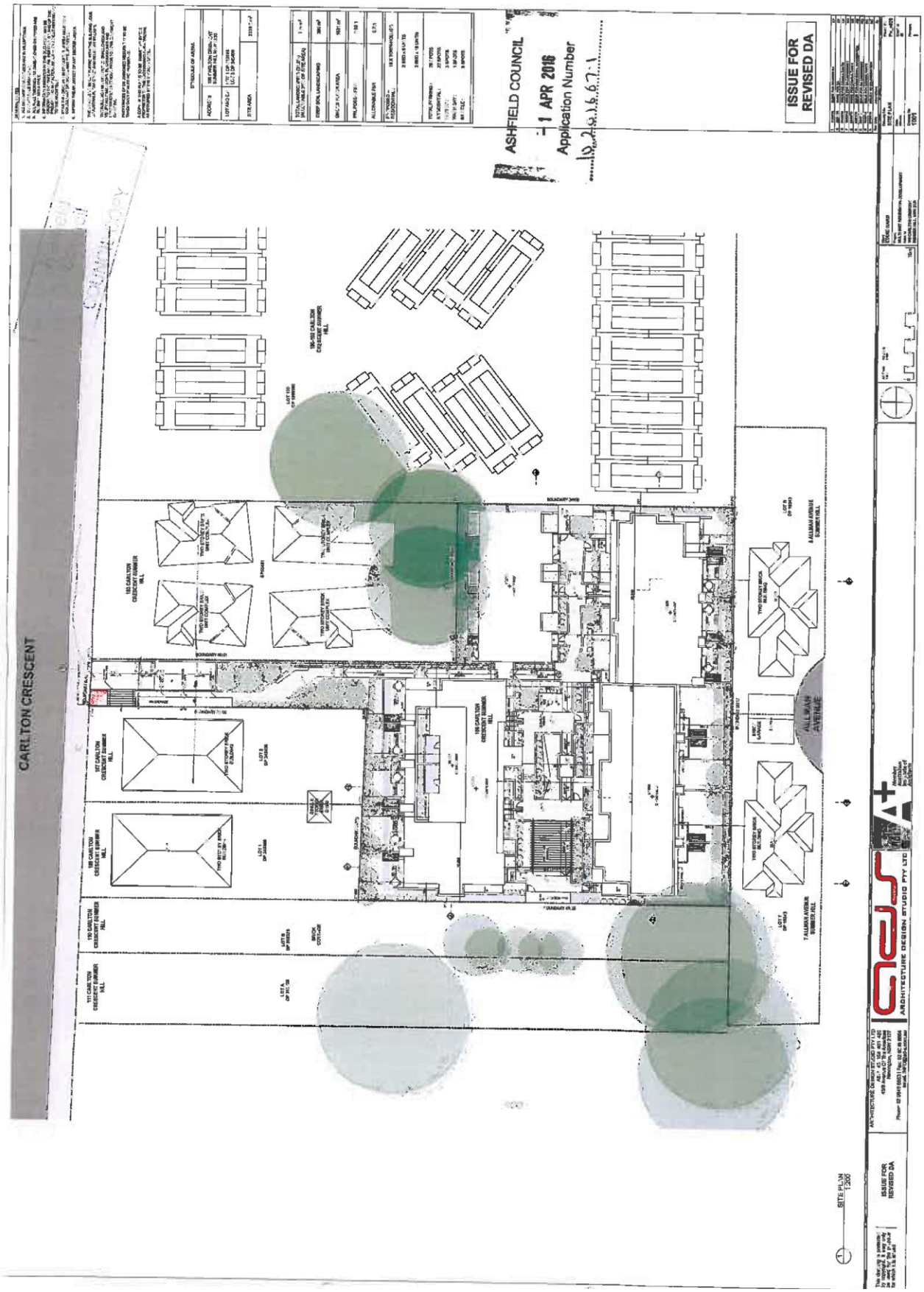

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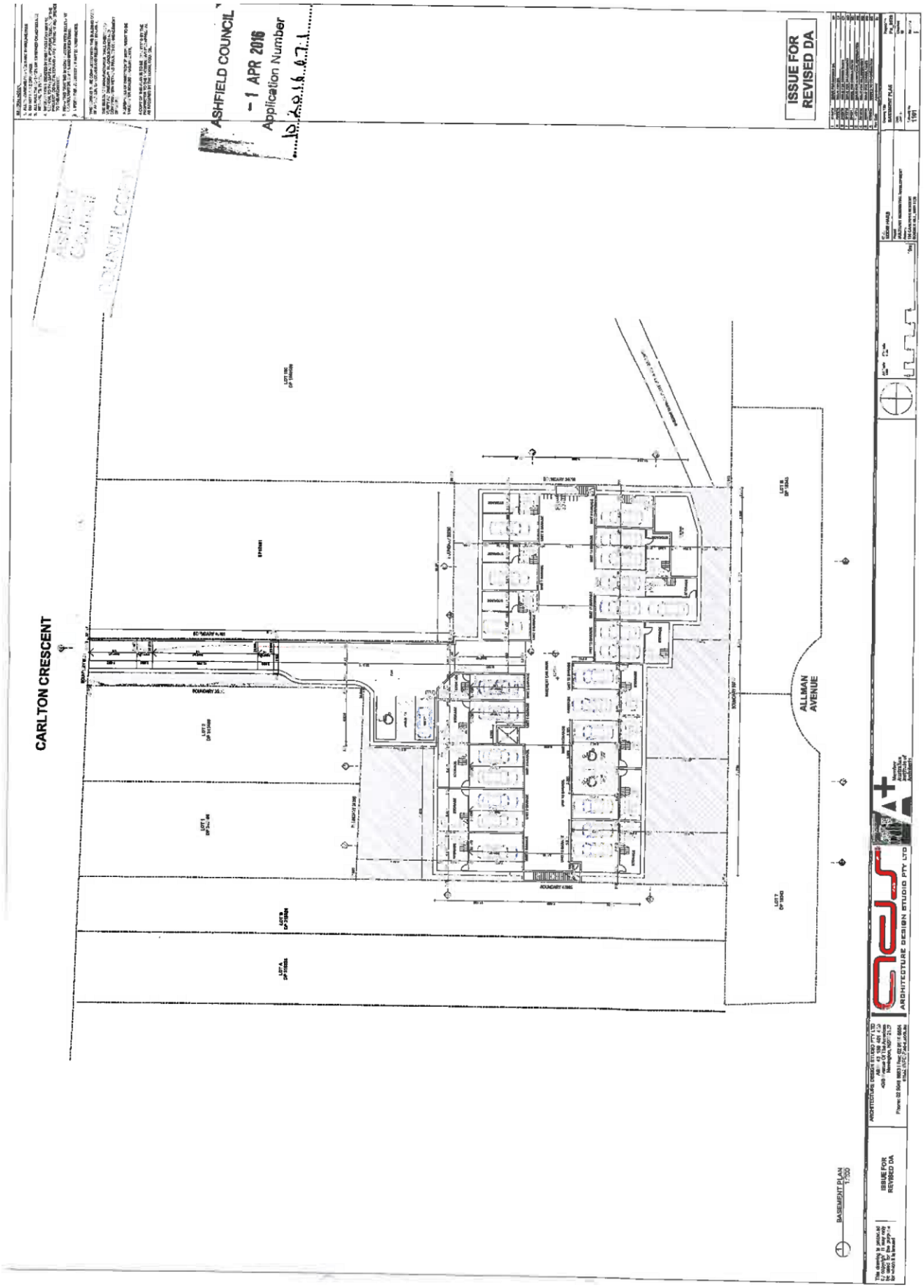

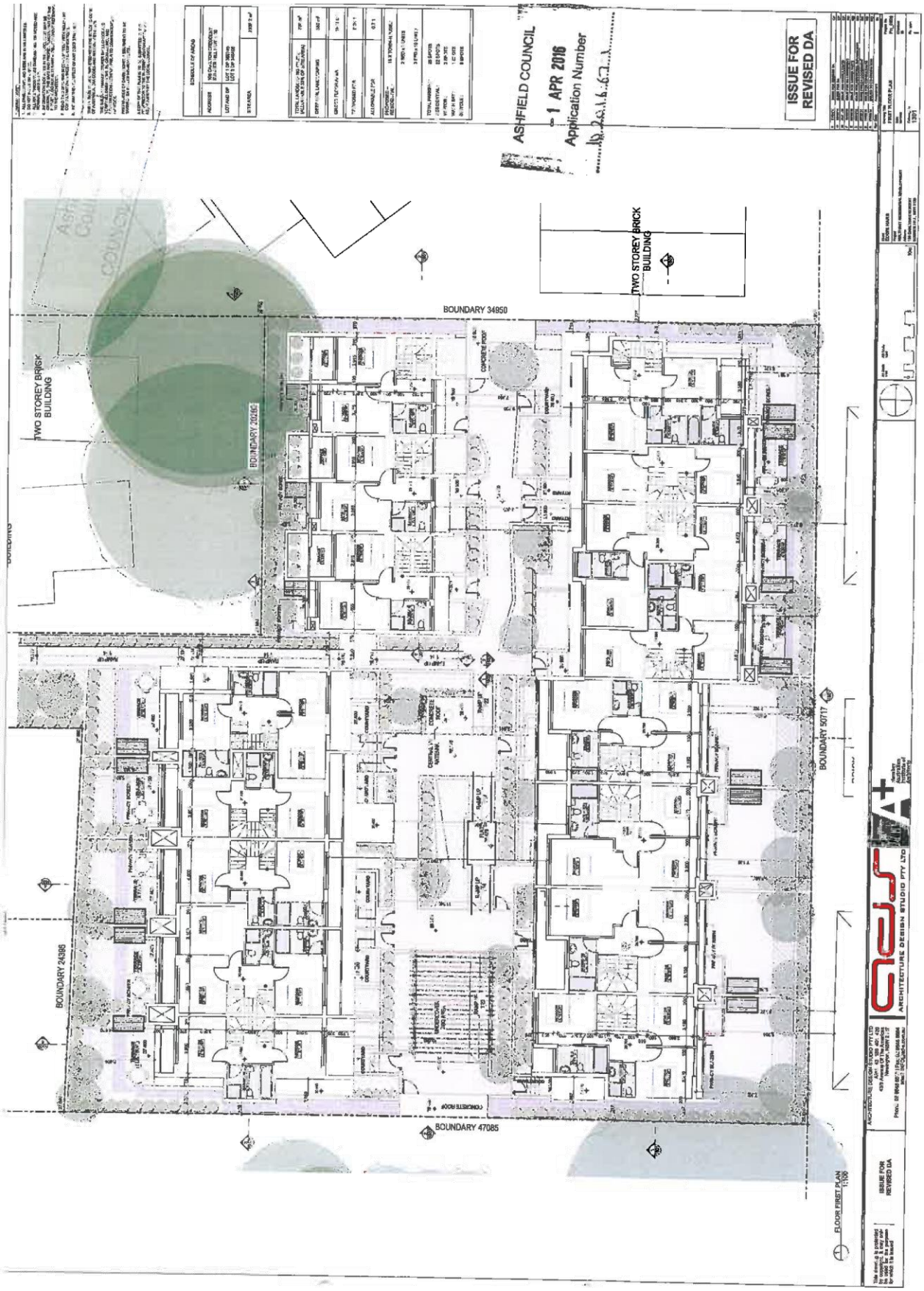

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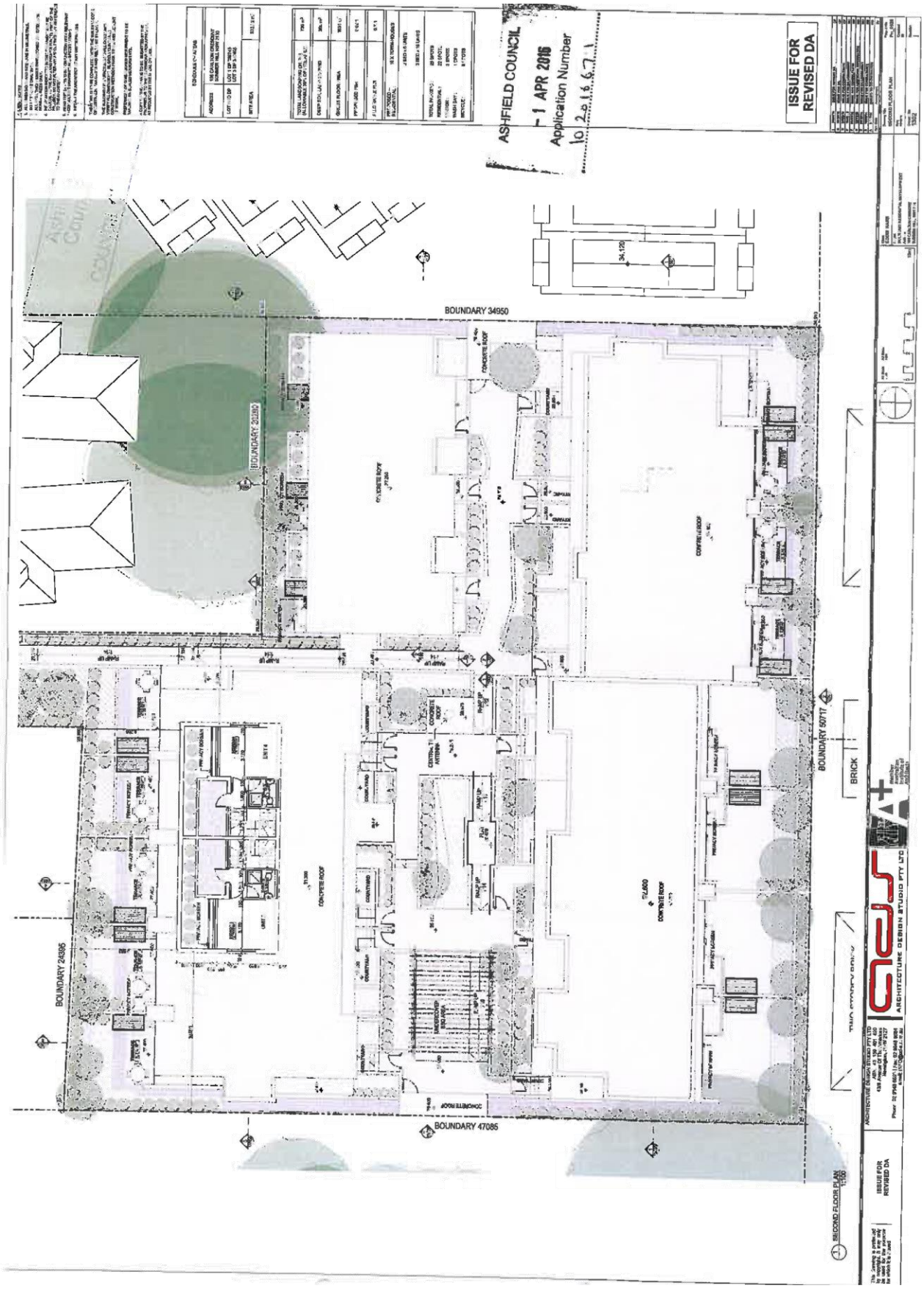

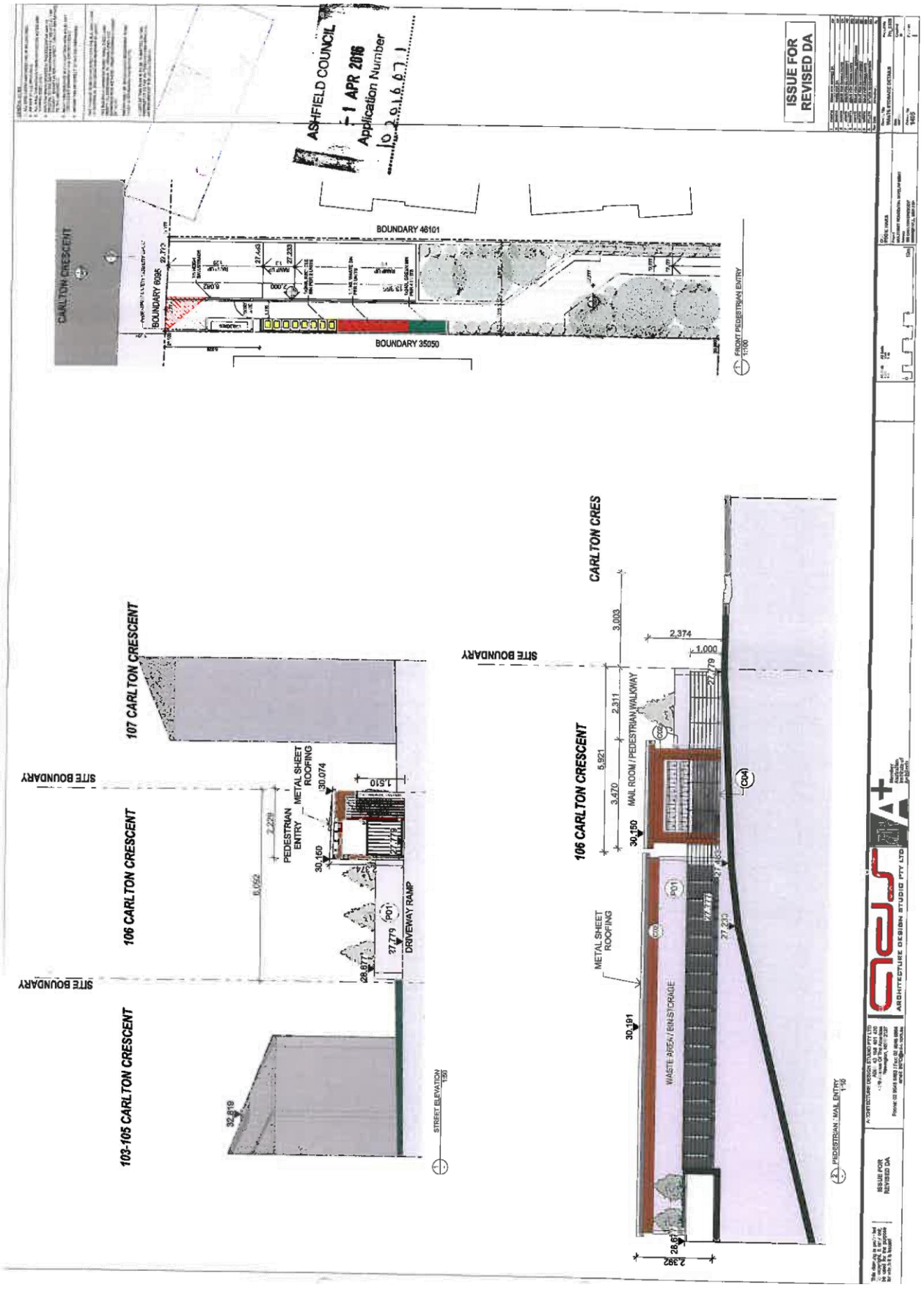

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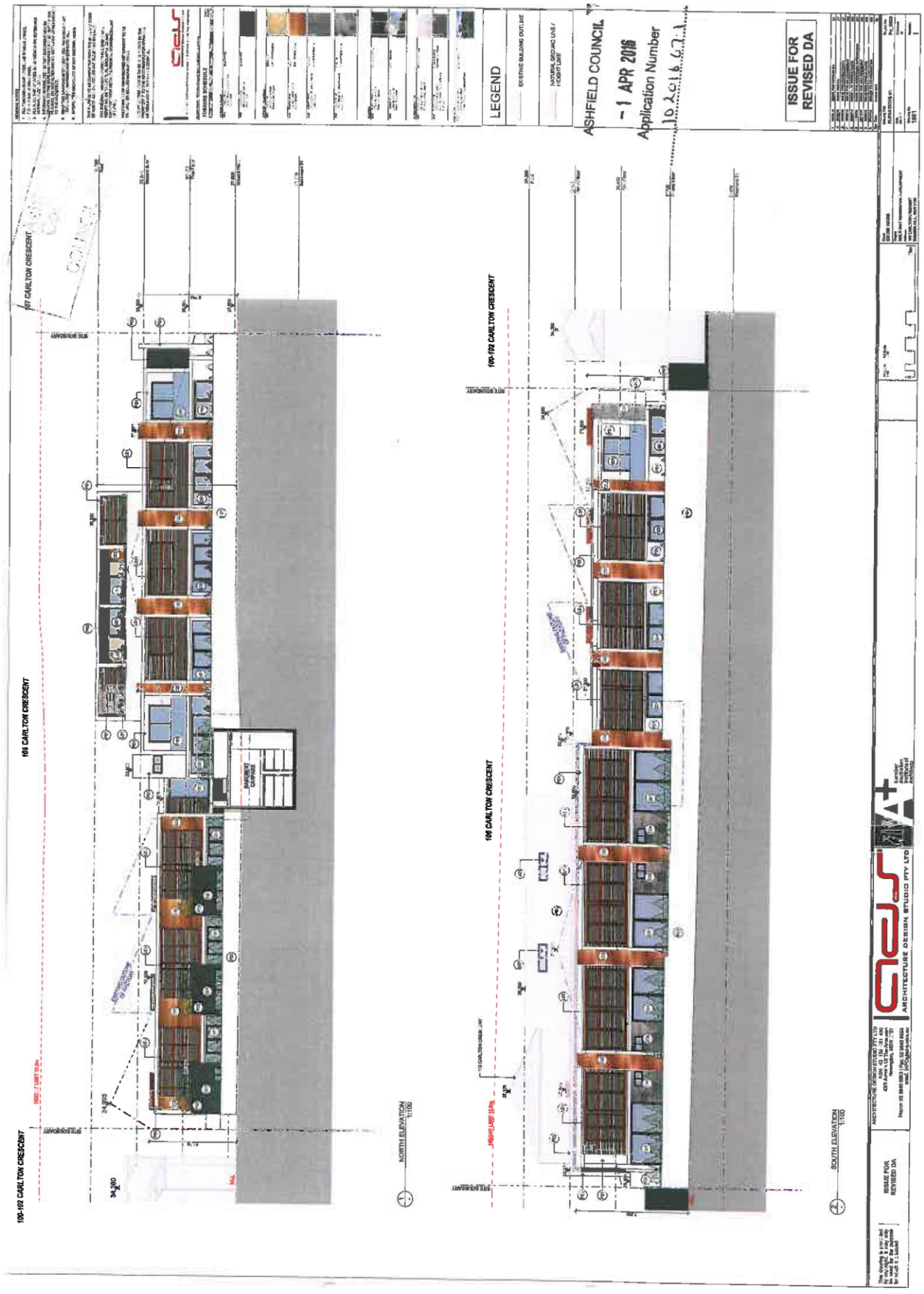

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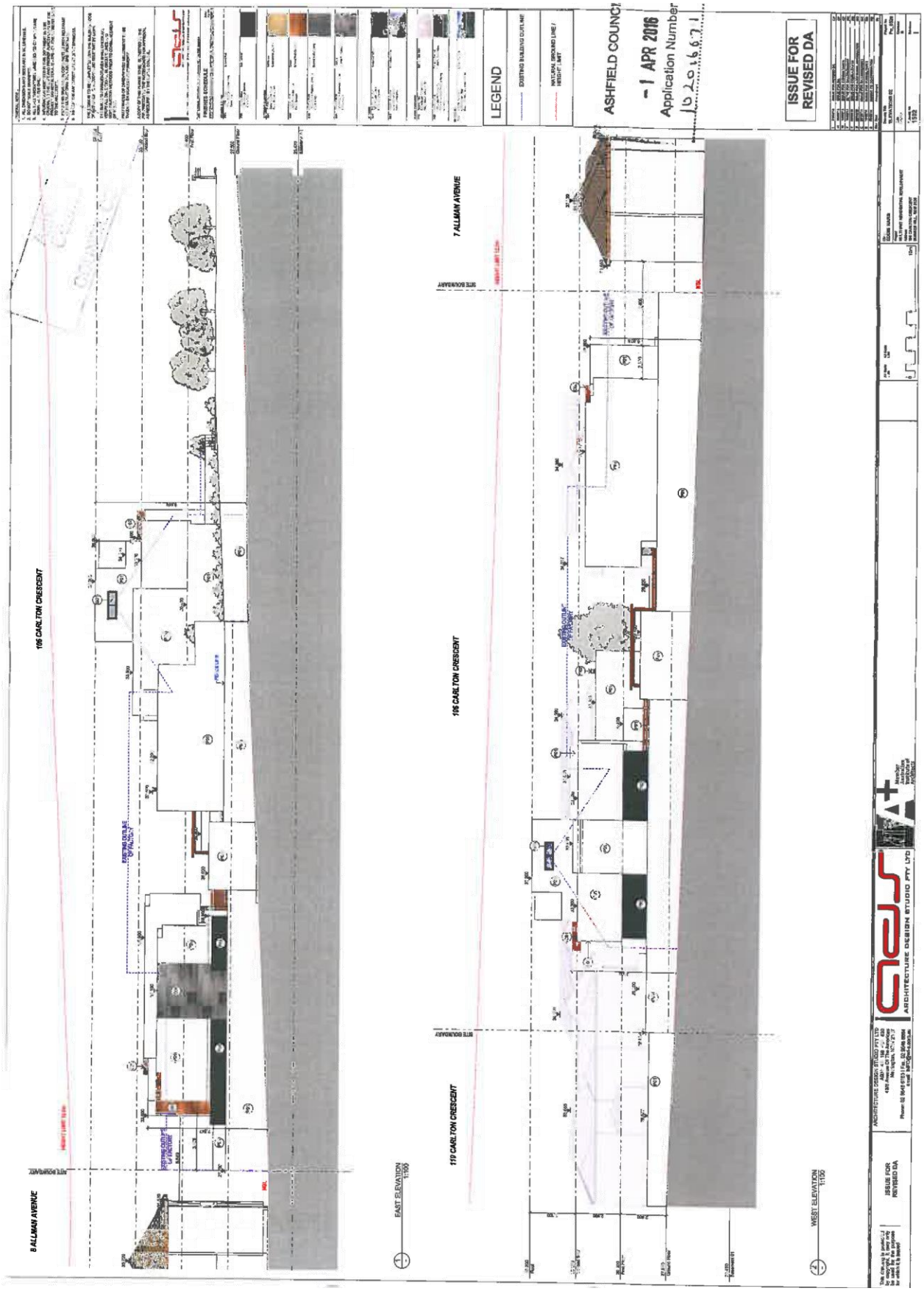

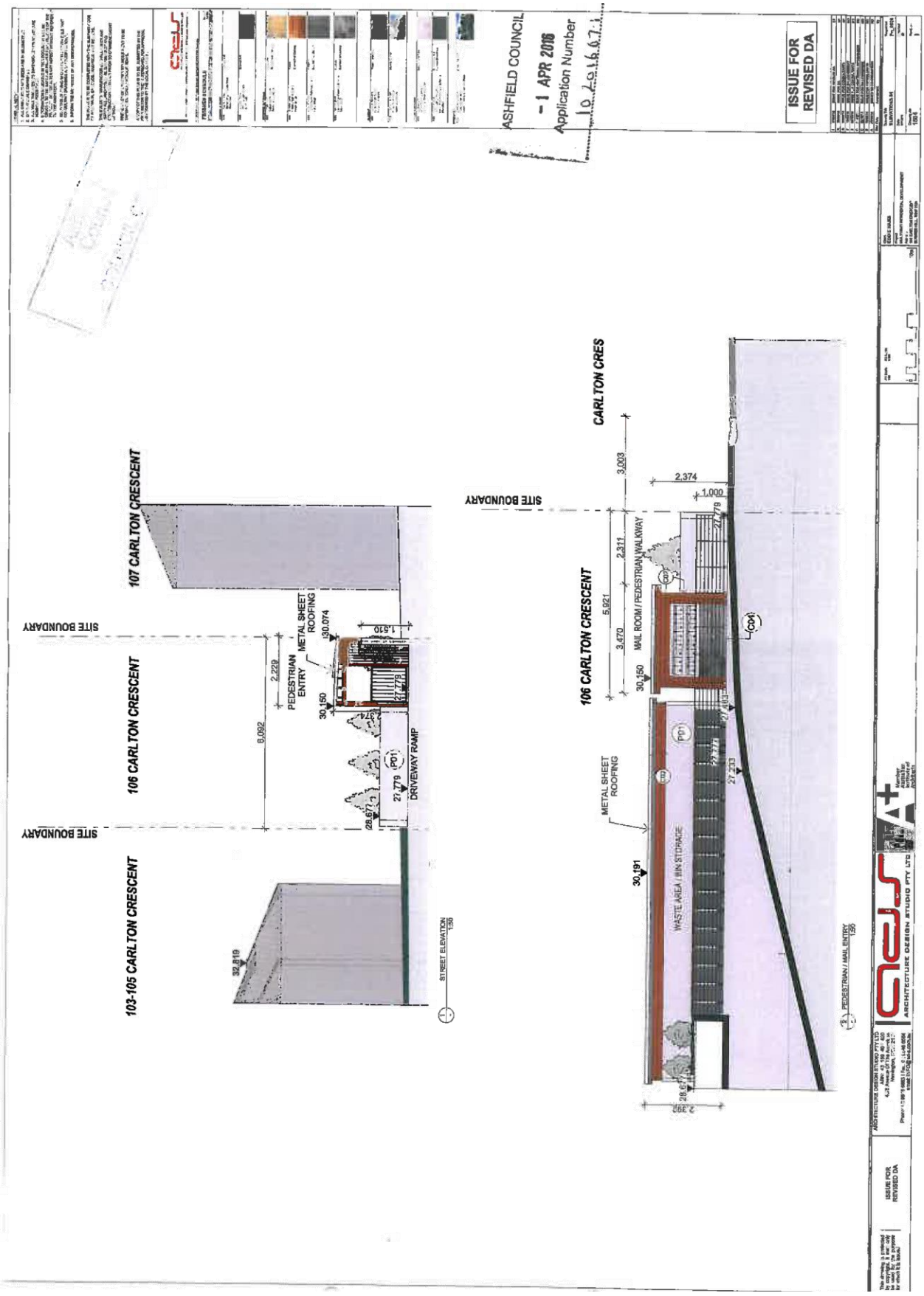

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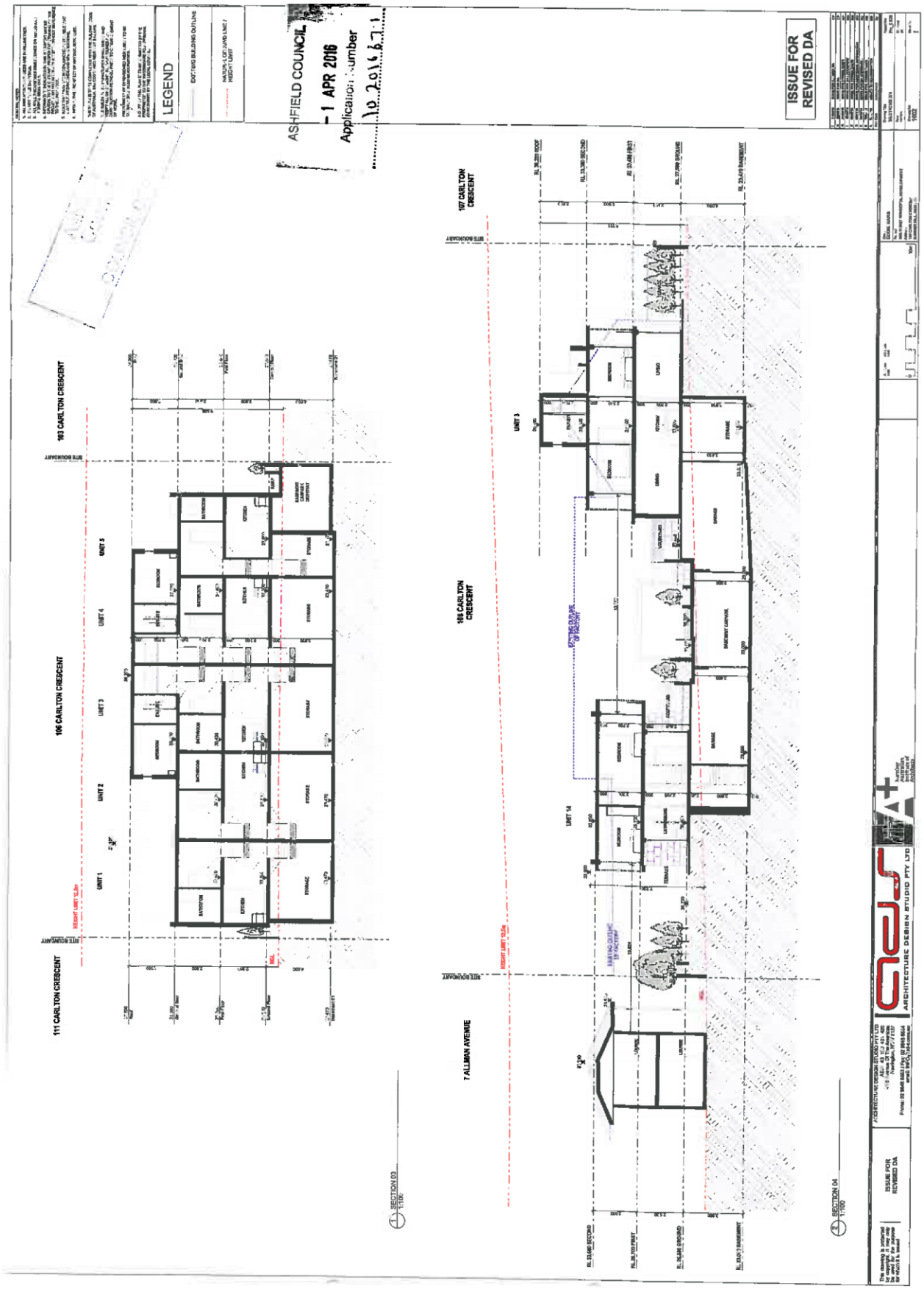

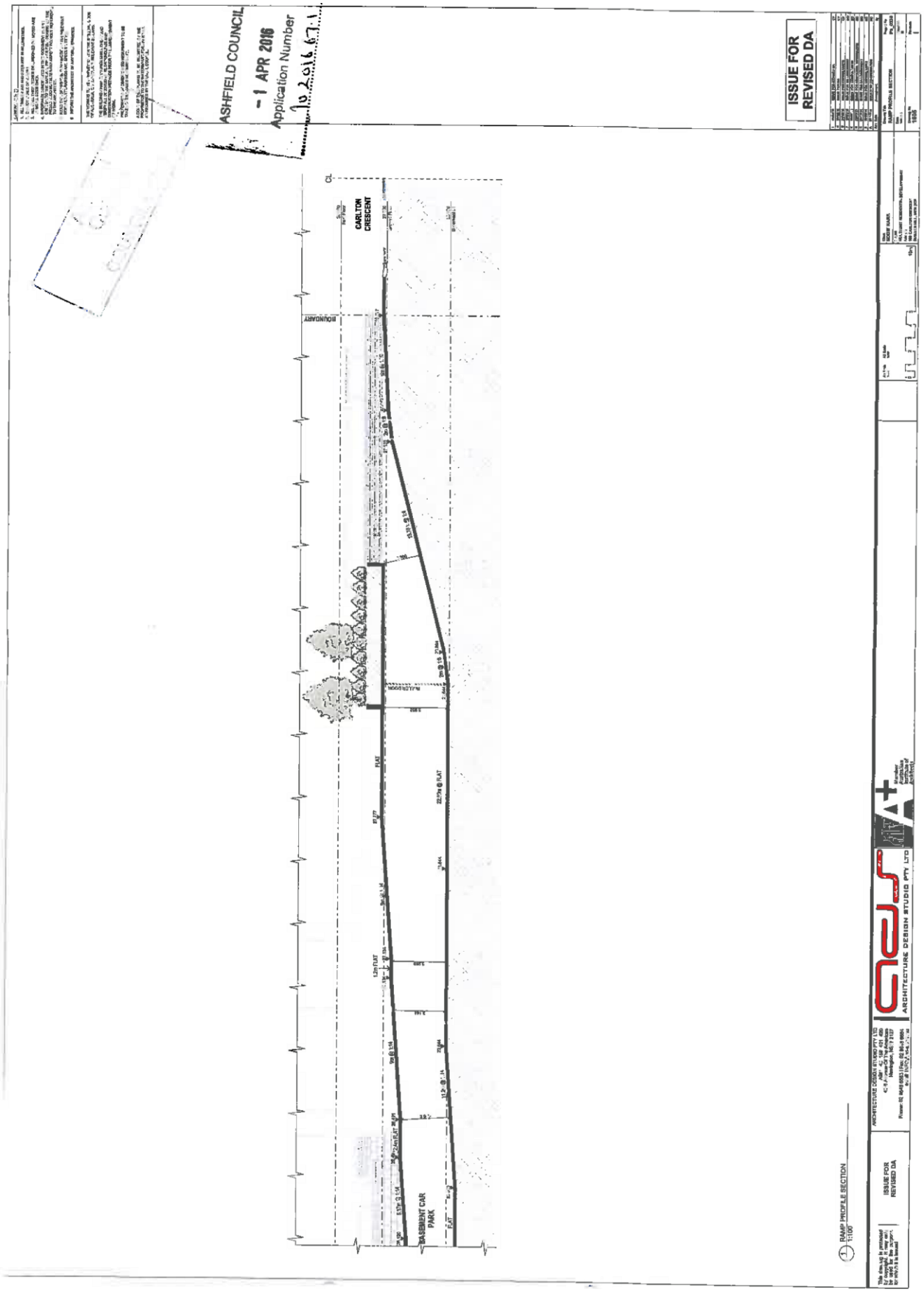

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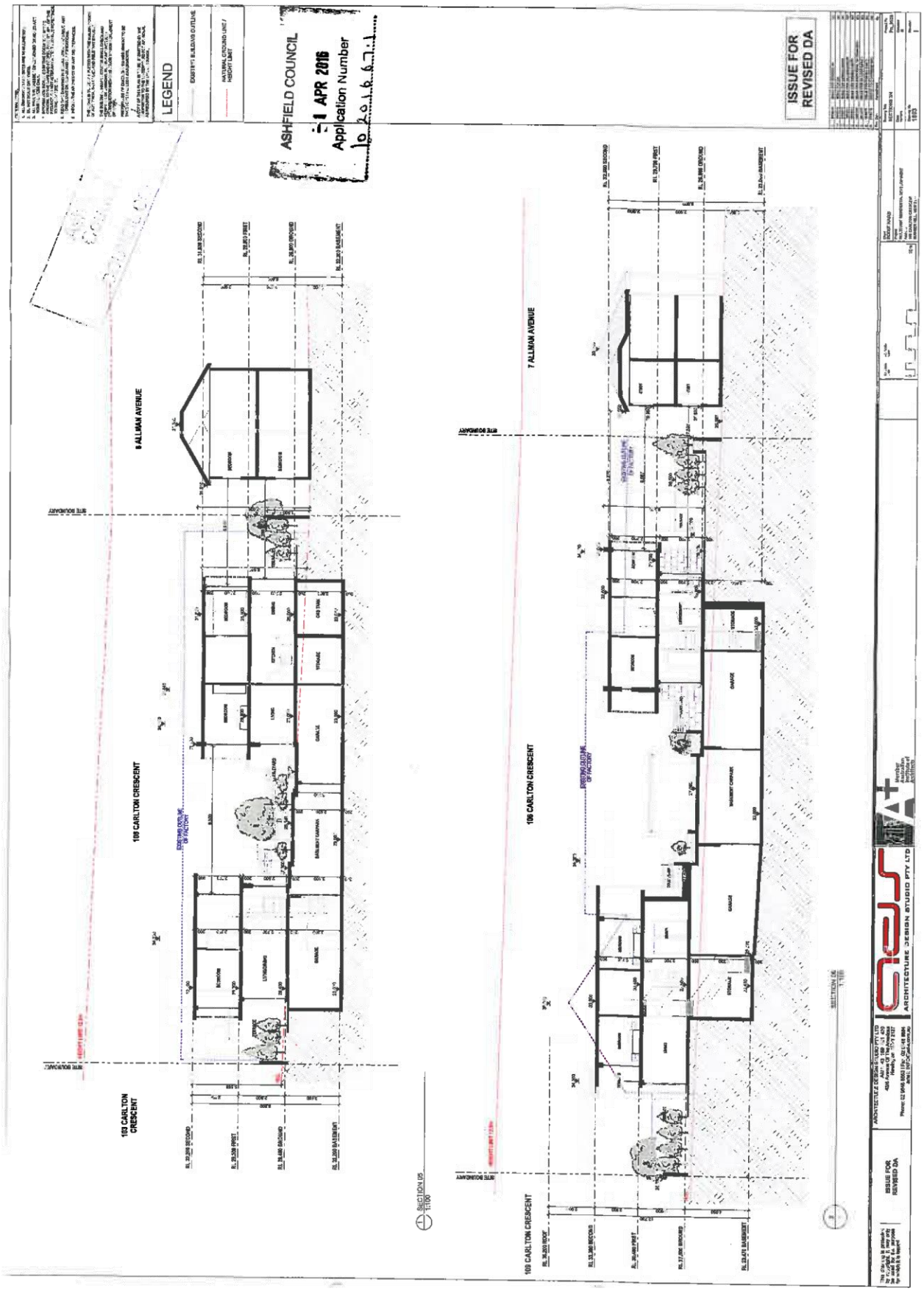



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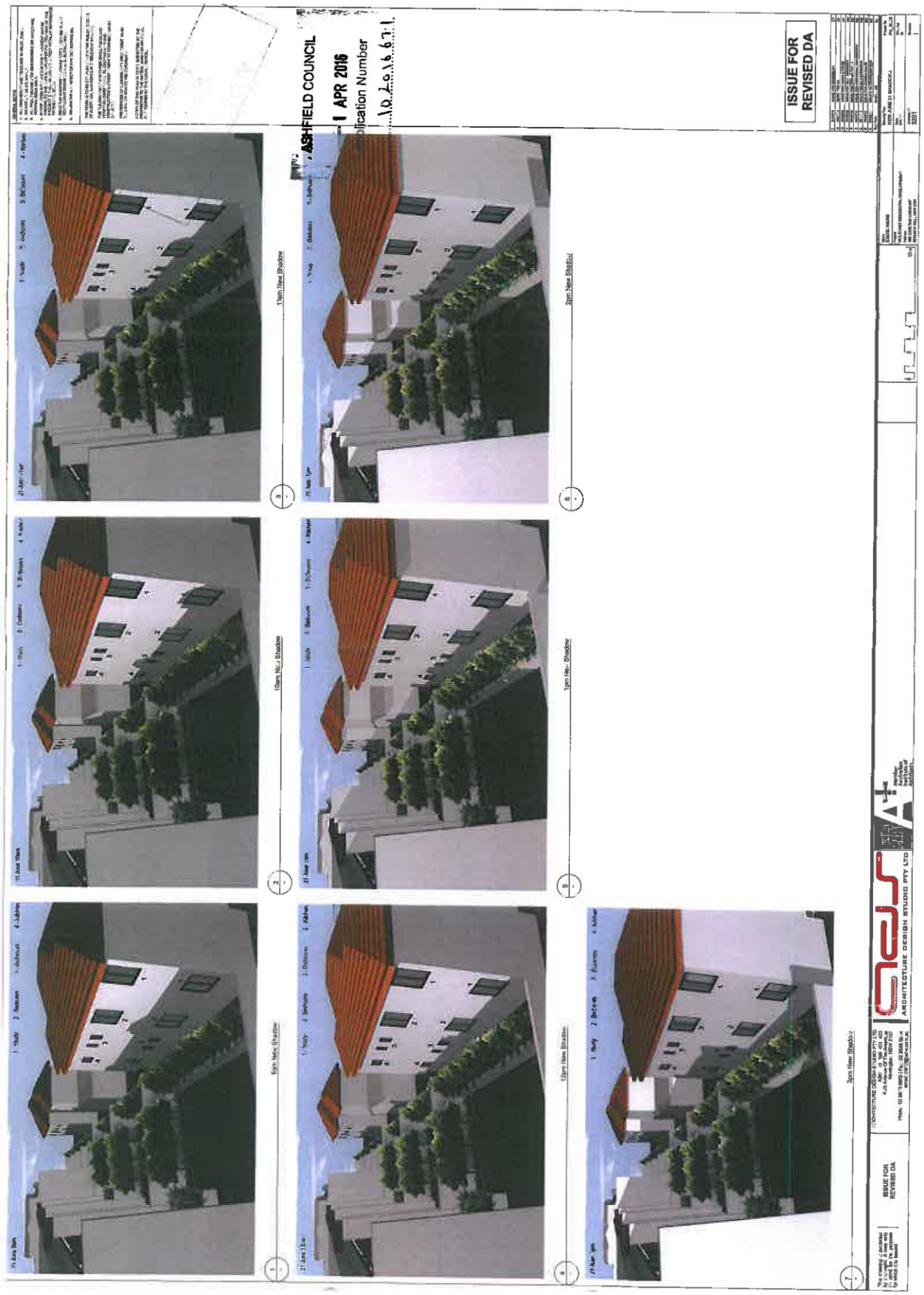



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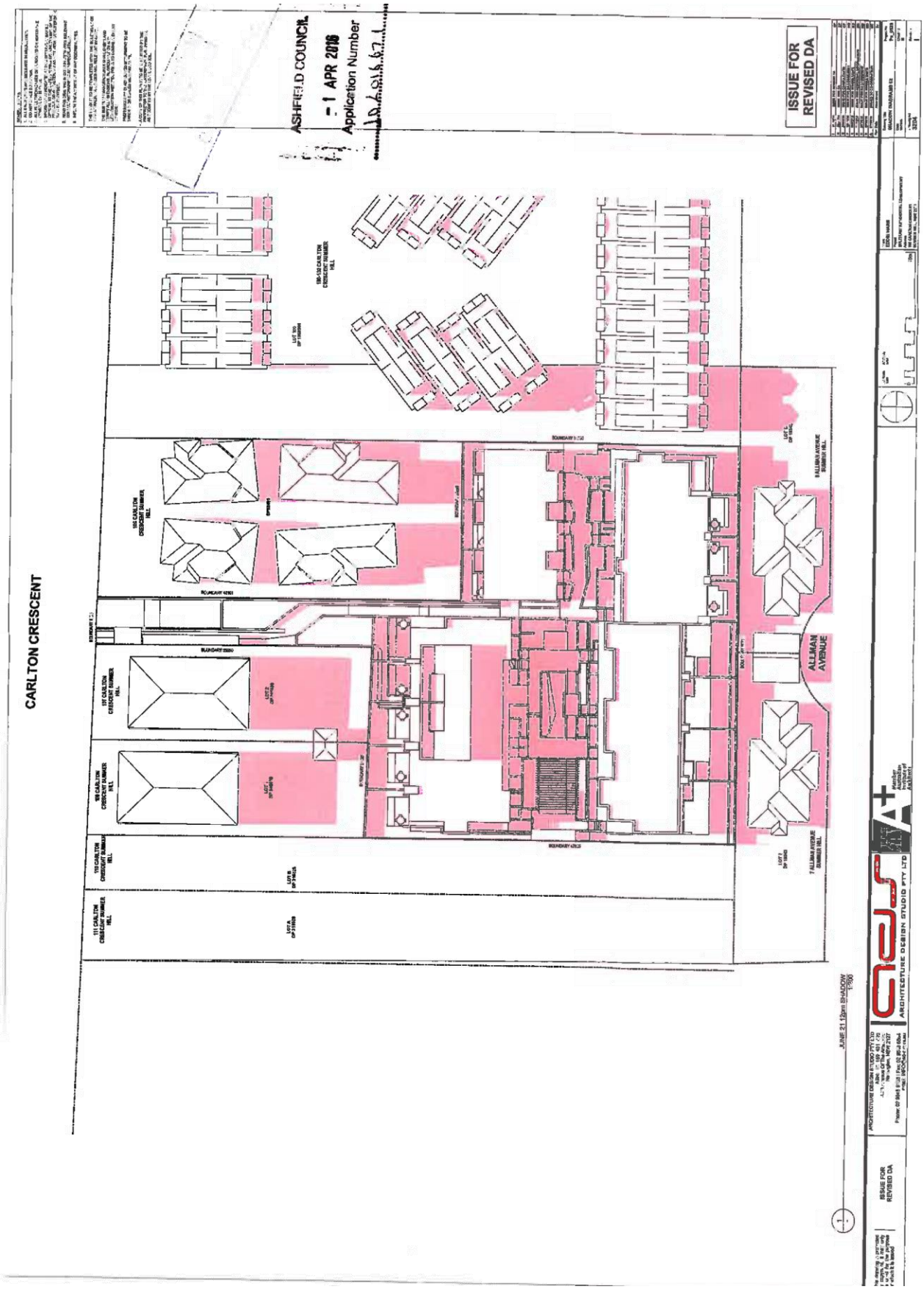

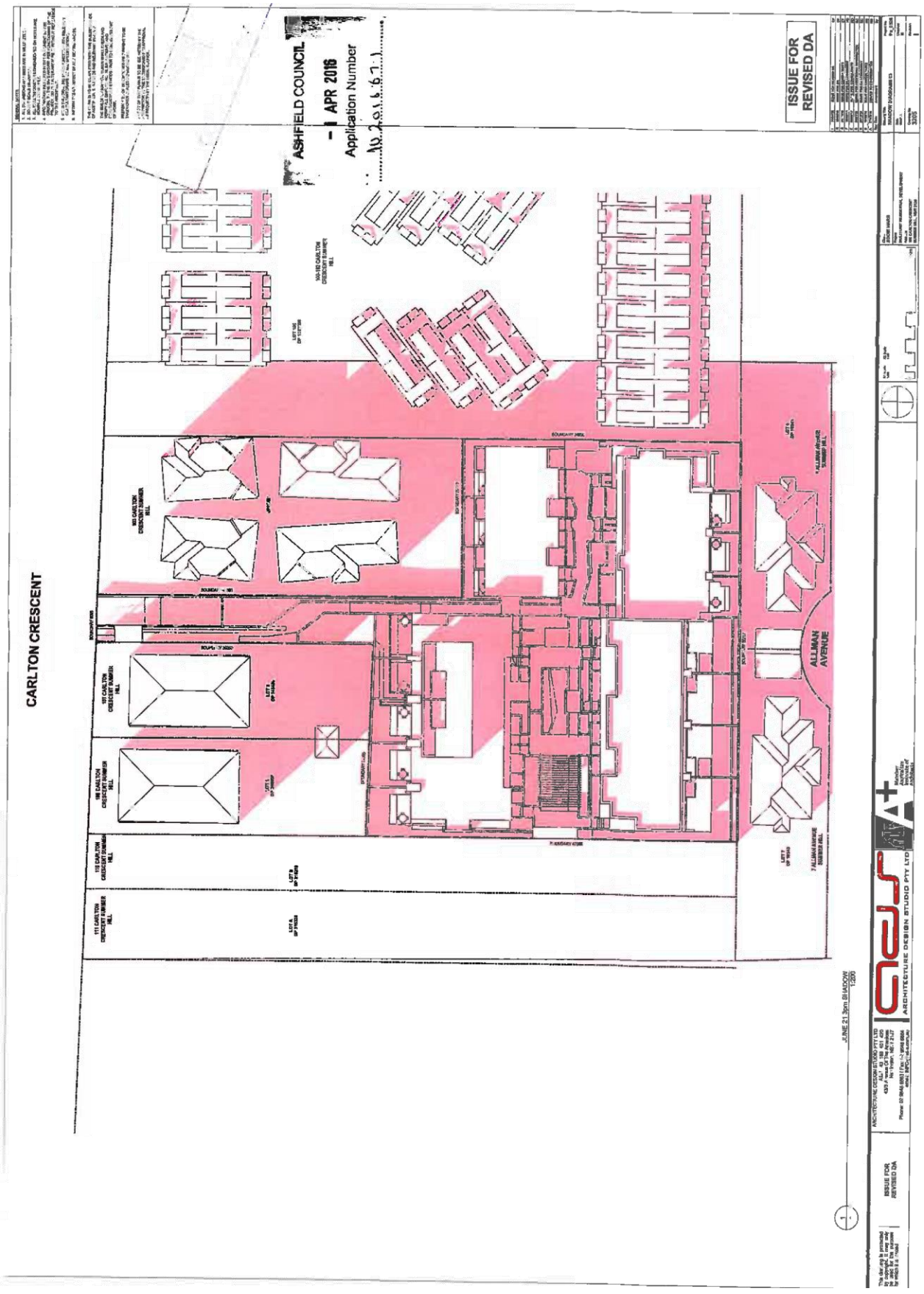

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The Owners Committee – SP52481
Carlton Court
[redacted]
Summer Hill 2130

Tuesday 19 April 2016

Re: Development Application Number: 10.2016.067 and Privacy concerns

Dear General Manager,

We are writing to you regarding the development application at 106 Carlton Crescent Summer Hill LOT:3 DP: 345408.

The Owners Committee from Carlton Court continues to identify the following issues of concern. The same issues were raised and brought to the developer's attention last year. However, it does not appear that the developer has considered all our concerns. Some of our major concerns have not been addressed in the current development application.

We are very concerned about the removal of the wall which separates 106 Carlton Crescent and unit 3 and unit 4 of our property. This wall currently serves as a backdrop for the backyards of unit 3 and unit 4. The wall has no windows, which means the privacy of our properties is well preserved. We would like to strongly request that the wall remains there, separating 106 Carlton Crescent from us to maintain our current privacy and lifestyle. The current development application does not appear to have taken this aspect into sufficient consideration. We have not been able to identify any information relating to the height and proximity of a boundary wall between 106 Carlton Crescent and the backyards of unit 3 and unit 4 on our property. It is extremely worrying that the developer does not appear to have given due consideration to the development's effect on our privacy and its long term impacts on our quality of living in the area as existing residents. We would like to request that the boundary wall between 106 Carlton Crescent and the backyards of unit 3 and unit 4 Carlton Court to be at least 2.5 metres in height from the ground level of 106 Carlton Crescent. In addition, we believe it is important for the developer to address the proximity between the boundary wall of the two properties from the initiation of units facing the backyards of unit 3 and unit 4. This will help us understand whether a clustering effect would be created by the development of units facing our backyards and whether our privacy can be maintained with the increased density.

Both unit 3 and unit 4 have spent years working on the landscaping of their backyards; unit 3 has a deck with lighting next to the current boundary wall and unit 4 has built a BBQ there. The development and demolition process would undoubtedly mean some changes or adjustments have to be made to accommodate the development. We would like to seek your support and assistance in understanding what compensation may be available to us should these adjustments occur, and in the cases of damages made by the development to our plants growing next to the current boundary wall.

I, Helen Wang from [redacted] Summer Hill have written this letter on behalf of the Owner's Committee at Carlton Court. Please feel free to contact me on [redacted] to discuss any of these matters further.

We appreciate your consideration of the raised issues and your support.

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We look forward to hearing from you.

Best Regards,
The Owner's Committee – SP52481



Signed:

Jing (Helen) Wang

[redacted]

Jose Carreno

[redacted]

Estela Carreno

[redacted]

John Yeoh

[redacted]

Julie Yeoh

Timothy Archer

Filiz Archer

[redacted]

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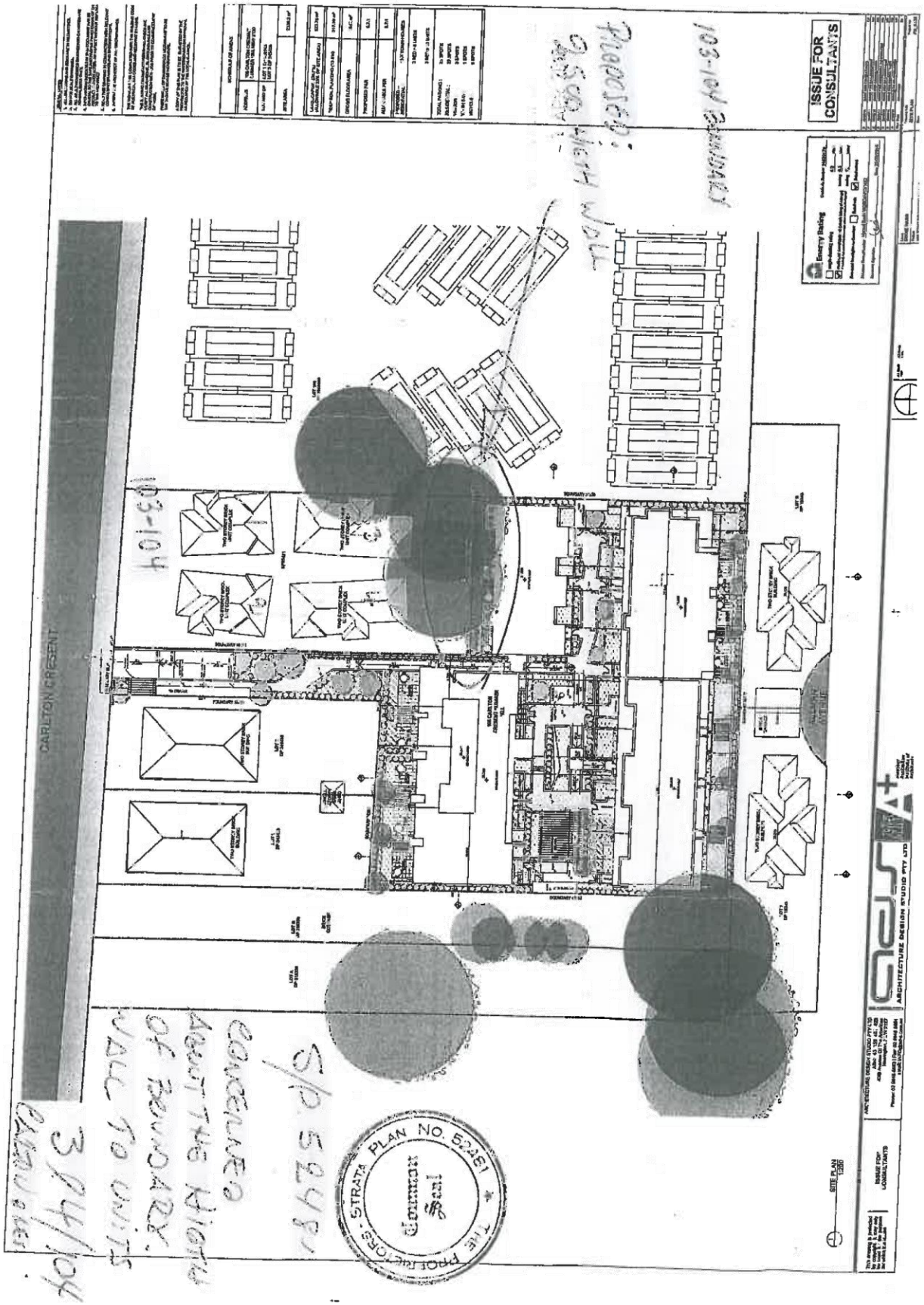

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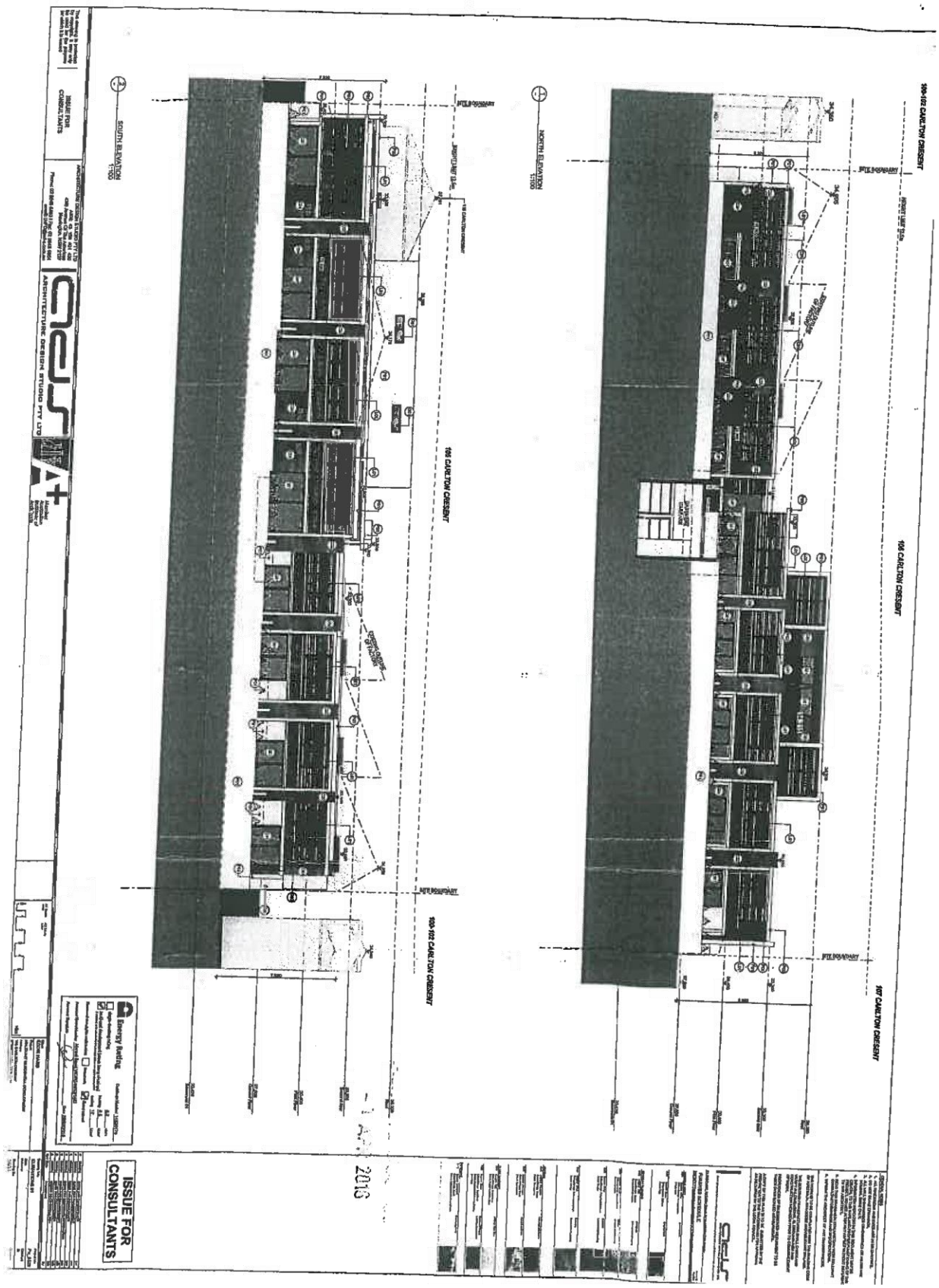

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Ashfield
RECD
26 APR 2016
Customer Service Centre
Municipal Council

Jose Carreno
[redacted]
Summer Hill
2130

ASHFIELD COUNCIL
RECORDS SECTION
SCANNED
DATE 27/4/16

Thursday 19 April 2016

Re: Development Application Number 10.2016.067

To the General Manager,

I am writing to you regarding Development Application Number 10.2016.067 at the site formerly occupied by Anglicare at 106 Carlton Crescent Summer Hill.

On behalf of the Owners Committee – SP52481 at the adjoining Carlton Court, I would like to express our gratification and appreciation for the modifications to the original plans that were requested by the council. We are much happier with the revised plans for the development and feel much more confident about it proceeding.

However, I do seek a few, minor assurances regarding my property, [redacted]. My wife and I have lived here for twenty years, since the property was originally built and in that time we have gone to great efforts and expense in nurturing our back garden, with which we feel great pride and attachment. It is a beautiful space and is in a sentimental sense, is the heart of our property.

We would like assurances that our garden and the privacy it provides us will be preserved in its current form. We politely request that all the trees within the boundary of our property are maintained and untouched by the construction of the proposed development next door. We understand that a concrete barbecue on the side fence *may* need to be moved, but request that we will be compensated for this inconvenience.

Furthermore, we have noticed that the current plans include a boundary wall of 1.8 metres in length from the ground level on the proposed site and we would very much appreciate if it could be higher, at least 2.5 metres in length.

I would again like to express my gratification for the revised plans, and would appreciate it if I could get assurances on the matters listed above. I can provide photos of the relevant garden area and trees concerned if required.

Please feel free to contact me on [redacted] to discuss any of these matters further. I look forward to hearing from you.

[redacted]

Jose Carreno

Attachment 3

[redacted]

From: S [redacted]
Sent: Tuesday, 19 April 2016 6:59 PM
To: Ashfield Council/Ashfield/AU
Subject: Concern over DA#10.2016.067

Dear Sir/Madam,

I am writing to *express concern* over Development Application # 10.2016.067 (106 Carlton Crescent, 2130, Lot 3, DP 345408).

My main concerns relate to:

1. Over-development of Summer Hill (SH) with projects already happening at:
    - The Flour Mill - 300 apartments upon completion;
    - Luna Apartments (Old Canterbury Road) - 298 apartments upon completion;
    - Buckle Factory - 28 new dwellings;
2. Loss of the small community/village vibe that has made SH so popular and treasured by residents;
3. Through traffic - increased significantly along SH's arterial roads specifically at Prospect Rd/Carlton Cres and Longport St/Old Canterbury Rd junctions. Another development will only exacerbate the situation.
4. Local traffic - the proposed development with basement carpark will add more cars to local streets. With no plans to adapt traffic control this will only increase congestion alongside the above list of developments.
5. Strain on local infrastructure and amenities - there are no new parks or schools being erected, nor additional peak trains scheduled. More development will continue to stretch SH to breaking point.

I would ask that the above stated proposal be rejected.

Best,
Stanley Ho
[redacted]Summer Hill
[redacted]

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[redacted]

From: Katherine Tong [redacted]
Sent: Monday, 2 May 2016 9:39 AM
To: info@ashfield.nsw.gov.au
Cc: [redacted] Katherine Tong
Subject: Submission of Issues & Concerns in relation to the Development Proposal of 106 Carlton Crescent Summer Hill

Dear General Manager of Ashfield Council,

We are the new owner of [redacted] and will be directly impacted by the development proposal.

We were not aware of the property development proposal when we signed the contract to buy the property. The decision to buy the property would be different if we knew that the site (106 Carlton Crescent) was going to be developed into 16 apartments / townhouses which obviously, would significantly increase the number of households; have a negative impact on the environment, the outlook and more importantly, the level of privacy.

We have a number of issues and concerns which we would like to be considered and addressed by the Council in relation to the development.

1. The number of households next to us will increase significantly. We currently just live next to one property at 106 Carlton Crescent, it will multiply 16 times into 16 properties with 8 immediately next to us, separated just by the fence. This will certainly increase the level of noise and privacy issue - during and post construction. This will also increase the burden on drainage, water flow and other environmental impacts. As we have a main sewer drainage under our property, we would like to ensure that the new development site / buildings have new sewage drainage which are not connected to the sewer drainage under our property as this will significantly increase the load, chance of blockage and requirement for maintenance. We would like the council to consider if the plan could be modified to reduce the number of new dwellings. The current proposal increases our direct neighbour to 4 plus another 4 next to No. 8 Allman Avenue. Could this number of new dwellings adjoining us be reduced to 2 instead of 4?

2, The construction of 16 2 & 3 storey building and the infrastructure in the development plan will cause disturbance and invariably increase the burden on the land. We have concern that this might affect the structure of our property if the soil of the land slide or become unstable or sink due to the construction. We have seen incidents of finding cracks in the wall of the neighbour properties or land movements after the construction of some new apartments. We would like the council to incorporate appropriate measures in the development plan to ensure that this will not happen and if this happens, the developer will take full responsible to fix the damages and compensate the owners of the impacted properties. In order to pinpoint the cause of the impacts, we suggest that an engineer report (paid by the developer) be done on adjoining properties so that conditions before the construction can be recorded. Each of the property owners should receive a copy for their record.

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3. The height of proposed buildings next to us appear to be higher than existing warehouse. We believe the height of the proposed buildings should not be higher than the existing building to preserve the outlook, the impact of sunlight and our privacy.

4. It has been mentioned in one of the developer's letter to the council that the distance between our property to the new townhouses will be 10 meters. We do not seem to find this level of separation from the architecture diagram. Even with 10 meters, it will not be able to preserve our existing level of privacy. We would like to ensure that there is adequate distance between our property and the next door buildings.

5. The proposed plan will grow trees/hedges along the fence as a means to increase the privacy. We have concern that the trees/hedges will grow out over time and would start to increase shadowing and block the natural light of our property. We would like to ensure the species of the trees/hedges are just small trees for hedging and they allow ongoing cutting and pruning with maximum height that would not exceed 2 meters. We have this concern as once the plan is approved and the townhouses are built, the trees along the fence will grow and this would become a neighbourhood issue that we have to deal with. If we can incorporate in the development plan that the species of the hedging/trees are with maximum height of 2 meters, we would not need to worry about trees being outgrown and issue of overshadowing and blocking of natural light by the trees.

6. The proposed plan mentioned that plan has been revised to remove the building of balconies on all south facing townhouses (i.e. the townhouses next to us [redacted] In one of the pictures, it then shows a man, standing at the window from an "outside" structure in a bedroom. We would like to ensure that there is no balconies or outside structure from the dwellings facing our properties.

7 We have concern that the bedrooms of the proposed townhouses directly facing our properties appear to have full length sliding windows. We would like to ensure our privacy is protected by either converting the bedroom windows to smaller sizes or achieve privacy protection by some other measures. The windows from the bedrooms are directly facing and overlooking us (i.e. our kitchens, bathrooms, bedrooms and garden)

8. We would like to ensure that as part of the development, the fence between our property and 106 Carlton Crescent will be built and fully maintained at no cost to us by the new development proposal and subsequently, by the strata corporate of 106 Carlton Crescent. We would not need to share the cost of any future maintenance of the fence.

9. In order to preserve the outlook of the properties from Allman Ave, the colour and design of the new dwellings at 106 Carlton Crescent should be conservative and be able to blend in with the environment.

10. It is not clear if the lawn between the proposed dwellings and our property [redacted] and next doo [redacted] are common areas or private garden. We would like some clarifications of the usage and ownership of the lawn as this will affect the responsibility of the maintenance of both the lawn and the hedging trees. We believe the lawn and trees will be better and regularly maintained if they belong to common property.

11. There is no information about when the demolition and construction will start and how long it will take to complete. However, we believe that the demolition and construction will definitely create a lot of noises and different types

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of pollution to the environment. All of this will cause a lot of interruption and impacts to the daily life of the residents nearby. In order to minimise the impacts, we would like the Council to consider restricting the demolition and construction activities be conducted during normal working hours and on workdays (Monday - Friday) only. There should be no work / activities on Saturdays, Sundays and public holidays. As the existing brick wall of the warehouse is so close to our property, we would like to ensure that the site are fully enclosed and secured before the wall is demolished to avoid any debris and damage to our property.

Given below please find our contact details:

Name: Katherine Tong

[redacted]

Please do not hesitate to contact me if you have any questions to the above.

Regards,

Katherine Tong & Thomas Ng

Attachment 3

CONDITIONS

DA 2016.67.1
106 Carlton Crescent SUMMER HILL 2130

Description of Work as it is to appear on the determination:

Demolition of existing structures and construction of a two to three storey multi dwelling housing development consisting of 15 dwellings with basement car parking.

PART A

Deferred Commencement conditions to be satisfied prior to activation of consent:

This consent shall not operate until such time as the following additional/revised information is provided to and approved by Council:

(1) Stormwater Drainage:

A stormwater Concept plan including any supporting documentation indicating the required Stormwater storage volume and all pit and pipe levels to obtain gravity fall to Sydney Water's pipe system located on this site. Storages shall not be located in overland flow paths which convey catchment flows through the site, and the depth and location of all services required to be relocated due to the connection into Sydney Water's pipe system shall be indicated on a plan.

(2) Remediation:

A Remediation Action Plan is to be prepared for the site which will ensure that the site is suitable for residential use.

(3) Design of car parking and driveways:

The design of the parking areas and vehicular access is to be modified as follows:

a) The Driveway profile at the boundary line is not in compliance to AS2890.1:2004 section 3.2.2. Vehicles should be made to come off the road and wait and hold aside within the property whilst giving way for an opposing vehicle coming up the ramp. The driveway access off Carlton Crescent has to be designed to AS 2890.1:2004 Section 3.2 and site distance for pedestrians established and designed at driveway to Section 3.2.4. At least the first 6 metres in from the property line is to be designed to a maximum of 1:20 grade.
The full 6.0 metre frontage is to be used for layback and driveway access and pedestrian sight view. This full frontage driveway width shall extend for a distance at least 6 metres in from the boundary line. The ramp access point and side pedestrian access (to the property) and mail box area will need to be set back at least 6 metres in from the boundary line. Vehicles exiting the driveway shall be made to exit at a point at least 2.0 metres away from corner walls if the corners cannot be treated for appropriate pedestrian splay view distances according to Section 3.2.4.
b) Details of appropriate measures to be adopted to warn opposing vehicles approaching up and down the ramp (e.g. traffic lights, signs, mirrors) are to be provided.
c) Visitor parking is of a 'short-term' use class 3 under AS 2890.1:2004 and widths for these spaces shall be made at least 2.6 metres in width. If adjacent to end walls, these spaces will need to be increased at least 300mm for one wall side and 600mm for two wall sides.
d) The shared visitor/wash bay space should be made wider or relocated to an area of sufficient width for persons to effectively move around whilst the vehicle is being washed. The wash bay, being of wet area, is to be screened/walled off and any

adjoining parking space shall be widened a minimum of 300mm on account of the side screen wall.

e) The means of pedestrian and bicycle access to the site are to be addressed in a amended traffic report and shown on the plans.
f) Two bicycle spaces and one motorcycle space are to be provided in the basement and shown on amended plans.

(4) Modifications to the Design:

The design is to be modified as follows:

a) Unit 5: This unit is to be deleted and the resultant space replaced with soft soil planting which is integrated into the communal open space and planted with four canopy trees capable of reaching a mature height of at least 8m.
b) Balconies: All first and second floor balconies are to be deleted except those that face towards the interior of the site.
c) Communal Bathroom: The bathroom shown in the centre of the communal open space is to be deleted and replaced with soft landscaping.
d) Side Setbacks: The side boundary setbacks (ie east and west) are to be increased to a minimum of 1.2m.
e) Street Boundary Setback: The setback of the lych gate structure from Carlton Crescent is to be increased to 4.4m.
f) Disabled Access: All units must provide disabled access compliant with AS1428.1 to their ground floor entry and to a ground floor toilet which is useable by a person in a wheelchair.
g) South Boundary Wall: The south boundary wall is to be a height of 1.6m above the courtyard level of units 9-16.
h) Northern Boundary Wall: The portion of the existing northern boundary wall adjacent to 104 Carlton Crescent is to be retained to a minimum height of 2.5m as measured from the subject site.

The above deferred commencement conditions are to be satisfied within 12 month from the date of determination of this deferred commencement consent. Failure to satisfy those conditions within the specified time frame will cause this consent to lapse despite any other statement on this consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement conditions are to form part of this consent and the correspondence is to be provided to the Principal Certifying Authority with the Construction Certificate as applicable.

PART B

A ***General Conditions***

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Revision	Title	Prepared by	Amendment Date
0000	TBA	Cover Sheet	Architecture Design Studio Pty Ltd	TBA
0301	TBA	Demolition Plan	Architecture Design Studio Pty Ltd	TBA
1001	TBA	Site Plan	Architecture Design Studio Pty Ltd	TBA
1101	TBA	Basement Plan	Architecture Design Studio Pty Ltd	TBA
1201	TBA	Ground Floor Plan	Architecture Design Studio Pty Ltd	TBA

1301	TBA	First Floor Plan	Architecture Design Studio Pty Ltd	TBA
1302	TBA	Second Floor Plan	Architecture Design Studio Pty Ltd	TBA
1401	TBA	Roof Plan	Architecture Design Studio Pty Ltd	TBA
1405	TBA	Waste Storage Details	Architecture Design Studio Pty Ltd	TBA
1501	TBA	Elevations 01	Architecture Design Studio Pty Ltd	TBA
1502	TBA	Elevations 02	Architecture Design Studio Pty Ltd	TBA
1503	TBA	Elevations 03	Architecture Design Studio Pty Ltd	TBA
1504	TBA	Elevations 04	Architecture Design Studio Pty Ltd	TBA
1601	TBA	Sections 1/4	Architecture Design Studio Pty Ltd	TBA
1602	TBA	Sections 2/4	Architecture Design Studio Pty Ltd	TBA
1603	TBA	Sections 3/4	Architecture Design Studio Pty Ltd	TBA
1604	TBA	Sections 4/4	Architecture Design Studio Pty Ltd	TBA
1605	TBA	Ramp Section	Architecture Design Studio Pty Ltd	TBA
3101	TBA	Accessible Unit Configuration	Architecture Design Studio Pty Ltd	TBA
TBA	TBA	Schedule of Materials and Finishes	Architecture Design Studio Pty Ltd	TBA
1517-1/5	TBA	Stormwater Drainage/Sediment Control Details: Basement Drainage Plan	John Romanous & Associates Pty Ltd	TBA
1517-2/5	TBA	Stormwater Drainage/Sediment Control Details: Ground Floor Drainage Plan	John Romanous & Associates Pty Ltd	TBA
1517-3/5	TBA	Stormwater Drainage/Sediment Control Details: First Floor Drainage Plan	John Romanous & Associates Pty Ltd	TBA
1517-4/5	TBA	Stormwater Drainage/Sediment Control Details: Second Floor/Roof Drainage Plan	John Romanous & Associates Pty Ltd	TBA
1517-5/5	TBA	Stormwater Drainage/Sediment Control Details: Details	John Romanous & Associates Pty Ltd	TBA
000	TBA	Landscape Cover Sheet	Site Image Landscape Architects	TBA
101	TBA	Landscape Plan Ground Floor	Site Image Landscape Architects	TBA
000	TBA	Landscape Plan Level 1 & 2	Site Image Landscape Architects	TBA
000	TBA	Landscape Details	Site Image Landscape Architects	TBA

Notes:
1. The architectural plans take precedence in respect of the built form. Should there be any inconsistency between the built form shown on the architectural and the engineering or landscape plans, the architectural plans take precedence.
2. Drawing amendment numbers and dates will be finalised upon satisfaction of the deferred commencement conditions.

Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

B ***Design Changes***

N/A

C ***Conditions that must be satisfied prior to issuing/releasing a Construction Certificate***

(1) Consolidation of allotments

The following properties are to be consolidated into one: Lot **3**, DP: 345408, Lot 1, DP 359745. A plan of consolidation prepared by a registered surveyor and six (6) paper copies are to be submitted to Council for signature prior to registration at the Land Titles Office (Department of Information and Land Management). Evidence of consolidation from the Land Titles Office shall be submitted to Council or the Principal Certifying Authority prior to the release of a Construction Certificate.

(2) Landscaping plan

(a) Submission of a *Detailed Landscape Plan* at scale 1:100 or 1:200 (prepared by a landscape architect, landscape designer or other suitably qualified person who is eligible for membership of the Australian Institute of Landscape Architecture or the Australian Institute of Landscape Designers and Managers) to the Principal Certifying Authority. The plan should be consistent with the approved development plans including any approved *Landscape Concept Plan* and include -

(b) **Site information –** show existing structures, fencing, neighbouring buildings, existing trees and rock outcrops, man-made structures.

(c) **Landscape Design -** proposed landscaping, surface levels, external/internal dimensions, retaining walls, driveways/pathways, screen planting, pools and features, lawn areas, soil depth on suspended concrete slabs etc.

(d) **Planting Schedules -** detail common/ botanic names and quantities.

Note: Ashfield Council encourages the use of indigenous native plants where appropriate.

(e) **Maintenance/Embellishment Strategy -** to ensure plants are successfully established and maintained- show construction work exclusion areas, irrigation details, staking, topsoil, mulch etc.

(f) Landscaping details are to be provided for approval with the Construction Certificate. All site works and landscaping is to be carried out in accordance with the approved plans prior to completion of work and/or occupation of the premises.

Note: Please refer to Council's *development application form submission requirements* for more information.

(3) Section 94 Development Contributions

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

Community Infrastructure Type	Contribution
Local Roads	$6,414.39
Local Public Transport Facilities	$14,496.08
Local Car Parking Facilities	$0.00
Local Open Space and Recreation Facilities	$233,332.59
Local Community Facilities	$12,286.08
Plan Preparation and Administration	$11,582.49
TOTAL	**$278,111.63**

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_C = \frac{\$\ C_P \times CPI_C}{CPI_P}$$

Where:

- **$ C_C** is the amount of the contribution for the current financial quarter
- **$ C_P** is the amount of the original contribution as set out in this development consent
- **CPI_C** is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.
- **CPI_P** is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.
Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

(4) Remediation

a) Unconditional Remediation

The site shall be appropriately remediated to be suitable for the purposes of residential use. The proposed remediation works shall be unconditional and details shall be submitted to Council prior to release of the Construction Certificate.

b) Remedial works

The remedial works recommended in the submitted Remediation Action Plan, shall be completed under the supervision of the consultant who prepared the Remediation Action Plan. Validation reporting from an appropriately qualified person verifying that the site has been fully remediated in accordance with the Remediation Action Plan, must be completed and submitted to Council within 30 days of completion of remediation works.

c) Disposal of site soils

All soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines (2008). Testing is required prior to offsite disposal. All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance in accordance with NSW DECC (2008) Waste Classification

Guidelines. Details of soil excavation, transportation and disposal works must be reported to Council by a suitably qualified consultant. This is to be submitted as part of the validation reporting for the development.

d) Soils to be used on site

Any soil to be reused on site must be tested for contaminants by a suitably qualified consultant. Soils imported onto the subject site for the purpose of backfilling excavation, must be of a standard that is suitable for the receiving site. Documentation indicating the suitability of these soils must be provided to Council as part of the validation reporting for the development.

e) Removal and disposal of storage tanks

Storage tanks removed from the site must be removed and disposed of in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 and Australian Standard 4897- 2008: The design, installation and operation of underground petroleum storage
systems. Documentation will be required in order to demonstrate compliance with the above documents and must be included in the validation reporting as part of the proposal.

f) Validation

Validation reporting from an appropriately qualified person verifying that the site has been fully remediated in accordance with the recommendations of the Remediation Action Plan, must be completed and submitted to Council within 30 days of completion of the remediation works.

(5) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

(6) Construction and Site Management Plan

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

(a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,

(b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,

(c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,

(d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,

(e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway,or
- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

(7) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environment Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

(a) *"Sedimentation and Erosion Control"* - Department of Conservation and Land Management.

(b) "*Soil and Water Management for Urban Development"* - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer
Environment Protection Authority
Inner Sydney Region
Locked Bag 1502
BANKSTOWN NSW 2200

(8) *Home Building Act 1989* Insurance

Compliance with Part 6 of *Home Building Act 1989* is required. A copy of either the Builders Home Warranty Insurance OR a copy of the Owner-Builder Permit shall be submitted to Council.

(9) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of $25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(10) Access and services for people with a disability – flats/mixed development

Detailed plans drawn to the scale of 1:50 shall be submitted detailing compliance with the requirements of AS4299 and AS 1428 Part 1 and the provisions of Ashfield Development Control Plan for Access and Mobility (tel. 9716 1800 for a free copy) prior to the issue of a Construction Certificate, showing a minimum of adaptable and accessible units within the development and details of complying levels, ramp slopes, door widths, circulation spaces within the development as follows.

(11) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of $7,400 is to be submitted prior to any of the following:

- commencement of works or
- demolition or
- excavation upon the site or
- the release of the **Construction Certificate**

whichever may come first, covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an **original with no end date** and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

(12) Footpath/laneway- photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

(13) Design and construction of car parking area

The car park layout is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking" as well as AS2890.6 -2009 Parking Facilities - Off-street parking for people with disabilities.

(14) Services adjustment or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development

(15) Direct discharge into Sydney Water pipe network needs approval of Sydney Water

As it is proposed to discharge stormwater directly into a drainage system under the control of Sydney Water, Documentary evidence from Sydney Water confirming that it has no objection to the proposed method of discharge and that all their requirements have been satisfied shall be submitted to Council.

(16) Pumpout system specifications

A pumpout system may be permitted to discharge small volumes of stormwater from the basement car parking area. Full details of the pump size, capacity, performance curves, friction losses etc from the manufacturer's specifications must be submitted with the stormwater drainage calculations demonstrating that the pump will function in accordance with the manufacturer's specifications for the required volume of stormwater at the subject total head. Minimum pump capacity allowable is for a 5 minute 1 in 20 ARI storm.

The drainage sump storage area for the pump shall be a bunded area able to cater for a 1 hour 1 in 20 ARI storm to minimise flooding in the event of a power blackout during a storm.

A dual pumpout arrangement will be necessary, these pumps will be required to be connected in parallel and alternate automatically, with each pump being capable of emptying the holding tank or holding area at the permissible site discharge rate. (All pumps must be Class 1 Zone 2, if the pumps are located within a building (i.e. in the basement).

The stormwater volumes discharged from the pumpouts are to be included in the permissible amount of stormwater discharged from the site as stated in other relevant conditions.

(17) Stormwater disposal-calculations

(a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council's Stormwater Management Code** and submitted to, and approved by, Council or Certifier prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

(i) Roof areas.
(ii) Paved areas.
(iii) Grassed areas.
(iv) Garden areas.
(v) The percentages of Pre-development and Post-development impervious areas

(b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%.).

(c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan

(d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.

(e) All garbage and waste areas must drain to the sewer and not the stormwater system.

(18) Stormwater detention storage facility

(a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council or Certifier prior to the release of the Construction Certificate.

(b) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:

- where the storage and silt arrestor pits are located
- which parts of the system need to be accessed for cleaning and how access is obtained

- description of any equipment needed (such as keys and lifting devices) and where they can be obtained
- the location of screens and how they can be removed for cleaning
- who should do the maintenance (i.e. commercial cleaning company)
- how often should it be done

The abovementioned maintenance schedule is to be submitted to and approved by Inner West Council prior to the release of the Occupation Certificate.

(19) Flood levels for Finished Floor Levels (FFL)

The Finished Floor Levels (FFL) of all rooms shall be a minimum of 500mm above the 1:100 ARI flood level. As such the following shall apply:

- Finished Floor Level of 27.5 mAHD for Units 1 to 5 at the north-western part of the property (1% AEP Level of 27.0 mAHD plus 0.5 m freeboard as per Council Development Control 2.0)
- Finished Floor Level of 26.4 mAHD for Units 6 to 8 at the north-eastern part of the property (1% AEP Level of 25.9 mAHD plus 0.5 m freeboard as per Council Development Control 2.0)
- Finished Floor Level of 26.0 mAHD for Units 9 to 12 at the south-eastern part of the property (1% AEP Level of 25.5 mAHD plus 0.5 m freeboard as per Council Development Control 2.0)
- Finished Floor Level of 26.8 mAHD for Units 13 to 17 at the south-western part of the property (1% AEP Level of 26.3 mAHD plus 0.5 m freeboard as per Council Development Control 2.0)
- Finished Floor Level of 27.2 mAHD for the internal driveway before the downhill slope into the basement carpark (1% AEP Level of 26.7 mAHD plus 0.5 m freeboard as per Council Development Control 11.0)

(20) Building Component

A Construction Certificate will not be issued until a detailed report from an Engineer, having qualifications acceptable for membership of the Institution of Engineers Australia, certifying that the building has been designed to be capable of withstanding all flooding conditions, including impact of standing water on foundation, forces of flowing water during a 1% AEP flood, debris, loading and buoyancy forces has been submitted to Council/ Certifier.

(21) Building Foundations

The building footings are to be constructed of concrete and piered to existing ground. Details are to be submitted to Council/ Certifier prior to the issue of a Construction Certificate. If the building footings are not piered to the existing ground, a report from an engineer whose qualifications are acceptable for the membership of the Institution of Engineers Australia, certifying that the building foundation has been designed to withstand a 1% AEP flooding conditions is to be provided. The report is to include an analysis of the soil characteristics of the ground and its impact on foundation during flooding.

(22) Electrical Installations

All electrical installations are to comply with the relevant Australian Standards. In this regard, prior to the issue of a Construction Certificate, the applicant is to submit to Council/ Certifier documentary evidence indicating that the proposed electrical installations comply with Council's Draft Interim Development Assessment Policy 2014 Part E8 Interim Flood Development Control Policy and that all electrical installations will be located above the standard flood level for this site.

(23) Exhaust fumes from car park

Any exhaust ventilation from the carpark is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. details demonstrating compliance are to be provided with the Construction Certificate.

(24) No external service ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

(25) SEPP 65 – Design Verification

Prior to release of the Construction Certificate design verification is required to be submitted from the original designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No – 65 Design Quality of Residential Flat Building Development.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

(a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:

  (i) Council; or
  (ii) an accredited certifier; and

(b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and

(c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia.*

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(3) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 7 & 8 Allman Avenue and 104, 107, 109 & 110 Carlton Crescent must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

(4) Support for neighbouring buildings and notice to adjoining owners

(1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

(a) must preserve and protect the building from damage, and

(b) if necessary, must underpin and support the building in an approved manner, and

(c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

(i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.

(ii) allotment of land includes a public road and any other public place.

(5) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(6) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(7) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' *Stormwater Pollution Control Code for Local Government*.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

(8) Building location - check survey certificate

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

(i) location of the building with respect to the boundaries of the site;

(ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);

(iii) site coverage of the buildings on the site.

(9) Crane permit

Should the applicant need to use a crane during the course of building, it will be necessary to first obtain a "Crane Permit" from Council's One Stop Shop. A fee of is payable for the permit. The approval of other authorities (eg Police Department, RTA) may be required for the use of a crane.

(10) Site fencing/security

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

(11) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

(12) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction eg. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted to Council and approved prior to the release of the Construction Certificate.

(13) Traffic Management Plan

A Construction Traffic Management Plan (CTMP) shall be submitted to and approved by Council prior to the commencement of any works on site, including demolition. The report shall include details on truck and haulage routes, the type of vehicles that will be using the

road, the duration for which the road will be used by the trucks, appropriate measures that will be taken to control traffic and truck movement in and out of the site etc.

It should address how all vehicles associated with development-construction activity (which includes demolition, excavation and construction) shall be accommodated on-site. An on-street work zone facility cannot be considered for this development.

(14) Public liability insurance – Works on Council/public lands

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of $10 million and shall provide proof of such cover prior to carrying out the works.

(15) Sanitary facilities - demolition/construction sites

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

E Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

(2) Demolition/excavation/construction - hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(3) Demolition/excavation/construction - noise - Protection of the Environment Operations Act 1997

Noise arising from demolition/excavation/construction works shall be controlled in accordance with the requirements of *Protection of the Environment Operations Act 1997* and guidelines currently contained in the *NSW EPA Environmental Noise Control Manual.*

(4) Dust control

Adequate measures are to be implemented, including, for example, water spraying/mesh barriers, to prevent dust from causing any nuisance.

(5) Paving colour

Concrete paving is to be dark coloured clay pavers, stone, bitumen or reconstituted stone. Bright white concrete is not permitted.

(6) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate as obtained from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au .

(7) Building materials and equipment - storage/placement on footpath/roadway - Council approval

All building materials and equipment shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

(8) Signs to be erected on building and demolition sites

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(a) stating that unauthorised entry to the work site is prohibited; and

(b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and

(c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.

(2) Any-sign shall be maintained and not removed until work has been finished.

(9) Demolition requirements/standards

Demolition is to be carried out in accordance with the following:

(a) Australian Standard 2601 and any requirements of the Workcover Authority.

(b) The Waste Management Plan submitted with the Development Application.

(c) The property is to be secured to prohibit unauthorised entry.

(d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.

(e) All other materials and debris is to be removed from the site and disposed of to approved outlets.

(f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:

(g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

(h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.

(i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory

Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).

(j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.

(k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.

(l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.

(m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.

(n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.

(o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(10) Waterproofing materials/installation – BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(11) Safety Glazing - BCA

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

(12) Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense

(13) Vehicle access driveway

The existing vehicular access driveway shall be reconstructed in accordance with Council's standard drawing and specifications. The driveway shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveway shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of the Occupation Certificate.

(14) Road opening permit- Council controlled lands

A "road use-opening permit" shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

(15) Traffic control on public roads

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

(16) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for (kerb/gutter/crossing etc) at the following stages:

(i) After excavation.
(ii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete.
(iii) After placement of road base course.
(iv) After pipes have been laid and prior to backfilling.
(v) On completion of works.

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

(17) Finished ground surface levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary.

(18) Spoil and building materials on road and footpath

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

(19) Stormwater runoff-collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate drainage line at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge equals the Post-development discharge of a 1:100 ARI event.

NOTE: If approval is given from Sydney Water to discharge stormwater directly into its drainage system, the above Council stormwater discharge rate from the site will not be

enforced. However Sydney Water may require a stormwater discharge rate which may increase the proposed on-site detention storage for this development.

(20) Stormwater runoff

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties

(21) Vehicular Circulation

The car park must be laid out such that all vehicles must enter and exit the site in a forward direction.

(22) Visitor Parking

The design of the car park must enable visitors, via appropriate means, to not be directed to dead end aisles of the car park.

(23) Entry control - safety

At the entry to the resident basement car park, the following shall be provided:

- a security gate or shutter; and
- an intercom system between visitors and residents to enter and exit from the car park.

Each ground level entry area to the building shall have an intercom system whose purpose is to contact residents or the manager/caretaker to allow entry to visitors. .Details to be shown on the application with the construction certificate.

(24) Lighting to basement/pedestrian routes-safety

Lighting which meets the relevant Australian Standard of 40 lux, spaced at appropriate intervals to provide the required surveillance shall be provided to the vehicular basement parking area and along pedestrian access routes for safety and security purposes during the evenings. The proposed lighting shall be at the highest energy efficient rating. Details to be shown on the construction certificate.

(25) Vehicle wash bays

All vehicle wash bays shall be provided with a tap connected to a continuous supply of water and the wash bays shall be bunded and graded to a floor waste connected to the sewer.

(26) Ausgrid Requirements

Ausgrid shall be consulted and its requirements be met in the construction of the development. Details to be provided.

(27) Building location - check survey certificate

To ensure that the height of the building complies with ALEP 2013 and satisfies the provision of the approval, a check survey certificate shall be submitted to Council prior to the pouring of the ground floor slab including:-

(i) The RL and height of the top most level ensuring that no GFA is located above Xm at any point; and

(ii) The overall height of the building does not exceed Xm at any point

(28) Noise transmission - stair shaft - BCA

The walls of the stair shaft to have a Sound Transmission Class of not less than 45 and to be constructed in accordance with the relevant provisions of Part F5 of the *Building Code of Australia*.

(29) Noise transmission - dividing walls - BCA

The walls dividing bathrooms, laundries and kitchens in one flat from habitable rooms in an adjoining flat having a Sound Transmission Class of not less than 50 and being constructed in accordance with the provisions of Part F5 of the *Building Code of Australia.*

(30) Noise transmission - soil/waste pipes - BCA

Soil and waste pipes, including those that pass through a floor shall be separated from the rooms of any flat immediately adjacent thereto by construction having a Sound Transmission Class in accordance with Part F5 of the *Building Code of Australia*.

(31) Materials and finishes

The materials and finishes are to be consistent with those in the approved plans except as follows:

a) All boundary walls and fences, dwarf retaining walls and garden bed or planter box walls are to be constructed from and finished in face brick, stone, or stone cladding. Painted render is not to be used.

F ***Conditions that must be complied with prior to installation of services***

nil

G ***Conditions that must be complied with before the building is occupied***

(1) Landscaping completion

All site works and landscaping are to be carried out in accordance with the approved landscaping plans prior to the issue of the occupation certificate.

(2) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(3) Street Number

A street number appropriately designed to complement the character of the must be displayed in a position clearly visible from the street, in numbers having a height of not less than 75 mm. The number must be in place before the premises can be occupied.

(4) Boundary fencing replacement

The existing boundary fencing along the boundaries is to be replaced with fencing at the applicant's/owner's cost. Fencing between the building and the street alignment shall match the height of similar adjacent fences.

(5) Engineering conditions to be satisfied prior to the issue of occupation certificate

Prior to the release of the Occupation Certificate when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

(a). Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(b) Engineer's Certificate

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

* the soundness of the storage structure;
* the capacity of the detention storage;
* the emergency overflow system being in place;
* the works being constructed in accordance with the Council approved plans; and
* the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.
*

(c) Restriction-As-To-User

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

(6) Stormwater drainage – compliance with approved plans

Prior to the issue of an Occupation Certificate, written verification from a suitably qualified professional civil engineer shall certify that the new building works have been designed and built in accordance with Ashfield Interim Development Policy 2013, Part E the "Interim Flood Development Policy", which would include building materials and electrical works.

(7) Positive Covenant-stormwater detention/surface flow paths-occupation certificate

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

(a) surface flow path
(b) finished pavement and ground levels
(c) prevent the erection of any structures or fencing
(d) on-site stormwater detention system
(e) stormwater culvert

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

(8) Waste caretaker

The applicant/building management shall appoint a waste caretaker (assisted by maintenance personnel/cleaners) who will carry the overall responsibility for managing all waste generated by the building. All equipment movement in the waste room shall be managed by the building manager / cleaners at all times.

The applicant shall incorporate the building manager / cleaner duties in the bylaws and Strata Title which include:-

(a) Organising, maintaining and cleaning the general and recycled waste holding areas on a regular basis;
(b) Organising both garbage and recycled waste pick-ups;
(c) Cleaning and exchanging all bins;
(d) The waste caretaker shall store the bins once emptied back in the waste room.

Details shall be provided prior to release of any occupation certificate.

(9) Residential car park

All residents shall be provided with minimum of one (1) car parking space and be indicated on the plans with the construction certificate.

(10) Surveillance

A surveillance system, for the building, open space, site link and basement car park is to be designed by a professionally recognised security firm, which include the following:

- a closed circuit television (surveillance cameras);
- A room having the relevant control panels; and
- Digital data 'on disc' or similar to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

Details to be shown on the construction certificate and provided to Ashfield Police prior to occupation.

(11) Tree Planting

The following trees are to be planted on site in addition to those shown on the landscape plan prior to the issue of any occupation certificate:

Item	Location	Type	No.	Min Planted size
A.	Location of deleted Unit 5 and central court: • 26m to the east of the western boundary; and distance south of the boundary with 107 Carlton Crescent: • Tree 1: 3m; • Tree 2: 8m; • Tree 3: 13m; • Tree 4: 18m; • Tree 5: 23.5m	Medium sized deciduous canopy trees growing to a minimum mature height of 8 metres	5	2m
B.	Eastern communal open space: • 23.5m south of the boundary with 107 Carlton Crescent; and • Tree 1: 15m to the east of the western boundary; and • Tree 2: 20m to the east of the western boundary.	Same species as A. Above.	2	2m

Note: this condition will be made consistent with the detailed landscape plan submitted with the deferred commencement consent when the conditions of the deferred commencement have been satisfied.

H ***Conditions that are ongoing requirements of development consents***

(1) Garbage bin storage/placement for collection - strata title plan

All garbage/recycling bins are to be kept in the garbage bin storage area in the main block. Bins are only to be placed in the designated pick up area on the day of garbage collection and are to be returned to the storage area immediately after collection. This requirement is to be incorporated into the Strata Title of the property.

(2) Landscape Maintenance

The landscaping approved as part of this application is to be maintained to the satisfaction of Council.

I ***Advisory Notes***

(1) Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.
  Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.

- an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.

- a development application for demolition approval under the *Environmental Planning and Assessment Act 1979* if consent for demolition is not granted by this consent.

(2) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway of footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(3) Application for a Construction Certificate

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result action in the Land and Environment Court and orders for demolition.

(4) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

Item No: C0916 Item 7

Subject: SECTION 82A REVIEW APPLICATION - 669 KING STREET, ST PETERS

File Ref: DA201600157.01/103738.16

Prepared By: Albert Madrigal - Development Assessment Officer, Marrickville

Authorised By: Phil Sarin - Director, Planning and Environment

SUMMARY

The report concerns a review request under Section 82A of the Environmental Planning and Assessment Act to review Determination No. 201600157, dated 1 June 2016, being a refusal of a development application to carry out building works and use the ground floor as a commercial premises and first floor as a residence. The review request was not required to be notified in accordance with Council's notification policy.

The development seeks retrospective use of the ground floor as commercial offices (including the use of 2 unauthorised offices constructed at the rear of the site) and building works to the first floor dwelling. The development results in a departure of 32.87sqm or 26% from the FSR development standard prescribed by Clause 4.4 of Marrickville Local Environmental Plan 2011 (MLEP 2011). The application was accompanied by a written request under Clause 4.6 of MLEP 2011 in relation to the variation which is supported. The extent of the proposed non-compliances is not considered to result in any adverse impacts on the amenity of the adjoining development or the streetscape.

The matter is referred to the Administrator for determination due to the extent of the departure from the FSR development standard, which exceeds officer's delegation. Under the Environmental Planning and Assessment Act the review request must be determined no later than 1 December 2016.

RECOMMENDATION

THAT the Section 82A review request is considered suitable for approval subject to the imposition of appropriate conditions in accordance with Part E of this report and including endorsement of action B contained therein.

PART A - PARTICULARS

Location: Western side of King Street, between May Street and Goodsell Street, St Peters. The western (rear) boundary of the site adjoins May Lane.

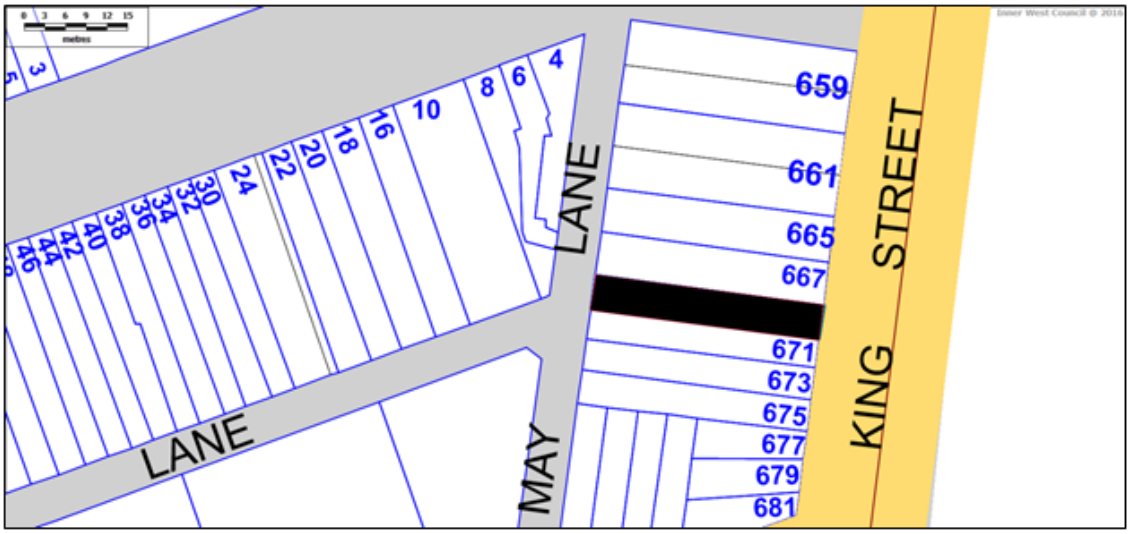

Image 1: Location Map

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DA No: 201600157.01

Application Date: 4 July 2016. Additional information submitted on 25 August 2016.

Proposal: To carry out building works and use the ground floor as a commercial premises and first floor as a residence.

Applicant: John Yiek Ng

Estimated Cost: $18,000

Zoning: B5 - Business Development

PART B - THE SITE AND ITS CONTEXT

Improvements: 2 storey mixed use development



Image 2: The Site

Current Use: Mixed-use development

Prior Determinations: Determination No. 200000157, dated 23 June 2000, approved the use of the premises for the manufacture of latex products with ancillary retailing and to erect associated signage.

Determination No. 200200107, dated 5 July 2002, approved alterations and additions to the premises; including the use of the ground floor for the manufacture of latex products with ancillary retailing and the first floor as an associated dwelling. That consent was modified on 28 November 2003 under Determination No. 200200107.02 to construct a balcony off the first floor kitchen on the above property.

Environment: Mixed-use, commercial and industrial

PART D - ASSESSMENT

1. The Site and Surrounds

The site is located on the western side of King Street, between May Street and Goodsell Street, St Peters. The western (rear) boundary of the site adjoins May Lane. The site contains a legal description as Lot 1 in Deposited Plan 136754. The site contains and area of approximately 150.39sqm.

The site contains a 2 storey mixed use building with the ground floor being dedicated to a commercial use and the first floor being a residential use. The rear of the site contains a single parking space within a garage structure with direct access to May Lane. The streetscape generally consists of commercial, industrial and mixed-uses.

2. Background

Approval was granted by Council under Determination No. 200000157, dated 23 June 2000, to use the premises for the manufacture of latex products with ancillary retailing and to erect associated signage.

Determination No. 200200107, dated 5 July 2002, approved alterations and additions to the premises; including the use of the ground floor for the manufacture of latex products with ancillary retailing and the first floor as an associated dwelling. That consent was modified under Determination No. 200200107.02 on 28 November 2003, to construct a balcony off the first floor kitchen on the above property.

Determination No. 201600157, dated 1 June 2016, refused a development application to carry out building works and use of the ground floor as a commercial premises and first floor as a residence on the above property.

The application sought approval for the following unauthorised works:

Ground Floor

- Change of use of the ground floor from an industrial use to a commercial use with the provision of 4 office rooms within the ground floor of the building, including the conversion of an existing undercroft area at the rear of the building into 2 office spaces.

First Floor

- Unauthorised conversion of the first floor balcony into a kitchen; and
- Use of 2 additional bathrooms; including 1 bathroom within the patio area.

Additionally, the application sought approval for the following proposed building works:

Ground Floor

- Close the existing internal access between the ground and first floors by means of a new wall so that the respective uses are independent;
- Reinstate the wall between the rear pedestrian access and the existing garage;
- Remove the ground floor storage area adjoining the garage to provide a separate pedestrian entryway from May Lane and provision of new steps with landing.

First Floor

- Reinstate the rear access to the first floor residence by re-opening the doorway /access that led to the lane and that provide access to the ground level open space courtyard;
- Construction of a new wall to separate the hall and the lounge room of the dwelling; and
- Construction of new skylights over existing Bedroom 1 and 2.

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The development application was refused for the following reasons:

1. *The development exceeds the maximum Floor Space Ratio (FSR) development standard permitted on the land pursuant to Clause 4.4 of Marrickville Local Environmental Plan 2011 and the applicant failed to provide a submission in accordance with Clause 4.6 of Marrickville Local Environmental Plan 2011 to justify the variation to the FSR development standard.*

2. *The development does not provide adequate solar access and natural air ventilation to the property. Accordingly, the development fails to comply with the objectives and controls relating to overshadowing and solar access as contained in Part 2.7 – Solar Access and Overshadowing of Marrickville Development Control Plan 2011.*

3. *The development is unsatisfactory regarding the provision of adequate private open space. In this regard, the proposal is contrary to Part 2.18 of Marrickville Development Control Plan 2011.*

4. *The development does not promote the orderly development of land in accordance with the objectives of the Environmental Planning and Assessment Act, 1979 and is an overdevelopment of the site.*

5. *The proposed development results in a substandard level of residential amenity for the occupants of the site and cannot be supported.*

6. *In view of the above, approval of the application would not be in the public interest.*

3. Review Request

A development application review request under Section 82A of the Environmental Planning and Assessment Act has been submitted to Council on 4 July 2016. The applicant submitted amended plans and additional information to address the reasons for refusal under Determination No. 201600157.

Details of the amended plans and additional information in relation to the development are provided below:

Ground Floor Plan

- Retain the change of use proposal from an industrial use to a commercial use, including the provision of 4 unauthorised ground floor offices as proposed under DA201600157 (including the unauthorised construction of 2 offices within a building undercroft at the rear of the site);
- Brick up access of stairway entry on the ground floor to the first floor to maintain the dwelling and commercial space as 2 separate tenancies. It was observed on a site visit on 26 August 2016 that this was already completed; and
- Re-install a fire rated wall in the garage in accordance with Determination No. 200200107.02.

First Floor Plan

- Remove the unauthorised first floor kitchen and reinstate the first floor balcony in accordance with Determination No. 200200107.02;
- Remove the first floor bathroom and reinstate the side patio in accordance with Determination No. 200200107.02;
- Retain the unauthorised first floor bathroom adjacent to the patio;
- Provision of a skylight for Bedroom 3 as proposed under DA201600157;
- Retrospective approval for a skylight in Bedroom 2; and

- Remove first floor cupboard and provide doorway access to reinstate the rear access to the first floor residence from the rear lane in accordance with Determination No. 200200107.02.

Clause 4.6 Submission

The applicant submitted a Clause 4.6 objection pursuant to MLEP 2011 in relation to the development's variation to the Floor Space Ratio Standards under Clause 4.4 of MLEP 2011. This matter will be discussed in the next section of the report.

It is noted that the application seeks approval to carry out minor building works and approval for the use of the ground floor as a commercial premise with additional office space at the rear. A separate Building Certificate must be obtained to regularise the unauthorised building works.

A copy of the site plan and 'as-built' and proposed floor plans and elevations of the development submitted with the application are reproduced below:

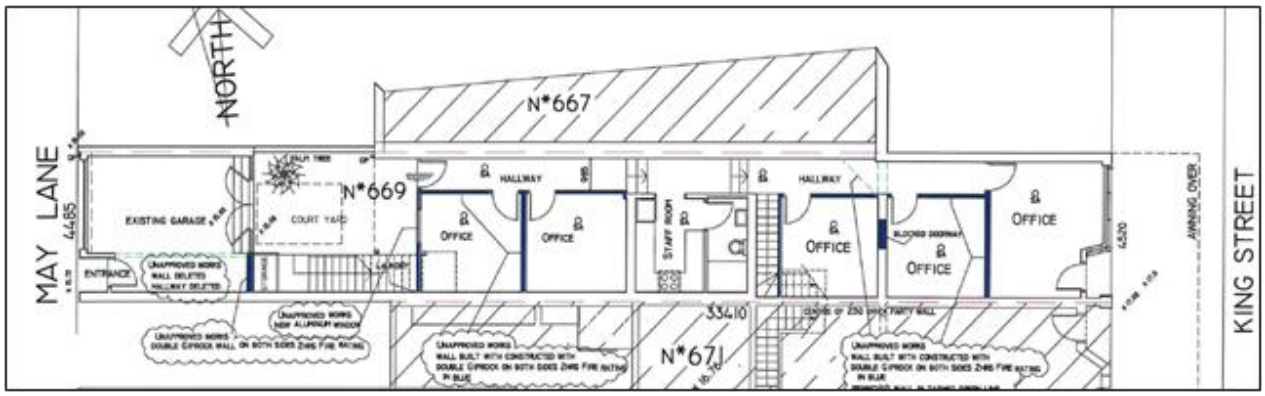

Image 2: Existing ('as-built') Ground Floor Plan

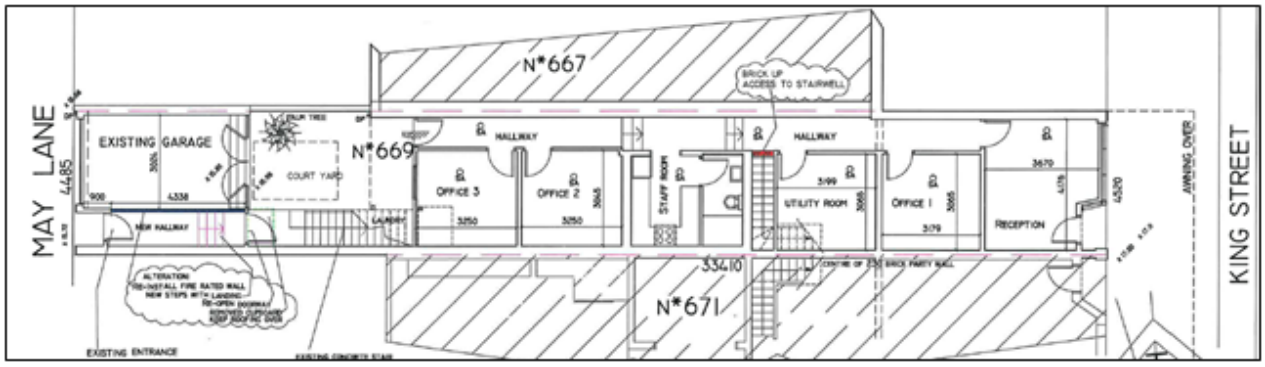

Image 3: Proposed Ground Floor Plan

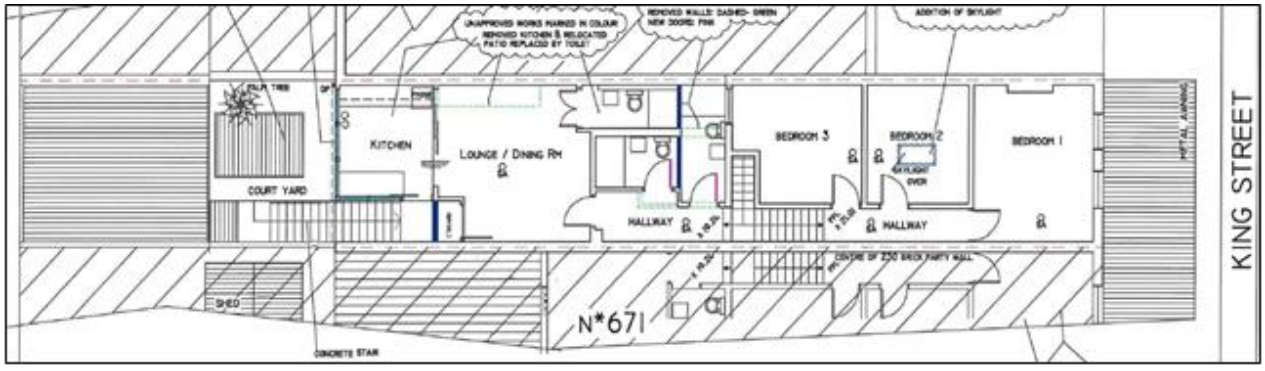

Image 4: Existing ('as-built) First Floor Plan

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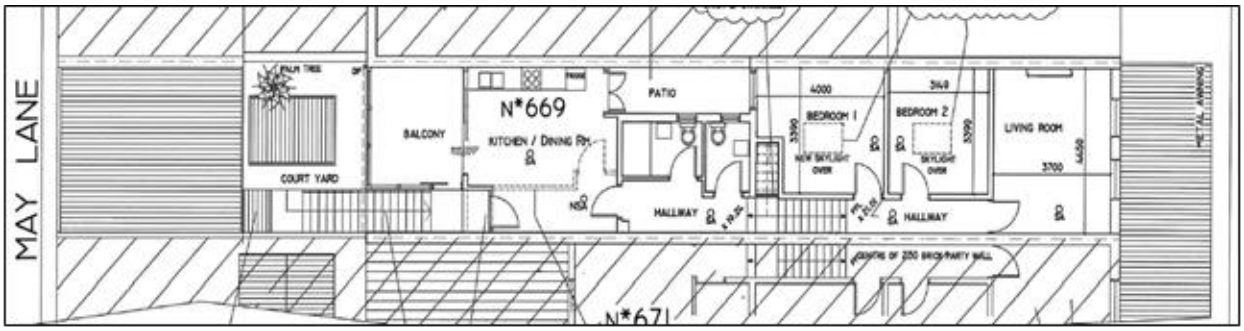

Image 5: Proposed First Floor Plan

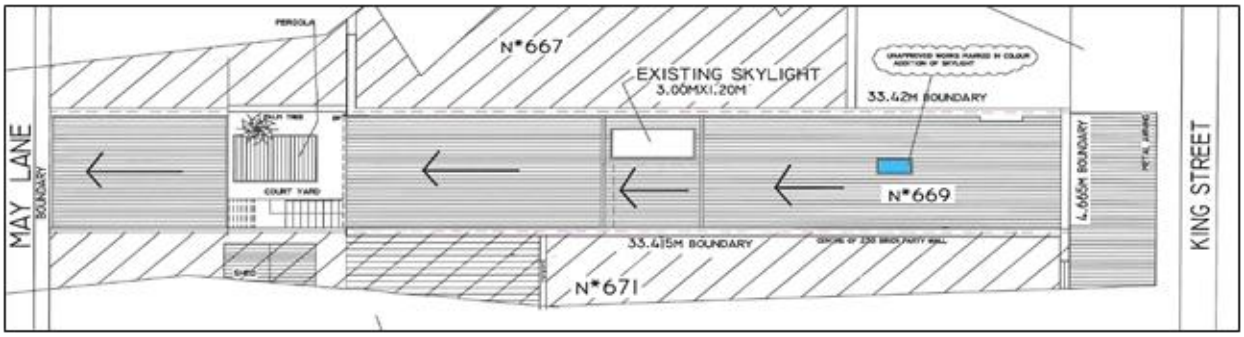

Image 6: Existing ('as-built') Roof Plan

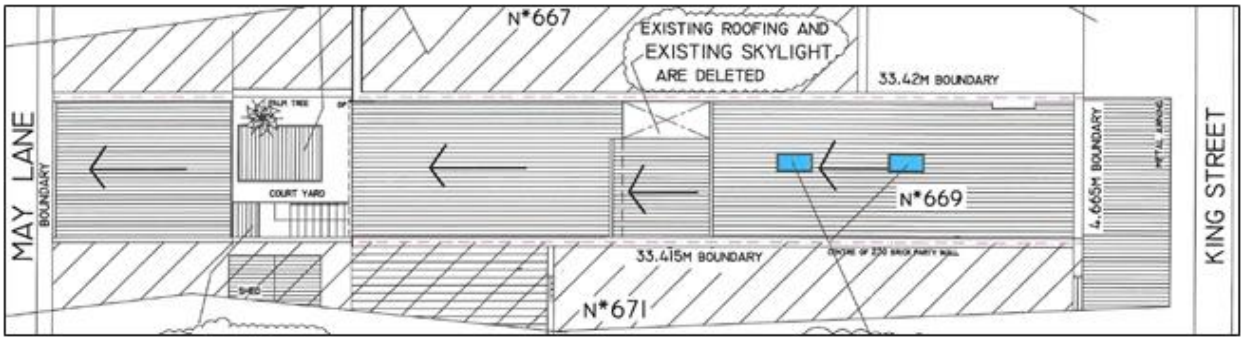

Image 7: Proposed Roof Plan

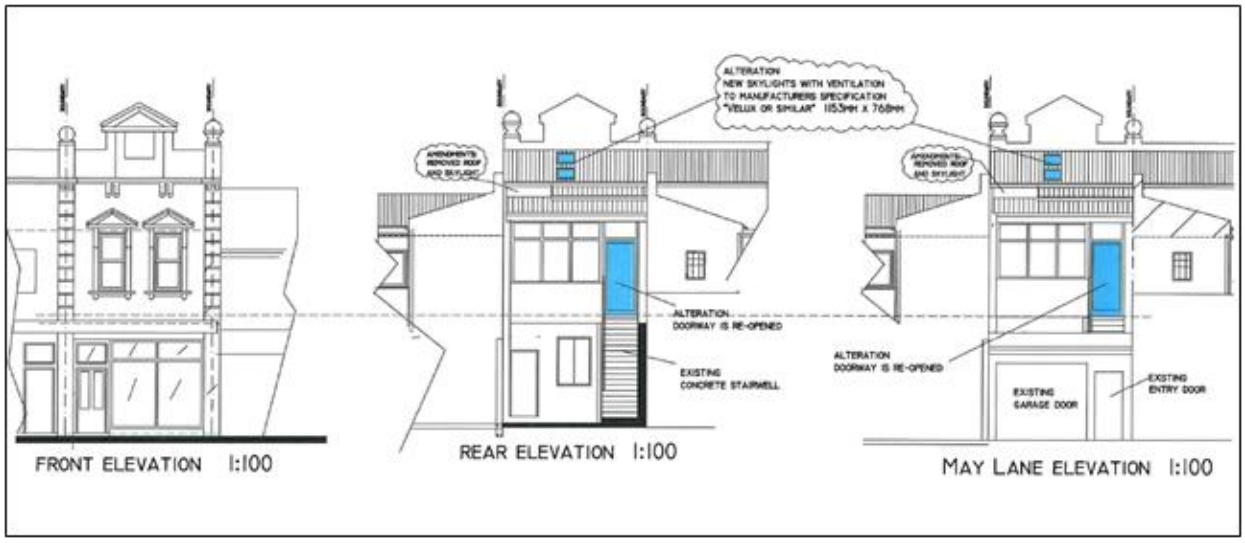

Image 8: Elevations

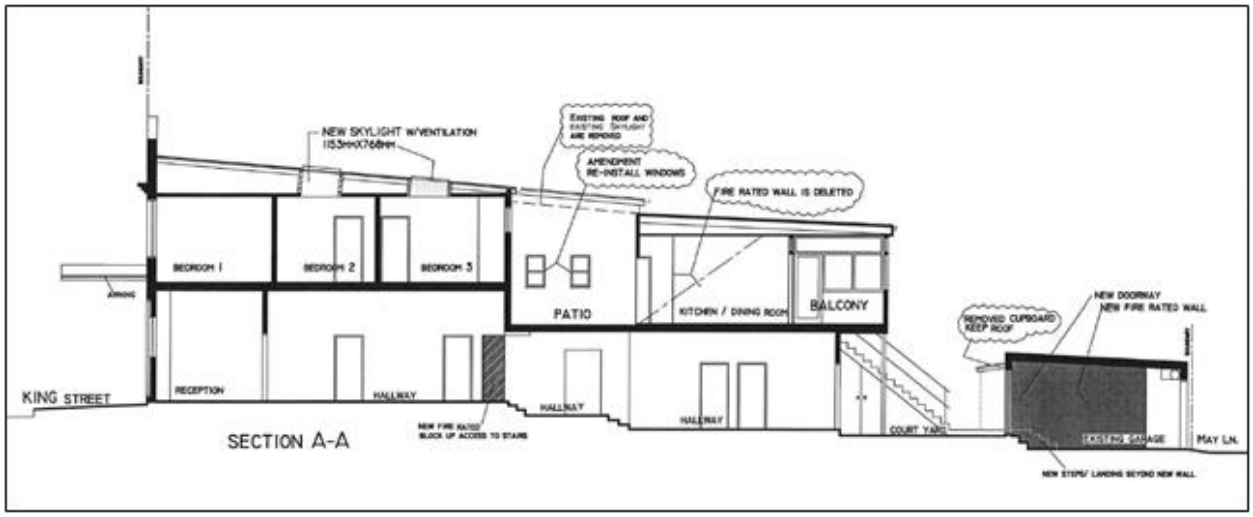

Image 9: Section Plan

4. Merit Assessment

An assessment of the additional information submitted by the applicant as part of the Section 82A review request is provided below.

The assessment concludes that the amended plans and additional information submitted by the applicant satisfactorily addresses the reasons for refusal contained in Determination No. 201600157.

(i) Reason for refusal 1: The development exceeds the maximum Floor Space Ratio (FSR) development standard permitted on the land pursuant to Clause 4.4 of Marrickville Local Environmental Plan 2011 and the applicant failed to provide a submission in accordance with Clause 4.6 of Marrickville Local Environmental Plan 2011 to justify the variation to the FSR development standard.

A maximum floor space ratio (FSR) of 0.85:1 applies to the land under MLEP 2011. The development has a gross floor area (GFA) of approximately 160.7sqm which equates to an FSR of 1.07:1 on the 150.39sqm site. This results in a FSR departure of 32.87sqm or 26% which does not comply with the FSR development standard.

The amended plans reinstate the balcony and patio of the first floor area, thus reducing the proposed GFA as proposed under the refused application (DA201600157) from 171.8sqm to 160.7sqm. However, the retention of the 2 unauthorised offices at the rear of the site (constructed within a former undercroft area of the building) under the S82A Review Request continues to contribute to the exceedance in FSR of the site.

A written request in relation to the contravention to the FSR development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application. The applicant considers non-compliance with the FSR development standard to be acceptable for the following reasons:

- The variation does not result in any adverse internal amenity impacts. The additional 2 offices are located on the ground floor level at the rear of the building and occupy what was previously a very low amenity undercroft area. The undercroft area had poor light and sun access and its removal is of no particular consequence in terms of amenity within the site;
- The additional floor space that was created through the construction of the offices has no influence on the bulk and scale of the building on the site. This is because the offices are located in the former undercroft area and thus their construction did not alter the approved building height, setbacks, deep soil landscaping, or site coverage. The variation is therefore of no consequence in terms of building height, bulk and scale;

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- The ground floor undercroft location of the offices negates any visual or streetscape impacts. The offices are not visible from the laneway (because of the intervening presence of the existing garage), are not visible from neighbouring properties, and are not visible from King Street. The variation is therefore of no consequence in terms of urban design, streetscape or visual impact;
- The variation is numerically minor. The offices have a combined floor area of slightly less than 20sqm (approximately 10sqm each). The offices will not have a discernible impact on the intensity of the use of the property.
- From a town planning perspective the additional floor space that has been constructed does not manifest in any significant adverse environmental impacts. Strict application of the development standard would therefore be unreasonable or unnecessary in the circumstances of the site;
- The proposed development will be in the public interest because it is consistent with the objectives of the FSR standard and the objectives for development within the *B5 business development* zone. The zone objectives envisage and encourage a range of compatible uses and specifically business and residential (noting the enabling provisions of clause 2.5 of the LEP). The additional floor space relates to business use and the residential use of the upper floor remains. The additional floor space promotes viable business use of the ground floor level of the building and the mix of uses is as encouraged by the zone objectives;
- The variation does not raise any matter of significance for State or regional environmental planning; and
- There is no public benefit that would be achieved by maintaining the development standard in this instance.

The justification provided in the applicant's written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning law precedents such as those contained in *Wehbe v Pittwater Council [2007] NSWLEC827, Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90* and *Moskovich v Waverley Council [2016]*.

As demonstrated in the assessment provided in this report, the FSR variation does not result in any adverse amenity impacts (visual, overshadowing or privacy) for the residents of adjoining properties and the development results in negligible visual impacts to the street.

The unauthorised offices do not add any additional bulk, height or scale to the building, being constructed within a former undercroft area within the existing building footprint. The development does not increase the site coverage over the site, and maintains the existing parking space and private open space areas.

The proposal conforms to the desired land use objectives of the B5- Business Development zone under MLEP 2011, which encourages a mix of compatible land uses to support the business centre. The proposal maximises the use of an otherwise underutilised undercroft area with poor amenity by creating additional commercial floor space in the vicinity.

The variation to the FSR standard is reasonable in context of the change in planning controls over the site. Under the previous determination for the development (Determination No. 200200107, dated 5 July 2002), the maximum FSR permitted for the site was 1:1 pursuant to Marrickville Local Environmental Plan 2001 (MLEP 2001). The development was approved with an FSR of approximately 1:1, which complied with the development standard.

The gazettal of MLEP 2011 reduced the permissible FSR of the site from 1:1 to 0.85:1. While the unauthorised offices at the rear of the site have increased the overall GFA and FSR of the development (approximately 20sqm and 7% respectively), a substantial portion of FSR increase is due to the reduction of the FSR development standard under Clause 4.4 of MLEP 2011, not due to any substantial increase in the GFA of the site. Accordingly, the FSR variation is considered reasonable in view of the planning context of the site and the minor increase to the GFA of the building.

It is considered that the contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the proposed development. In view of the above discussion, the variation to the FSR development standard under Clause 4.4 of MLEP 2011 is supported.

(ii) Reason for refusal 2: The development does not provide adequate solar access and natural air ventilation to the property. Accordingly, the development fails to comply with the objectives and controls relating to overshadowing and solar access as contained in Part 2.7 – Solar Access and Overshadowing of Marrickville Development Control Plan 2011.

The amended plans submitted with the S82A review request provide adequate solar access and natural air ventilation to the development in accordance with the objectives and controls of Part 2.7 of MDCP 2011 and Part 4 of MDCP 2011 for the following reasons:

- The reinstatement of the first floor balcony in accordance with the approved plans under Determination No 200200107.02 (resulting in the deletion of the unauthorised kitchen) will maximise solar access and natural air ventilation to the first floor living/dining room;
- The deletion of the unauthorised bathroom, reinstatement of the first floor patio and removal of the canopy roof over the first floor patio in accordance with the approved plans under Determination No 200200107.02 will allow direct solar access and natural air circulation to penetrate through the bathroom and bedroom windows bordering the patio;
- The proposed skylight over Bedroom 1 will maximise ambient solar access to the bedroom; and
- 1 out of the 2 additional offices will have no access to an operable window. Control (C13), Part 2.7.5.3 of MDCP 2011 requires commercial development to be designed to maximise direct solar access to the building and reduce reliance on artificial lighting and heating. However, given the existing site constraints (the offices being constructed in an undercroft area, narrow site width and existing building being built on the zero lot line of the side boundaries of the site), the provision of 1 additional office without an operable window is considered reasonable in this instance.

(iii) Reason for Refusal 3: The development is unsatisfactory regarding the provision of adequate private open space. In this regard, the proposal is contrary to Part 2.18 of Marrickville Development Control Plan 2011.

The amended plans submitted with the S82A review request reinstate the first floor residential balcony with a total area of approximately 9sqm as approved under Determination No. 200200107.02. The amended application addresses the private open space objectives under Part 2.18 of MDCP 2011 in that the amended plans reinstate a usable outdoor recreation space approved for the first floor residential component of the development as approved under Determination No. 200200107.02.

(iv) Reason for Refusal 4: The development does not promote the orderly development of land in accordance with the objectives of the Environmental Planning and Assessment Act, 1979 and is an overdevelopment of the site.

The amended plans and additional information submitted with the S82A review request demonstrate that the development promotes the orderly development of land in accordance with the objectives of the Environmental Planning and Assessment Act 1979 in that:

- The modified proposal resolves the inadequate solar access, private open space and natural air ventilation for the property resulting from the unauthorised building works on the first floor residence and maintains the integrity of the originally approved development under Determination No. 2002107.02;

- The conversion of the industrial use on the ground floor to a commercial use and additional construction of 2 offices at the rear of the site is in keeping with the objectives of the B5- Business Development Zone under MLEP 2011 in which commercial/mixed-uses are permissible in the zone and the zoning objectives encourages a mix of business uses to support the viability of business centres;
- The provision of 2 offices at the rear of the site maximises the otherwise underutilised undercroft area of the building with poor amenity with regard to solar access;
- No adverse amenity impacts arise from the proposal with regard to overshadowing, privacy or urban design/streetscape impacts; and
- The application is not envisaged to provide any adverse parking/traffic impacts to the vicinity. The application maintains the provision of 1 car parking space for the entire site as approved under Determination No. 2002107.02. Given the site is located approximately within 200 metres walking distance to St Peters Station and bus stops servicing King Street, it is considered that any minor intensification of the use of the site is offset by the existing car parking space and close proximity to frequent public transport services. In view of the above, the development is not considered to present any adverse parking or traffic issues.

(v) Reason for Refusal 5: The proposed development results in a substandard level of residential amenity for the occupants of the site and cannot be supported.

In view of the improved solar access, natural air ventilation and private open space for the development as discussed previously, the amended plans demonstrate that the proposal maintains adequate internal amenity for the residents of the building.

(vi) Reason for Refusal 6: In view of the above, approval of the application would not be in the public interest.

This matter is satisfied by the S82A review request for the following reasons:

- The amended plans improve solar access, natural air ventilation and private open space for the residents of the site in accordance with the objectives and controls of Part 2.7, Part 2.18 and Part 4 of MDCP 2011;
- The development provides negligible urban design/streetscape impacts on the surrounding vicinity;
- The development is not likely to generate a substantial demand in parking and/or traffic considering the low intensity use (containing 4 office spaces), existing parking space and close proximity to public transport services; and
- The development conforms to the desired land use objectives of the B5- Business Development zone of MLEP 2011 in that it will facilitate a mix of business uses in the vicinity.

5. Section 82A of the Environmental Planning and Assessment Act

Under Section 82A (4) of the Environmental Planning and Assessment Act, 1979, Council, when considering a request to review a Determination, must:

(a) notify the request for review in accordance with:
  (i) the regulations, if the regulations so require, or
  (ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and

(b) consider any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and

(c) in the event that the applicant has made amendments to the development described in the original application, be satisfied that the development, as amended, is substantially the same development as the development described in the original application.

As part of the review request the applicant has made amendments to the development. It is considered that the development, as amended, is substantially the same development as the development described in the original application.

6. Conclusion

The request has been reviewed in accordance with Section 82A of the Environmental Planning and Assessment Act and the heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration.

The Section 82A review request is considered suitable for approval subject to the imposition of appropriate conditions.

PART E – RECOMMENDATION

A. THAT the review request under Section 82A of the Environmental Planning and Assessment Act to review Determination No. 201600157 dated 3 May 2016 be **APPROVED** and a new Determination be issued approving the application to carry out building works and use the ground floor as a commercial premises and first floor as a residence subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
Job No. NG24/15 Dwg. No. 2	Site Plan	3 March 2016	Casa Studio	4 July 2016
Job No. NG24/15 Dwg. No. 3	Proposed First Floor Plan	3 March 2016	Casa Studio	4 July 2016
Job No. NG24/15 Dwg. No. 4	Proposed Ground Floor Plan	3 March 2016	Casa Studio	4 July 2016
Job No. NG24/15 Dwg. No. 8	Front & Rear Elevations	3 March 2015	Casa Studio	4 July 2016
Job No. NG24/15 Dwg. No. 9	Section A-A	3 March 2015	Casa Studio	4 July 2016

and details submitted to Council on 4 July 2016 and 25 August 2016 and with the application for development consent and as amended by the following conditions.

2. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:

   (a) the plans and/or information approved under this consent; or
   (b) any relevant requirements of this consent,

   the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

   All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.
   Reason: To ensure the development is carried out in accordance with this Determination.

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3. The use of the ground floor commercial tenancies complying with the following requirements at all times:

   a) The commercial use must be restricted to the ground floor commercial tenancies. Any residential use on the ground floor of the premises is prohibited;

   b) The office/reception window display area at the front of the property (adjacent to King Street) must be maintained at all times with no roller shutters being installed across the shopfronts;

   c) The hours of operation are restricted to between the hours of 7.00am to 7.00pm Monday to Saturday and not at any time on Sundays or public holidays;

   d) All loading and unloading in connection with the use must be carried out wholly within the property from the dedicated loading space at the rear of the site, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public;

   e) No storage of goods or equipment external to any building on the site is permitted; and

   f) No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.

   Reason: To ensure that the commercial uses are confined to the ground floor areas, to preserve the streetscape and character of the area and to ensure that the operation of the premises does not interfere with the amenity of the locality.

4. The dwelling on the first floor of the premises must be used exclusively as a single dwelling and not be adapted for use as backpackers' accommodation, sex services premises, serviced apartments or a boarding house and not be used for any industrial or commercial purpose.
   Reason: To ensure that the dwelling is used exclusively as a single dwelling.

5. 1 off-street car parking space must be provided, paved and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
   Reason: To ensure practical off-street car parking is available for the use of the premises.

6. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
   Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.

7. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
   Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.

8. The use of the premises, including any plant and equipment, must not give rise to:

   a) transmission of unacceptable vibration to any place of different occupancy;

b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

Reason: To prevent loss of amenity to the area.

9. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures. The office/reception window at the front of the property (adjacent to King Street) must not be painted with advertisements and no flashing lights are to be installed on the premises.
Reason: To confirm the terms of Council's approval.

10. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

11. No work must commence until:
a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
b) A minimum of 2 days written notice given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

12. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

13. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences. Facilities must be located so that they will not cause a nuisance.
Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

14. All demolition work must:
a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and

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b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

Reason: To ensure that the demolition work is carried out safely.

15. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
Reason: To protect the amenity of the area.

16. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
Reason: To ensure that the demolition work is carried out safely.

17. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and must be submitted to and accepted by the PCA before work commences.
Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

18. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.
Reason: To secure the area of the site works maintaining public safety.

19. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign must include:

a) The name, address and telephone number of the PCA;
b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue the Construction Certificate.

20. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction indicating the existing building upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to:

a) smoke detection systems;
b) balustrades;
c) exit signs;
d) portable extinguishers;
e) mechanical ventilation;
f) egress;
g) energy efficiency of the any air conditioning and ventilation system and artificial lighting and power.

Reason: To ensure the building is suitable for the proposed use

21. Before the issue of Construction Certificate, amended plans must be submitted to the satisfaction of the Certifying Authority that indicates that the shopfront of the building fronting King Street is reinstated with transparent glass on the ground floor. The internal wall fronting the glass shop front must be removed.
Reason: To improve the streetscape presentation of the building.

SITE WORKS

22. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

23. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

24. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.
Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

25. All demolition work must be carried out in accordance with the following:

a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
e) the generation of dust and noise on the site must be controlled;
f) the site must be secured to prohibit unauthorised entry;
g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only having access to the site during work hours nominated by Council and all loads must be covered;
i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and

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k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

26. The works must be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

a) At the commencement of the building work;
b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the National Construction Code (Building Code of Australia)

27. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

28. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
Reason: To ensure all works are contained within the boundaries of the allotment.

29. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.
Reason: To provide safe egress in case of fire or other emergency.

BEFORE OCCUPATION OF THE BUILDING

30. Occupation of the building shall not be permitted until such time as:

a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
c) An Occupation Certificate has been issued.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

31. A Building Certificate must be obtained for all the unauthorised works carried out in the property before the occupation of the building.
Reason: To regularise all unauthorised works within the building.

32. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, shall:

a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every twelve (12) months after the Final Fire Safety Certificate is issued the owner shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

ADVISORY NOTES

- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.

- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
Marrickville Council	☎ 9335 2222 www.marrickville.nsw.gov.au Copies of all Council documents and application forms can be found on the web site.
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au

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Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

B. **THAT** the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 – Exceptions to Development Standards, that Council has agreed to the variation of the following development standards:

Premises:	669 King Street ST PETERS
Applicant:	John Yiek Ng
Proposal:	Review request under Section 82A of the Environmental Planning and Assessment Act to review Determination No. 201600157, dated 1 June 2016, being a refusal of a development application to carry out building works and use the ground floor as a commercial premises and first floor as a residence.
Determination:	Approval
DA No:	DA201600157.01
Lot and DP:	Lot 1 in DP 136754
Category of Development:	Mixed Use
Environmental Planning Instrument:	Marrickville Local Environmental Plan 2011
Zoning of Land:	B5 Business Development
Development Standard(s) varied:	Clause 4.4 – Floor Space Ratio
Justification of variation:	Strict compliance with the FSR development standard is unnecessary; The majority of the FSR variation is a technical breach as a result of change in planning controls on the site; The additional FSR has negligible streetscape/urban design impacts; There are no adverse shadowing or privacy impacts or adverse internal solar access amenity impacts to the development as a result of the FSR variation.
Extent of variation:	26%
Concurring Authority:	Council under assumed concurrence of the Secretary Department of Planning and Environment.
Date of Determination:	

ATTACHMENTS

Nil.

Item No: **C0916 Item 8**

Subject: **PLANNING PROPOSAL FOR 55-63 SMITH STREET, SUMMER HILL**

File Ref: 16/4718/106676.16

Prepared By: Con Colotouros - Senior Strategic Planner & Projects, Ashfield

Authorised By: Phil Sarin - Director, Planning and Environment

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SUMMARY

This Planning Proposal application seeks to permit additional land uses on the subject site. It has been put on preliminary public exhibition and public submissions have been received and are commented on in this report. This process is in place in order for Council to understand from the community what the key issues of concern are, so that they be able to be addressed upfront in the process. Consideration of the application was later deferred pending the applicant submitting additional information. This report recommends that Council agree to particular additional land uses for the reasons stated in **Part 5** of the report, being *Office premises, Business premises, Recreation facility (indoor), Self Storage Units*.

RECOMMENDATION

THAT:

1. **Council resolve to progress a Planning Proposal to amend Ashfield Local Environmental Plan (LEP) 2013 to add the following additional uses to "Schedule 1 – Additional Permitted Uses" of the LEP for the properties at 55-63 Smith Street Summer Hill:**

   - **Office premises**
   - **Business premises**
   - **Recreation facility (indoor)**
   - **Self Storage Units**

   and that the applicant's Planning Proposal be amended to reflect the Council's resolution;

2. **accompanying the Planning Proposal there must be a site specific Development Control Plan produced by the applicant addressing the matters covered in the planning report, with the content being approved by Council;**

3. **Council forward the Planning Proposal as amended in clause (1) to the Department of Planning and Environment for Gateway Determination to allow the LEP plan making process to commence under Section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act);**

4. **Council resolve to request The Department of Planning and Environment to issue a written authorization to Council's General Manager to exercise and implement delegations in accordance with Section 23 of the EP& A Act 1979 to facilitate the plan making process following the Gateway Determination;**

5. **following Gateway Determination by the Department of Planning and Environment, the Planning Proposal be progressed by Council, be put on formal public exhibition, and procedures carried out as required under the EP& A Act 1979, with a later report on the public exhibition being submitted to the Council for consideration on whether to continue to finalise the Planning Proposal; and**

6. **people who made a submission as part of the preliminary community engagement process be advised of Council's decision.**

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1.0 OVERVIEW OF PLANNING PROPOSAL

55-63 Smith Street, Summer Hill is currently zoned R3 - Medium Density Residential under the Ashfield LEP 2013 (see **Figure 1**).

Under the previous Ashfield LEP 1985, 55-63 Smith was originally zoned as a "Light Industrial" site, and later rezoned to "2C – Residential". The buildings currently on the site reflect the previous light industrial zoning and the site has had various types of land use approvals/development consents, some of which continue up to this point in time.

The current property owner wishes to continue using the existing buildings, and to have non-residential uses. However, due the current R3 - Medium Density Residential zoning the site owner is having difficulty obtaining tenants for those buildings because the zoning in the main does not permit many business/employment land uses. In addition, there is an ongoing reliance on using 'existing use rights' to continue any existing approved use. For example, there is an approval for second had furniture storage in one of the buildings on the site, and if the premises were vacated, only the same or a very similar land use could use the building.

Given this situation, the property owner has submitted a Planning Proposal (in **Attachment 1**) to permit additional land uses on the site as follows:

- Office Premises
- Business Premises
- Recreational Facilities (indoor)
- Warehouse or Distribution Centres
- Light Industries
- Self Storage Units

The Planning Proposal proposes to keep the current land zoning, and to add the above proposed land uses into the *Schedule 1- Additional permitted uses* of the Ashfield LEP 2013.

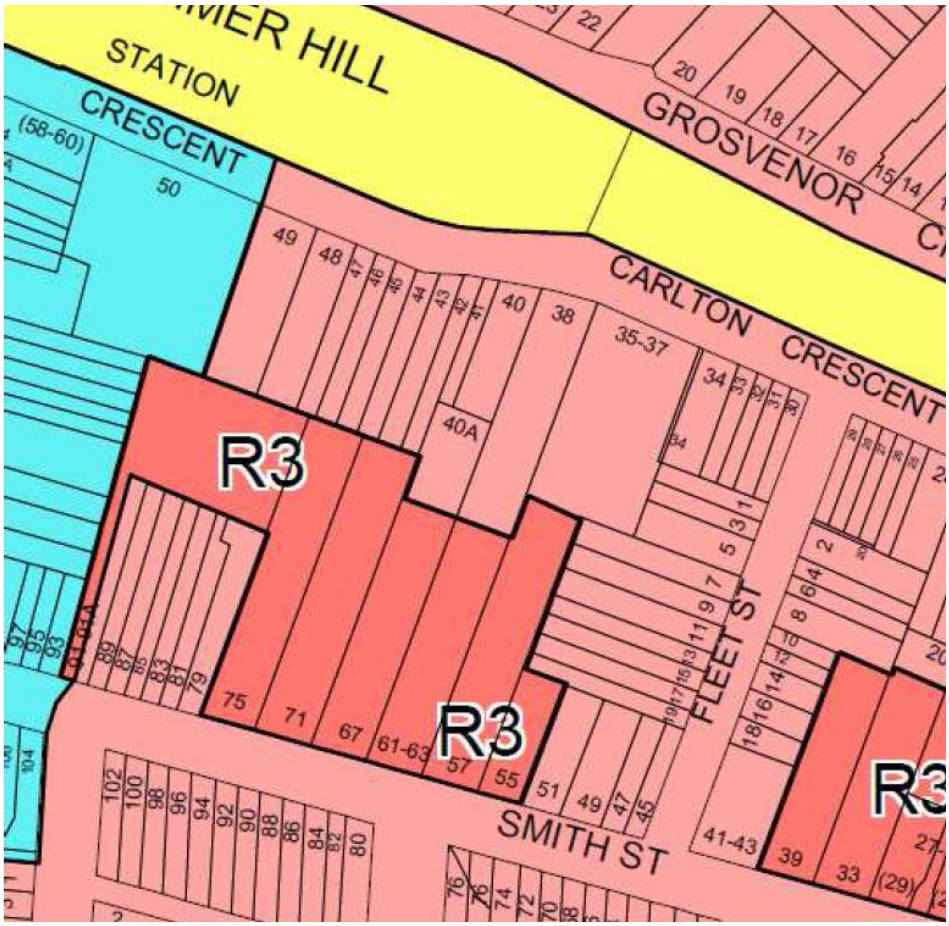

Figure 1 Extract - Ashfield LEP 2013 Land Zoning Map showing 55-63 Smith Street Summer Hill and existing R3 – Medium Density Zone

A Planning Proposal is a document that explains the intended effect of a proposed Local Environmental Plan (LEP) amendment and provides the justification for proceeding, produced in accordance with the Department Guidelines -A Guide to preparing Planning Proposals. The applicant's Planning Proposal essentially argues that the additional land uses sought are reasonable, that there will be benefits as the building use and surrounding land will remain activated, the buildings will be improved in appearance, that the proposed uses will provide local services, and that the proposal fits within the parameters of Council's Urban Planning Strategy 2010.

The proposal was lodged in late 2015, and was put on preliminary exhibition in order to obtain public feedback. Submissions received are commented in **Part 4** of this report. (The application was later deferred by the applicant pending additional information being placed in the Planning Proposal, see **Part 5** below).

2.0 LOCAL CONTEXT

As shown in **Figure 2** the site is surrounded mostly by houses and apartments to the east, north and south. The neighbouring site to the west has a 3 storey residential development currently completing construction, which will also retain and reuse the heritage building at 67 Smith Street and maintain its front garden setting.



Figure 2 Aerial photograph

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Figure 3 – Buildings along Smith Street

3.0 EXISTING BUILDINGS AND APPROVED LAND USES.

It is necessary to understand the existing or potential land uses on the site, by way of existing development approvals. **Figure 4** shows a diagrammatic plan of the site, with the premises containing several different building parts. Also shown are previous development applications. The site also contains a driveway leading to an internal loading dock.

It is noted that under Clause 41(f) of the EP&A Regulations 2000 an existing light industrial use has scope to change to another light industrial use or to a commercial use, and Clause 45 of the Regulations also enables changes in the proportions in which various parts of a building may be used. However, the applicant advises this does not apply to his site because the existing previously approved uses under the previous Ashfield LEP1985, shown below in **Figure 4**, do not fit under any of the current LEP light industrial and commercial use definitions, and that attempts to lodge development applications with Council has confirmed such advice. The owner must therefore only continue to use the buildings in the same or very similar form to that approved, provided the previous approvals are still active.

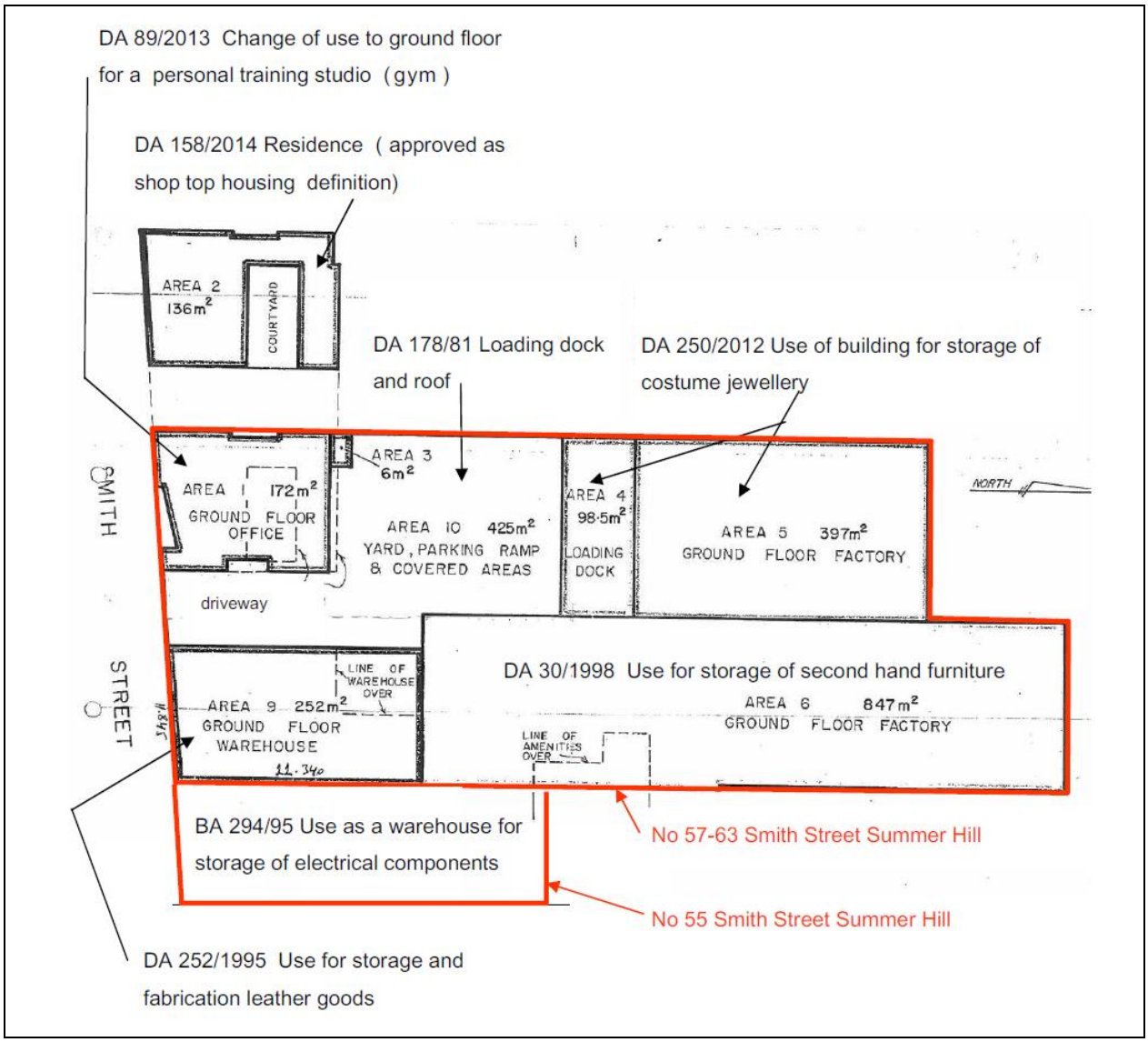

Figure 4- Approved Development Applications

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4.0 PRELIMINARY NOTIFICATION AND PUBLIC SUBMISSIONS

The Planning Proposal was notified between 3 November and 4 December 2015. The following submissions (originals contained in **Attachment 2**) were received:

Table 1

Persons making submission	Issues raised	Officer Response
Leanne Findlay Summer Hill	Additional uses proposed could destroy the streetscape and atmosphere of Summer Hill.	It is agreed that any new land uses should not compromise the streetscape and atmosphere of Summer Hill. Refer to Part 5 and **Attachment 4** of this report which examines the impacts of each of the proposed land uses.
	Proposes uses are not consistent with the zoning.	Some, not all, of the proposed land uses technically fit under the umbrella of objective no 3 of the R3 – Medium Density Residential zone of the Ashfield LEP 2013 which states: *"To enable other land uses that provide facilities or services to meet the day to day needs of residents".* Refer to Part 5 of this report.
	Adverse effect on adjacent heritage item at 67 Smith street and opposite Quarantine Conservation Area (off Smith Street).	It is agreed that any building form that results from new land uses should not compromise the setting of the adjacent heritage item and Conservation Area. However, this is not a land zoning issue and the application does not pertain to building work.
David Rollinson Summer Hill	Former Ashfield Council previously considered (under the Ashfield LEP 1985) whether a light industrial zoning for the site should remain and determined that such a land use was not suitable for the site.	It was the current land owners who sought the change to the zoning - this was in the context of knowing at the time that the then 'existing use rights' provisions would allow a change from an existing non-conforming (not permissible in the LEP) use to another non- conforming use, e.g. from a factory use to a shop. However, the planning legislation was subsequently changed for existing use rights, removing the ability to have different types of non-conforming land uses. It was also understood at the time of the previous rezoning under the Ashfield LEP 1985 that the existing approved building uses more characteristic of a light industrial zoning could continue to operate, as has been the case in order to keep the premises activated.

	The site is abutted by residential uses and it is not appropriate to bring back a light industrial use that would impact on resident amenity.	It is agreed that any new land uses should not affect the amenity of adjacent residential properties - Part 5 and the referenced **Attachment 4** of this report examines the impacts of each of the proposed land uses.
	Redevelopment of the site for medium density residential should occur.	Redevelopment is a matter for the site owner to determine whether to pursue, such as demolition and construction of new medium density residential development. Consideration of the current and short term future is required, and a situation where buildings are left empty or derelict should be avoided, and would be contrary to the economic and orderly use of the site.
	The Real Estate agency on behalf of the owner has been receiving interest in occupying the premises.	The site owner has advised that he has difficulties finding tenants that would meet the exact criteria of each of the previous development consents.
	Under Clause 41(f) of the EP&A Regulations 2000 an existing light industrial use has scope to change to another light industrial use or to a commercial use and Clause 45 also enables changes in the proportions in which various parts of a building may be used, and so the additional use proposed are not necessary.	The applicant says that the existing approved uses (shown above in **Figure 4**) do not fit under any of the light industrial and commercial use definitions and he cannot rely on the Regulations. The applicant advises that he has attempted to lodge development application with Council and has also received such advice.

After the preliminary exhibition period the following submissions were received.

Thea Norton Croydon	Objects to any noise generating activities, such as *Recreation Facilities (indoor)* on the basis that the existing gym use at the front of the site is causing noise problems, primarily due to an absence of adequate development consent conditions. This noise results from keeping front doors open, having a noisy internal operation and playing loud music. Complaints have been lodged with Council. Agrees that location is appropriate for some commercial uses, and storage facilities.	The site owner was formally advised the noise complaint, and the operator of the gym advised that operations would be modified. No further complaints from local residents have been received. Any potential future indoor gym should have development consent conditions applied to control noise issues, such as having adequate window glazing, noise isolating airlocks for front entries, and restricted hours of operation. A site specific DCP could draw attention to this issue.

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5.0 Conclusion on acceptable additional land uses.

Following completion of the public exhibition a meeting was held with the applicant to discuss the proposal and which land uses were considered by Council officers to fit within the R3 zone land uses objectives. The applicant agreed to defer Council's determination of the Planning Proposal, and chose to update the Planning Proposal (as contained in **Attachment 1-** March 2016), and to also supply a site layout plan showing how the existing buildings and land uses could be accommodated (**Attachment 4** received in July 2016). This also included advising that a "*Self Storage Units*" land use (such as for use by local residents) could be considered in lieu of a *"Storage Premises"* (as originally applied for). The applicant's explanatory letter and site layout diagram in **Attachment 4** shows how the existing building can accommodate a mix of proposed uses under the maximum 0.7:1 FSR in the Ashfield LEP and how car parking and servicing can be accommodated on the site.

Attachment 3 analyses each of the proposed uses, and in addition identifies that the proposed *Light Industry, Warehouse and Distribution, and Storage Premises* land uses do not technically meet the explicit objectives of the R3 Zone in the Ashfield LEP 2013 which state: *"To enable other land uses that provide facilities or services to meet the day to day needs of residents".*

The remaining propose land uses of *Office premises, Business premises, Recreation facility (indoor), Self Storage Units* technically fit within the objectives of the R3 Zone in the Ashfield LEP 2013, and should be supported by Council for the following reasons:

- the existing buildings will continue to be used, achieving an orderly and economic use of the site, potentially improving the condition and appearance of the existing buildings and thereby ensuring activation of the area for public safety and streetscape amenity, and ensuring the buildings are not left derelict.
- these land uses can potentially be managed via development consent conditions to have a low impact on neighbouring residential properties.
- land uses conform to Council Urban Planning Strategy 2010 – which is also a requirement of the Department's Planning Proposal guidelines for fitting in with local strategies. Relevant parts of the Urban Strategy include Part 6 - A Thriving Place to do Business - Part 04 – Foster Local Business, Part 7 - Sustainable Environments - Part 05 – in that the additional uses make more use of public transport - given the site is within close walking distance to the train station, and reuse of existing buildings.

Pursuant to the Department's guidelines, the applicant's Planning Proposal should also be updated to provide the necessary timelines, and any other detailed information required for the proposal's documentation to be complete.

A site specific Development Control Plan should be produced and focus on the following issues.

- Any future development application for each building compartment will need to document the building operations for the entire site, to ensure that the requirements of a DCP are met, such as car parking and servicing.
- No nuisance caused to adjacent residential properties, including controlling hours of operation, and noise attenuation.
- Location of on-site employee car parking.
- Location of on-site vehicular deliveries.
- Location of waste storage areas.
- Improvement of the current building appearance and potential enhancement of the historic streetscape.

The Development Control Plan should be prepared at the applicant's cost and be forwarded to Council for review and approval.

6.0 NEXT STEPS

The Council is required to determine whether or not to proceed with the Planning Proposal. If Council resolves to proceed with the Planning Proposal the next steps are to follow the Department of Planning & Environment's LEP plan making process.

To summarise:

1. Council considers whether to initially support the Planning Proposal including the amendments proposed by Council officers and to commence the LEP plan making process (current stage).
2. The Planning Proposal incorporating any amendments is submitted to Department of Planning and Environment.
3. Department of Planning and Environment undertakes an assessment and, if supportive of the Proposal, will issue a Gateway Determination which will give Council the authority to continue the process and specify whether any additional studies are required.
4. Council formally exhibits the Planning Proposal.
5. Council considers submissions received and following community engagement decides whether or not to amend/re-exhibit the proposal and submit it to Minister /Department of Planning and Environment for gazettal if the plan making function is delegated to Council.
6. The plan is then notified and comes into effect.

7.0 LEP (PLAN-MAKING) DELEGATION FORMER ASHFIELD LGA

In November 2012 the Minister for NSW Planning & Infrastructure delegated certain powers to Council to make and determine an LEP amendment. This enables Council to exercise the Minister's Plan making functions after the Gateway Determination stage (i.e. to draft and make the LEP in addition to the standard steps). The delegations operate when Council requests NSW Planning and Environment to issue a 'Written Authorisation to Exercise Delegation' (called the Authorisation). This Authorisation can be issued to Inner West Council as part of the Gateway Determination.

The previous Ashfield Council resolved to use the delegation on the proviso that the previous Ashfield Council General Manager exercises the delegation with prior approval from Council whenever a Planning Proposal is processed. The delegation was subsequently granted. The Department's "Guidance for merged Councils on planning functions" advises this delegation can continue. It is therefore recommended that Council give the current General Manager authorisation to exercise the relevant delegation.

CONCLUSION

Council is now required to determine whether to proceed with the Planning Proposal, and to forward it to the Department of Planning and Environment for a Gateway Determination. This will put Council in control of the process and lead to the formal public exhibition and later Council assessment of the Planning Proposal as to whether the proposed LEP amendments should be gazetted.

It is recommended Council endorse the Planning Proposal in an amended form as proposed by the Council officers report in **Part 5** limiting the additional land uses to *"Office premises", "Business premises", "Recreation facility (indoor)" and "Self Storage Units".* Council should also require preparation of a site specific Development Control Plan to ensure that the land uses have a low and satisfactory impact on adjoining residential premises.

It is also is recommended that Council seek permission from the Gateway Panel to use the Council 'Authorisation' to process the Planning Proposal and authorise the General Manager to activate the delegation as part of the plan-making process.

ATTACHMENTS

1.⇩ Planning Proposal
2.⇩ Public Submissions
3.⇩ Applicant's Letter and Site Layout
4.⇩ Land Use Analysis

Item 8

RPS

Planning Proposal

55 – 63 Smith Street, Summer Hill

(amended to address light industry uses and storage premises)

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Attachment 1

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Approval for Issue

Name	Signature	Date
Myall Stevens		24/03/2016

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Summary

This Planning Proposal (Proposal) seeks to initiate the preparation of an amendment to the *Ashfield Local Environmental Plan 2013 (Ashfield LEP 2013)* to enable the use of *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units* at 55 – 63 Smith Street, Summer Hill.

Four separate buildings are currently located on the site. All are used for warehousing and manufacturing purposes, with the exception of the building at the front of 61-63 Smith Street which operates as commercial premises on the ground floor and shop top housing on the first floor. The commercial premises are an approved use in the form of a personal training studio. The shop top housing is approved, with an additional one bedroom unit approved within the existing built form.

There is also a car parking area that separates both buildings located along the western boundary of the site. These are permitted uses on the subject site due to existing use rights. Entrance to the site is from Smith Street.

The site is zoned R3 Medium Density Residential, which permits a range of uses including *Multi dwelling housing, Attached dwellings and Community facilities*, however it prohibits *Commercial Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units permitted with development consent* that are not ancillary to a permissible use.

There have been a number of applications made over the last 5 years on the site relying on existing use rights provisions. The existing uses on the site have been investigated in detail and as such business opportunities are highly constrained under the current zoning.

The sites which have been vacant for in excess of 12 months have been advertised on the open market via registered agents in the local area with interest from a wide range of businesses including:

- Prestige second hand car storage
- Cafés
- Personal training studio
- 3D printing
- Telecommunications
- Warehousing – for the purposes of local trades, sole traders or small business and includes ancillary offices
- Sciences
- Music recording studios
- Office premises
- Self-storage units
- Assembly and sale of second hand motorbikes and bicycles
- High-technology industries
- Information technology
- Creative Studio
- Industrial design studios

Unfortunately many of these uses are either not permitted in the R3 zone or cannot be achieved under the existing use rights provisions.

Therefore, the Proposal seeks to permit the additional uses of *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage units permitted with development consent* through an amendment to Schedule 1 Additional Uses in the Ashfield LEP 2013.

It is therefore recommended that this Proposal be favourably considered by Council and resolve to forward it to the Department of Planning and Environment (DP&E) for LEP Gateway determination in accordance with the *Environmental Planning and Assessment Act 1979* to prepare the necessary LEP amendment.

1.0 Introduction

RPS acts on behalf of Appwam Pty Ltd (Appwam) in preparing this Planning Proposal (Proposal) for 55 – 63 Smith Street, Summer Hill (the site).

The principal planning instrument applying to the site is the *Ashfield Local Environmental Plan 2013* (Ashfield LEP 2013). The site is zoned R3 - Medium Density Residential. It therefore permits a range of uses including *Multi dwelling housing, Attached dwellings and Community facilities*. The site however prohibits *Commercial Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industry, and Self-storage units.*

The site comprises a number of buildings which have historically and presently been used for a combination of storage, manufacturing, warehousing or commercial premises. All of these uses are currently prohibited on the site under the Ashfield LEP 2013 and therefore the continuation of these uses can only occur under the provisions of existing use rights. The uses of each of these buildings and lease areas have been defined and have now been determined to be highly restrictive in the current market.

The sites have each been subject to new leases over the past 5 years and some remain vacant due to the restrictive nature of the R3 zone under the Ashfield LEP 2013 and the limitations of existing use rights. As a result of advertising these properties for lease continuously over the last few years it is evident that employment generating uses that have low or negligible amenity impacts and/or uses that supply a service directly to the community are in high demand in the locality of Summer Hill. This trend is anticipated to strengthen as the surrounding land is gradually developed for higher density residential uses.

In order to provide the stated uses on the subject site, the Proposal seeks to amend Schedule 1 Additional Permitted Uses of the Ashfield LEP 2013 to permit site specific additional uses of *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units.*

The additional use of *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units* at the site is justified for the following reasons:

- The site is currently used for purposes that are not permitted under the current zoning including warehouse, and car parks.
- The proposal will have no adverse impacts on the surrounding area.
- The proposal will not result in any land use conflicts both internal and external to the site.
- It will provide additional job opportunities in the area.
- The proposal will improve the visual amenity of the area with improved design of the site.
- It will encourage a range of development that accommodates the needs of residents and workers in the surrounding area. The proposal therefore aligns itself with the aims of the Ashfield LEP 2013.
- The additional use will create a net community benefit.

This Proposal has been prepared in accordance with the Department of Planning and Environment's (DP&E) *A Guide to Preparing Proposals* and provides strong justification - based on the strategic planning, location and environmental considerations - for the amendment of the Ashfield LEP 2013.

1.1 Background

A number of applications have been made over the site in the past five years relating to the land use. Due to the current zoning of the site, a number of current uses on the site are operating under existing use rights.

The two buildings at the rear of the site and the building on the eastern boundary are operating as separate warehouses and storage premises. Buildings fronting Smith Street are two storeys in height.

The building at the east was previously used for storage and manufacture of leather goods, however is currently used for storage of electrical products and accessories. The building located at the west was previously used as a laundromat, however has recently gained approval for use as a business premises. On the second storey, two residential units are provided and are defined as shop-top housing.

Summer Hill is currently undergoing significant change. As the immediate locality is zoned R3, given the proximity to Summer Hill train station, significant uplift in residential density is emerging.

While residential accommodation in the locality is the current evolving trend, the increased population will require services and employment opportunities in the locality to support a vibrant community feel. Appropriate supporting services, such as those proposed support the objectives of the zone to provide facilities or services to meet the day to day needs of residents.

2.0 The Site

The site is located at 55 – 63 Smith Street, Summer Hill and is within the Ashfield local government area (LGA). The subject site comprises 3 separate lots that are legally referred to as Lot 13 in DP 560, Lot 1 in DP796910 and Lot 1 DP905473.

Smith Street is considered a main street in Summer Hill and is undergoing significant change.

The site is approximately 200 metres to the east of the Summer Hill main street at Lackey Street and 350 metres south east of the Summer Hill Train Station. Other surrounding uses include low and medium density residential uses. Directly adjacent the site (west) is local heritage listed item – 621, Former House and directly adjacent (east) local item 500 – Semi-detached houses and C44 – Fleet Street Conservation Area, (Figure 1).



Figure 1 Site location (source: Six Maps)

The site is irregular in shape with a single frontage to Smith Street of approximately 41m and an area of approximately 2,600sqm.

2.2 Surrounding Development

The site is adjoined by low density residential dwellings to the east, south and north; local heritage listed item (Number 621), Former House with the built form of a low density residential dwelling to the west and medium density residential dwellings further west of the heritage item. It is noted that a number of buildings surrounding the subject site, are scattered with commercial and industrial uses, although they are zoned R2 - low density residential.

In the wider surrounding area, Summer Hill Station is located to the north of the site and Summer Hill Local Centre is located to the west. Ashfield Town Centre is located approximately 1.7km west of the site.

2.3 Access to the Site

Vehicular access to the site is via Smith Street via a main entrance central to the site.

Smith Street is a single lane dual carriageway local road with unregulated car parking on both side.

Smith Street is generally accessed from Liverpool Road, Hume Highway, located west of the site, which is a heavily trafficked State road, which links Parramatta Road. The Liverpool Road, Hume Highway/ Victoria Street (and Smith Street) intersection is regulated by traffic lights. It allows entry and exit to and from Liverpool Road, Hume Highway in all directions. Access is also gained east of the site via a round-a-bout connecting Longport Street, Carlton Crescent, Grosvenor Crescent and Smith Street.

2.4 Site Improvements

57 – 63 Smith Street

The site is currently set out in separate lease areas as shown in Figure 2 below.

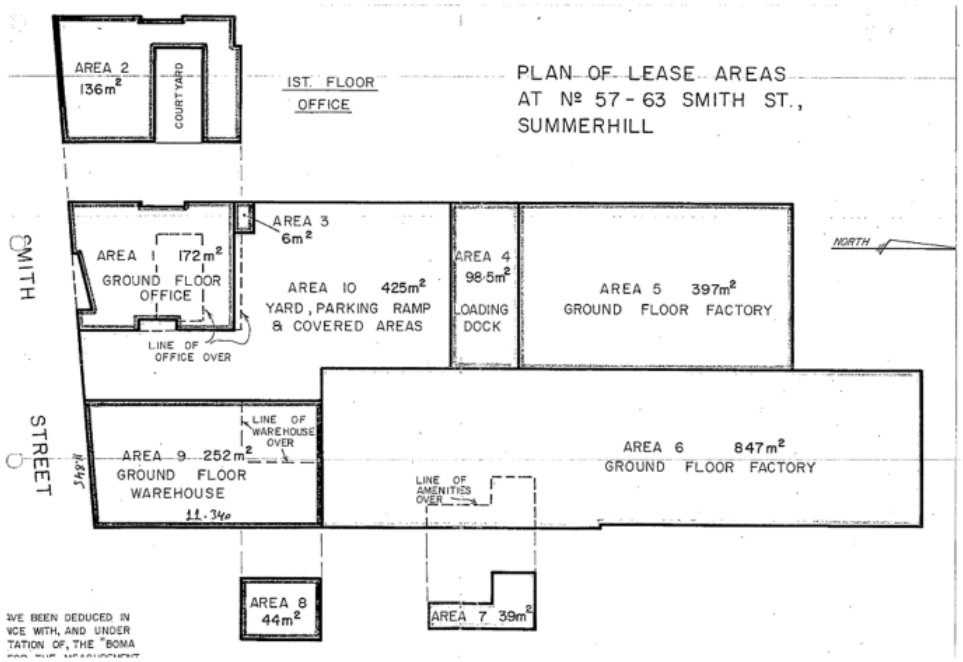

Figure 2 57-63 Smith Street Leasing Plan

The site at 57-63 Smith Street comprises the following uses in the corresponding areas:

- Personal Training Studio
- Residential accommodation (approval for shop top housing currnet)
- Amenities
- Loading area for Area 5
- Current approved use for jewellery storage
- Furniture Manufacturing and warehouse
- Auxiliary to Area 7
- Auxiliary to Area 9
- The building is currently vacant, however was previously used for the storage and manufacture of leather goods.
- Car parking spaces are all allocated to current or approved uses on the site.

55 Smith Street

- The building on 55 Smith Street is used for the warehousing of electrical products.

2.5 Site constraints

The site itself is relatively unconstrained in terms of geography. The site is relatively flat.

The main constraints to the site include the current land zoning and its permitted uses. As the site is currently used for development which is prohibited under the R3 – Medium Density Residential Zone, the uses are carried out through existing use rights. This constrains any future use of the site or flexibility for business to expand or locate on the site. Due to the current vacancy of the warehouse fronting Smith Street, there is limited ability for the site to accommodate any potential business tenants that suit the nature of the building.

The site is also constrained by car parking. However the preferred and intended future uses of the site are intended for businesses and employment opportunities which would be serviced by the local community and existing public transport opportunities.

2.6 Local Planning Controls

2.6.1 Ashfield Local Environmental Plan 2013

The primary environmental planning instrument applying to the site is the *Ashfield LEP 2013*. It is important for any future development within the LGA to be cognisant of and give consideration to the general aims of *Ashfield LEP 2013* and the relevant zone.

The proposed amendment supports the relevant aims of *Ashfield LEP 2013* as outlined in Table 1.

Table 1 Relevant Aims of *Ashfield LEP 2013*

Relevant aims of Ashfield LEP 2013	Response
(a) to promote the orderly and economic development of Ashfield in a manner that is	The proposal encourages economic development in the local area by permitting the flexibility for a number of business options to be located on the

Relevant aims of Ashfield LEP 2013	Response
consistent with the need to protect the environment,	site. It also encourages street activation along Smith Street in continuation of the Summer Hill Town Centre. No environmental impacts are identified as the site is not proposed to be redeveloped.
(b) to retain and enhance the identity of Ashfield as an early residential suburb with local service industries and retail centres,	The proposal contributes to the character of the Ashfield LGA and in particular Summer Hill. The proposal acts as a continuation of the Summer Hill urban village centre and contributes positively to the area directly surrounding the site. The proposal will allow continuation of existing uses into the future and fosters the opportunity for additional employment uses on the existing site. The uses provide additional amenity for surrounding residents in the area. The proposal fosters physical wellbeing as the site is not left vacant and redundant. The proposal offers employment opportunities and promotes an active locality, safety and security and additional passive surveillance. By allowing the additional uses within the zone, the proposal encourages integrated land uses within the locality, an improved balance in the provision of diversity of land uses and encourages sustainability via the active use of the site as opposed to its use becoming redundant and the site not having value.
(c) to identify and conserve the environmental and cultural heritage of Ashfield,	The proposal will not affect any heritage items located within the proximity of the site. No heritage items are located on the subject site.
(e) to provide increased housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,	The proposal is not currently used for the predominant purpose of residential development. As such, the proposal intends to continue its use as residential/commercial development, while enabling flexibility for other uses that provide amenity for the surrounding area. The proposal will not inhibit the development for residential purposes in the future.
(f) to protect the urban character of the Haberfield, Croydon and Summer Hill urban village centres while providing opportunities for small-scale, infill development that enhances the amenity and vitality of the centres,	The proposal is located within close proximity to the Summer Hill urban village centre. As such, the proposal contributes to the village as a continuation along Smith Street. It proposes the opportunity for small-scale, infill development. It will improve the

Relevant aims of Ashfield LEP 2013	Response
	opportunity for casual surveillance along Smith Street and contribute to the character of the surrounding area.
(h) to ensure that development has proper regard to environmental constraints and minimises any adverse impacts on biodiversity, water resources, riparian land and natural landforms,	The proposal does not include redevelopment of the site. As such, the proposal intends to create flexibility of land uses on the site and will not have any impacts on biodiversity, water resources, riparian land and natural landforms. Environmental impacts will be assessed in the future if the site is to be redeveloped.
(i) to require that new development incorporates the principles of ecologically sustainable development.	The proposal does not include new development. If new development is intended on the site in the future, a separate Development Application will be required and will assess its merit.

Under *Ashfield LEP 2013*, the site is zoned R3 Medium Density Residential. The objectives of the zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The R3 zone does not reflect the current use of the site as a mixed use development for commercial, warehouse, storage and factory. The existing uses do provide services to meet the day to day needs of residents in that the personal training studio is booked out and looking for opportunities to expand.

The proposed uses are consistent with the zone objectives in that the future uses will provide services and facilities for the day to day benefit of the local residents in the form of employment opportunities and business premises.

The proposed amendment to the Ashfield LEP 2013 will reflect the historic use of the site while encouraging the retention of employment opportunities that would otherwise be lost. There have been no complaints received or made that are associated with the existing uses on the site or its existence adjacent to surrounding commercial and residential development.

The proposed uses support the needs of residents in the local community of Summer Hill and provide for additional employment uses. This provides the opportunity for jobs to be located close to homes and eliminate the need for car usage. Given the close proximity of Summer Hill Town Centre and Summer Hill train station, there is an opportunity to build on existing uses at the site and provide the community with a complex that services the needs of the surrounding area.

Intended uses for the site will not impact on surrounding residential uses and will be subject to separate Development Application assessments with Council. The proposed additional uses build on the existing Summer Hill Town Centre, to provide the community with high-technology, light industrial and self-storage units type uses, that are not specifically provided in the town centre. The proposed uses will be visible from the street and will provide activation, to encourage active street frontages and a better community interaction.

Development permitted without consent in the R3 zone includes:

Home occupations

Development permitted with consent includes:

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Seniors housing; Any other development not specified in item 2 or 4

Development prohibited includes:

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; ***Commercial premises****; Correctional centres; Crematoria; Depots; Dual occupancies (detached); Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities;* ***Industries****; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities;* ***Recreation facilities (indoor)****; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage;* ***Storage premises****; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals;* ***Warehouse or distribution centres****; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies.*

The following definitions are provided to identify the proposed additional uses to be included in Schedule 1 over the subject site.

Office premises (type of Commercial Premises) are defined as:

a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Business premises (type of Commercial Premises) is defined as:

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
(b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Light Industry (type of Industries) is defined as

means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise,….:

Recreation Facility (indoor) is defined as:

a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Self-storage Units (type of ***Storage Premises***) is defined as:

means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Warehouse or Distribution Centre is defined as:

a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

This Proposal seeks council endorsement for permitted additional uses of *Office and Business Premises, Recreation Facilities (Indoor), Light Industries, Warehouse or distribution centres and Self-storage Units* over the site.

Due to the history of the site and its close proximity to the Summer Hill Town Centre, this would be the best outcome for the community as it would allow the subject site to evolve and host a broader range of uses that will directly support the growing local community and provide for local employment opportunities.

The proposal does not seek any changes to the development standards applicable to the site such as height of buildings and floor space ratio.

All of the above uses, including the light industry uses are compatible with the R3 zone objectives. These uses all provide opportunities for the growth of local businesses in a range of industries to operate in close proximity to the operators place of residence. Light industries in particular allow for a range of uses to occupy the site that will encourage employment in Summer Hill as well as provide opportunities for industries that will supply day to day needs of local residents.

3.0 Part 1 – Objectives or Intended Outcome

The concept of an integrated light industrial and mixed use development is as of yet very uncommon in Australia, however is slowly gaining traction in some markets. Traditionally, planning policy and zoning since the early 20th Century has aimed to separate industrial uses from residential dwellings due to the need to remove industrial side effects such as pollution, excess noise and heavy vehicle movements away from suburbs.

Summer Hill as an older residential area has historically provided a mix of residential and industrial activity. The industrial activity in this locality is dissimilar to the typical heavy industrial developments in Sydney including Seven Hills, Dunheved, Smeaton Grange, Ingleburn and now the Western Sydney Employment Area (WSEA) which are entirely separated from residential uses.

In recent decades, industrial activity and manufacturing, specifically in more developed countries, has moved away from inner areas to cheaper land located at the fringe of cities. As such, older traditional industrial areas such as Summer Hill have moved towards more high-technology manufacturing and logistics.

The objective of this Proposal is to amend Schedule 1 of the Ashfield LEP 2013 in order to permit a number of additional land uses at 55–65 Smith Street, Summer Hill. The intended outcomes for the Proposal are as follows:

- To increase the flexibility of uses on the site to provide both local services;
- The provide employment generating use opportunities to reduce the travel to work times in the local community;
- Provide residents in the area with recreational opportunities; and
- Integrate employment generating uses which supply services and goods to the local community that do not impact on the amenity of the residential area.

To achieve these objectives, it is proposed to amend schedule 1 of the Ashfield LEP 2013 to permit site specific additional uses of *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or distribution centres, Light Industries and Self-storage Units* at 55–63 Smith Street, Summer Hill.

There are a number of examples of similar employment generating uses occurring throughout Sydney whereby light industry uses, indoor recreation and smaller scale storage and warehousing occur in close or immediate proximity to residential uses.

3.1.1 Local Examples

The following section provides additional examples of similar types of development.

- 43 Bridge Road, Stanmore

  This building complex includes the following uses under Light Industrial uses. The approval intended to facilitate the reuse of the building for the purpose of an arts and industry centre comprising 30 industrial studios with off street parking for 31 cars and to strata subdivide the premises into 30 lots. The light industrial uses included the following uses.

  - Artists studio
  - Computer Graphics
  - Computer application & software development for internet application
  - Photographic production and storage
  - Model Making
  - Fashion design studios
  - Design studio architect & related industries
  - Production of media products

- Manufacture and warehousing of blinds and fittings
- Warehousing and distribution and light industry for audio, electronic and audio visual equipment's with associated offices
- Warehousing of promotional goods, showroom, office

- *One+2 (Rozelle Studios) –*

  http://www.oneplus2.com.au/index.php?option=com_flexicontent&view=category&cid=5&Itemid=7
- *Sydney Art Studios (Artarmon) –*

  http://www.creativespaces.net.au/find-a-space/sydney-art-studios-artarmon
- *Oxford Street spaces –*

  http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/opportunities-for-artists/creative-space/oxford-street-spaces
- *Brand x*

  (http://www.brandx.org.au/about-us/find-us/)
  - » *TWT Creative Precinct (St Leonards)*
  - » *The Brand x Studio (Surry Hills)*
  - » *Tempe Jets Music Hub (Tempe)*
  - » *The Palace Studio (Marrickville)*
- *Newington Armory –*

  (http://www.sydneyolympicpark.com.au/whats_on/arts_and_culture/artists_at_the_armory/facilities)

3.1.2 International Examples

Three case studies of industrial development integrated into the urban environment have been analysed below.

3.1.2.1 Case Study 1 – Eastern Neighbourhoods, San Francisco, USA

The Eastern Neighbourhoods Program is a strategy by the San Francisco Planning Department to encourage a broad range of housing opportunities whilst preserving the historical industrial presence within the Mission, Central Waterfront, East South of Market and Showplace Square/Potrero Hill neighbourhoods. The industrial uses within the Eastern Neighbourhoods are a variety of production, and distribution businesses such, furniture wholesalers, caterers, performance spaces and other high-tech industrial businesses.

Competition for land between housing and for industrial employment has seen a considerable increase in land values within the Eastern Neighbourhoods. This has caused much of the industrial sector to relocate and reduced the opportunities for affordable housing in newer residential developments compared to the relatively older building stock which offer lower land values and a supply of low-rent housing.

By developing a strategy that integrates the existing industrial environment with the new residential developments, the San Francisco Planning Department aims to extend the existing neighbourhoods while maintaining the industrial employment environment for local residents.

Source: San Francisco Planning Department (2014) About the Eastern Neighbourhoods.

3.1.2.2 Case Study 2 – Manhattan, New York City, USA

The Northern Tribeca neighbourhood in Manhattan, otherwise known as the Special Tribeca Mixed Use District was originally a traditional manufacturing district that over recent decades has transformed into a desirable area for residential and commercial uses. Since 1997, the area has seen the coexistence of manufacturing businesses with residential uses.

In 2010, the New York City Department of City Planning rezoned 25 blocks in the District to accommodate the increase in residential development and the change in the types of industrial businesses in the District. The zoning changes permit a mix of light manufacturing uses that would have been restricted under the previous planning controls. These light industrial uses range from carpentry, electrical and plumbing, produce or meat markets, and the production of leather goods and metal stamping.

Source: New York City Department of City Planning (2010) North Tribeca Rezoning – Approved.

3.1.2.3 Case Study 4 – Boulder, Colorado, USA

Over the last decade, the City of Boulder has started to embrace the concept of mixed use development incorporating industrial and residential land uses in a single building. Boulder is a major employment centre that accommodates a greater number of jobs than its resident workforce. The shift to mixed use development rose from the need to provide additional housing with the opportunity to live and work within the area and reduce urban sprawl and traffic.

One such example is Boulder Junction formerly known as the Transit Village, which has two distinct industrial mixed use zones within the precinct. This area was primarily an industrial zone but has been rezoned to introduce a greater number of residential dwellings. This has led to the development of co-habiting industrial and residential uses on the one site. The type of industrial businesses within these mixed use developments are service and repair businesses, computer design and development, green technology, publishing or telecommunication industries.

Boulder Junction is only partially completed, however the existing residents have perceived this new precinct as a positive for the community with an increase in housing and community infrastructure.

Source: City of Boulder (2015) Boulder Junction.

4.0 Part 2 – Explanation of Provisions

Specifically, this Proposal is seeking to amend Schedule 1 – Additional Permitted Uses of *Ashfield LEP 2013* to allow the use of *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units* on the site.

The provisions to be included in the proposed LEP are outlined below, in accordance with Section 55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

4.1 Ashfield Local Environmental Plan 2013

Name of Plan

This plan is *Ashfield Local Environmental Plan* 2013.

Aims of the plan

This plan aims to amend Schedule 1 Additional permitted uses in the *Ashfield Local Environmental Plan 2013* as follows:

> **Schedule 1 Additional permitted uses**
>
> **8 Use of certain land at 57 - 63 Smith Street, Summer Hill**
>
> (1) This clause applies to land at 55 - 63 Smith Street, Summer Hill, being Lot 13 in DP 560, Lot 1 in DP796910 and Lot 1 DP905473.
>
> (2) Development for the purposes of *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units* permitted with development consent.

5.0 Part 3 – Justification

5.1 Section A – Need for Proposal

5.1.1 Is the Planning Proposal a result of a study or report?

The Proposal is not the result of a strategic study or report.

Strategic plans which are relevant to the site are discussed in Section 5.2.1.

5.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Over the past few years a number of uses have been investigated as to a legal right to operate within the existing development under the provisions of 'Existing Use Rights' contained within the *Environmental Planning and Assessment (EP&A) Regulation 2000*. The current existing approved use at 57 Smith Street, Summer Hill is defined as a warehouse and therefore the provision of Clause 41 of the EP&A Regulation does not apply. Clause 41 applies to a commercial or industrial use only.

This is the same issue with a number of the uses currently approved and not abandoned on the site. The current approved uses include storage, warehouse and distribution and manufacture of leather goods, which effectively means that the uses on the site a restricted to only those currently approved. There is strong ongoing attempt to lease the properties under the current approvals, however due to the restrictive nature of the current approvals, securing a tenant has not been achieved.

There have been a number of discussions with Ashfield Council's Development Assessment team over the past 3-4 years involving both legal advice and specialists input to determine the permissible uses on the site under the current legislative framework and court determined precedent. Businesses such as personal training (as an expansion of the existing studio), café, boutique light industry and other low impact employment generating uses have approached the leasing agent and Council with interest in occupying the various portions of the site however to date, none of these are permissible, despite a clear benefit to the local community displayed. As a result of these ongoing discussions, specialist advice and investigations a planning proposal is now the most appropriate method of achieving ongoing use of the sites creating activity and community opportunities.

A planning proposal to amend Schedule 1 of *Ashfield LEP 2013* to include *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units* permitted with development consent as additional uses on the subject site is considered the best means to achieve the objectives and intended outcomes set forth in Section 3.0 above.

The following table outlines three options for achieving the desired outcome. Option 1 is the preferred option.

Table 2 Options

Option		Response
1	Amend Schedule 1 of the LEP to include an "Additional Permitted Use" of *Office Premises, Business Premise, Recreation Facilities (Indoor), Light Industries Warehouse and Distribution Centres and Self-storage Units* for this property.	Option 1 is considered the most suitable approach. It only requires consideration and justification for additional uses on the subject site, rather than numerous sites. This, in the future is intended to facilitate a mixed use building whereby employment generating uses may be retained within the lower floors of a building also containing residential uses.
2	Amend the zoning of the property to another zone which would permit *Office Premises,*	Option 2 is not preferable given the range of additional permitted uses proposed on the site. Only one zone permits

Option		Response
	Business Premises, Recreation Facilities (Indoor), Car Parks, Light Industries and Self-storage Units.	these uses, which is the B4 Mixed Use Zone. Whilst the rezoning of the site to B4 Mixed Use may be suitable for the site, this would not meet all of the objectives of the zone.
3	Amend the Land Use table of the LEP to remove *Commercial Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light and Self-storage Units* as prohibited uses in the R3 zone, or include *Commercial Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units* as uses to be permitted with consent in the R3 zone. This would then apply across the entire LGA.	Option 3 would require significantly more investigation and more detailed reporting, given they would impact a much wider area than just the subject site. It is not considered necessary or appropriate for such investigations to be undertaken as part of this Proposal. Such investigations would need to be instigated and identified at the local government level. This site specific amendment creates no impacts at a regional level. Therefore, for this Proposal, investigations were only conducted for the subject site, not a broader area along Smith Street or all of R3 zones.

5.2 Section B – Relationship to Strategic Planning Framework

5.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?

A Plan for Growing Sydney and Central Sub-Region

A Plan for Growing Sydney (the strategy) was released in December 2014 and is a plan for the Sydney Metropolitan Area for the next 20 years. It provides direction for Sydney's productivity, environmental management, and liveability, as well as for the location of housing, employment, infrastructure and open space. The Strategy sets out 4 key goals to achieve the intent of the strategy. These include:

- Goal 1: A competitive economy with world-class services and transport
- Goal 2: A city of housing choice with homes that meet our needs and lifestyles
- Goal 3: A great place to live with communities that are strong, healthy and well connected
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

It will be supported by six sub-regional strategies that will help to set out how A Plan for Growing Sydney will apply to local areas. They will ensure each community has the right types of housing, jobs, public spaces, community facilities, transport options, schools and hospitals to meet their needs.

The Strategy shows Ashfield Council as being located within the Central Subregion and sets the following priorities for the subregion:

- A competitive economy
- Accelerate housing supply, choice and affordability and build great places to live
- Protect the natural environment and promote its sustainability and resilience

The Central Subregion map within the Strategy identifies the site and surrounding areas generally to the south as within the Global Economic Corridor and Urban Renewal Corridor. The Proposal seeks to improve the economic opportunities on the site and provide improved urban form to contribute to improved visual amenity is the area. The subject planning proposal will increase employment opportunities and provide for a range of employment generating industries that are compatible with the residential character of the locality.

The DP&E's website notes that the Subregional Plans are currently being created.

Table 3 demonstrates that the Proposal is supportive of the relevant goals of the Strategy.

Table 3 A Plan for Growing Sydney Goals

Relevant Goals	Relevant Priorities and/or Actions	Comments
Goal 1: A competitive economy with world-class services and transport	Expand the global economic corridor	The Proposal maintains and increases employment opportunities close to residential neighbourhoods including the current zone R3 Medium Density Residential and surrounding zone, R1 Low Density Residential. The site is also close to the Liverpool Road, a main thoroughfare road that also provides good public transport opportunity. The site is also located within close proximity to the Summer Hill Train Station.
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles	Accelerate urban renewal across Sydney – providing homes closer to jobs	The proposed provides improved visual amenity to the subject site and contributed to the historical context of the surrounding area. The site created visual interest along Smith Street, while providing employment opportunities and amenity to resident in the surrounding area.
Goal 3: A great place to live with communities that are strong, healthy and well connected	Support urban renewal by directing local infrastructure to centres where there is growth.	As above.

It is considered that the Proposal is consistent with the strategic directions that are relevant to the subject site and that there will be no adverse impacts on the natural environment given the site is within an existing urban area. Additionally, the Proposal is consistent with the surrounding context of the site. Surrounding land uses include existing commercial uses and carry through from the Summer Hill Town Centre to the site. Therefore, it is considered that the Proposal is an extension and improvement to the Town Centre. Given the surrounding infrastructure to the site, the proposed use is considered to be complimentary to the surrounding area to increase patronage for public transport and provide job opportunities in close proximity to residential living.

5.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Ashfield Urban Planning Strategy 2010

The Ashfield Urban Planning Strategy 2010 was adopted by Council on 28 September 2010 and was used to inform the Ashfield LEP 2013.

The purpose of Urban Planning Strategy 2010 is as follows:

- To provide the strategic underpinning for the preparation of Council's comprehensive Local Environmental Plan 2010.
- To provide the long term direction for land use planning decisions within the Ashfield local government area.
- To demonstrate that strategic directions and actions, including additional dwelling and employment capacity targets, as set out in the Sydney Metropolitan Strategy 2005 and the Draft Inner West Subregional Strategy 2008 can be implemented.
- To assist decision making in terms of future infrastructure projects, population growth and economic investment within the local government area.

The Ashfield Urban Planning Strategy contains strategic land use directions and actions. Of these two are of particular relevance to the Planning Proposal. These are 'Retain the Heritage Value of Summer Hill Urban Village' and 'Foster Local Business'.

The proposed additional uses on the subject site would allow the development of existing uses on the site to continue and foster the opportunity for new local business to locate on the site where buildings are currently vacant. This will encourage a strong sense of place in the area, continuing on from the Summer Hill Urban Village.

Although the site is not heritage listed, the facade of the buildings facing Smith Street contributes to the visual interest of the street through older, heritage style architecture. The proposal will ensure retention of this facade and enable flexibility of the site to continue use as mixed commercial, industrial and residential premises. The Proposal does not change the existing building height or floor space controls, keeping within the context of the surrounding area, providing potential amenity and employment opportunity for local residents.

5.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The Proposal is consistent with the applicable State Environmental Planning Policies as summarised in the table below.

Table 4 Application of SEPPs

SEPP Title	Requirement	Consistency of Proposal
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	The Minister must, when considering the making of environmental planning instruments relating to urban land, implement the aims and objectives of this Policy to the fullest extent practicable.	While the site may be suitable for medium density residential housing and related development, the Proposal seeks to increase the range of permitted uses on the site to include *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units*. This would promote the orderly and economic use and development of the site for the stated uses. These uses on a small scale are compatible within the urban environment as they do not generate external impacts that will adversely impact on the amenity of the locality. Furthermore, future vertical integration of residential and high technology industries are likely to become an integral source of employment.
SEPP No 55 Remediation of Land	When carrying out planning functions under the Act (including undertaking LEP amendments), SEPP No 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.	The Proposal does not include building work, however permits additional uses on the subject site. Potential contamination of the site would be considered at any future DA stages.

5.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The relevant Section 117 Directions are considered in the table below.

Direction	Requirement	Comment
Employment and Resources		
3. Housing, Infrastructure and Urban Development		

Direction	Requirement	Comment
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	. It is important to consider that the subject site is not predominately used for residential purposes and is used for industrial and commercial uses under existing use rights. As such, the proposed amendments to Schedule 1, Additional Permitted Uses will ensure the flexibility of uses on the site to be carried out, while not limiting the site to be used for residential purposes in the future if required. There may be future opportunities to vertically integrate employment generating uses with residential accommodation where the employment generating uses are compatible with residential accommodation. The compatibility of these uses is spelled out in the definitions. The proposed changes to the permitted uses provide for uses within the locality that provide for employment generating uses that are also guided to supply of services to the local community. Light industries on a small scale provide for opportunities for small creative industries to operate in close proximity to home while also providing creative services to local communities and businesses.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. The planning proposal must be consistent with DUAP publications "Improving Transport Choice" and "The Right Place for Business and Services".	The Proposal is consistent with this direction by increasing the range of permitted employment uses on land in an area that is well serviced by existing infrastructure, transport, and services. It is also in immediate proximity to existing and future residential areas. The site is located close to Summer Hill Train Station, existing bus services and will create additional opportunities for residents in the surrounding area to work close to home.
6. Local Plan Making		
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Proposal includes the addition of *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units* as a permitted use at the site. This provides flexibility for vacant premises on the site to be used for appropriate uses. The addition of stated uses has been determined to improve the social and economic potential for the site, while not having any adverse impacts on the site or surrounding area.
7. Metropolitan Planning		
7.1 Implementation	The objective of this direction is to give legal effect to the vision, land use	

Direction	Requirement	Comment
of the Metropolitan Plan for Sydney 2036 (A Plan for Growing Sydney)	strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036 (A Plan for Growing Sydney).	The Proposal is consistent with all relevant matters within the Metropolitan Plan as discussed at Section 5.2.

5.3 Section C – Environmental, Social & Economic Impact

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

Not relevant. There are no critical habitats or threatened species, populations or ecological communities, or their habitats located on the site.

5.3.2 Are there any other likely environmental effects as a result of the Proposal and how are they proposed to be managed?

The Proposal does not seek to increase the intensity of uses currently at the site or the amount of floor space that is permissible.

As the site will be used for predominately the same uses, however will be given more flexibility, it has been concluded that there would be no increase in traffic generation. Therefore traffic impacts would be likely to the negligible.

The existing amenity of the surrounding area which is a mix of residential and commercial / industrial land uses would not be affected by the proposal.

5.3.3 How has the Proposal adequately addressed any social and economic effects?

The Planning Proposal is not considered to have any adverse social or economic impacts. It has been determined that the Proposal will improve the social amenity of the area by encouraging casual surveillance and activation along Smith Street to carry over from the Summer Hill Town Centre. The potential for the site to provide additional uses allows the site to continue operating as it is currently and provides opportunity for flexible uses of the building on the site which are currently vacant. This provides additional prospect for surrounding residents to visit and work on the site.

Economic effects of the Proposal would be positive as it recognises the need for the flexibility of uses on the site to host a broader range of employment generating uses. The Proposal would also allow current uses of the site to continue and provide additional employment opportunities for local residents. Some the buildings on site are currently vacant, and as such, amending Schedule 1 to include Additional Permitted Uses would improve the economic opportunity on site and provide a better social outcome for the surrounding community.

The proposed uses will improve the variability of uses within the Summer Hill Town Centre to ensure residents in the local area are provided with required services within close proximity to homes. The proposed additional uses will improve the community interaction along Smith Street and provide for a more vibrant environment for local residents. The proposal does not encourage an enclosed design and ensures uses will be visible from the street to encourage social interaction and passive surveillance from the site.

Recently, the Federal Government announced a National Innovation and Science Agenda to which $1.1 Billion has been dedicated. The initiative encourages innovative ways to use space and generate jobs and wealth are a direct day to day need of all communities. The agenda identifies these spaces as being provided in the immediate vicinity of residential, development and provide employment opportunities for the local community as well as community collaboration with designers and manufactures. The proposal is consistent with the intent of the National Innovation and Science Agenda in that is supports the use of space for innovative type uses.

The Proposal does not reduce the ability of the site to be developed for residential purposes in the future.

5.4 Section D – State & Commonwealth Interests

5.4.1 Is there adequate public infrastructure for the Proposal?

The proposed uses are less intensive than high density residential uses in terms of demand on infrastructure. The subject site is located within close proximity to major arterial roads (Liverpool Road) and is within walking distance to the Summer Hill Train Station, providing excellent opportunity for users of the site to use public transport.

5.4.2 What are the views of State and commonwealth public authorities consulted in accordance with the gateway determination?

Consultation was undertaken from 3 November 2015 to 4 December 2015. As a result of the consultation period components of this report have been updated to clarify the history of the sites as well as how future uses may impact on the local amenity.

This report has been updated as a result of these comments. In summary the issues comprised:

- *Under Clause 41(f) of the EP&A Regulations 2000 an existing light industrial use has scope to change to another light industrial use or to a commercial use and Clause 45 also enables changes in the proportions in which various parts of a building may be used.*

  Response: Extensive investigations reveal that many of the currently approved uses do not fall within the strict definition of light industry and therefore the provision of existing use rights cannot be utilised.

- *Whether the amenity of adjacent residential areas would be protected regarding the operation of the land uses proposed*

  Response: The nature of the uses proposed will both benefit the community as well as be subject to formal development assessment. The proposed uses have been chosen based on market demand as well and compatibility with the surrounding residential areas.

Further consultation will be undertaken following gateway determination.

6.0 Part 4 – Mapping

The Planning Proposal does not seek any amendments to Sheet 1 or 2 Land Zoning Map of *Ashfield LEP 2013*.

The Planning Proposal seeks to include Additional Permitted Uses in Schedule 1 of the LEP in line with the following:

Ashfield Local Environmental Plan 2013

Schedule 1 Additional permitted uses

8 Use of certain land at 57 - 63 Smith Street, Summer Hill

(1) This clause applies to land at 55 - 63 Smith Street, Summer Hill, being Lot 13 in DP 560, Lot 1 in DP796910 and Lot 1 DP905473.

(2) Development for the purposes of *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units* permitted with development consent.

7.0 Part 5 – Community Consultation

A Gateway Determination would specify community consultation to be undertaken, in accordance with Section 56 (2)(c) of the EP&A Act 1979 as part of the LEP amendment process.

Community consultation would be commenced by the placing of a public notice in the local newspapers and on the website of Ashfield Council and/or the DP&E. In addition, adjoining landowners would be notified in writing.

Normal exhibition material would be made available by the relevant planning authority during the exhibition period. The community consultation process would be completed when the relevant planning authority has considered any submissions received concerning the proposed Local Environmental Plan and has forwarded those reports to the DP&E for final consideration by the Minister.

Update 04/01/2016

Community consultation was undertaken for 30 days ending on 4 December 2015. It is understood some submissions were received and the issues raised include:

- The provisions of 'Existing Use Rights' provide for the uses that are proposed by this planning proposal

  Response

  Part 5.1.2 of this report has been updated to include discussion around the many discussions with Council and legal advice which has determined that the majority of uses on the site are not 'light industry' or 'commercial premises' and therefore existing use rights provisions cannot be relied on.

- The operation of the land uses proposed and whether the amenity of adjacent residential areas would be protected

  Response

  The inclusion of these additional uses as permissible on this site will result in a number of benefits to the local community. These include the generation of employment as well as provision of services that will be of direct benefit to the local community. These uses will be subject to future assessment by Council in a detailed manner and any adverse impacts on the locality carefully considered at that stage. The size of the buildings do not facilitate large scale operations and as a result, the site will boutique operations and businesses.

  Specifically, in terms of impacts on the amenity of the adjoining neighbours, the definition of light industry is a strong indication of the restrictive nature of what is proposed in terms of allowing and facilitating uses that will benefit the community but not impact negatively on the amenity of the locality. The light industry definition is:

  > *a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise,….:*

  The definition is clear in that light industry activity will not impact on the amenity of the neighbourhood. This is the intention of the planning proposal: to provide uses and employment within Summer Hill that will benefit the local community.

8.0 Part 6 – Project Timeline

This Planning Proposal provides a detailed level of information to enable the plan making process to be completed within a reasonable time.

It is anticipated the gateway determination would occur by December 2015. No studies are anticipated to be required to complete the Planning Proposal. Government agency consultation and public exhibition are proposed to occur in January, with an advertisement in local newspapers and on the website of Ashfield Council and/or the DP&E in August allowing for public exhibition for 28 days

Following public exhibition, Council will review all submissions for the Planning Proposal within 14 days.

All responses to submissions and any other queries for government agencies will be assessed and reported to Council. If no major amendments to the Planning Proposal are required following exhibition, it is expected that the Planning Proposal will be finalised by May 2016.

9.0 Conclusion

This Proposal has been prepared to enable the additional use of *Office Premises, Business Premises, Recreation Facilities (Indoor), Warehouse or Distribution Centres, Light Industries and Self-storage Units* at 55-63 Smith Street, Summer Hill. The proposed LEP amendment does not seek to amend the R3 zone applying to the site but will allow for the continued use of the site for existing uses, while providing opportunity for flexibility of uses on the site. This is proposed through an amendment to Schedule 1 Additional Uses of the Ashfield LEP 2013.

The retention of existing uses at the site independent of permissible uses in the R3 Medium Density Residential zone would allow flexibility for a range of uses on the site that contribute to the local economy and provide additional amenity for residents in the surrounding area. The proposal will create employment opportunities within the context of Summer Hill Town Centre and within close proximity to residents.

The proposal will not cause any adverse impacts on the surrounding area and will contribute positively to the existing built form where some buildings on the site area currently vacant. Provision of additional uses on the site will contribute positively to the local economy and continue the character of Summer Hill urban village centre along Smith Street. The proposal will encourage an active street frontage and contribute to opportunities for casual surveillance and social interaction.

The Proposal does not reduce the ability of the site to be developed for residential purposes in the future and would not result in any land use conflicts either internal or external to the site.

It is therefore recommended that this Proposal be favourably considered by Council and that they resolve to forward it to the DP&E for a Gateway determination in accordance with the *Environmental Planning and Assessment Act 1979*.

55-63 Smith Street Planning Proposal - Ref: SC 1239
Leanne Findlay
to:
info@ashfield.nsw.gov.au
03/12/2015 01:21 PM
Hide Details
From: Leanne Findlay [redacted]
To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>,

Dear General Manager

I am opposed to the proposed rezoning of 55-63 Smith Street, Summer Hill.

I have concerns about the negative effect on the identity, streetscape, and heritage of the area.

I acknowledge that the current building (likely built in the 1970s) is not aesthetically pleasing and would be happy for this to be renovated or replaced within the current zoning of "medium density residential".

Changing the zoning to permit additional uses (office premises, business premises, recreation facilities, warehouse or distribution centres, light industries and storage premises) would provide approval for uses that could destroy the streetscape and atmosphere of Summer Hill. The proposed change is zoning is not consistent with the zoning of the surrounding properties which are all Low and Medium Density.

The planning proposal from RPS states that the premises are currently being used for purposes that are prohibited under the current zoning. The current zoning should be enforced by Council rather than changing the zoning to match the current use and opening up the possibility of less desirable buildings and uses. The proposal suggests car storage, cafes, personal training studios, office premises and storage premises as potential uses. Apart from cafes and personal training studios, none of these uses provide necessary services for the Summer Hill community.

Most importantly, 55-63 Smith Street is very close to heritage listed items and the Summer Hill Central Conservation Area and Fleet Street Conservation Area. Higher rise buildings and light industrial use of 55-63 Smith Street would further destroy the heritage streetscape at that end of Smith Street (along with the Buckle Factory development and The Mills development).

RPS' response to the aim of Ashfield LEP 2013 "to identify and conserve the environmental and cultural heritage of Ashfield" is unsatisfactory. Although the proposed rezoning does not directly affect any heritage items (given there are none on the site), it could certainly adversely affect the identity, streetscape and heritage of the surrounding area. Of course it would also set an ugly precedent for further zoning changes and development.

Leanne Findlay
[redacted]
Summer Hill 2130

Item 8

h

[redacted]

Summer Hill 2130

3/12/2015

General Manager,

Ashfield Council

PO Box 1145

ASHFIELD NSW 1800

Attention: Mr Con Colot, Strategic Planner

Dear Ms Chan,

RE: 55-63 Smith Street Summer Hill - Planning Proposal - Ref: SC1239

Thank you for your notification dated 30/10/15 of the Planning Proposal, which seeks to add specific uses as permissible uses for the above site.

This site is zoned R3 under the Ashfield LEP 2013 and was rezoned from light industrial to medium density residential (along with the adjacent 'Buckle' site, now under redevelopment for residential use) through an amendment to the Ashfield LEP 1985. One of the considerations in Council agreeing to the rezoning at the time was that this site and the Buckle site would be redeveloped together for medium density residential use, as shown on the concept plan presented. This comprehensive redevelopment however did not occur and 55-63 Smith Street remains as a small collection of mainly warehouse/storage buildings.

I have examined the applicant's planning submission and offer the following comments.

The additional uses sought to be added to Schedule 1 for this site are uses in the main found in IN2 Light Industrial under Ashfield LEP 2013 (and 4(b) Light Industrial under the earlier Ashfield LEP 1985). Council specifically considered whether the retention of light industrial uses is desirable in this locality during the process of agreeing to change the zoning from 4(b) to what is now Residential R3.

With more than half of what was to be a consolidated medium density residential re-development now under construction for that purpose and no other IN2 zoning (except for the largely disused Carlton Cres/Smith St properties blocks away to the east), it is inappropriate to effectively 'bring back' a selection of light industrial uses to co-exist with the medium density zoning which applies to this site. The site is abutted by residential uses and amenity issues may well arise for current (and future) residents if the planning proposal was agreed to. The expectation and certainly the intention is that this site be re-developed for medium density residential use – this is what should happen. Redevelopment potential is clearly evident and not be frustrated by affording scope for the existing buildings (which are clearly at the end of their economic life and likely to be non-BCA compliant) to remain.

Attachment 2

An existing gym operates with Council consent at the street frontage of no.61-63 with residence(s) above (for which Council has permitted alterations in the last 2 years). The building at the rear of the site remains in use for light industrial/warehouse/storage purposes and it appears that sections of nos 55-57 are also in use. A 'To Let' sign has existed on the street frontage of 55-57 for many months and it is clear from the Planning Proposal submission that the real estate agent has been receiving industrial/commercial enquiries to occupy the buildings on the site. It seems therefore that 'existing use rights' are established, by both actuality and intent

Under Clause 41(f) of the EP&A Regulations 2000 an existing light industrial use has scope to change to another light industrial use or to a commercial use (provided Council consent is obtained) and Clause 45 also enables changes in the proportions in which various parts of a building may be used. Examining the definitions of 'industry' and 'commercial use' (and equivalent definitions under the Ashfield LEP) demonstrates that (for the most part) the uses sought under the Planning Proposal to be added to Schedule 1 are uses for which consent could currently be granted under these existing use provisions. With an existing gym and scope to expand under clause 45, it is unlikely that another 'Recreation Facility (Indoor)' use would be attracted to the site. 'Warehouse or Distribution Centres' as distinct from 'Storage Premises' is NOT a use that would be appropriate for this site, on amenity and traffic grounds.

The Planning Proposal to amend Schedule 1 of the Ashfield LEP 2013 to permit the listed uses as additional uses for this site under its Residential R3 zoning, should not proceed. The Planning Proposal is contrary to the aims and objectives of the Residential R3 zoning and the very considerations that applied when Council rezoned the site from light industrial. The site is adjoined by residential uses and it is obvious that given the age and condition of the buildings on the site that medium density residential redevelopment is what is appropriate.

Yours Sincerely

David Rollinson

(obo Susan Thompson and David Rollinson)

Item 8

Planning Proposal - 55-63 Smith Street, Summer Hill
Thea Naghten
to:
conc@ashfield.nsw.gov.au
10/05/2016 05:18 PM
Hide Details
From: Thea Naghten <[redacted]
To: "conc@ashfield.nsw.gov.au" <conc@ashfield.nsw.gov.au>,

Dear Con,

I live across the road from 55-63 Smith Street, Summer Hill. We have been experiencing ongoing noise issues from Rockstar Fitness Cross Fit gym at this address and after lodging my concerns with Ashfield Council, I also obtained a copy of the consent for the property.

I was surprised to learn 55-63 Smith Street is zoned for residential use only then found that a proposal seeking to amend the Ashfield LEP 2013 to allow select commercial use was being considered. I was advised to contact you directly re: this proposal. Unfortunately I moved to the area after the proposal was notified.

I agree this location is appropriate for some commercial uses, such as cafes, retail shops, offices and storage facilities. Several mechanics, restaurants and retail stores already operate nearby – mostly within standard business hours - without issue. While I have no objection to the rezoning in general, I do have concerns about the inclusion of *Recreation Facilities (Indoor)*.

It is clear *Recreation Facilities (Indoor)* has been included to accommodate the Cross Fit gym already operating at this address. Cross Fit involves the repetitive lifting and dropping of heavy weights, hitting pads, throwing medicine balls against walls - and a lot of yelling. While I can see Cross Fit technically falls into the Recreation Facilities (Indoor) category, the exercise style is relatively new but already notorious world-wide for the amount of noise it generates. This type of studio is better suited to an industrial estate.

The studio currently operates under a broad consent requiring only compliance with the POEO Act and a generic line about retaining amenity. There are no conditions included, unlike in consents for numerous other gyms, requiring noise and vibration mitigation measures to reduce the impact on their neighbours eg. keeping the front doors closed, installing appropriate flooring and limiting the volume of music.

My husband and I, and our neighbours, wake each morning to yelling, grunting and rattling walls and windows as the morning class drop weights just metres from our front door. The same noise greets us when we come home from work and continues as we sit down for dinner. Six days a week. We can no longer use the front room of our house.

I fear that if the amendment to Ashfield's LEP is made, the gym will be allowed to continue to operate under the existing consent, without consideration for its neighbours, until 2018.

The Planning Proposal drafted by RPS says the rezoning will have no adverse impacts on the surrounding area. It is already having an adverse impact, and as residents move into the nearly completed apartments and terraces next to the site, the number of residents impacted will increase.

The proposal also states that there have been no complaints received relating to the existing uses. This is incorrect as I, and several neighbours, have lodged noise complaints over the phone and by email. These do not seem to have been recorded or referred for action.

Again, I generally support the rezoning of 55-63 Smith Street to allow for a broader range of uses but I do not think the space is appropriate for its current use as a Cross Fit studio or use for *Recreation Facilities (Indoor)* in general.

I hope my comments can be taken into consideration,

Many thanks,

Thea Naghten

CITY OF SYDNEY
Sydney 2030 Green Global Connected

Town Hall House, 456 Kent Street, Sydney NSW 2000
GPO Box 1591 Sydney NSW 2001
Telephone: +61 2 9265 9333
Fax: +61 2 9265 9222

Attachment 2

RPS

Sydney Office
Level 9, 17 York Street, GPO Box 4401, Sydney NSW Australia 2001
T +61 2 9248 9800 F +61 2 9248 9810 E sydney@rpsgroup.com.au W rpsgroup.com.au

Our Ref: PR127581 - Development Options and Concepts
Date: 12 July 2016

Mr Con Colot
Inner West Council
260 Liverpool Road
ASHFIELD NSW 2131

Dear Mr Colot,

RE: PLANNING PROPOSAL – 55-61 SMITH STREET, SUMMER HILL,

In response to ongoing discussions with yourself we have now prepared some concepts plans that address additional car parking on site as well as to provide the range of uses that are proposed in the subject Planning Proposal.

The areas and concept indicative uses are summarised below as well as car parking rates as per Council's DCP associated with those uses.

Use	Approximate Area	Car Spaces
Personal Training Studio and 2 x 1 bed units	N/A	3 spaces in total approved
Business premises	280sqm (Area 4.1 and Ground Floor area 1)	7 @1/40sqm
Self-storage units	525sqm (Area 2)	2 @ 1/300sqm
Office premises	304sqm (Area 4.2-4.4)	8 @ 1/40sqm
Recreation facility (indoor)	300sqm (Area 3)	12 @ 4/100sqm
Total		32 required spaces

It must be noted that the primary uses of the existing Personal training Studio who intend on expanding in to the adjoining building are local residents who walk or ride to the premises. There the 12 spaces required for the Indoor recreation use is unlikely to be required and therefore the discrepancy in 1 car space is unlikely to result in additional demand on the local street network.

We trust this information is sufficient for your purposes; however should you require any further details or clarification, please do not hesitate to contact the writer by telephone.

Yours sincerely

Myall Stevens
Senior Planner

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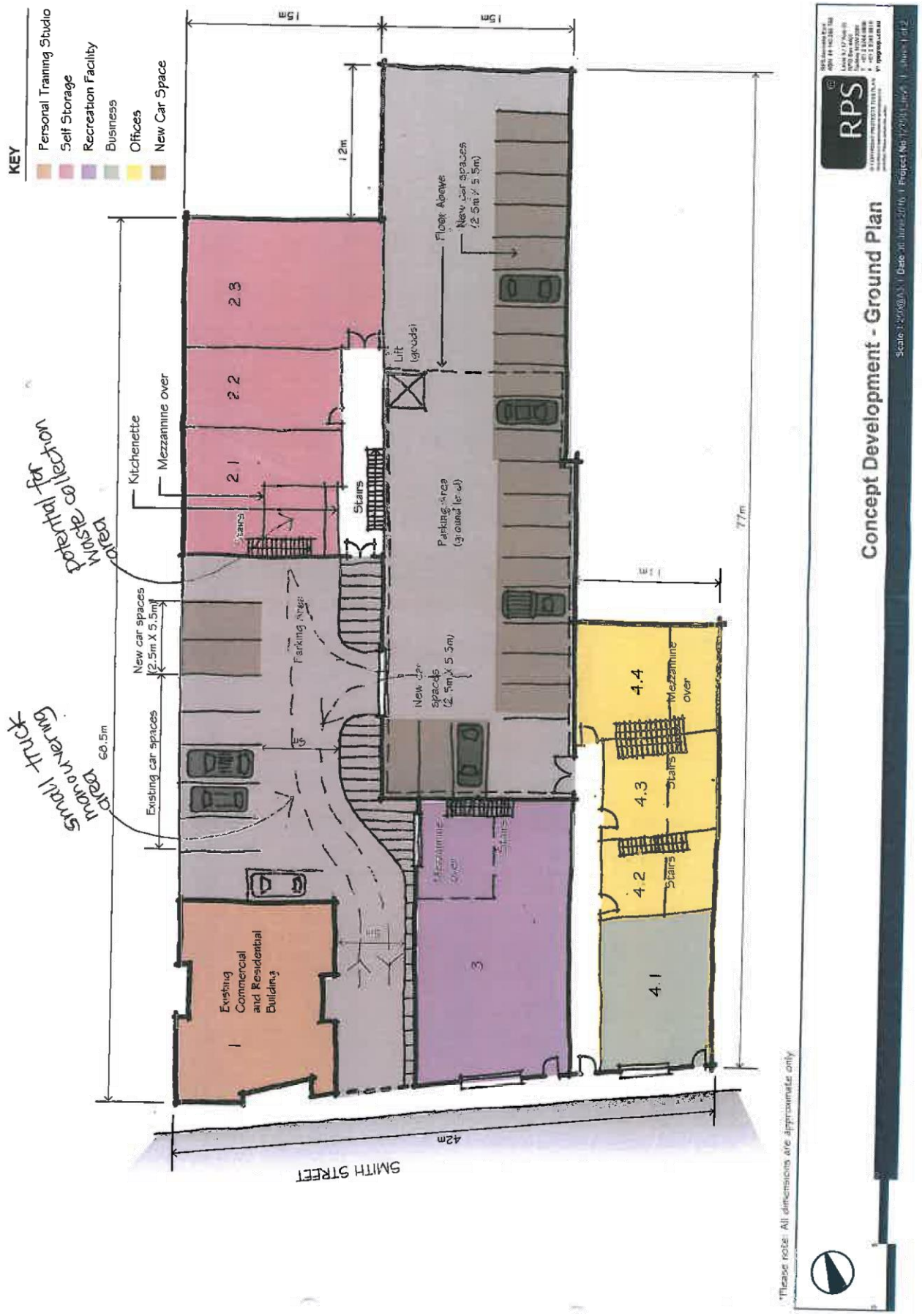
Attachment 3



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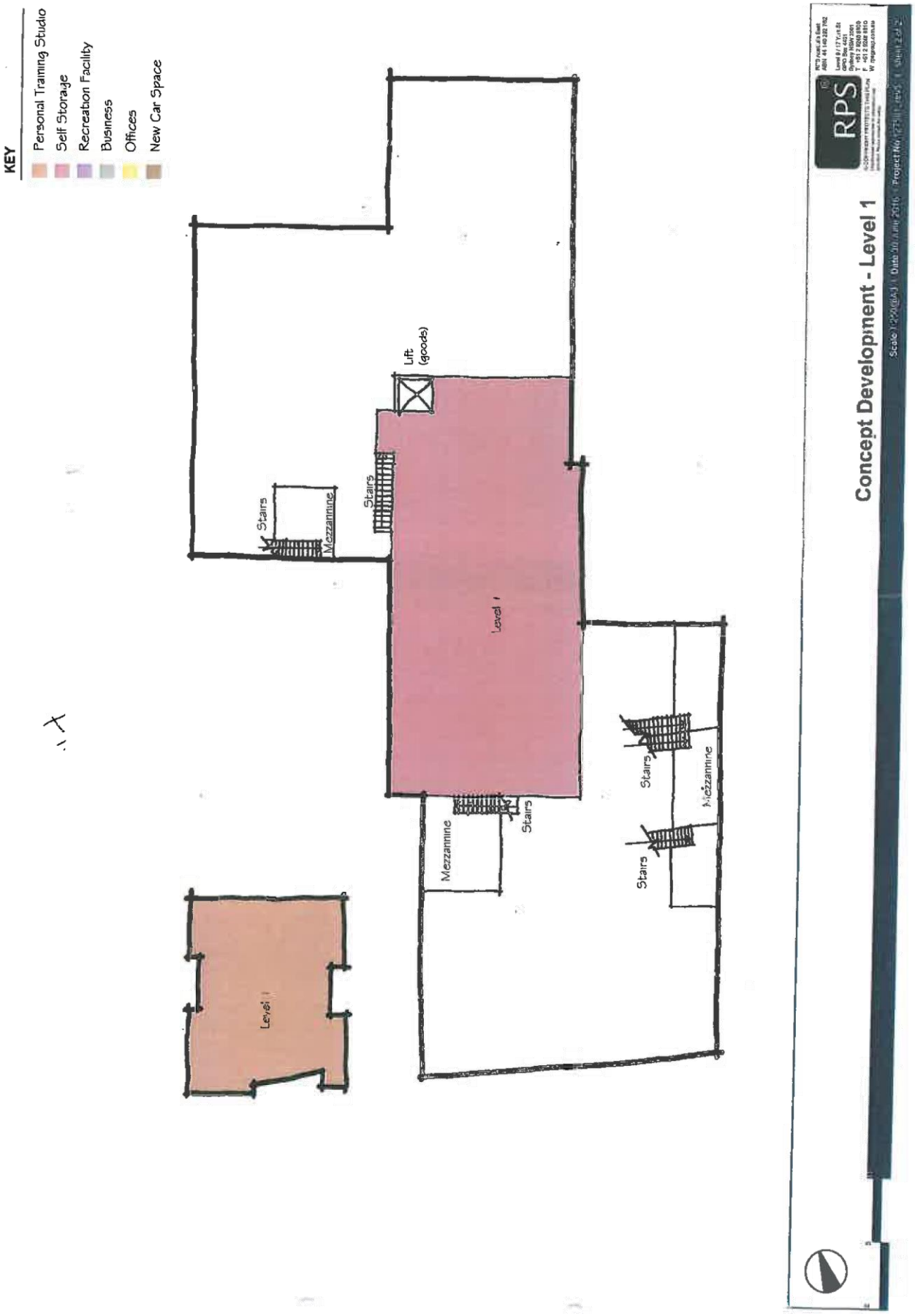
Attachment 3



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ATTACHMENT

ANALYSIS OF ADDITIONAL LAND USES PROPOSED.

The following analyses each of the proposed new land uses in order to examine their potential impacts and whether they should be supported.

1 Proposed Offices Premises

Definition

Office premises *means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.*

The *office premises* land use technically complies with the Ashfield LEP R3 Zone objective: *"To enable other land uses that provide facilities or services to meet the day to day needs of residents".* Examples of potential building uses include: Accountant's office and Surveyor's office.

Potential problems with use of site

Adequacy of on-site parking for employees. The applicant's site layout plans show that carparking can be accommodated on the site.

Controlling hours of operation and acoustic requirements for noise mitigation. This can be controlled via a site specific DCP.

Potential benefits of use of site

Additional local employment and more business activity. Activity and surveillance of the area and so higher levels of public safety. Provision of local services. Reuse of existing buildings - sustainability.

2 Proposed Business Premises

Definition

Business premises *means a building or place at or on which:*

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Attachment 4

The *business premises* land use technically complies with the Ashfield LEP R3 Zone objective: *"To enable other land uses that provide facilities or services to meet the day to day needs of residents".*

Potential problems with use of site

Adequacy of on-site parking for employees. The applicant's site layout plans show that carparking can be accommodated on the site.

Controlling hours of operation and acoustic requirements for noise mitigation. This can be controlled via a site specific DCP.

Potential benefits of use of site

Additional local employment and more business activity. Activity and surveillance of the area and so higher levels of public safety. Provision of locals services. Reuse of existing buildings - sustainability.

3 Proposed Recreational Facilities (indoor)

Definition

Recreation facility (indoor) *means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

The *recreational facility* land use technically complies with the LEP R3 Zone objective: *"To enable other land uses that provide facilities or services to meet the day to day needs of residents".*

Potential problems with use of site

Adequacy of on-site parking for employees. The applicant's site layout plans show that carparking can be accommodated on the site.
and after hours activities and affect on adjacent residences.

Controlling hours of operation and acoustic requirements for noise mitigation. This can be controlled via a site specific DCP.

Potential benefits of use of site

Additional local employment and more business activity. Activity and surveillance of the area and so higher levels of public safety. Provision of local services. People's physical health and also social interaction. Reuse of existing buildings - sustainability.

4 Warehouse or Distribution Centres

Definition

Warehouse or distribution centre *means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.*

The *warehouse or distribution centre* land use does not *technically* "fit "under the LEP R3 Zone objective of: *"To enable other land uses that provide facilities or services to meet the day to day needs of residents".*

Potential problems with use of site

Adequacy of on-site parking for employees.

Handling of large bulky gods and whether there is adequate on manoeuvring area for large vehicles and deliveries. In the past reliance would have been placed on use of Smith Street for loading and unloading from large trucks, however, in the present circumstances this would not be acceptable for Smith Street given the traffic conditions.

After hours activities, noise issues, and affect on residences opposite.

Potential local benefits of use of site

It is not clear whether there are any local benefits for the community.

5 Light Industry

Definition

Light industry *means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:*

(a) high technology industry,
(b) home industry.

The *light industry* land use does not *technically* fit under LEP R3 Zone objective: *"To enable other land uses that provide facilities or services to meet the day to day needs of residents".* Examples of light industry include: Manufacture of electrical/electronic goods, but can also range to manufacture of large component machinery.

Potential problems with use of site

Adequacy of on-site parking for employees. Adequacy of on-site deliveries.

Noise nuisance during working hours for adjoining residences. Buildings would have to be well insulated to stop any noise transfer.

After hours activities, noise issues, and affect on residences opposite.

Controlling hours of operation and acoustic requirements for noise mitigation.

Potential benefit of use of site.

Local employment.

6 Storage Premises

Definition

Storage premises *means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.*

The *storage premises* land use technically does not comply under the LEP R3 Zone objective of: *"To enable other land uses that provide facilities or services to meet the day to day needs of residents".* Storage could occur for local residents household items, e.g. when a residence runs out of storage space, and this would be supportable and have a low impact - however, this use does not fit within the above definition since storage premises must be for a commercial purpose.

The applicant later advised (March 2016) that a ***Self Storage Units*** land use is an alternative , since this fits into the R2 Zone objective and would provide a service for local residents, such as people storing their household items. Potential problems and benefits of Self Storage is examined below.

Potential problems with use of site

Adequacy of vehicular delivery and pick up of goods. The applicant's site layout plans show that carparking can be accommodated on the site, and that small vehicle deliveries could be accommodated in the middle of the site.

Controlling hours of operation and acoustic requirements for noise mitigation. This can be controlled via a site specific DCP .

Potential benefits of use of site.

Self storage would provide a storage facility for local residents, and would provide an a "local convenience".

END

Item 9

Item No: **C0916 Item 9**

Subject: **PLANNING PROPOSAL FOR 100-102 ELLIOTT STREET, BALMAIN**

File Ref: 16/6014/89179.16

Prepared By: Steve Roseland - Senior Strategic Planner, Leichhardt

Authorised By: Phil Sarin - Director, Planning and Environment

SUMMARY

At the February 2016 Policy Meeting Council considered a report and resolved to request a Gateway Determination from the Minister for Planning for a Planning Proposal to rezone parts of the subject site to General Residential (R1), Business Park (B7), Public Recreation (RE1) and retain Local Centre (B2) for the rest of the property.

RECOMMENDATION

THAT Council resolve to make the Leichhardt Local Environmental Plan 2013 amendment to rezone parts of the subject site at 100-102 Elliott Street, Balmain to General Residential (R1), Business Park (B7), Public Recreation (RE1) and retain Local Centre (B2) for the rest of the property as detailed in the exhibited Planning Proposal and supporting documentation.

BACKGROUND

At the February 2016 Policy Meeting Council considered a report (see **Attachment 1**) and resolved (**C14/16P**) to request a Gateway Determination from the Minister for Planning for a Planning Proposal to rezone parts of the subject site to General Residential (R1), Business Park (B7), Public Recreation (RE1) and retain Local Centre (B2) for the rest of the property.



The proposed rezoning of the site by the Proposal does not include any changes to the built form or existing development consent and is drafted to reflect the land uses already approved on the site as part of development application approved by the Joint Regional Planning Panel (JRPP) D/2013/406 and to be consistent with Council's long term strategic plans.

On 8 April 2016 Council received a Gateway Determination for the Planning Proposal from the Department of Planning acting as delegate for the Greater Sydney Commission.

The Gateway Determination was reported to the May Policy Meeting where Council resolved (**C245/16P**) to place the Proposal on public exhibition for a minimum of 28 days in accordance with the Gateway requirements.

FINANCIAL IMPLICATIONS

Nil.

PUBLIC CONSULTATION

Submission overview

In accordance with the endorsed community engagement plan and Gateway Determination requirements, the Planning Proposal (see **Attachment 2**), and supporting documentation were placed on public exhibition from Tuesday 21 June 2016 to Monday 18 July 2016. Consultation was undertaken as follows:

- Approximately 204 letters were sent to owners / occupier of properties within close proximity of the subject site
- Notice in the Inner West Courier
- 260 visitors viewed the exhibition material on the 'Have Your Say' section of Council's website
- The proposed amendments and supporting documentation were made available in hard copy form for review at Leichhardt Service Centre, Leichhardt Library and Balmain Library

This process generated 13 submissions, ten (10) from residents/owners, two (2) from public authorities and the owner of the property. These submissions raised a number of issues as follows:

- Increased traffic including both number of vehicles and movements and less on-street parking available because of the proposed development
- Conversion of serviced apartments to residential dwellings supported
- Rezoning of the nine (9) live/work terraces on Broderick Street to Business Park (B7) not supported
- Ensure adequate public access is provided to the foreshore land to be dedicated to Council for public recreation
- Need to restore the ferry service to Balmain West and undertake a wharf upgrade
- Formal street addresses for the nine (9) live/work terraces to be constructed on Broderick Street to remain 100-102 Elliott Street to discourage use of Broderick by traffic deliveries
- Noise generated from commercial uses affecting residential amenity
- Air conditioning unit location away from Broderick Street

Consultation with Public Authorities

The Gateway Determination required formal consultation with the following public authorities:

- NSW Roads and Maritime Services;
- NSW Department of Education and Communities;

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- NSW Health;
- NSW Department of Family and Community Services;
- Ambulance Service of NSW;
- NSW Police Force;
- Sydney Water; and
- Energy Australia

Responses were received by Sydney Water and NSW Roads and Maritime Services (RMS).

Sydney Water raises no objection to the Proposal with access to services available to the site and any detailed requirements to be provided at the section 73 application phase.

RMS has reviewed the Proposal and raises no objection as the proposed LEP amendment is unlikely to have any significant impact on the classified road network.

Matters Raised In Submissions / Proponent Comments / Officer Responses

Summary of matters raised and frequency:

Traffic and Parking	7 submissions
Conversion of serviced apartments to residential dwellings	5 submissions
Rezoning of the nine (9) live/work terraces on Broderick Street to Business Park (B7)	5 submissions
Public access is provided to the foreshore land to be dedicated to Council	1 submission
Restore the ferry service to Balmain West	1 submission
New Broderick Street properties to retain formal Elliott Street address	1 submission
Noise generated from commercial uses affecting residential amenity	1 submission
Air conditioning unit location away from Broderick Street	1 submission

Table 1 - Traffic and Parking

Issue Parking in local streets is already difficult now and it will worsen under the proposed planning proposal with increased pressure on available on-street spaces. The rezoning will increase traffic in adjoining streets, in particular Broderick Street.
Council response The Proposal does not propose to reconfigure the approved development and its parking provision, which is in accordance with Council policy. The majority of properties in Broderick Street have existing off-street parking provision. No additional on-street parking or traffic impacts on local streets beyond what is currently approved in the existing development consent are anticipated by the proposed rezoning.
Action required / amendment to exhibited Planning Proposal No change

Table 2 - Conversion of serviced apartments to residential dwellings

Issue The owner of the site has argued that operating nineteen (19) serviced apartments dispersed through multiple buildings is not a viable commercial use. Conversion of the serviced apartments will contribute to net dwelling provision in the Inner West Council area. This change is supported by all five (5) of the submissions received on the matter.
Council response The Proposal does not seek to change the built form or height of the approved development and the owner of the site has informed local residents through community consultation that the form/height will not change as part of any future amendment to the current development approval. In preparing the Proposal Council supported the conversion of the serviced apartments to residential dwellings and the change was allowed to proceed to public exhibition by the Department of Planning and Environment issuing a Gateway Determination.
Action required / amendment to exhibited Planning Proposal Proceed with proposed rezoning to facilitate the conversion of the serviced apartments to residential dwellings.

Table 3 - Rezoning of the nine (9) live/work terraces on Broderick Street to Business Park (B7)

Issue Four (4) resident submissions do not support the rezoning of the live/work terraces to Business Park (B7). The reasons given are as follows: - commercial elements of the live/work terraces will result in greater impacts, primarily traffic and parking, upon the existing residents of Broderick Street. - both sides of Broderick Street should be zoned Residential (R1) to reflect the residential nature of the street.
Council response The proposed rezoning of the site by this Proposal from B2 to B7 does not include any changes to the built form or existing development consent, including parking provision and traffic movements. Prior to approval the design and location of the nine terraces on the north side of the street was partly to minimise visual impacts of the proposed development on properties across Broderick Street to the south. The proposed rezoning is drafted to reflect the land uses already approved on the site as part of development application D/2013/406 and be consistent with Council's long term strategic plans. As detailed in the Planning Proposal rezoning the entire site to residential will likely result in all land specifically zoned for commercial purposes being lost, with associated job losses and see a further decrease in employment generating lands within the Council area. The zone objectives and permitted land uses in Leichhardt Local Environmental Plan 2013 which best reflect the future use of the nine (9) live-work terraces in Building A2 is Zone B7 Business Park. Clause 6.12 (Residential accommodation in Zone B7) aims to facilitate exactly this type of development. The street has never been wholly residential in nature with intensive commercial operations underway on the subject site for decades. This built form and land use is specifically designed to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones, especially commercial to residential.
Action required / amendment to exhibited Planning Proposal No change

Item 9

Table 4 - Public access is provided to the foreshore land to be dedicated to Council

Issue The potential privatization by default of the Harbour foreshore land to be dedicated to Council if adequate public pedestrian access to this future public recreation land is not provided through the western end of the site to be rezoned.
Council response The dedication of the Harbour foreshore land has already been negotiated and agreed as part of development approval D/2013/406. These approved plans include direct pedestrian access from Elliott Street and pedestrian links through the site at the western end of Broderick Street. The planning proposal will also rezone the Harbour foreshore that is to be dedicated to Council from B2 to RE1 Public Recreation.
Action required / amendment to exhibited Planning Proposal No change

Table 5 - Restore the ferry service to Balmain West

Issue Restoration of the ferry service to Balmain West, with a wharf upgrade, to provide public transport options for both new and existing residents.
Council response Reinstating the ferry service to Balmain West would require investigation by RMS.
Action required / amendment to exhibited Planning Proposal No change

Table 6 - New Broderick Street properties to retain formal Elliott Street address

Issue Street addresses for the nine (9) live/work terraces should remain as 100-102 Elliott Street to encourage deliveries via the main driveway.
Council response Car parking on the subject site, both for residents and visitors, has been approved (D/2013/406) in accordance with Council requirements. Primary access to the whole of the subject site, 100-102 Elliott Street, is from the Elliott Street frontage.
Action required / amendment to exhibited Planning Proposal No change

Table 7 - Noise generated from commercial uses affecting residential amenity

Issue Noise generated from business or light industry uses may seriously degrade the amenity of local residents.
Council response The proposed rezoning is drafted to reflect the land uses approved on the site as part of development application D/2013/406 and be consistent with Council's long term strategic plans. The commercial land uses on site are already approved as part of this existing consent.

Concerns have been raised previously by both the owner of the site and local residents about the impact that serviced apartments, as a commercial land use, will have upon both existing and future residents. In drawing up the Proposal for this site Council has taken these concerns into consideration and is proposing to rezone the site to facilitate the change from serviced apartments to residential dwellings. As detailed in the Planning Proposal rezoning the entire site to residential will result in all land specifically zoned for commercial purposes being lost, with associated job losses and see a further decrease in employment generating lands within the Council area.
Action required / amendment to exhibited Planning Proposal No change

Table 8 – Air conditioning unit location

Issue Current approved plans require that air conditioning units be located in the car park to ensure that fumes and noise generated by the systems do not affect the amenity of residents along Broderick Street. No amendment to the current plans should be approved by Council to allow these units to be moved.
Council response The proposed rezoning of the site by this Proposal does not include any changes to the built form or existing development consent. When assessing any future modification to the development consent lodged Council will take into consideration the potential impacts of any changes on the amenity of existing residents, including any proposed re-location of air-conditioning units.
Action required / amendment to exhibited Planning Proposal No change

Submission on behalf of Toga Developments Sydney

RPS consultants have prepared a submission on behalf of Toga, the landowner of the site.

Toga do support the Proposal to rezone the land at 100-102 Elliott Street, Balmain however have raised concerns with the Business Park (B7) zone proposed on the southern portion of the site.

Table 9 - Conversion of serviced apartments to residential dwellings

Issue Rezoning to General Residential (R1) for those buildings on-site which include serviced apartments is supported. Operating nineteen (19) serviced apartments dispersed through multiple buildings is not a viable commercial use and the conversion will contribute to the net dwelling provision in the Inner West Council area.
Council response The Proposal does not seek to change the built form or height of the approved development and the owner of the site has informed local residents through community consultation that the form/height will not change as part of any future amendment to the current development approval. In preparing the Proposal Council supported the conversion of the serviced apartments to residential dwellings.
Action required / amendment to exhibited Planning Proposal Proceed with proposed rezoning to facilitate the conversion of the serviced apartments to residential dwellings.

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Table 10 - Rezoning of the nine (9) live/work terraces on Broderick Street to Business Park (B7)

Issue Toga objects to the proposed rezoning of a portion of the site to Business Park (B7) for the following reasons: - the approved land uses within Building A2 do not meet the objectives of the Business Park (B7) zone regarding the provision of a range of office and light industrial uses. Live work spaces are designed and intended for different types of non-residential uses than either offices or light industrial - the site is isolated and a small portion of proposed Business Park zoned land is unsuitable as B7 zones are generally consolidated areas with multiple landholdings with appropriate transport and traffic accessibility for larger vehicles - if the intent is to ensure ongoing economic uses with respect to live-work terraces Local Centre (B2) is better suited
Council response The proposed rezoning is drafted to reflect the land uses already approved on the site as part of development application D/2013/406 and be consistent with Council's long term strategic plans, which includes retention of employment generating land. The zone objectives and permitted land uses in Leichhardt Local Environmental Plan 2013 which best reflect the desired future use of the nine (9) live-work terraces in Building A2 is Zone B7 Business Park. Clause 6.12 (Residential accommodation in Zone B7) aims to facilitate exactly this type of development. This built form and land use is specifically designed to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones, especially commercial adjoining residential. Council, supported by clause 6.12, has used the Business Park zone to encourage provision of live/work premises such as that approved on the subject site and at various other locations within the former Leichhardt Municipality. This is to provide a range of options on employment generating land within the Council area and ensure its preservation through flexibility as the demand for different types of commercial space changes close to Sydney CBD. As detailed in the Policy report (**Attachment 1**) and Proposal (**Attachment 2**) the subject site landowner's original intent to achieve the desired outcome of conversion of serviced apartments to residential dwellings was to rezone the entire site to General Residential (R1). This would likely have resulted in all land specifically zoned for commercial purposes being lost, with associated job losses outlined by RPS consultants and see a further decrease in employment generating lands within the Council area. In arguing for the entire site to be rezoned to General Residential (R1) RPS Economic and Market Assessment concluded that the Local Centre (B2) zoning could actively harm the retail strips along Darling Street in Balmain and Rozelle, attracting potential demand away from the town centres. Additionally future amendments or development applications on-site could potentially also result in an active street frontage requirement along Broderick Street if this portion of the site were to remain zoned Local Centre (B2), an outcome which local residents have been very opposed to and continue to raise as an issue of concern with Council. To best reflect the existing JRPP approval (D/2013/406) and to preserve and revitalise employment generating land in the Council area Business Park (B7) was determined to be the zone most suitable for the portion of the site where the nine (9) live/work terraces are currently being constructed.
Action required / amendment to exhibited Planning Proposal No change

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SUMMARY / CONCLUSION

Council has fulfilled all the requirements of the Gateway Determination issued (8 April 2016) by the Department of Planning and Environment as delegate of the Greater Sydney Commission.

It is recommended that Council resolve to make the Leichhardt Local Environmental Plan 2013 amendment to rezone parts of the subject site at 100-102 Elliott Street, Balmain to General Residential (R1), Business Park (B7), Public Recreation (RE1) and retain Local Centre (B2) for the rest of the property as detailed in the exhibited Planning Proposal and supporting documentation (see **Attachment 2**).

ATTACHMENTS

1.⇩ February 2016 Policy Meeting Report
2.⇩ Planning Proposal (Publicly Exhibited)

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PLANNING PROPOSAL FOR 100-102 ELLIOTT STREET, BALMAIN

Division	Environment and Community Management
Author	Senior Strategic Planner
Meeting date	9 February 2016 Policy Meeting
Strategic Plan Key Service Area	Community well-being Accessibility Place where we live and work A sustainable environment Business in the community Sustainable services and assets

SUMMARY AND ORGANISATIONAL IMPLICATIONS

Purpose of Report	The purpose of this report is to inform Council of a Planning Proposal to amend Leichhardt Local Environmental Plan (LEP) 2013 to rezone 100-102 Elliott Street, Balmain from Local Centre (B2) to General Residential (R1). Whilst the applicants preferred option is not supported, an alternative option that will in the longer term retain employment uses on the site is supported. Endorsement of this alternative option is sought and for a revised planning proposal to be submitted to the Minister for Planning for a Gateway determination to rezone appropriate parts of the site to Business Park (B7), General Residential (R1) and Public Recreation (RE1).
Background	The site was previously used by Nutri-Metics, a cosmetics company, with a mix of commercial, warehouse and convention centre buildings which were left unused after the site was vacated. The site was zoned Business under Leichhardt LEP 2000, translated into Local Centre (B2) zone as part of Leichhardt LEP 2013. A Planning Proposal was lodged with Council on 5 November 2015 to facilitate the preparation of an amendment to Leichhardt Local Environmental Plan 2013 to enable the rezoning of 100-102 Elliott Street, Balmain from Local Centre (B2) to General Residential (R1). The stated objective of the Proposal is to allow residential uses on the ground floor across the site without the need for a mix of uses within a building or an active street frontage. The desired outcome is that the proposed LEP amendment will allow for a future development application modification to convert the approved nineteen (19) serviced apartments

Attachment 1

	under D/2013/406 to residential dwellings.
Current Status	The owner of 100-102 Elliott Street, Balmain has requested that Council prepare a Planning Proposal for an amendment to Leichhardt Local Environmental Plan 2013, which would rezone the site from Local Centre (B2) to General Residential (R1).
Relationship to existing policy	This report assesses the merits of the Planning Proposal against relevant Council and State policies. Leichhardt LEP 2013 Leichhardt 2025+ Leichhardt Community & Cultural Plan 2011-2021 Leichhardt Employment Lands Study (Jan 2011) Leichhardt Employment & Economic Development Plan 2013-2023 A Plan for Growing Sydney (Dec 2014) Draft Inner West Subregional Strategy (July 2008)
Financial and Resources Implications	The proponent has paid the fee to Council for the preparation of a Minor Amending Local Environmental Plan as required by Council's Fees & Charges Policy to cover the costs of processing the Planning Proposal.
Recommendation	That Council: 1. Receive and note this report and attachments; 2. Resolve not to support the request the subject of the Proponent's Planning Proposal to rezone 100-102 Elliott Street, Balmain from Local Centre (B2) to General Residential (R1) for the following reasons: a) the rezoning would further reduce the supply of commercially zoned, employment generating lands in Leichhardt Municipality limiting potential employment opportunities and the ability to meet job targets. b) the Planning Proposal is inconsistent with s.117 Directions 1.1 Business and Industrial Zones and 7 Metropolitan Planning as the loss of commercially zoned land would be of significance to the local government area's employment generating land supply and ability to meet job targets and locate jobs closer to home. c) the Planning Proposal is inconsistent with A Plan for Growing

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	Sydney and the Draft Inner West Subregional Strategy as the loss of commercially zoned land would be of significance to the local government area's employment generating land supply and ability to meet job targets and locate jobs closer to home. d) The Planning Proposal does not have merit when assessed against the economic and employment criteria included within Leichhardt 2025+, the Leichhardt Employment Lands Study and the Leichhardt Employment and Economic Development Plan 2013-2023. 3. Resolve to forward Council's Planning Proposal (**Attachment 2**), an alternate option, to the Minister for Planning for a Gateway determination to rezone appropriate parts of the site to General Residential (R1), Business Park (B7), Public Recreation (RE1) while retaining Local Centre (B2) for the rest of the site to achieve the intended outcome of the proponent's Planning Proposal that is the subject of this report and protect employment generating lands in Leichhardt Municipality.
Notifications	NIL
Attachments	1. Planning Proposal prepared by RPS for 100-102 Elliott Street, Balmain. 2. Council Planning Proposal for 100-102 Elliott Street, Balmain

Attachment 1

Purpose of Report

The purpose of this report is to inform Council of a Planning Proposal to amend Leichhardt Local Environmental Plan (LEP) 2013 to rezone 100-102 Elliott Street, Balmain from Local Centre (B2) to General Residential (R1). Whilst the applicants preferred option is not supported, an alternative option that will in the longer term retain employment uses on the site is supported. Endorsement of this alternative option is sought and for a revised planning proposal be submitted to the Minister for Planning for a Gateway determination to rezone appropriate parts of the site to Business Park (B7), General Residential (R1) and Public Recreation (RE1).

Recommendation

That Council:

1. Receive and note this report and attachments;
2. Resolve not to support the request the subject of the Proponent's Planning Proposal to rezone 100-102 Elliott Street, Balmain from Local Centre (B2) to General Residential (R1) for the following reasons:
   a) the rezoning would further reduce the supply of commercially zoned, employment generating lands in Leichhardt Municipality limiting potential employment opportunities and the ability to meet job targets.
   b) the Planning Proposal is inconsistent with s.117 Directions 1.1 Business and Industrial Zones and 7 Metropolitan Planning as the loss of commercially zoned land would be of significance to the local government area's employment generating land supply and ability to meet job targets and locate jobs closer to home.
   c) the Planning Proposal is inconsistent with A Plan for Growing Sydney and the Draft Inner West Subregional Strategy as the loss of commercially zoned land would be of significance to the local government area's employment generating land supply and ability to meet job targets and locate jobs closer to home.
   d) The Planning Proposal does not have merit when assessed against the economic and employment criteria included within Leichhardt 2025+, the Leichhardt Employment Lands Study and the Leichhardt Employment and Economic Development Plan 2013-2023.
3. Resolve to forward Council's Planning Proposal (**Attachment 2**), an alternate option, to the Minister for Planning for a Gateway determination to rezone appropriate parts of the site to General Residential (R1), Business Park (B7), Public Recreation (RE1) while retaining Local Centre (B2) for the rest of the site to achieve the intended outcome of the proponent's Planning Proposal that is the subject of this report and protect employment generating lands in Leichhardt Municipality.

Background

The site was previously used by Nutri-Metics, a cosmetics company, with a mix of commercial, warehouse and convention centre buildings which were left unused after the site was vacated. The site was zoned Business under Leichhardt LEP 2000, translated into Local Centre (B2) zone as part of Leichhardt LEP 2013.

A Planning Proposal was lodged with Council on 5 November 2015 to facilitate the preparation of an amendment to Leichhardt Local Environmental Plan 2013 to enable the rezoning of 100-102 Elliott Street, Balmain from Local Centre (B2) to General Residential (R1). The stated objective of the Proposal is to allow residential uses on the ground floor across the site without the need for a mix of uses within a building or an active street frontage. The desired outcome is that the proposed LEP amendment will allow for a future development application modification to convert the approved nineteen (19) serviced apartments under D/2013/406 to residential dwellings.

Report

1.0 History

The site's previous use was by Nutri-Metics, primarily a cosmetics company. Existing on the site at the time was a mix of commercial, warehouse and convention centre buildings which were left unused after the site was vacated.

The subject site is zoned B2 Local Centre under Leichhardt Local Environmental Plan 2013 (LLEP2013) and surrounded principally by residential zoned land under LLEP 2013 (R1 General Residential). There is a small connection to land zoned for open space under LLEP 2013 (RE1 Public Recreation) which adjoins the ferry wharf and the open space between Parramatta River and the Housing NSW flat buildings on the northern side of Elliott Street.

A development application (D/2011/529) was lodged in October 2011 proposing demolition of existing structures, construction of a mixed use development including 6 buildings with commercial / retail uses and gym, 112 residential units above and basement parking for 217 vehicles. The application was reported to the Joint Regional Planning Panel (JRPP) in March 2012, and refused. An appeal to the Land and Environment Court of NSW was filed which was dismissed by the Court on 19 December 2012.

Development Application D/2013/406 was lodged in September 2013. A public information evening was held in November 2013 to outline the Proposal, which includes demolition of existing commercial and warehouse buildings and construction of a mixed use development including eight (8) new buildings ranging between 3-5 storeys consisting of 102 dwellings, 2,763sqm of non-residential floor space comprising 749sqm of commercial floor space, 160sqm of retail space, a 65sqm gym for use of residents of the development, 1,789sqm of serviced apartments and basement car parking. On-site landscaping and foreshore works include an additional 2,160sqm of dedicated foreshore public open space. The

application was reported to the JRPP on 15 May 2014 and was approved subject to a revised set of conditions.

A meeting was held at Leichhardt Council in July 2015 between the new owners of the site and Council officers to discuss potential land use changes and/or rezonings of the site to support the conversion of serviced apartments to residential apartments.

2.0 Site Description

The site is located at 100-102 Elliott Street, Balmain and comprises two lots, Lot 6, DP 617944 and Lot 1, DP 619996. It has frontages of 151 metres to Iron Cove (west), 199 metres to Elliott Street (north) and 62 metres to Broderick Street (south), with an extension of this boundary along an adjoining property down to the foreshore of a further 84m. The site is 12,375m2 in area and has a moderate slope from 17m above mean sea level in the eastern corner of the site to approximately 2m above mean sea level at the sandstone retaining wall at the edge of the Parramatta River.

Figure 1: Land that is subject of the Planning Proposal with an aerial photo of the site



Figure 2: Current zoning of site under existing development consent.

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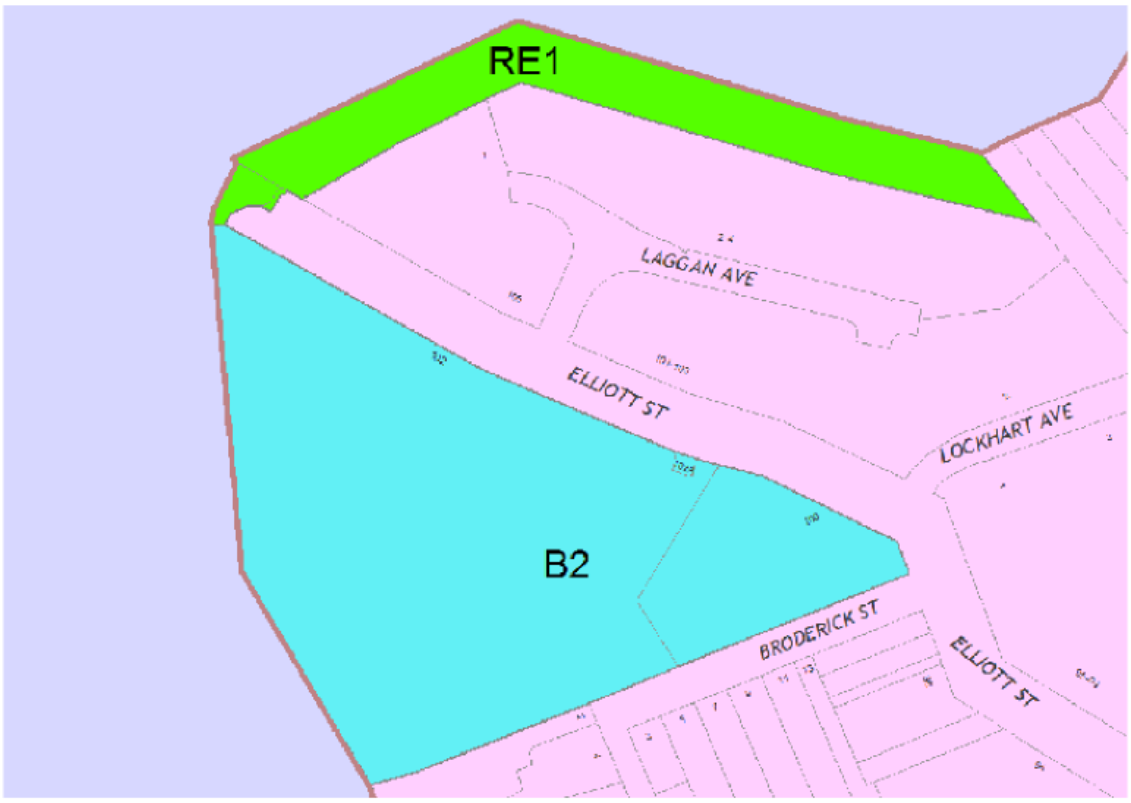

The site is located within the Iron Cove Heritage Conservation Area (C6) listed in Schedule 5 of Leichhardt LEP 2013 and is located in the Birchgrove / Elkington Park Distinctive Neighbourhood as prescribed under the Leichhardt Development Control Plan 2013. In August 2014, Toga Developments Pty Ltd purchased the site from Roche Group.

The site is currently undergoing construction according to the conditions of development consent D/2013/406.

3.0 Development Applications

3.1 Development application D/2011/529

Development application D/2011/529 was lodged on 4 October 2011, proposing demolition of existing structures, construction of a mixed use development including 6 buildings with commercial / retail uses and gym, 112 residential units above, basement parking for 217 vehicles, and associated works, including landscaping and removal of trees, bulk earthworks and remediation.

The application was reported to the Joint Regional Planning Panel (JRRP) on 21 March 2012, and was refused.

A Class 1 appeal to the Land and Environment Court of NSW was filed on 4 May 2012, Case Number 10430 of 2012. The appeal was dismissed by the Land and Environment Court NSW on 19 December 2012.

Attachment 1

3.2 Development Application D/2013/406

The application was lodged on 18 September 2013. Council officers held a public information evening on 6 November 2013 to outline the Proposal.

Development consent was sought for the following works:

- demolition of existing commercial and warehouse buildings and associated structures;
- bulk earthworks / excavation / remediation of the site;
- mixed use development consisting of eight (8) new buildings ranging between 3-5 storeys comprising the following gross floor areas (as defined by Leichhardt Local Environment Plan 2000):
  - 2,763sqm of non-residential floor space comprising 749sqm of commercial floor space, 160sqm of retail space, a 65sqm gym for use of residents of the development and 1,789sqm of serviced apartments.
  - Approximately 8,635sqm of residential floor space comprising 102 dwellings.
- basement car parking; and
- on-site landscaping, open space and foreshore works including additional 2,160sqm of dedicated foreshore public open space.

The eight buildings were identified on the plans as buildings A1, A2, B1, B2, C1, C2, C3 and C4 (see Figure 3 below) and the nominated proposed uses of these buildings are as follows as per the submitted floor plans:

- Building A1 – 4 storeys – retail use at lowest level with residential dwellings above;
- Building A2 – 3 storeys – commercial use at lowest level with residential dwellings above;
- Building B1 – 4 storeys – serviced apartments at lowest level with residential dwellings above;
- Building B2 – 4 storeys – commercial use at lowest level with residential dwellings above;
- Building C1 – 5 storeys – serviced apartments at lowest level with residential dwellings above;
- Building C2 – 5 storeys – serviced apartments at lowest level with residential dwellings above;
- Building C3 – 4 storeys – serviced apartments at lowest level with residential dwellings above;
- Building C4 – part 3, part 4 storeys – serviced apartments at lowest level with residential dwellings above.

Figure 3: Current site and building plan for D/2013/406

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100-102 Elliott Street, Balmain

Council corresponded with the applicant highlighting issues to be addressed during the assessment of the application. The applicant responded by lodging legal advice to Council on 20 November 2013. Council subsequently had the legal advice reviewed and separate legal advice was provided on 10 December 2013. The conclusion was that the serviced apartments and ground floor uses were permissible in the zone.

The applicant lodged amended plans and documentation addressing the issues raised above and the amended plans and documentation were re-notified from 25 February 2014 to 26 March 2014. The application was reported to the Joint Regional Planning Panel on 15 May 2014, and was approved subject to a revised set of conditions. The final approval was for a mixed use development comprising eight buildings ranging between 3-5 storeys with ground floor commercial / retail uses (including 19 serviced apartments and gymnasium) and 102 residential units above.

The development application was supported by an Economic Report, prepared by SGS Economics & Planning, as part of the application. The report provided a market assessment for the proposed residential, retail, commercial and serviced apartment uses and justification for the financial viability of the proposed development.

With regard to economic activity and employment it was noted that the previous business on-site, Nutri-Metics, was not operating at full capacity, not utilising all the buildings to their full extent and that their current layout was very business specific and unsuitable for many other business purposes.

Attachment 1

The Economic Report anticipated that the proposed development would create 49 jobs in the retail and commercial space as well as in maintenance and cleaning of the serviced apartments.

The Assessment report to the JRRP stated that the site was not in close proximity to the existing commercial centres on Darling Street in Balmain and Rozelle and that the proposed commercial uses were not expected to compete with these centres as likely businesses were not expected to rely on passing trade.

Potential amenity conflicts from the proposed ground floor live/work commercial uses on Broderick Street were assessed as part of the application. It was not considered that there would be any significant amenity impacts on existing dwellings in Broderick Street given that the retail and commercial uses in buildings A1 and A2 would be accessed through the development rather than from Broderick Street. The sizes of the proposed tenancies are also small so they are not considered to result in any significant impacts.

Given that the site was zoned Business and surrounded by sites zoned Residential the proposal was considered satisfactory with regard to economic impacts.

4.0 Proponent's Planning Proposal

4.1 Pre-Planning Proposal meeting

Prior to the preparation and lodging of this Proposal a meeting was held at Leichhardt Council on 15 July 2015 at the request of Toga. Present at the meeting were Toga representatives, their consultants RPS and Council officers, who discussed potential land use changes or rezoning of the site to support the conversion of serviced apartments to residential apartments.

Council officers followed up on the discussions at the meeting with Toga / RPS on 6 August with a list of issues and relevant background and supporting studies that would be required for any potential planning proposal advocating land use changes or rezoning of the subject site to enable Council to determine any socio-economic, built form, car-parking and traffic impacts. These included the following:

- details of any changes which would affect the D/2013/406 consent and any subsequent modifications;
- any changes which differ from the recommendations and actions included in supporting documentation/studies/reports provided to Council as part of the D/2013/406 application;
- justification for any changes not in keeping with the recommendations and intent of the Leichhardt Employment Lands Study (2011);
- justification for the loss of any commercial/employment land and floor space, both on-site and for Leichhardt LGA;
- any changes to car parking provision and resulting traffic movements; and
- compliance with SEPP 65 (Design Quality of Residential Flat Development) and all Council policies and controls relating to residential dwelling amenity.

4.2 Planning Proposal and related issues

The Planning Proposal (**Attachment 1**) was lodged with Council on 5 November 2015. It has been prepared by RPS on behalf of Toga to facilitate the preparation of an amendment to Leichhardt Local Environmental Plan 2013 to enable the rezoning of 100-102 Elliott Street, Balmain from Local Centre (B2) to General Residential (R1).

The stated objective of the Proposal is to allow residential uses on the ground floor across the site without the need for a mix of uses within a building or an active street frontage. The desired outcome is that the proposed LEP amendment will allow for a future development application modification to convert the approved nineteen (19) serviced apartments under D/2013/406 to residential dwellings.

Planning Proposal (PP) options to achieve objectives and intended outcome

Option 1: Change zoning of the site to B4 Mixed Use to allow residential uses at the ground floor.

Option 2: Change zoning of the site to R3 Medium Density Residential to allow residential uses at the ground floor of all buildings across the site.

Option 3: Change zoning of the site to R1 General Residential to allow residential uses at the ground floor of all buildings across the site.

Option 3 considered by the proponent to be the most suitable approach. It would be consistent with the surrounding R1 zoning and achieve the desired objectives and intended outcome of the Planning Proposal, allowing the serviced apartments land use to be converted to residential dwellings as part of a future modification to the existing DA approval.

Option 4: Amend Schedule 1 of the LEP.

Options 5:Amend the boundary of the R1 General Residential zone to include Buildings A2, B1 and C1-C4 on the site.

The Planning Proposal claims it is consistent with the NSW Planning Framework including the following:

- a Plan for Growing Sydney
- Draft Inner West Subregional Strategy
- applicable State Environmental Planning Policies (SEPPs)
- S117 Ministerial Directions (s117)

The Planning Proposal claims it is consistent with Leichhardt Council's Strategic policies including the following:

- Leichhardt 2025+
- Leichhardt Community and Cultural Plan 2011-2021
- Leichhardt Employment Lands Study (LELS) (January 2011)
- Leichhardt Employment and Economic Development Plan (EEDP) 2013-2023

Key elements of Proponent's Supporting Case

Serviced apartments

Nineteen (19) serviced apartments were approved on the site as part of D/2013/406 and are the major component analysed

The Proposal argues that operating serviced apartments dispersed through multiple buildings on the site is not a commercial use but rather a short term residential use. It states that for serviced apartments to be considered a viable commercial use 50-70 apartments are required, this site falling very significantly short of that threshold to allow the business to run with the required financial return.

Estimated employment impacts of removing the serviced apartments land use are considered negligible as at this scale the operation would use a commercial model to run the serviced apartments component of the development which requires no full time employees.

Commercial zoning on the site

The Proposal highlights previous economic studies into the commercial zoning of the site and current development approval, including the report prepared by SGS lodged with D/2013/406 and Leichhardt's Employment Lands Study (LELS) 2011. The findings were that the residential markets was performing strongly in Leichhardt LGA and the Inner West subregion, the commercial market was stable and that while noted a broad undersupply of serviced apartments in the market, the focus of demand was Sydney CBD and larger local centres. The economic impact of the development on Balmain Town Centre was judged to have minimal impact due to its small scale and out of centre location. The LELS recommended the site be retained for employment uses.

The report refers to considerable market changes since the LELS was completed, such as broader supply in the market, potential development of The Bays Precinct, vacancy in Darling Street and an understanding of thresholds in the serviced apartment market. Broader commercial market dynamics are stated as playing a large role in the conversion of scattered and isolated commercial areas to residential uses, with reference made to the consolidation of floor space in large employment precincts and the potential influence of Barangaroo commercial space being made available to the market.

The Proposal identifies that the site falls within the Inner West (Metropolitan) Office sub-market, based on Knight Frank's Sydney Suburban Office Market Review (February 2015). The key market conditions outlined in the report for the inner west included that the market had steadily absorbed commercial floor space available,

there was a reduction in vacancy for commercial space, there had been an increase in rents payable to landlords and that there had been a reduction in floor space available for medium sized sites and an increase for smaller sites such as the subject site.

Summary of the site suitability for non-residential uses finds that the site is currently zoned as an isolated centre away from existing commercial and retail areas on Darling Street, is unlikely to attract attention due to its location and that local retail tenancies along Darling Street would suffer due to provision of additional space competing with and attracting potential demand away from the local centre.

Social Impacts

The Proposal emphasises that the serviced apartments, when operational, would have a potentially negative impact upon community cohesion, safety and security and the sense of place felt by both existing local residents and future residents of the development.

The transient nature of the 'guests' staying in the nineteen serviced apartments are noted as a major concern by those residents who have been involved and made a submission in response to Toga's community consultation.

Traffic and Parking Impacts

The traffic and parking assessment provided in support of the Planning Proposal considers that any traffic impacts of the proposed rezoning are likely to be similar to the approved development. It notes that any future development application on the site would require traffic impacts to be considered in accordance with Council's requirements.

Visual Impacts

The Proposal emphasise that any future DA would not require reconfiguration of the approved serviced apartments and would not require a change to the building envelopes, 'the look' or height of the approved mixed use development. A future 'change of use' DA would be required to facilitate the conversion to residential apartments.

Visual impacts are expected to be negligible or minor in nature and the development will appear the same as currently approved.

Community Consultation

A consultation workshop was held by Toga with local residents on 21 August 2015. Twelve (12) properties were issued with invites to the workshop, representatives of eight (8) attended. Council staff were not involved in the preparation of the workshop, had no involvement in conducting the workshop and were not present.

Thirteen (13) submissions were received by the sites owner, all supporting the conversion of the nineteen (19) serviced apartments to residential dwellings. Ten

(10) submissions supported the rezoning of the site to General Residential (R1) to achieve this objective, two (2) submissions supported the rezoning of the site to Mixed Use (B4) to achieve this objective and one (1) submission supported the conversion without any zoning preference being provided.

Ten (10) of the submissions received contain appear to be a standardised template with the same content. This content includes the following statement regarding floor space ration on the site:

'I also understand that Toga will be seeking to permit of a maximum floor space ratio (FSR) of 1.05:1 on the site. This is consistent with the approved floor space ratio (FSR) for the site.'

One (1) of the other submissions states that support for the proposal is conditional on there being no increases to the approved built form and no increase in the FSR beyond that currently approved.

The Proposal does not propose to reconfigure the approved serviced apartments if they are rezoned for a residential use and states that there will be no changes to the existing built form or height of the approved development as part of any future development application. The Proposal does not seek the imposition of a site specific floor space ratio for the site.

There is a clear concern evident amongst local residents that serviced apartments are not in keeping with the residential nature of the adjoining streets.

None of the submissions raise specific concerns with regard to the other commercial tenancies on-site.

4.3 Assessment of Planning Proposal and related issues

The Planning Proposal Justification section as submitted by the Proponent sets out five (5) possible options to achieve the proponent's objective. However, the actual Proposal is to rezone the entire site from B2 to R1 (Option 3). Council assessment has been of that Proposal.

Planning Proposal (PP) options to achieve objectives and intended outcome

Rezoning the entire site to General Residential (R1), in accordance with the Proponents Planning Proposal would allow the serviced apartments approved under D/2013/406 to be converted to a residential use. However, re-zoning the entire site to R1 it could also have an unintended consequence in relation to the long term retention of employment lands on the site. While the R1 zone does not prohibit all commercial premises, the zone objectives focus on housing needs and provision. If imposed across the entire site a development application could be lodged to convert some or all of the commercial space approved as part of the current development consent to residential uses. With an R1 zoning Council would have no planning mechanism to protect business floorspace. It is also noted that the land along the foreshore which is to be dedicated to Council for public recreation and pedestrian

access is likely to be rezoned to RE1 (Public Recreation) in a future LEP amendment so re-zoning to R1 now is inappropriate.

Relationship with NSW Planning Framework & Council's Planning policies

A Plan for Growing Sydney
The Proponent's Planning Proposal is consistent with the housing provisions of the Plan, however, it would compromise the employment provisions.

An unintended consequence of rezoning the entire site would be to create uncertainty regarding the long term retention of all employment lands on the site and all associated jobs. While the R1 zone does not prohibit all commercial premises the zone objectives focus is housing needs and provision. If the R1 zoning was imposed across the entire site there is a possibility that a future owner/applicant could lodge a development application to convert some or all of the commercial space approved as part of the current development consent to residential uses. With an R1 zoning Council would have no planning mechanism to argue the retention of those commercial spaces potentially leading to the further loss of employment generating lands and reducing job prospects locally, inconsistent with all objectives of the Plan. Land zoned R1 is not designated commercial and employment land and the objectives of the zone do not focus on business uses and jobs provision. There is no requirement that R1 zoned land be used for employment purposes.

Draft Inner West Subregional Strategy
The Proponent's Proposal is consistent with the housing provision, transport and parks and open space directions and actions but fails to address the key direction on Economy and Employment Lands. The Strategy requires Council to restrict the rezoning of employment lands to residential zoning as much as possible and provide for an additional 500 jobs before 2031.

The economic impacts report prepared by SGS Economics & Planning in August 2013 for the proposed development on the site found that the Nutri-Metics operation had provided 103 jobs and the proposed development would result in a net loss of 54 jobs. The on-site job yield estimated for the current development consent was 49 jobs. If the Proposal's favoured option of rezoning the entire site to General Residential (R1) was implemented an unintended consequence of rezoning the entire site would be to create uncertainty regarding the long term retention of any employment on the site and potential loss of all jobs.

If approved a development application to convert the business floorspace left in the proposed R1 zone could lead to the loss of the potential to create these 49 jobs.

Applicable State Environmental Planning Policies (SEPPs)
The Proposal is considered acceptable with regard to SEPP requirements. Any non-compliance with SEPP 65 will need to be dealt with as part of the future development consent modification defined by the Proposal.

Ministerial Directions (s117)

1. *Employment and Resources (Business and Industrial zones)*

The Proposal's objective and intended outcome is inconsistent with the Direction's objectives and how it is applied. Rezoning the entire site from Local Centre (B2) to General Residential (R1) will not encourage employment growth or protect employment land. The proposal will not retain areas of existing business zoning and will see a reduction in the total potential floor space for employment uses locally and in the wider Leichhardt Municipality. Land zoned R1 is not designated commercial and employment land and the objectives of the zone do not focus on business uses and jobs provision. There is no requirement that R1 zoned land be used for employment purposes.

2. *Environment and Heritage*
   The Proposal is consistent with the Direction.

3. *Housing, Infrastructure and Urban Development*
   The Proposal is consistent with the Direction.

4. *Hazard and Risk*
   The Proposal is consistent with the Directions.

6. *Local Plan Making*
   The Proposal is consistent with the Direction.

7. *Metropolitan Planning (A Plan for Growing Sydney)*
   The Proponent's Planning Proposal is consistent with the housing provisions of the Plan however it would compromise the employment provisions.

Leichhardt 2025+

The Proposal satisfies the social, environment and civic leadership key service area goals and objectives. The Proposal does not adequately address the Economic key service area, 'Business in the Community'. Rezoning the entire site to General Residential R1 would have the unintended consequence of creating uncertainty regarding the long term retention of all employment lands on the site and all associated jobs.

Leichhardt Community and Cultural Plan 2011-2021

The Proposal's stated objective and intended outcome of rezoning the site to General Residential (R1) would address the issues contained within the Community and Cultural Plan.

The Plan's objectives would also be addressed by a split rezoning for the site, achieving many of the goals contained in Council's strategic plans such as reducing journey to work distance and commutes, creation of local creative industries which contribute to a more sustainable, more cohesive local community.

Leichhardt Employment Lands Study (LELS) (January 2011)

The Proponent's Proposal does not comply with the study, which requires it to remain as commercially zoned, employment generating land. The Proposal's recommendation to rezone the entire site from Local Centre (B2) to R1 does not

retain land for employment use and the objectives of the zone do not focus on business uses and jobs provision. Home based employment is permitted within the General Residential zone provision of live-work space cannot be enforced. The potential loss of 49 jobs on the site would have a negative impact on Leichhardt's ability to meet job targets set by the State government and compound the loss of 50+ jobs already generated through the current development consent.

Leichhardt Employment and Economic Development Plan (EEDP) 2013-2023

Rezoning the entire site from Local Centre (B2) to General Residential (R1) means that all the employment land on site could be lost. There is no requirement that R1 zoned land be retained or used for employment purposes. The loss of business zoned employment land would make it more difficult for Council to implement the objectives of the EEDP, particularly Objective 3 'Embracing the New Economy' with regard to small businesses and start-ups, potential growth and clustering of creative industries and limiting further loss of employment generating lands in Leichhardt Municipality.

Issues raised by the Planning Proposal's Economic and Market Assessment

Serviced apartments

It is noted that although the land use 'serviced apartments' approved for parts of the site is a commercial use practical day-to-day operations of serviced apartment facilities may resemble a short term residential use, rather than a traditional commercial use. The Proponent's analysis indicates that 19 serviced apartments will not meet the commercial viability threshold of 50-70 serviced apartments.

The concerns raised by local residents as part of the Toga community consultation workshop on this Planning Proposal are consistent with those raised as part of the public notification process for D/2013/406. There is a concern that the serviced apartment land use and its operation will have a negative impact upon the local community. The resident's letters and their content are noted.

Conversion of the serviced apartments to residential dwellings will provide additional housing in the Balmain area. A rezoning to facilitate the land use change for the serviced apartments will comply with the relevant housing provision sections of 'A Plan for Growing Sydney', 'Draft Inner West Subregional Strategy', S117 Ministerial Direction 3, 'Leichhardt 2025+' and Leichhardt's Community & Cultural Plan 2011-2021'.

The change of land use to be facilitated by an amendment to Leichardt LEP 2013 to allow the nineteen (19) serviced apartments to be converted to residential dwellings is supported. It is recommended that Building B1 and Buildings C1-C4 be rezoned to General Residential (R1) to allow the conversion.

Commercial zoning on the site

The Proponent's Planning Proposal concludes that the suitability of the site for non-residential uses as an isolated centre away from existing commercial and retail areas on Darling Street, is unlikely to attract commercial intent due to its location and that local retail tenancies along Darling Street could suffer due to provision of additional space competing with and attracting potential demand away from the local centre.

This conclusion conflicts with the economic assessment undertaken by SGS for the previous owner of the site and submitted as part of DA/2013/406. The site is zoned Local Centre (B2) with applicable commercial objectives and various business land uses permitted. The SGS Economic report found that the proposed development would create 49 jobs for the retail and commercial space provided. The recommended conversion of the 19 serviced apartments to residential dwellings with new local residents is likely to provide additional patronage and clients for those businesses as well as the Darling Street businesses only 200 metres away.

The Business zoned site was the subject of a significantly more intensive business use for many years and any adverse impacts upon the surrounding residential dwellings attributed to the commercial spaces approved on-site is likely to be minor by comparison. The economic impact analysis found that there would not be significant amenity impacts on existing dwellings in Broderick Street since Buildings A1 and A2 have been designed to be accessed from within the development rather than from the public street. This includes separate entrances for retail and commercial uses, separate waste storage and separate parking as required by development consent conditions. The relatively small size of the tenancies were also considered to ensure that there would be no significant impacts upon existing local residents.

The SGS Economic report found the small size of the commercial tenancies would not detract from the function of business centres along Darling Street in Balmain and Rozelle and the scale of floorspace of proposed business would be appropriate for premises surrounded by residential dwellings. The proposed objective of the live-work tenancies in Building A2 is specifically to provide a transition between adjoining land uses and assist in the revitalisation of employment areas aimed at limiting amenity impacts.

The small scale offering of the commercial tenancies also means they are not offering a local product that wouldn't compete with large, flexible commercial floor templates in the Barangaroo development or any likely development of the Bays Precinct as claimed by the proponent.

The D/2013/406 reports conclusions and contributing studies were accepted by the Joint Regional Planning Panel (JRRP) as grounds for approval of the current development consent for the site.

From a provision of employment lands and job provision perspective the Proposal fails to comply with the relevant elements of 'A Plan for Growing Sydney', 'Draft Inner West Subregional Strategy', various s117 Ministerial

Directions, 'Leichhardt 2025+', 'Leichhardt Employment Lands Study' and 'Leichhardt Employment and Economic Development Plan 2013-2023'.

The commercial space approved on-site continues to comply with the current Local Centre (B2) zoning objectives and land uses contained in Leichhardt LEP 2013.

Through the development approval D/2013/406 the site has already seen a reduction in 53 jobs. If the Planning Proposal's was to be implemented Leichhardt LGA could possibly see a further reduction of up to 49 potential jobs at a time when employment generating lands are under significant development pressures across the Municipality.

It is recommended that all commercial space in Buildings A1, A2 and B2 be retained, with Buildings A1 and B2 to continuing to be zoned B2 (Local Centre), Building A2 proposed to be rezoned Business Park (B7) to best reflect the land use endorsed by Council and be consistent with Council's strategic plans including the long term retention of employment lands.

Social Impacts

The Proponent's Planning Proposal states that day-to-day operation of the serviced apartments would have a negative impact upon community cohesion, safety and security and the sense of place felt by both existing local residents and future residents of the development. This statement is supported by thirteen submissions submitted with the Proposal supporting the conversion of the serviced apartments to residential dwellings.

It is acknowledged that the likelihood of nineteen (19) serviced apartments on-site operating potentially every day of the year will create a greater amenity impact upon existing and new local residents than if those serviced apartments were private dwellings.

Conversion of the serviced apartments to residential dwellings will provide much needed housing in the Balmain area. A rezoning to facilitate the land use change for the serviced apartments will comply with the relevant housing provision sections of 'A Plan for Growing Sydney', 'Draft Inner West Subregional Strategy', S117 Ministerial Direction 3, 'Leichhardt 2025+' and Leichhardt's Community & Cultural Plan 2011-2021', and is supported. It is recommended that Building B1 and Buildings C1-C4 be rezoned to General Residential (R1) to allow the conversion.

Traffic and Parking Impacts

The current Proposal states that the traffic impacts of the proposed rezoning are likely to be similar to the approved development. This has been examined by Council's Traffic team and no concerns were raised.

Any future modification to an existing development consent or new development application would be required to comply with Council policy and relevant controls.

Visual Impacts
The Proposal does not propose any changes to built form, building envelopes or building height. Any such changes would require a future modification to a development consent or new development application subject to Council policies and controls.

Section 94/VPA
The planning proposal would facilitate the conversion of the nineteen (19) serviced apartments under D/2013/406 to residential dwellings subject to DA consent. Section 94 contributions would then be payable for each apartment converted from commercial to residential use. It is noted that the applicant will rehabilitate approximately 2160sqm of foreshore land and dedicate to Council under Section 94 of the Environmental Planning and Assessment Act 1979 and the Leichhardt Open Space Recreation Contributions Plan under D/2013/406.

It is considered that the planning proposal will result in considerable property uplift value, with the 19 serviced apartments being converted to residential dwellings. The Director Corporate and Information Services has advised the applicant has not offered to enter into a Voluntary Planning Agreement in relation to the proposed zone change.

Land use specific rezoning justification

Rather than a simple rezoning of the entire site to R1, rezoning various parts of the current site to a number of different zones would better reflect the land uses already endorsed by Council and be consistent with Council's long term strategic plans. It would also allow for the conversion of the nineteen (19) serviced apartments under D/2013/406 to residential dwellings while providing for the long term retention of employment lands.

A more site specific rezoning of existing land uses would also better integrate the site into the surrounding area, providing greater certainty for both existing and future landowners and tenants.

Service apartments conversion to residential dwellings
As detailed in the report it is recommended that Council support allowing the change of land use from serviced apartments to residential dwellings.

To best facilitate this change it recommended that the zone objectives and permitted land uses in Leichhardt Local Environmental Plan 2013 which best reflect the future use of residential dwellings for Building B1 and Buildings C1-C4 is General Residential (R1). It is recommended that Council support the rezoning of this land as part of a Planning Proposal to be forwarded to the Minister for Planning for a Gateway Determination.

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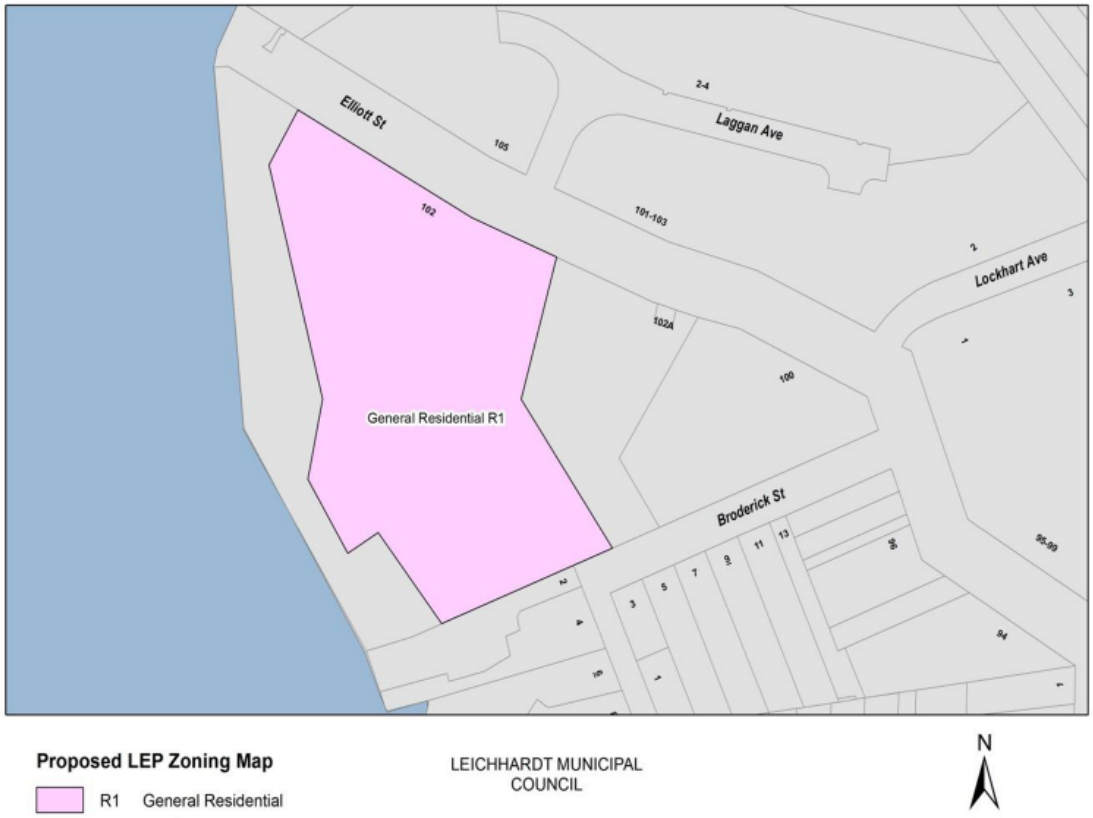

Live-work terraces in Building A2

As part of the development approval D/2013/406 Building A2 provides nine (9) live-work terraces. Each live-work terrace contains ground floor commercial space internally linked to residential uses above.

This built form and land use is specifically designed to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones. As detailed in the report it is recommended that Council retain all employment generating land approved on-site.

Attachment 1



The zone objectives and permitted land uses in Leichhardt Local Environmental Plan 2013 which best reflect the future use of the nine (9) live-work terraces in Building A2 is Zone B7 Business Park. Clause 6.12 (Residential accommodation in Zone B7) aims to facilitate exactly this type of development. It is recommended that Council support the rezoning of this land (see proposed mapping above) as part of a Planning Proposal to be forwarded to the Minister for Planning for a Gateway Determination.

Mixed use (commercial space with residential dwellings above)

As part of the development approval D/2013/406 Buildings A1 and B2 are to provide a mix of commercial space and residential dwellings with an active street frontage as required by Clause 6.11A (Residential accommodation in Zone B1 and Zone B2) in Leichhardt LEP 2013.

As detailed in the report it is recommended that Council retain all employment generating land approved on-site. It is recommended that these parts of the site remain as approved for mixed use development.

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The zone objectives and permitted land uses in Leichhardt Local Environmental Plan 2013 which best reflects the future use of the mixed use development in Buildings A1 and B2 is Zone B2 Local Centre. It is recommended that as part of a Planning Proposal to be forwarded to the Minister for Planning for a Gateway Determination these parts of the site retain their existing zoning.

Foreshore land dedication

As part of development application D/2013/406 approximately 2160sqm of foreshore land will be rehabilitated and dedicated to Council for use as public open space. This dedication has been imposed using Section 94 of the Environmental Planning and Assessment Act 1979 and the Leichhardt Open Space Recreation Contributions Plan after Council identified that the development will increase the demand for local and district open space within the area.

Currently this land, like the entire site, is zoned Local Centre (B2) for commercial purposes. The Planning Proposal seeks to rezone this land to General Residential (R1). The objectives and permitted land uses of these two zones do not best reflect the future land use of public open space.

A more site specific rezoning of future land use would better integrate the site into the surrounding area, providing greater certainty for both existing and future landowners, tenants, local business owners and workers.

Attachment 1



The zone objectives and permitted land uses in Leichhardt Local Environmental Plan 2013 which best reflect the future use of public open space for the foreshore land to be dedicated to Council is Zone RE1 Public Recreation. It is recommended that Council support the rezoning of this land as part of a Planning Proposal to be forwarded to the Minister for Planning for a Gateway Determination.

Summary/Conclusions

The Proponent's Planning Proposal to rezone the entire site from Local Centre (B2) zone to General Residential (R1) is not supported. While achieving the objective and intended outcome of the Proposal, allowing for a future modification to a DA consent to convert all nineteen (19) serviced apartments to residential dwellings, it could also result in all land specifically zoned for commercial purposes being lost. The unintended outcome could be the potential loss of some or all employment generating lands on site and the further loss of 49 potential jobs on a site currently zoned for business purposes with a development consent permitting business uses.

To both preserve the employment generating land and achieve the intended outcome of the Proponent's Planning Proposal it is recommended that various parts of the current site be rezoned to better reflect the land uses endorsed by Council as part of D/2013/406 and to be consistent with Council's long term strategic plans.

To achieve this it is recommended that Council submit the attached Council Planning Proposal to the Minister for Planning and Infrastructure for a Gateway Determination that will provide housing and protect local employment generating land. It is proposed to rezone parts of the site General Residential (R1), Business Park (B7),

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Public Recreation (RE1) with the Local Centre (B2) zoning retained on the rest of the site.



Figure 4: Proposed rezoning of the subject site to reflect land uses approved as part of D/2013/406

Building A1 and B2 - To remain zoned Local Centre (B2)
Building A2 - To be rezoned Business Park (B7)
Buildings B1 and C1-C4 - To be rezoned General Residential (R1)
Foreshore land to be dedicated to Council - To be rezoned Public Recreation (RE1)

Attachments

1. Proponent Planning Proposal for 100-102 Elliott Street, Balmain
2. Council Planning Proposal for 100-102 Elliott Street, Balmain

Attachment 1

Attachment 1: Planning Proposal prepared by RPS for 100-102 Elliott St…
Attachment 2 Council Planning Proposal for 100-102 Elliott Street, Bal…

PLANNING PROPOSAL FOR 100-102 ELLIOTT STREET, BALMAIN

INTRODUCTION

This Planning Proposal (The Proposal) has been prepared by Council to facilitate the preparation of an amendment to Leichhardt Local Environmental Plan (LEP) 2013 to enable the rezoning of 100-102 Elliott Street, Balmain.

The site is currently zoned Local Centre (B2) which permits a range of uses focussed on providing commercial/business space and includes provisions for mixed use developments incorporating residential dwellings in accordance with Clause 6.11A of Leichhardt LEP 2013. This clause does not permit residential accommodation unless the building comprises mixed use development and an active street frontage.

The site has an existing approval for a mixed use development comprising eight buildings ranging between 3-5 storeys with ground floor commercial/retail uses (including 19 serviced apartments and gymnasium) and 102 residential units above (D/2013/406).

Council held discussions with the new owner of the site, Toga Group, in July 2015 regarding the operation of serviced apartments at the site and that their scale and format was not considered to be commercially viable. Toga indicated to Council that it would be lodging a Planning Proposal to request a rezoning of the site to allow the nineteen (19) serviced apartments approved to be converted to residential dwellings.

A Planning Proposal was received by Council in November 2015 requesting Council support the rezoning of the whole site from Local Centre (B2) to General Residential (R1).

An assessment of the Proponent's Planning Proposal resulted in Council supporting the proposed conversion of serviced apartments to residential dwellings to provide additional housing within Leichhardt Council area. A re-zoning of the entire site to R1 was not supported due to the potential unintended consequence of loss of employment lands and job opportunities on the site.

To both preserve the employment generating land on site and achieve the intended outcome of the Proponent's Planning Proposal Council endorsed a revised Planning Proposal recommending that various parts of the current site be rezoned to better reflect the land uses endorsed by Council as part of D/2013/406 and to be consistent with Council's long term strategic plans.

The purpose of this Proposal is therefore to amend Leichhardt LEP 2013 to enable the rezoning of parts of 100-102 Elliott Street, Balmain to General Residential (R1), Business Park (B7), Public Recreation (RE1) with the Local Centre (B2) zoning retained on the rest of the site.

The approved gross floor area (GFA) and floor space ratio (FSR) for the site under D/2013/406 will remain unchanged as a result of this Proposal.

The proposed rezoning is justified for the following reasons:

- It is consistent with housing provision on site and the greater Council area by complying with relevant local plans including Leichhardt LEP 2013, Leichhardt 2025+, Leichhardt Employment and Economic Development Plan (EEDP) 2013-2023 and Leichhardt Employment Lands Study January 2011 and relevant State plans and s117 Ministerial Directions including A Plan for Growing Sydney, Draft Inner West Subregional Strategy and applicable SEPPs.
- It is consistent with the retention of commercial uses/employment generating land uses on site and the greater Council area by complying with relevant local plans including Leichhardt LEP 2013, Leichhardt 2025+, Leichhardt Employment and Economic Development Plan (EEDP) 2013-2023, Leichhardt Employment Lands Study January 2011 and relevant State plans and s117 Ministerial Directions including A Plan for Growing Sydney, Draft Inner West Subregional Strategy and applicable SEPPs.
- It will enable the various parts of 100-102 Elliott Street, Balmain to be rezoned to best reflect the land uses approved on site and ensure consistency with the aims, objectives and planning controls applicable to those zones.
- The proposed zoning will not have any detrimental amenity impacts upon the surrounding residential area.
- It would enable Toga Group to convert the approved serviced apartments to residential apartments at a future development application stage.

Council resolved to forward this Planning Proposal to the Department of Planning and Environment (DP&E) for an LEP Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act) to prepare the necessary LEP amendment.

Background

Site Description

The site is located at 100-102 Elliott Street, Balmain and comprises two lots, Lot 6, DP 617944 and Lot 1, DP 619996. It has frontages of 151 metres to Iron Cove (west), 199 metres to Elliott Street (north) and 62 metres to Broderick Street (south), with an extension of this boundary along an adjoining property down to the foreshore of a further 84m. The site is 12,375m2 in area and has a moderate slope from 17m above mean sea level in the eastern corner of the site to approximately 2m above mean sea level at the sandstone retaining wall at the edge of the Parramatta River.

Figure 1: Land that is subject of the Planning Proposal with an aerial photo of the site



History

The site's previous use was by Nutri-Metics, a cosmetics company. Existing on the site at the time was a mix of commercial, warehouse and convention centre buildings which were left unused after the site was vacated.

The subject site is zoned B2 Local Centre under Leichhardt Local Environmental Plan 2013 (LLEP2013) and surrounded principally by residential zoned land under LLEP 2013 (R1 General Residential). There is a small connection to land zoned for open space under LLEP 2013 (RE1 Public Recreation) which adjoins the ferry wharf and the open space between Parramatta River and the Housing NSW flat buildings on the northern side of Elliott Street.

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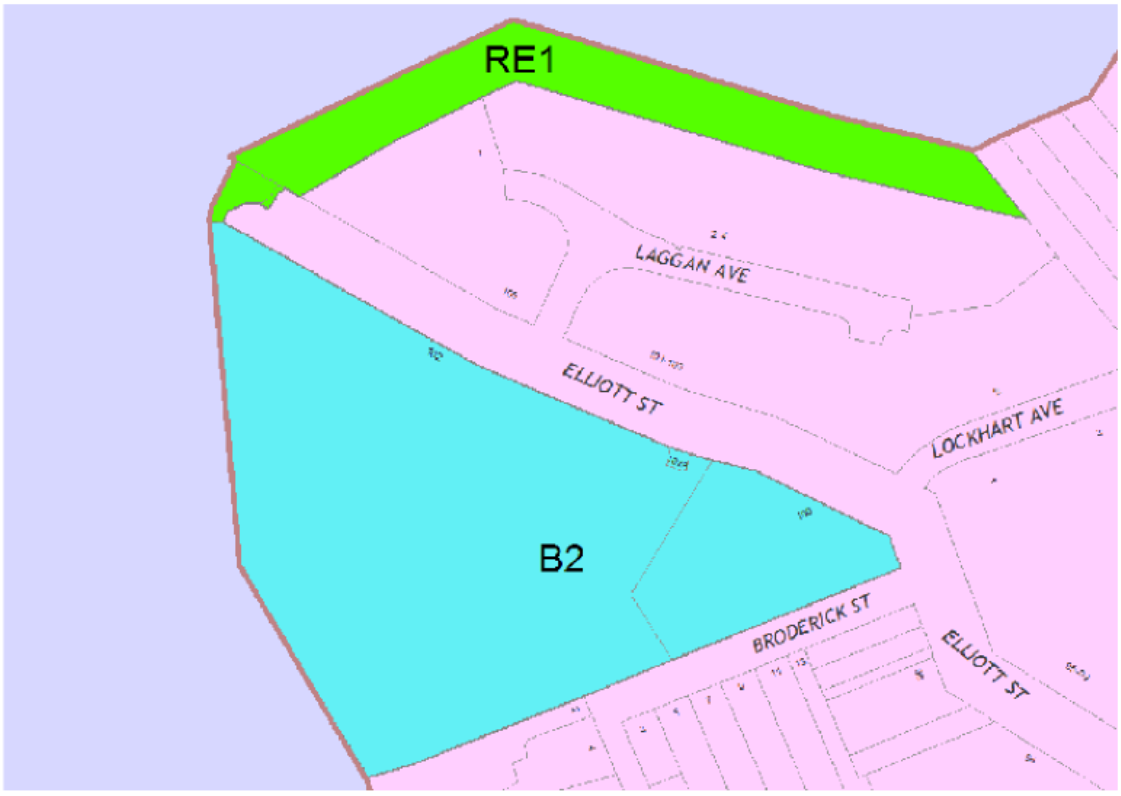
Figure 2: Current zoning of site under existing development consent.



The site is located within the Iron Cove Heritage Conservation Area (C6) listed in Schedule 5 of Leichhardt LEP 2013.

The site is located in the Birchgrove / Elkington Park Distinctive Neighbourhood as prescribed under the Leichhardt Development Control Plan 2013.

In August 2014, Toga Developments Pty Ltd purchased the site from Roche Group.

The site is currently undergoing construction according to the conditions of development consent D/2013/406.

Development Application D/2011/529

Development application D/2011/529 was lodged on 4 October 2011, proposing demolition of existing structures, construction of a mixed use development including 6 buildings with commercial / retail uses and gym, 112 residential units above, basement parking for 217 vehicles, and associated works, including landscaping and removal of trees, bulk earthworks and remediation.

The application was reported to the Joint Regional Planning Panel (JRRP) on 21 March 2012, and was refused.

Attachment 2

A Class 1 appeal to the Land and Environment Court of NSW was filed on 4 May 2012, Case Number 10430 of 2012. The appeal was dismissed by the Land and Environment Court NSW on 19 December 2012.

Development Application D/2013/406

The application was lodged on 18 September 2013. Council officers held a public information evening on 6 November 2013 to outline the Proposal.

Development consent was sought for the following works:

- demolition of existing commercial and warehouse buildings and associated structures;
- bulk earthworks / excavation / remediation of the site;
- mixed use development consisting of eight (8) new buildings ranging between 3-5 storeys comprising the following gross floor areas (as defined by Leichhardt Local Environment Plan 2000):
  - 2,763sqm of non-residential floor space comprising 749sqm of commercial floor space, 160sqm of retail space, a 65sqm gym for use of residents of the development and 1,789sqm of serviced apartments.
  - Approximately 8,635sqm of residential floor space comprising 102 dwellings.
- basement car parking; and
- on-site landscaping, open space and foreshore works including additional 2,160sqm of dedicated foreshore public open space.

The eight buildings were identified on the plans as buildings A1, A2, B1, B2, C1, C2, C3 and C4 (see Figure 3 below) and the nominated proposed uses of these buildings are as follows as per the submitted floor plans:

- Building A1 – 4 storeys – retail use at lowest level with residential dwellings above;
- Building A2 – 3 storeys – commercial use at lowest level with residential dwellings above;
- Building B1 – 4 storeys – serviced apartments at lowest level with residential dwellings above;
- Building B2 – 4 storeys – commercial use at lowest level with residential dwellings above;
- Building C1 – 5 storeys – serviced apartments at lowest level with residential dwellings above;
- Building C2 – 5 storeys – serviced apartments at lowest level with residential dwellings above;
- Building C3 – 4 storeys – serviced apartments at lowest level with residential dwellings above;
- Building C4 – part 3, part 4 storeys – serviced apartments at lowest level with residential dwellings above.

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Figure 3: Current site and building plan for D/2013/406



Council corresponded with the applicant highlighting issues to be addressed during the assessment of the application. The applicant responded by lodging legal advice to Council on 20 November 2013. Council subsequently had the legal advice reviewed and separate legal advice was provided on 10 December 2013. The conclusion was that the serviced apartments and ground floor uses were permissible in the zone.

The applicant lodged amended plans and documentation addressing the issues raised above and the amended plans and documentation were re-notified from 25 February 2014 to 26 March 2014.

The application was reported to the Joint Regional Planning Panel on 15 May 2014, and was approved subject to a revised set of conditions.

The final approval was for a mixed use development comprising eight buildings ranging between 3-5 storeys with ground floor commercial / retail uses (including 19 serviced apartments and gymnasium) and 102 residential units above.

Attachment 2

<u>Economic / Employment uses on-site</u>

The development application was supported by an Economic Report, prepared by SGS Economics & Planning, as part of the application. The report provided a market

assessment for the proposed residential, retail, commercial and serviced apartment uses and justification for the financial viability of the proposed development.

With regard to economic activity and employment it was noted that the previous business on-site, Nutri-Metics, was not operating at full capacity, not utilising all the buildings to their full extent and that their current layout was very business specific and unsuitable for many other business purposes.

The Economic Report anticipated that the proposed development would create 49 jobs in the retail and commercial space as well as in maintenance and cleaning of the serviced apartments.

The Assessment report to the JRRP stated that the site was not in close proximity to the existing commercial centres on Darling Street in Balmain and Rozelle and that the proposed commercial uses were not expected to compete with these centres as likely businesses were not expected to rely on passing trade.

Potential amenity conflicts from the proposed ground floor live/work commercial uses on Broderick Street were assessed as part of the application. It was not considered that there would be any significant amenity impacts on existing dwellings in Broderick Street given that the retail and commercial uses in buildings A1 and A2 would be accessed through the development rather than from Broderick Street. The sizes of the proposed tenancies are also small so they are not considered to result in any significant impacts.

Given that the site was zoned Business and surrounded by sites zoned Residential the proposal was considered satisfactory with regard to economic impacts.

Proponent's Planning Proposal

A meeting was held at Leichhardt Council on 15 July 2015 at the request of the owners of the site Toga Group. The meeting was to discuss potential land use changes or rezoning of the site to support the conversion of serviced apartments to residential apartments, with the expectation that the preparation and lodging of a future Planning Proposal would occur to allow for the land use change to take place.

Council officers followed up on the discussions at the meeting with Toga / RPS on 6 August with a list of issues and relevant background and supporting studies that would be required for any potential planning proposal advocating land use changes or rezoning of the subject site to enable Council to determine any socio-economic, built form, car-parking and traffic impacts. These included the following:

- details of any changes which would affect the D/2013/406 consent and any subsequent modifications;
- any changes which differ from the recommendations and actions included in supporting documentation/studies/reports provided to Council as part of the D/2013/406 application;
- justification for any changes not in keeping with the recommendations and intent of the Leichhardt Employment Lands Study (2011);

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- justification for the loss of any commercial/employment land and floor space, both on-site and for Leichhardt LGA;
- any changes to car parking provision and resulting traffic movements; and
- compliance with SEPP 65 (Design Quality of Residential Flat Development) and all Council policies and controls relating to residential dwelling amenity.

The Proponent's Planning Proposal was lodged with Council on 5 November 2015. It has been prepared by RPS on behalf of Toga to facilitate the preparation of an amendment to Leichhardt Local Environmental Plan 2013 to enable the rezoning of 100-102 Elliott Street, Balmain from Local Centre (B2) to General Residential (R1).

The stated objective of the Proposal was to allow residential uses on the ground floor across the site without the need for a mix of uses within a building or an active street frontage. The desired outcome is that the proposed LEP amendment will allow for a future development application modification to convert the approved nineteen (19) serviced apartments under D/2013/406 to residential dwellings.

Council Assessment

Council supports the proposed conversion of serviced apartments to residential dwellings to provide additional housing within Leichhardt Council area.

Re-zoning the entire site to R1 as preferred by the applicant however could have an unintended consequence in relation to the long term retention of employment lands on the site. While the R1 zone does not prohibit all commercial premises, the zone objectives focus on housing needs and provision. If imposed across the entire site a development application could be lodged to convert some or all of the commercial space approved as part of the current development consent to residential uses. With an R1 zoning Council would have no planning mechanism to protect business floorspace.

Therefore the applicant's preferred option is not supported and Council has endorsed an alternative option that will in the longer term retain employment uses on the site.

Attachment 2

To both preserve the employment generating land and achieve the intended outcome of the Proponent's Planning Proposal it is recommended that various parts of the current site be rezoned to reflect the land uses endorsed by Council as part of D/2013/406 and to be consistent with Council's long term strategic plans.

To achieve this it is recommended that a revised Planning Proposal be forwarded to the Minister for Planning and Infrastructure for a Gateway Determination that will

provide housing and protect local employment generating land. It is proposed to rezone parts of the site General Residential (R1), Business Park (B7), Public Recreation (RE1) and with the Local Centre (B2) zoning retained on the rest of the site.

Part 1 – Objective or Intended Outcome

The objective of this Proposal is to amend Leichhardt LEP 2013 to rezone parts of the land at 100-102 Elliott Street, Balmain from Local Centre (B2) to General Residential (R1), Business Park (B7), Public Recreation (RE1) with Local Centre (B2) zoning retained on the rest of the site.

The intended outcome of the proposed LEP amendment is to allow the conversion of the approved serviced apartments to provide additional residential dwellings and preserve the employment generating land endorsed by Council as part of D/2013/406 to be consistent with Council's long term strategic plans.

The future conversion would not require reconfiguration of the approved serviced apartments and will not change the building envelopes or height of the approved development. The number of car parking spaces attributed to serviced apartments would now be attributed to the residential apartments. The approved gross floor area (GFA) and floor space ratio (FSR) of the site under D/2013/406 will remain unchanged as a result of this Proposal.

A 'change of use' development application will be required to facilitate the conversion of the serviced apartments land use to residential dwellings.

Part 2 – Explanation of Provisions

The provisions to be included in the proposed LEP are outlined below, in accordance with Section 55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Leichhardt Local Environmental Plan 2013

Name of Plan

This Plan is Leichhardt Local Environmental Plan 2013 (Amendment No.TBC).

Aims of the Plan

This Plan aims to amend the Leichhardt Local Environmental Plan 2013 as follows:

- *Amend Leichhardt LEP 2013 Land Zoning Map Sheet LZN_006 in accordance with the proposed zoning map shown in Part 4 of this Proposal.*

Land to which Plan applies

This Plan applies to 100-102 Elliott Street, Balmain being Lot 6, DP 617944 and Lot 1, DP 619996.

Part 3 – Justification

Section A – Need for the planning proposal

Q1. ***Is the planning proposal a result of any strategic study or report?***

Previous studies/strategies conducted by Council are relevant to the subject site and the commercial zoning/land use of the site, such as the Employment and Economic Development Plan 2013-2023 and Employment Lands Study 2011 and are discussed under question 4 (Q4).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current Local Centre (B2) zoning for the site does not permit residential accommodation unless the buildings comprise a mixed use development and have an active street frontage. To allow the conversion of the serviced apartments approved as part of the D/2013/406 development consent to residential dwellings amending the zoning of the site under Leichhardt LEP 2013 is considered the best means of achieving the objectives and intended outcome set out in Part 1 above.

To ensure the commercial uses approved as part of the D/2013/406 consent are retained and employment generating lands in Leichhardt Municipality are not further reduced an amendment of the zoning of the site under Leichhardt LEP 2013 is required.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent *with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

A Plan for Growing Sydney

The Planning Proposal is consistent with A Plan for Growing Sydney as it facilitates the provision of additional homes and jobs within the Sydney Metropolitan area. The key priorities are addressed in the table below.

Direction	Applicable	Comment
Goal 1 – A competitive economy		

1.1 Grow a more internationally competitive Sydney CBD	N/A	The site is not part of the Sydney CBD.
1.2 Grow Greater Parramatta – Sydney's second CBD	N/A	The site is not part of the Parramatta CBD.
1.3 Establish a new Priority Growth Area	N/A	The site is not part of the new Priority Growth Area between Olympic Park and Parramatta.
1.4 Transform the productivity of Western Sydney	N/A	The site is not within Western Sydney.
1.5 Enhance capacity at Sydney's gateways and freight networks	N/A	The site is not a gateway site or part of a freight network.
1.6 Expand the Global Economic Corridor	N/A	The site is not part of the Global Economic Corridor.
1.7 Grow strategic centres	N/A	The site is not defined as a strategic centre.
1.8 Enhance linkages to regional NSW	N/A	The site is not located on existing or proposed regional connection corridors.
1.9 Support priority economic sectors	N/A	The site is not identified as a key precinct and not zoned or recommended to be zoned for industrial purposes.
1.10 Plan for education and health services	N/A	The site is not proposed to include educational or health facilities.
1.11 Deliver infrastructure	N/A	The Proposal does not include infrastructure provision.
Goal 2 - A city of housing choice		
2.1 Accelerate housing supply across Sydney	Yes	The Proposal is consistent with this direction. It will increase the number of residential apartments on the land which it is located.
2.2 Accelerate urban renewal across Sydney	Yes	The Proposal will facilitate urban renewal on a site within an established urban area incorporating a number of uses on the site.
2.3 Improve housing choice	Yes	The Proposal is consistent with this direction. The part rezoning to R1 General Residential will provide increased housing choice.
2.4 Deliver timely and well planned greenfield precincts and housing	N/A	The site is not located within the North West and South West Growth Centres.
Goal 3 - A great place to live		
3.1 Revitalise existing suburbs	Yes	The Proposal will assist in the

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		revitalisation of Balmain through allowing additional residential dwellings and commercial uses on site which are compatible with the surrounding residential uses and current zoning.
3.2 Create a network of open and green spaces across Sydney	Yes	Waterfront land on the subject site is to be dedicated to Leichhardt Council for public open space under D/2013/406. This will increase the open space available to local residents and Leichhardt Municipality.
3.3 Create healthy built environments	Yes	The Proposed rezoning will create a mixed use site and the foreshore land to be dedicated to Council will provide additional open spaces for both passive and active recreational uses.
3.4 Promote Sydney's heritage, arts and culture	N/A	The Proposal will not impact on the heritage value of the surrounding area. There is no proposed change to the existing approved built form on the site.
Goal 4 - A sustainable and resilient city		
4.1 Protect our natural environment	N/A	The Proposal aims to rezone land to reflect development already approved on site. The assessment of D/2013/406 by both Council and the JRPP took into consideration relevant environmental considerations.
4.2 Build Sydney's resilience to natural hazards	N/A	
4.3 Manage the impacts of development on the environment	N/A	
Sydney's Subregions		
Priorities for Central Subregion	Yes	This subregion includes the Global Economic Corridor, additional housing and flexible commercial uses on the site will result in positive liveability outcomes for the suburb of Balmain. Council's economic and employment generating lands studies show that retaining commercial uses and job provision on site is important not only for the local area but the wider Council area.

Attachment 2

Draft Inner West Subregional Strategy

The Planning Proposal is consistent with the Draft Inner West Subregional Strategy as it facilitates the provision of additional homes and jobs within the Sydney Metropolitan area. The key priorities are addressed in the table below.

Direction	Action	Comment
B. Centres and Corridors		
B2. Increase densities in centres whilst improving liveability	B2.1 Plan for housing in centres consistent with their employment role.	The Proposal is consistent with providing increased housing density while not undermining the identified employment needs of Leichhardt local government area.
B4. Concentrate activities near public transport	B4.2 Support centres with transport infrastructure and services.	The site has good access to public transport infrastructure and services and is considered acceptable for this development.
	B4.2.1 NSW Government and Inner West Councils to undertake land use and transport planning studies to ensure that opportunities to benefit from transport infrastructure investment are realised.	The Proposal supports patronage on public transport given its proximity to existing services.
C. Housing		
C1. Ensure adequate supply of land and sites for residential development	C1.3 Plan for increased housing capacity targets in existing areas.	The Draft Strategy sets a target for an additional 30,000 dwellings within the Inner West Subregion, including 2,000 extra dwellings within the Leichhardt LGA. The Proposal will assist Leichhardt Council in meeting these targets by increasing dwelling numbers.
	C1.3.1 Inner West Councils to plan for sufficient zoned land to accommodate their local government area housing targets through their Principal LEPs.	
C2. Plan for a housing mix near jobs, transport and services	C2.1 Focus residential development around Centres, Town Centres, Villages and Neighbourhood Centres.	The Proposal will allow for an additional 19 residential apartments close to Balmain town centre. This will assist in achieving State Government priorities.
	C2.1.1 Inner West councils to ensure the location of new dwellings maintain the subregion's performance against the target for the State	The site supports commute times of less than 30 minutes. Bus services to the Sydney CBD are less than half an hour.

	Plan Priority E5. Priority E5 of the State Plan aims to increase the proportion of people living within 30 minutes by public transport of a Strategic Centre.	
	C2.3 Provide a mix of housing.	The Proposal aims to increase housing density in an accessible location.
C3. Renew Local Centres	C3.1 Renew local centres to improve economic viability and amenity	The Proposal aims to renew existing business zoned land with a mix of residential and commercial uses consistent with the character of the local area while maintaining employment generating lands in the local area.
C4. Improve the affordability of Housing	C4.3 Use planning mechanisms to provide affordable housing.	The Proposal will increase residential dwelling provision in the local area where demand is high.
C5. Improve the quality of new development and urban renewal	C5.1 Improve the design quality of new development.	The Proposal will facilitate a mixed use development that provides additional residential dwellings and protects employment generating land and local job opportunities.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Proposal is consistent with Council strategies and studies as summarised below.

Leichhardt Local Environmental Plan 2013

The environmental planning instrument applying to the site is the *Leichhardt LEP 2013*.

Any future development within Leichhardt LGA is to be consistent with and give consideration to the aims and objectives of the Plan and the relevant zone.

The most relevant aims of Leichhardt LEP 2013 that apply to this Proposal are as follows:

(b) to minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment,

(e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,

(f) to maintain and enhance Leichhardt's urban environment,

(g) to ensure that land use zones are appropriately located to maximise access to sustainable transport, community services, employment and economic opportunities, public open space, recreation facilities and the waterfront,

(i) to provide for development that promotes road safety for all users, walkable neighbourhoods and accessibility, reduces car dependency and increases the use of active transport through walking, cycling and the use of public transport,

(j) to ensure an adequate supply of land and housing to facilitate:

(i) employment and economic opportunities, and

(ii) the provision of goods and services that meet the needs of the local and subregional population,

(r) to promote the health and well-being of residents, business operators, workers and visitors,

The proposed LEP amendment is consistent in addressing the aims of the Leichhardt LEP 2013 as follows:

- It aims to preserve the commercially zoned, employment generating land consistent with Council's long term strategic plans.
- It aims to provide additional housing in Leichhardt LGA to meet market demand and comply with dwelling target obligations imposed by the State Government.
- It aims to provide additional public open space and recreational land within Leichhardt Municipality.

Under *Leichhardt LEP 2013*, the site is zoned B2 Local Centre. The objectives of the zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure that development is appropriately designed to minimise amenity impacts.*
- *To allow appropriate residential uses to support the vitality of local centres.*
- *To provide a mixture of compatible land uses.*
- *To reinforce and enhance the role, function and identity of local centres by encouraging appropriate development to ensure that surrounding development does not detract from the function of local centres.*
- *To integrate suitable business, office, residential and other development in accessible locations.*

Retention of commercial uses/employment generating land uses on site is required by various Council strategies including Leichhardt 2025+, Leichhardt Employment and Economic Development Plan (EEDP) 2013-2023 and Leichhardt Employment Lands Study January 2011.

In formulating the Proposal with regard to retention of employment lands the intention is to zone the relevant parts of the site to best ensure the most appropriate land uses approved as part of D/2013/406 are protected. As part of that development approval Building A2 (**see Figure 3**) provides nine (9) live-work terraces. Each live-work terrace contains a ground floor commercial space internally linked to residential uses above. This built form and land use is specifically designed to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones. The zone objectives and permitted land uses in Leichhardt Local Environmental Plan 2013 which best reflect the future use of the nine (9) live-work terraces in Building A2 is Zone B7 Business Park.

As part of the development approval D/2013/406 Buildings A1 and B2 (**see Figure 3**) are to provide a mix of commercial space and residential dwellings with an active street frontage as required by Clause 6.11A (Residential accommodation in Zone B1 and Zone B2) in Leichhardt LEP 2013. The zone objectives and permitted land uses in Leichhardt Local Environmental Plan 2013 which best reflects the future use of the mixed use development in Buildings A1 and B2 is Zone B2 Local Centre.

Other land uses on site are to be facilitated and protected by allocating them the most appropriate zoning available under LEP 2013.

Conversion of the nineteen serviced apartments to residential dwellings will provide additional housing in the Balmain area. The zone objectives and permitted land uses in Leichhardt Local Environmental Plan 2013 which best reflect the future use of residential dwellings for Building B1 and Buildings C1-C4 (**see Figure 3**) is General Residential (R1).

As part of development application D/2013/406 approximately 2160sqm of foreshore land (**see Figure 3**) will be rehabilitated and dedicated to Council for use as public open space. This dedication has been imposed using Section 94 of the Environmental Planning and Assessment Act 1979 and the Leichhardt Open Space Recreation Contributions Plan after Council identified that the development will increase the demand for local and district open space within the area. Currently this land, like the entire site, is zoned Local Centre (B2) for commercial purposes. This zoning is inconsistent with the proposed land use for that portion of the site. The zone objectives and permitted land uses in Leichhardt Local Environmental Plan 2013 which best reflect the future use of public open space for the foreshore land to be dedicated to Council is Zone RE1 Public Recreation. This zoning would better

integrate the site into the surrounding area, providing greater certainty for both existing and future landowners, tenants, local business owners and workers.

It is proposed to rezone parts of the site General Residential (R1), Business Park (B7), Public Recreation (RE1) with the Local Centre (B2) zoning retained on the rest of the site to ensure Council's aims, objectives and strategies for the site are best implemented.

Leichhardt 2025+

The Proposal is consistent with the goals and objectives of the key six service areas with the Plan.

Key Service Area	Applicable	Comment
Social		
Community well-being	Yes	The Proposal will contribute to community well-being by enhancing community cohesion whilst ensuring increased safety and security for future residents of the development.
Accessibility	Yes	The approved development will improve public accessibility to the Iron Cove foreshore through providing increased housing and public through site links. The site is located in an area well serviced by public transport and within close proximity to essential services.
Environment		
Place where we live and work	Yes	The Proposal will allow for the provision of new housing choices and an appropriate level of employment uses within the site and in close proximity to Balmain Town Centre and Sydney CBD.
A sustainable environment	Yes	The Proposal does not seek to change the building envelopes or the height of the approved development. The owner of the site has not requested any changes to the built form approved as part of D/2013/406 and given

		and stated to both Council and local landowners that this will not be pursued.
Economic		
Business in the community	Yes	The Proposal seeks to retain commercial and retail strata tenancies on the subject site. The scale of the proposal would be unlikely to directly compete with Darling Street.
Civic Leadership		
Sustainable services and assets	Yes	The site is located in close proximity to existing services and infrastructure. The Proposal will not result in additional demand for services on the site.

Leichhardt Community and Cultural Plan 2011-2021

The Proposal's stated objective and intended outcome will address the issues contained within the Community and Cultural Plan.

The Plan's objectives would be addressed by a split rezoning for the site, achieving many of the goals contained in Council's strategic plans such as reducing journey to work distance and commutes, potential creation of local creative industries which contribute to a more sustainable and a more cohesive local community.

Leichhardt Employment and Economic Development Plan (EEDP) 2013-2023

The rezoning of part of the site to Business Park (B7) and retaining Local Centre (B2) zoning in appropriate locations means that all the employment generating land on site will be protected and retained.

The retention of business zoned employment land will make it possible for Council to implement the objectives of the EEDP, particularly Objective 3 'Embracing the New Economy' with regard to small businesses and start-ups, potential growth and clustering of creative industries and limiting further loss of employment generating lands in Leichhardt Municipality.

Leichhardt Employment Lands Study January 2011

The rezoning of part of the site to Business Park (B7) and retaining Local Centre (B2) zoning in appropriate locations means that all the employment land on site will be protected and retained.

The study recommends the site remain as commercially zoned, employment generating land. The Proposal's recommendation to retain land for employment use and satisfy the objectives of the zones to focus on business uses and jobs provision will comply with the study.

Any change to the business zoning of parts of the site could lead to the potential loss of 49 jobs on the site, having a negative impact on Leichhardt's ability to meet job targets set by the State government and compound the loss of 50+ jobs on the site through the current development consent (D/2013/406).

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Proposal is consistent with the applicable State Environmental Planning Policies as summarised below.

SEPP Title	Applicable	Comment
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	Yes	The Proposal to rezone the site to provide for additional residential dwellings would be consistent with the aims of the SEPP. The site is located within an established urban area, supported by public transport services and infrastructure.
SEPP No 55 Remediation of Land	Yes	The provisions of this SEPP have been considered in the preparation of this Proposal. The site is currently being developed as a mixed use development including residential land uses under D/2013/406 which involved remediation of the site.
SEPP No 65 Design Quality of Residential Apartment Development	Yes	The Proposal seeks to allow for additional residential dwellings on site. The current approved development consent D/2013/406 included an

		assessment of the development to ensure compliance with SEPP 65. Any future modification to an existing development consent or new development application will also be required to comply with the SEPP and Apartment Design Guide. An application (M/2015/215) seeking approval for the addition of five skylights and enlargement of five ground floor terraces is currently with Council for consideration. This will ensure that the future development achieves compliance with the ADG's desired solar rating and requirement for ground floor terrace areas.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The future development will be required to meet BASIX requirements.
SEPP (Infrastructure) 2007	Yes	Relevant clauses of the SEPP have been considered in the preparation of this Proposal, namely traffic-generating development and development likely to affect electricity transmission or distribution network. These matters are to be managed in accordance with the conditions of consent D/2013/406 and any future development consent. The Proposal will not introduce new uses or development to the site and is considered consistent with the SEPP.
Deemed SEPPs		
SREP (Sydney Harbour Catchment) 2005	Yes	The approved development is considered acceptable with regard to the provisions and matters for consideration of the SREP. The Proposal will not impact on the heritage significance of the Elliott Street Wharf structure. The Proposal will not result in a change to the building

		envelopes, heights or the appearance of the development therefore its appearance from Iron Cove will not change.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Proposal is consistent with the relevant Section 117 Directions as summarised in the table below.

Direction	Requirement	Applicable	Comment
1. Employment and Resources			
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Yes	The Proposal's objective and intended outcome is consistent with the Direction's objectives and how it is applied. Rezoning the appropriate parts of the site Business Park (B7) and retaining Local Centre (B2) on appropriate parts will encourage employment growth and protect employment generating land. The proposal will retain business zoning on those parts with a commercial use to ensure employment generating lands are protected locally and in the wider Leichhardt Municipality.
	A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	Yes	
2. Environment and Heritage			
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous	Yes	The site is not a heritage item but is located adjacent to locally listed heritage dwellings along Broderick Street, whilst on Elliott

	heritage significance.		Street, there is a landscape heritage item (tree) adjacent to the site. The site is also located within a heritage conservation area under *Leichhardt LEP 2013*. Elliott Street Wharf is listed as a heritage item as outlined in *SREP (Sydney Harbour Catchment) 2005*. The Proposal will not change the design, bulk or scale of the approved development and as such there would be no impact on the significance of nearby heritage items or the conservation area.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and, (c) minimise the impact of residential development on the environment and resource lands.	Yes	The Proposal seeks to rezone part of the site to R1 General Residential to allow for additional residential dwellings. This would permit the conversion of the 19 approved serviced apartments to residential apartments at a later DA stage. The approved development D/2013/406 will not have a negative impact upon the amenity of the residential areas in the vicinity of the site.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and	Yes	The Proposal aims to provide for a mixed use development and integrate various land uses across the site approved as part of D/2013/406. This shall include jobs within close proximity of housing choice further reducing journey to work times, travel demand and car dependency. The site is highly accessible to public transport with bus stops located within 400m of the site on Darling Street, providing frequent services to Balmain town centre, Central railway station, Sydney CBD and other areas.

	viable operation of public transport services, and (e) providing for the efficient movement of freight.		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of the land that has a probability of containing acid sulphate soils.	Yes	The Proposal will not result in the disturbance of any soils.
4.3 Flood Prone Land	The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and (b) ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Yes	A portion of the site is identified as a Flood Control Lot within *Leichhardt DCP 2013*. Stormwater issues throughout the site were resolved at the DA stage of D/2013/406.
6. Local Plan Making			
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	Site specific controls are not proposed.
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	Yes	*A Plan for Growing Sydney* is applicable across the State and therefore applicable to the site. The Proposal will strive to achieve the vision and desired outcomes of the Plan by increasing housing supply, increasing job opportunities and ensuring the differing land uses are within close proximity while preserving the amenity of the local area.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that *critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

There is no known critical habitat, threatened species, populations or ecological communities or their habitats located on the subject site.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Proposal does not seek to increase or intensify the currently approved uses on the site or the amount of floor space that was approved. The approved development is considered acceptable by Council and the JRPP in mitigating any potential environmental effects.

Any future modification to the existing consent or new development application will be required to address any environmental effects proposed by the works.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Proposal does not seek to increase or intensify the currently approved uses on the site or the amount of floor space that was approved. The approved development is considered acceptable by Council and the JRPP in mitigating any potential environmental effects.

The current development consent was found not to have significant amenity impacts upon the surrounding residential area.

The current Proposal aims to protect employment generating uses on the relevant parts of the site. This is considered to be an important element of the mixed use development given that the site is zoned Local Centre (B2) and has already seen 50+ jobs lost on the site through the current DA consent (D/2013/406).

Retention of commercial uses/employment generating land uses on site complies with relevant local plans including Leichhardt LEP 2013, Leichhardt 2025+, Leichhardt Employment and Economic Development Plan (EEDP) 2013-2023 and Leichhardt Employment Lands Study January 2011.

Retention of commercial uses/employment generating land uses on site complies with relevant State plans and s117 Ministerial Directions including A Plan for Growing Sydney, Draft Inner West Subregional Strategy and applicable SEPPs.

Section D – State and Commonwealth interests

Q10. ***Is there adequate public infrastructure for the planning proposal?***

The site is located in an area currently serviced by all necessary services and infrastructure facilities, including bus services to Balmain Town Centre and the Sydney CBD.

The Proposal does not seek to create additional demand on existing infrastructure. The Proposal will increase the open space available for public recreation through the foreshore land to be dedicated to Council through D/2013/406 to be rezoned to Public Recreation (RE1).

Q11. What are the views of state and *Commonwealth public authorities consulted in accordance with the Gateway determination?*

If necessary, both State and Commonwealth public authorities would be consulted by the Department of Planning and Environment at Gateway Determination. Any issues raised would be summarised and addressed as appropriate.

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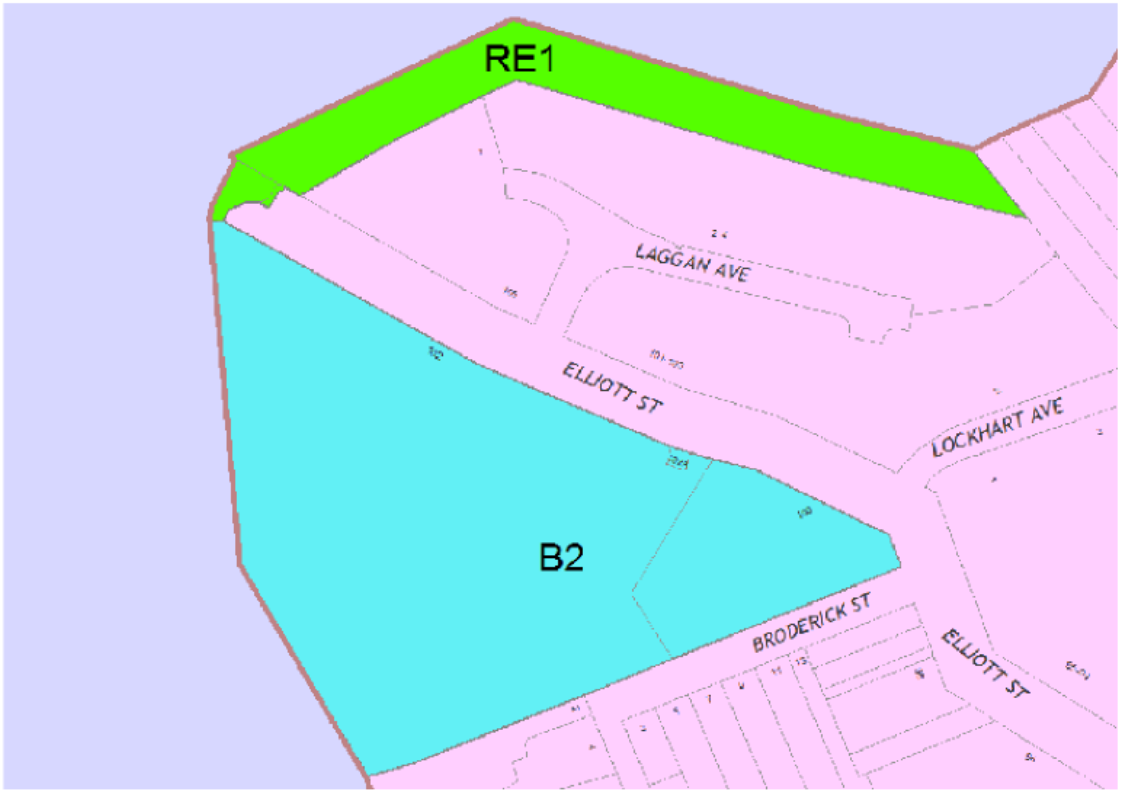
Part 4 – Mapping

Existing Controls

Figure 4 below illustrates the current Local Centre (B2) zoning of the subject site.



Attachment 2

Proposed Controls

Figure 5 illustrates the proposed General Residential (R1), Business Park (B7), Public Recreation (RE1) of the subject site and the parts of the site to retain their Local Centre (B2) zoning.



Proposed LEP Zoning Map

- B2 Local Centre
- B7 Business Park
- R1 General Residential
- RE1 Public Recreation

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Consultation

Community consultation will be undertaken in accordance with the Department of Planning's '*A Guide to Preparing Local Environmental Plans*' and Council's Community Engagement Framework.

The Department's guide provides time frames for the exhibition of 'low impact proposals' and 'all other planning proposals' of 14 days and 28 days respectively.

The Director-General of Planning must approve the form of the planning proposal in accordance with Section 57(2) of the EP&A Act 1979. This is to ensure the proposal complies with the Gateway Determination before community consultation is undertaken.

Community consultation will include:

- Notification placed in local newspapers;
- Exhibition material provided at Leichhardt Council facilities; and
- The Planning Proposal made available on Council's and the Department of Planning's websites.

All landowners within close proximity of the site will be notified in writing by Council of the Proposal.

Project Timeline

Table below outlines a timeline for completion of the Proposal if approved for public exhibition at Gateway Determination, subject to Gateway requirements.

Project Timeline	Estimated Timeline
Estimated commencement date (date of Gateway Determination)	March 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination)	28 days
Commencement and completion dates for public exhibition period	April 2016
Consideration of submissions	May 2016
Consideration of Proposal post-exhibition and reporting to Council	May-June 2016
Date of submission to DP&E to finalise amended LEP	June 2016
Anticipated date Relevant Planning Authority (RPA) will make the Plan (if delegated)	July 2016
Anticipated date RPA will forward Plan to DP&E for notification	July 2016

Conclusion

The Proponent's Planning Proposal to rezone the entire site from Local Centre (B2) zone to General Residential (R1) was not supported. While achieving the objective and intended outcome of the Proposal, allowing for a future modification to a DA consent to convert all nineteen (19) serviced apartments to residential dwellings, it could also result in all land specifically zoned for commercial purposes being lost. The unintended outcome could be the potential loss of some or all employment generating lands on site and the further loss of 49 potential jobs on a site currently zoned for business purposes with a development consent permitting business uses.

To both preserve the employment generating land and achieve the intended outcome of the Proponent's Planning Proposal it is recommended that various parts of the current site be rezoned to better reflect the land uses endorsed by Council as part of D/2013/406 and to be consistent with Council's long term strategic plans.

To achieve this Council submit this Planning Proposal to the Minister for Planning and Infrastructure for a Gateway Determination that will provide housing and protect local employment generating land. It is proposed to rezone parts of the site General Residential (R1), Business Park (B7), Public Recreation (RE1) and with the Local Centre (B2) zoning retained on the rest of the site.

Item No: C0916 Item 10

Subject: **ESTABLISHMENT OF AN INDEPENDENT HEARING AND ASSESSMENT PANEL FOR THE INNER WEST COUNCIL**

File Ref: 15/5804/106096.16

Prepared By: Judy Clark - Manager Development Assessment, Marrickville and Elizabeth Richardson - Manager Assessments, Leichhardt

Authorised By: Phil Sarin - Director, Planning and Environment

SUMMARY

This report responds to an Administrator's minute that requested a report on the establishment of an Independent Hearing and Assessment Panel (IHAP). It is considered that the most expedient and appropriate way to introduce an IHAP to cover the Inner West Council (IWC) area is to adapt and tailor the existing Leichardt Planning Panel (LPP) model with revisions to the operational guidelines and delegations, essentially to ensure that that the IHAP has capacity to determine development (and related) applications in a timely manner, is representative of the interests of the community within the expanded geographic area, and that only matters are referred to it that are appropriate for referral to an independent expert body.

A suite of documents is also included (**Attachments 1 to 3**) that outline the proposed Operational Guidelines and Code of Conduct and Charter to support implementation of an IWC IHAP, to be called the Inner West Planning Panel (IWPP). With these requirements in place it is intended that the IWPP builds on the achievements and experience gained through the establishment of the LPP in February 2015, and promotes a system that is fair, balanced and provides an opportunity for all stakeholders to participate in decision making about certain development proposals.

Recommendations numbered 1 to 6 inclusive below were considered by the Joint Local Representation Advisory Committee at their meeting on 13 September 2016, where they endorsed the recommendations subject to inclusion of 3 additional recommendations as follows:

"7. The IWPP, as proposed, be implemented as a provision arrangement to manage risk while the Inner West Council is under administration, to be reviewed at the end of the administration period by the incoming elected council;
8. Replace Point 10 of the site inspections section on page 51 with: "site inspections are open to the people within the notification area"; and
9. Delete "boarding houses" from Point 7 of the proposed delegations appearing on page 47 of the agenda."

Additional Recommendations 8 and 9 are simple to implement, do not conflict with the integrity of the proposed IHAP model and can be readily integrated into final documentation and therefore have been incorporated into the officer's recommendation below with some rewording for clarity.

Additional Recommendation 7 is not supported as it is preferred that the elected Inner West Council retains the option to consider a report on the previous full 12 months operation of the new IWPP (as proposed by Recommendation 6 below) to inform any decision about its future, rather than nominate the IWPP as a provisional body at this stage. It is proposed to collect comprehensive data including survey information from all stakeholders as part of the 12 month review report.

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RECOMMENDATION

THAT Council:

1. **establishes an independent hearing and assessment panel to be known as the Inner West Planning Panel (IWPP) as outlined in this report and in accordance with the details contained in the following procedural documents - Operational Guidelines, Code of Conduct and Charter (Attachments 1, 2 and 3);**
2. **requests the Interim General Manager arrange an Expression of Interest to recruit and appoint a pool of suitably qualified and experienced independent experts and community members to the IWPP;**
3. **upon its commencement, delegates authority under Section 377 of the Local Government Act 1993 to the Panel to determine all matters delegated to it, as per Attachment 5;**
4. **at the relevant time, gives public notice of the commencement of the IWPP and cessation of the LPP;**
5. **notes the estimated recurring cost of the IWPP of $163,800 per annum to be funded from the existing LPP budget, and allocate additional funds to cover the estimated recruitment cost of up to $30,000;**
6. **requests officers provide an annual report to Council on the activities and outcomes of the IWPP in the previous 12 months;**
7. **replace Point 10 of the Site Inspections Section in the Operational Guidelines with "site inspections are open to the people within the notification area"; and**
8. **delete boarding houses from point 7 in the proposed list of delegations (Attachment 5)**

BACKGROUND

At the extraordinary meeting of Council on 24 May 2016, an Administrator's minute called for a report from staff for the potential to establish an IHAP across the Inner West Council area.

IHAP Models and Best Practice

IHAPs have been a component of the planning system in New South Wales since 2008 and operate in a number of (former) Sydney Councils including Waverley, Leichhardt, Manly, North Sydney, Mosman, Warringah, Holroyd and Lane Cove. These are all decision making IHAPs that operate in a determining role, having been granted delegated authority under Section 377 of the Local Government Act 1993.

There is no one size fits all model for the structure of a council decision making IHAP. However, a review of current literature and other council IHAP constitutions (or charters) and operational guidelines identify the following common features:

1. For each panel hearing meeting the decision is made by a small number of members (typically not exceeding 4) one of whom is the designated Chairperson, with a quorum of at least 3 members. The LPP is an exception to this as it has 5 members. In relation to the optimum Panel size for the IWPP, a panel membership of 4 persons is recommended to reflect contemporary IHAP models operating in Sydney, noting that the careful selection of members is the most critical success factor for good decision making, not the number of members.

2. Members are drawn from a pool of qualified professionals from a range of disciplines such as planning, urban design, environmental law, heritage, public administration, architecture, arboriculture and social planning and include community representatives with similar professional expertise.
3. Incorporation of robust contact protocols for interaction with interested parties to eliminate lobbying.
4. Various operational documents written in plain English regarding appointment and selection of members, meeting notification and governance, practices and procedures, matters the panel will deal with (delegations) and recording of/justification for decisions.
5. Transparent management of conflicts of interest, member obligations and conduct through a separate "Code of Conduct" document based broadly on the Model Code of Conduct for Councillors.

It should be noted that under the provisions of the Environmental Planning and Assessment Act 1979, DA fees are statutory maximum fees that cannot be increased, nor can additional fees be levied to cover the cost of administering an IHAP.

A suite of tailored draft supporting documents to establish the IWPP that reflect best practice are included as **Attachments 1 to 3** inclusive and are discussed in more detail later in this report.

The Leichhardt Planning Panel Experience

The former Leichhardt Council operates an Independent Hearing and Assessment Panel (IHAP) known as the Leichhardt Planning Panel (LPP) with full delegation to act as a determination body. The LPP commenced in February 2015.The delegation model is considered to be best practice, and is recommended to be the basis for the IWPP.

The LPP meets monthly including January (during the day) with the option (and funding) to hold two additional meetings per annum on an as-needs basis. The Leichhardt Planning Panel in its current format can deal with approximately 140 applications per annum.

This is principally limited by the amount of time taken by the Panel on its meeting day to undertake site inspections in the morning and hold the public meeting in the afternoon. Due to increased travel time across the expanded IWC, it is possible that fewer items may be able to be dealt with per meeting than these current arrangements.

The Leichhardt Planning Panel has $161,000 allocated in the 2016/2017 adopted budget for the Leichhardt Service Centre, which allows for fourteen (14) meetings per year if required. The budget allocation includes panel member remuneration, catering and use of the community bus for site inspections.

The LPP is well established and has a high level of acceptance and support across all stakeholders groups. Since its inception, benefits have included:

a) High-quality, transparent, and expert independent oversight of development matters;

b) Demonstrated high levels of satisfaction and confidence in the decision-making process from those that attend Panel meetings (both applicants and submitters);

c) A marked reduction (in the order of 30%) in the number of appeals to the NSW Land and Environment Court, resulting in a saving to Council of between $50,000 (minimum) - $350,000 (maximum) on legal and consultant expert costs;

d) Increased efficiency through removal of business paper agenda duplication; and

e) Allowing the Council more time to focus on policy development matters. Principally, this was through the replacement of the former Building and Development Council meeting, with the Policy Meeting of Council.

Delegations

The Inner West Council is expected to determine approximately 1,400 Development Applications per annum. Critical to the success of a new Inner West Council Planning Panel is consideration of which matters should be referred to it, to ensure only those applications that are appropriate for review by an independent decision making body are captured, and that the IWPP has the capacity to determine applications in a timely, efficient manner.

With only an Administrator representing the Council as the authority in the present interim arrangements, delegation of this authority to an independent panel has advantages from a risk management and governance perspective.

To identify appropriate delegations for an IWPP, analysis of the number and category of development applications referred to Ashfield and Marrickville Councils and the Leichhardt Planning Panel in 2015 is provided in **Attachment 4**. This analysis highlights significant differences in the delegations specific to the determination of development applications at each (former) Council.

The delegations at the former Marrickville Council were significantly more extensive that those at the other councils, and as a consequence only a small number of DAs were determined by the elected Council (31) with approximately 95% determined by staff (compared to 80% by staff at former Leichhardt Council and 86% by staff at former Ashfield Council).

In relation to the likely workload for the IWPP there are 3 important matters to note:

a) The problematic impact of mandatory referrals required by the Department of Planning and Environment in relation to Clause 4.6 variations exceeding 10% in Marrickville and Ashfield, and 60%/40% in Leichhardt for the FSR and landscaped area controls (Council officers are seeking further advice from the Department of Planning and Environment about this issue).

b) The rationalisation of three very different approaches to officer delegations to ensure consistency is necessary, but in doing this it will not be possible or appropriate to carry forward every existing delegation of each former Council to the IHAP, and conversely some matters that were previously determined by officers under delegation will now require referral to the IHAP.

c) In relation to call up processes for development applications, different practices existed at each former Council as follows:

Ashfield

- One Councillor could call up a matter to Council for determination at any time with no requirement to specify a reason(s).

Leichhardt

- The Leichhardt Council *Determination of Applications Policy* required that an application be referred to the Planning Panel for determination where at least two Councillors have made such a request to the Manager Assessments. For applications where submissions from eight or less properties have been received, these are not able to be determined by officers until an assessment report has been made available on Council's website for a period of at least five (5) business days. It had been the practice to advise applicants/objectors in correspondence prior to the commencement of that 5–day period that that they have the option to ask two Councillors to call the matter up for determination at a Leichhardt Planning Panel for determination, during that 5 day period.

Marrickville

- At any time prior to determination, a Councillor could register an interest in a DA with the Manager, Development Assessment. If the matter could otherwise be determined by an officer under delegation, a full assessment report was prepared and sent to those Councillor(s) who had registered an interest so they could have the benefit of an objective assessment of the facts. Councillors then had 3 business days to advise the Manager, Development Assessment whether or not they wished to call the DA up (to the Development Assessment Committee). If call up was made, a form signed by 3 Councillors was required to be submitted, including a statement as to why the matter was called up. This statement was included in the report synopsis.

Typically existing IHAPs operating in Sydney councils do not incorporate call up provisions, including the newest IHAPs established in post amalgamation environments, such as the Cumberland Council Independent Hearing and Assessment Panel and the City of Parramatta Independent Hearing and Assessment Panel.

It is not proposed to include a call up process for development applications to the IWPP in this model, as the public interest is best managed through transparent and appropriate delegations that balance the costs and benefits of referral triggers, and acknowledge the contribution of independent experts to the DA process. Call up is not favoured in the best practice model as it increases corruption risk, lacks procedural fairness and is perceived as supporting undue influence through private lobbying.

Current literature on planning panels is clear that the best practice approach for the referral of applications to an IHAP is that it should be predictable and have clear criteria with a low level of discretion. This adds greater certainty to the community and applicants as to what matters are dealt with by the Panel.

The alternative is to establish a process by which the Administrator would take on the former role of Councillors and be solely responsible for determining, upon request, which specific development applications are referred to an IHAP for determination in a situation where an application could be determined under delegation. From a probity and good governance perspective such an approach is not supported.

New delegations have been drafted and are provided in full detail in **Attachment 5**. These delegations seek to ensure that matters referred to the IHAP are appropriate, achieve a reasonable level of alignment with community interest and expectations across the entire IWC area, and manage probity issues.

The proposed delegations are summarised as follows:

A. Where a recommendation for approval is made:

1. Major development on Council property;
2. Where an applicant or submitter is an Administrator, Councillor or senior member of staff (Team Leader or above);
3. Where an application involves a variation to a development standard in excess of 10% except as provided for by any special concession agreed to by the NSW Department of Planning and Environment;
4. Where the applicant has offered to enter into a Voluntary Planning Agreement in conjunction with the development application.
5. An application with an estimated cost of development in excess of $10 million, except applications where Council is not the consent authority.
6. An application with unresolved objections/submissions received in writing from 10 or more properties.

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7. An application for the establishment of a new brothel, sex services premises or boarding house.

8. An application involving total demolition of a building listed as a heritage item or a contributory item in a Heritage Conservation Area.

B. A request made under Section 82A of the *Environmental Planning & Assessment Act 1979* where there is no substantial change in recommendation on the matters subject of the Review.

C. Development on community land in accordance with Section 47E of the Local Government Act 1993.

Role of Councillors

The new Inner West Council faces a considerable challenge to integrate three former organisations and set new standards for excellence in the delivery of services. In the planning context major issues will include setting the framework for and delivering a new Local Environmental Plan and Development Control Plan. This will be occurring alongside many State Government initiatives including a new District Plan, Parramatta Road Urban Transformation Strategy, Sydenham to Bankstown Urban Renewal Corridor, Bays Precinct as well as major infrastructure projects such as WestConnex, Sydney Metro and others.

It is therefore important for the Council going forward to focus on these major strategic initiatives and set its new planning policy direction for the future. Having a planning panel in place to deal with major development applications will provide additional opportunity for newly elected Councillors to work with the community on its land use strategy and responses to regional and metro wide projects.

Supporting Documentation

1. Operational Guidelines (Attachment 1)

The Operational Guidelines outline the procedures for notifying and conducting Panel meetings and site inspections, hearing speakers and recording decisions.

The key elements of the Operational Guidelines are as follows:

Site Inspections
Site inspections will ordinarily take place for all applications to be considered on the same day as the Panel hearing meeting for that item, at the discretion of the Panel Chairperson. The purpose of the site inspection is for the Panel as a group to obtain an understanding of the application and its context, and any relevant issues. Site inspections are not an opportunity for either proponents or opponents of a development to influence or lobby the Panel. The Panel members may ask questions or seek clarification on certain matters and certain issues may be described by “registered” persons present at the site visit to assist understanding of the issues.

Meetings
Meetings will be held monthly on a regular schedule during business hours, including in January, with the exact location to be advised via the agenda. Additional meetings may be held from time to time if there is a high number of pending applications to be referred to the Panel. Meeting agendas and reports will be publically available at least five (5) days prior to the meeting. Speakers must register to speak prior to the meeting. Persons who have not lodged a submission during the DA assessment period (other than the applicant or their representative) are required to provide a brief written summary of the matters that the person wishes to address the Panel about.

Speakers will be allowed to speak for three (3) minutes with the option for the Chairperson to grant an extension.

The Panel may deliberate, conclude and determine the matter in the public (open) meeting. However, the Panel may decide to adjourn briefly for the express purpose of deliberating if considered warranted, to reflect on the submissions made to them and discuss together the appropriate weight and response to issues raised prior to their final determination. If this occurs, the Panel will return to the public (open) meeting to conclude and determine the matter.

The decision and reasons and the voting pattern (if not unanimous) will be recorded in the minutes.

2. Code of Conduct (Attachment 2)

The Code of Conduct outlines the standards of conduct expected of the Inner West Council Planning Panel members and their responsibilities in areas such as conflicts of interest, gifts and access to personal information.

The key elements of the Code of Conduct to note are as follows:

Conduct Obligations
Members are bound by obligations to act lawfully, honestly and consider issues objectively and consistently. Panel members must act with respect, professionalism and courtesy towards one another, Council officers and persons addressing the panel at hearing meetings.

Interactions with others involved in matters referred to the Panel
Panel members' interaction with stakeholders is restricted to occur only within the formal hearing meeting process. Lobbying by any party either for or against a development, including the Administrator, is prohibited.

Panel members are also prohibited from influencing Council staff in the preparation of assessment reports.

Conflicts of interest
Members of the Panel are designated persons as defined by Section 441 of the Local Government Act, 1993. Each Panel member must complete a Pecuniary Interest Declaration Return as required by the Local Government Act, 1993.

Panel members must avoid or appropriately manage any conflict of interest and the Code of Conduct contains disclosures requirements that reflect those that apply to former Councillors under the provisions of the model Councillor's Code of Conduct.

The Code of Conduct contains provisions relating to gifts and benefits and protection of confidential and personal information. There are also provisions that relate to reporting breaches of the Code, and the powers of the General Manager to impose sanctions for breaches.

3. Charter (Attachment 3)

The Panel Charter contains the Panel Constitution and details of the Panel's functions and an overview of the Panel members' obligations, together with an explanation of the structure of the Panel and the membership qualification requirements.

The key elements of the draft Panel Charter to note are as follows:

Matters to be dealt with by the Panel
The list of matters that would be delegated to the Panel are included in the Charter. The categories are provided in **Attachment 5.**

Panel membership
This report recommends that the Panel for a hearing meeting comprises four (4) members (including the Chairperson) and three (3) members form the quorum for a meeting.

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The Chairperson and members will be drawn from a pool of suitable qualified persons (and shall include community representatives), intended to be appointed by the General Manager following a public Expression of Interest process. Panel members will be selected for a particular agenda based on relevance of expertise, also taking into account any declarations of interest and availability.

Each appointed Panel member will be required to sign a Memorandum of Understanding (MOU) agreeing to comply with the Code of Conduct, Operational Guidelines and Charter. The MOU has not been included as part of this report as it is essentially an employment contract document.

Term, trial period and remuneration
It is recommended that Council follows the practice of other Councils (including former Leichhardt Council) and appoint Panel members for 2 years with an option for a further 2 year appointment.

Panel members will be entitled to be paid if selected as a member for a hearing meeting, with exact remuneration determined by the General Manager. Estimated costs are discussed below under the heading "Financial Implications".

Governance
Determination shall be by a majority vote, and the voting pattern shall be recorded in the minutes, together with reasons for any decision contrary to the officer's recommendation. If a DA is refused against officers' recommendations the reasons must be capable of being defended in the Land and Environment Court. In the case of deferral, the Panel must state the issues to be addressed by the applicant to enable the application to be brought back to the Panel for final consideration (this may be via electronic means).

Recruiting Panel Members

The terms of the current members of the LPP are due to expire in December 2016. To transition from the LPP to the IWPP, reappointment of members of the current LPP is proposed. Concurrently, a public Expression of Interest (EOI) process is required to broaden the membership of the new IWPP, to ensure that the membership pool contains enough persons with suitable technical expertise and experience, and that it is representative of the interests of the community within the expanded geographic area.

To ensure that a transparent, independent and robust selection process occurs, and that the composition of the Panel is balanced between technical expertise and appropriate interpersonal and engagement skills, a one off allocation of $30,000 (maximum) is required for external assistance with panel selection.

Given the necessity to conduct an EOI, it is anticipated that the IWPP would commence in October 2016. Upon commencement of the IWPP, the current LPP would cease.

FINANCIAL IMPLICATIONS

Establishment and operating costs have been estimated based on 12 meetings per year with the option for four (4) additional meetings on a needs basis, with a sitting Panel of four (4) members per meeting, paid on a sessional basis.

Estimated costs are modelled on the rates paid to the LPP members (with a small increase for CPI as the rates have not been reviewed since February 2015), and an allocation for ancillary costs (catering, community bus hire, etc.) as follows:

- Panel member remuneration per meeting (total) $9,800 inclusive of GST X 16 meetings = $156,800.
- Ancillary costs (catering, bus for site inspections, etc.) = $7000
- Recurring cost = $163,800 per annum
- Recruitment $30,000 (one off)
  TOTAL = $193,800

Based on these estimated costs of operation, the recurring annual cost of the IWPP of $163,800 per annum could be funded from the existing LPP budget, noting that additional funds are required to be allocated to cover the one off cost of recruitment of up to $30,000.

OTHER STAFF COMMENTS

The Manager, Development Services, Ashfield was involved in the preparation of this report.

PUBLIC CONSULTATION

Appropriate notice of the commencement of the Inner West Planning Panel will be provided.

CONCLUSION

This report responds to an Administrator's minute that requested a report on the potential establishment of an Independent Hearing and Assessment Panel (IHAP). It is considered that the most expedient and appropriate way to introduce an IHAP to cover the Inner West Council (IWC) area is to adapt and tailor the existing Leichardt Planning Panel (LPP) model, but with a reduced sitting panel of four (4) members for each meeting. Transitional arrangements for the existing LPP are proposed in conjunction with a concurrent EOI to recruit a membership pool for the IWPP that it is representative of the interests of the community within the expanded geographic area.

ATTACHMENTS

1.⇩ Inner West Planning Panel (IWPP) Operational Guidelines
2.⇩ Inner West Planning Panel (IWPP) Code of Conduct
3.⇩ Inner West Planning Panel (IWPP) Charter
4.⇩ Analysis of DAs Not Determined by Staff by Branch in 2015
5.⇩ Development Applications to be Delegated to the IWPP

ATTACHMENT 1

INNER WEST COUNCIL

INNER WEST PLANNING PANEL (IWPP) OPERATIONAL GUIDELINES

INTRODUCTION

1. These guidelines are issued under the Inner West Planning Panel Charter and should be read in conjunction with the Charter. They shall remain in force in their present form unless amended and may be periodically reviewed.

BEFORE THE MEETING

2. Agendas for Panel meetings will be made publicly available on Council's website at least 5 days prior to the meeting.

3. Any interested person including the submitter(s), applicant(s) or their representatives(s) wishing to address the Panel at any meeting of the Panel must register with the Panel Coordinator via email *{insert email address}*, by 12 noon on the business day before the meeting of their intention to do so.

4. Unless the Panel otherwise permits, any person wishing to address the Panel must have already lodged a written submission on the subject development application. In the case of someone who has not previously lodged a submission, that person must provide a written summary (no longer than one A4 page) of the matters that the person wishes to address the Panel about, no later than 12 noon on the business day prior to the meeting.

5. Additional submissions from either applicants or submitters shall be no greater than one A4 page (in total), and must be confined to the specific matters upon which the person seeks to address the Panel. These must be submitted no later than 12 noon on the business day prior to the meeting. Additional documents, reports and amended plans will not be received or considered by the Panel at the meeting.

SITE INSPECTIONS

6. Site inspections are held ordinarily in respect of each matter that is to come before any meeting of the Panel and when considered necessary by the Panel. Site inspections shall not take place except as a Panel, and shall, so far as practicable, be held on the same day as the meeting of the Panel at which the particular matter is to be considered.

7. Unless otherwise determined by the Panel in any particular case, any one site inspection shall ordinarily be held and concluded within 20 minutes.

8. Council officers may accompany the Panel on-site inspections as appropriate.

9. The Panel will meet ordinarily at 9am at a nominated service centre of the Inner West Council on the day of the meeting as notified in the agenda, or as otherwise determined by Council, to commence site inspections as a group.

10. Site inspections are not open to the public.

11. Site inspections are not to be used for lobbying, but as means of procuring information for the purpose of good administrative decision making. Site inspections are for the Panel to acquaint themselves with the site and relevant issues, and conversation/dialogue will not be entered into except in clarification through the Chairperson. The Panel is not to receive or invite formal presentations or submissions at site meetings. All presentations and submissions are to occur only in the formal Panel meeting.

12. The Panel will ordinarily visit the street and local environment and on a case by case basis any other location that the Panel considers necessary to understand the application and its context.

13. Adjoining and/or affected properties may be visited by the Panel only if the submitter has first registered their interest for an inspection or if the Panel otherwise agrees to do so at their discretion. It is not a requirement for the Panel to visit or enter every submitter's property to inform their assessment.

THE PANEL MEETING

14. The public meeting of the Panel will generally meet on the {*insert* cycle} of each month. The location of the meetings may rotate between the Leichhardt, Petersham and Ashfield Service Centres and the exact location of each Panel meeting will be notified via the agenda.

15. The General Manager may call extraordinary meetings or cancel a Panel meeting.

16. Speakers at the public hearing of the Panel shall be heard in the following order:

    - Any submitters or other persons who wish to make representations; and then
    - The applicant or the applicant's representative.

The Chairperson or any Panel Member may seek to clarify any matter with the speaker or Council Officer.

17. A person is not entitled to be legally represented at any meeting of the Panel unless the Chairperson grants permission in any particular case. On granting any such permission the Chairperson shall have regard to the following matters:

    - the nature and complexity of the matter and whether it involves a question of law,
    - whether the person has the capacity to present their submission without legal
    - representation, and
    - such other matters as the Chairperson considers relevant.

18. Unless the Panel otherwise permits, any person who addresses the Panel at any meeting of the Panel may speak for more than 3 minutes in respect of any one matter before any particular meeting. The Chairperson may exercise discretion and allow for an extension of time, subject to the general agreement of the Panel, as required to ensure all issues are properly considered.

19. Where there are a large number of submitters with a common interest, the Panel may hear a representative of those persons with a view to discharging its responsibilities in a timely manner.

20. The Chairperson shall be responsible for the good and orderly conduct of the Panel meetings and may do all things and take all steps necessary to control the good and orderly conduct of

any meeting of the Panel or site inspection carried out by the Panel in the performance of its functions.

21. A person whether a member of the Panel or a member of the public, shall not speak while another person is speaking or otherwise interrupt that person while speaking. Nothing in this guideline prevents a member of the Panel from raising a point of order in the manner otherwise relevantly applicable to meetings of the Council.

22. Following the speaker's addresses, the Panel will ordinarily deliberate, conclude and determine the matter in the public (open) meeting. However the Panel may decide adjourn briefly for the express purpose of deliberating if considered warranted. If this occurs, the Panel will return to the public (open) meeting to conclude and determine the matter.

23. There is no further opportunity for debate with the Panel members or the applicant and/or their representatives and speakers are not allowed to enter into unsolicited comment or argument with the Panel.

24. Should the Panel resolve to request additional information or seek amendment of the application, the Panel may defer the application, providing a written request to the applicant with the reasons for deferral, a copy of which will be made available on Council's website the following business day.

25. Determinations and any relevant decision of the Panel shall be by a majority of votes of members present at a meeting and entitled to vote. If votes are tied the Chairperson will have the casting vote. Voting (including the names and vote of each Panel member when the vote is not unanimous) will be recorded in the minutes.

26. Should the Panel resolve to approve an application, the Panel shall provide consent conditions. The conditions may be based on the assessment officer's recommended conditions but may also add, delete or change conditions as considered necessary by the Panel. The reasons for the Panel's decision must be recorded in the minutes as part of the decision. Where the Panel goes against the officer's recommendation, the Panel must state the reasons.

27. If the Panel resolves to approve an application against the officer's recommendation, the application will need to be deferred for Council officers to prepare draft conditions of consent. Following consideration of draft conditions by all Panel members, the application may subsequently be determined by electronic means.

AFTER THE PANEL MEETING

28. Minutes of the meeting shall be endorsed by the Panel Chair.

29. Minutes of the Panel will ordinarily be made publicly available on Council's website within 3 business days following the meeting. Where email or postal addresses are available, submitters and any other registered speakers will also be advised of the Panel's decision.

30. Except where a matter is deferred, the applicant shall be provided with a Notice of Determination in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations as soon as practicable.

ATTACHMENT 2

INNER WEST PLANNING PANEL (IWPP)
CODE OF CONDUCT

PURPOSE

The Code of Conduct (the "Code") outlines the standards of conduct expected of Inner West Planning Panel (the "Panel") members and outlines their responsibilities in areas such as conflicts of interest, gifts and personal information.

The Code is consistent with the Inner West Council's commitment to high ethical standards for everyone who works with the Council in a paid, voluntary or elected capacity.

It is the personal responsibility of each Panel member to comply with this Code.

This Code sets out the minimum requirements of behaviour for Panel members in carrying out their functions. This Code has been developed to assist Panel members:

a) Understand the standards of conduct that are expected;

b) Act honestly, ethically and responsibly;

c) Exercise a reasonable degree of care and diligence; and

d) Act in a way that enhances public confidence in the integrity of the role of the Panel and the Council in the planning system.

This Code is to be read in conjunction with the Inner West Planning Panel Charter and Operational Guidelines.

1. KEY PRINCIPLES

1.1 Public Interest

Panel members have a duty to make decisions in the public interest and that are objective and merit based.

Panel members must not make a decision or take action that causes or results in them obtaining:

a) financial benefit (including avoiding a financial loss); or

b) other benefits for themselves, their family, friends or business interests.

1.2 Honesty

Panel members must act honestly and in good faith and for proper purposes.

1.3 Integrity

Panel members must not place themselves under any financial or other obligation to any individual or organisation that might be reasonably thought to influence them in the exercise of their functions as a Panel member.

1.4 Impartiality

Panel members must make decisions on merit and in accordance with their statutory obligations when carrying out functions as a Panel member.

1.5 Accountability

Panel members are accountable to the public for their decisions and actions and must consider issues on their merits, taking into account the views of others.

1.6 Leadership

Panel members have a duty to promote and support the key principles of this Code by demonstrating leadership and maintaining and strengthening the public's trust and confidence in the Panel and their role in the planning system.

2. CONDUCT OBLIGATIONS

2.1 Panel members must not conduct themselves in a manner that is likely to bring the Panel into disrepute. Specifically, they must not act in a way that:

a) contravenes the Environmental Planning and Assessment Act 1979, the Local Government Act 1993, any associated regulations, Council's relevant administrative requirements and policies;

b) is detrimental to the pursuit of the charter of Council;

c) is improper or unethical;

d) is an abuse of power or otherwise amounts to misconduct;

e) causes, comprises or involves intimidation, harassment or verbal abuse;

f) causes, comprises or involves discrimination, disadvantage or adverse treatment;

g) causes, comprises or involves prejudice in the provision of a service to the community.

2.2 Panel members must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions.

2.3 Panel members must act with respect, professionalism, politeness and courtesy towards one another, Council officers and persons addressing the Panel at meetings.

2.4 Panel members must consider issues consistently, promptly and fairly. They must deal with matters in accordance with established procedures, in a non-discriminatory manner.

2.5 Panel members must take all relevant facts known to them, or that they should be reasonably aware of, into consideration and have regard to the particular merits of each case. Panel members must not take irrelevant matters or circumstances into consideration when making decisions.

2.6 Panel members must ensure that no action, statement or communication between themselves and others (such as applicants, representatives or submitters) conveys any suggestion of willingness to provide improper concessions or preferential treatment.

2.7 Panel members must not be intoxicated or drug affected when performing official Panel duties.

2.8 Panel members must not take advantage (or seek to take advantage) of their status or position with Council in order to obtain a private benefit.

3 INTERACTION WITH APPLICANTS, REPRESENTATIVES, SUBMITTERS, COUNCILLORS AND COUNCIL OFFICERS

3.1 Members may approach and liaise with relevant Council staff as nominated by the General Manager to assist the Panel to obtain information and clarify matters relating to their duties, responsibilities and functions and matters before them. Panel members shall not issue directions to or order Council staff to carry out any direction on any matter.

3.2 In relation to Council staff, Panel members must not:

a) approach, make requests of, make enquiries or issue instructions to Council staff other than through official channels and in accordance with this Code;

b) be overbearing or threatening to Council staff;

c) make personal attacks on Council staff in a public forum;

d) direct or pressure Council staff in the performance of their work or recommendations they make;

e) influence or attempt to influence Council staff in the preparation of assessment reports or other information to be submitted to the Panel.

3.3 Panel members must not approach an applicant, representative or submitter, or if approached by an applicant, representative or submitter must not discuss any application which is either before the Panel or will come before the Panel at some future time, except during the course of a Panel meeting where the application forms part of the business paper and the applicant, representative or submitter has a right to be heard by the Panel.

3.4 Panel members must not approach the Administrator, or if approached by the Administrator, must not discuss any application which is either before the Panel, or will come before the Panel at some future time.

3.5 Panel members must not hold private meetings, discussions or site visits in respect of a matter outside the formal procedures established for the operation of the Panel.

4 CONFLICTS OF INTEREST

4.1 General

a) Members of the Panel are designated persons as defined by Section 441 of the Local Government Act, 1993. Panel members are part of a Committee whose functions involve the exercise of a function of the Council. Section 441 recognises that there may be cases where the Panel member's interests as a Panel member conflicts with their interest as a private individual.

b) A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

c) Panel members must avoid or appropriately manage any conflict of interests. The onus is on the Panel member to identify a conflict of interest and take the appropriate action to manage the conflict in favour of public duty.

d) Any conflict of interest must be managed to uphold the probity of Panel decision making. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation.

4.2 Types of private interests

Private interests can be of two types:

i) pecuniary, or
ii) non-pecuniary.

4.3 Pecuniary interests

a) A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. *(Refer Local Government Act 1993 Section 442).*

b) A Panel member does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision that person might make. *(Refer Local Government Act 1993 Section 442 (2)).*

c) A Panel member has a pecuniary interest in a matter if the pecuniary interest is the interest of the member, the member's spouse or de facto partner or a relative of the member or a partner or employer of the member, or a company or other body of which

the member, or a nominee, partner or employer of the member is a member, has a pecuniary interest in the matter. *(Refer Local Government Act 1993 Section 443).*

d) The obligations on Panel members with respect to pecuniary interests shall be in accordance with Chapter 14 Part 2 of the Local Government Act 1993.

e) All Panel members must comply with these requirements. In particular:

   i) As designated persons, Panel members must lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties. *(Refer Local Government Act 1993 Section 449).*

   ii) If a Panel member has a pecuniary interest in a matter being considered or about to be considered at a Panel meeting and the interest appears to raise a conflict with the proper performance of the member's duties in the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's attention, disclose the nature of the interest at a meeting of the Panel.

f) After a member has disclosed the nature of an interest in any matter, the member must not:

   i) be present during any deliberation of the Panel with respect to the matter, including any site inspection; or

   ii) take part in any decision of the Panel with respect to the matter.

g) In summary, a member having declared a pecuniary interest shall not attend the site inspection or public hearing meeting associated with the item or participate in discussion or voting on the item.

4.4 Non-pecuniary interests

a) A non-pecuniary interest is a private or personal interest the Panel member has that do not amount to a pecuniary interest. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

b) Panel members should consider possible non-pecuniary interests that may arise while carrying out their duties as a Panel member. Where possible, the source of potential conflict should be removed.

c) However, where this is not possible, if a Panel member has a non-pecuniary interest in a matter and the interest appears to raise a conflict with the proper performance of the member's duties, the member must follow the procedures in the same manner as if the interest was a pecuniary interest.

4.5 Declarations of interest

Where any pecuniary or non-pecuniary interest in a matter before the Panel has been disclosed by a member, whether declared before or at the commencement of the Panel meeting, it will be noted in the minutes of the relevant Panel meeting even when the member is not in attendance.

4.6 Political donations

Panel members should be aware that political contributions or donations may give rise to a pecuniary or non-pecuniary interest. It is the responsibility of Panel members to determine in each instance whether such an interest arises and whether the provisions of this Code apply.

4.7 Personal dealings with Council

You may have reason to deal with Council in your personal capacity for example, as a ratepayer. Panel members must not expect or request preferential treatment in relation to any matter in which you have a private interest because of their position as a Panel member. Panel members must avoid any action that could lead members of the public to believe they are seeking preferential treatment.

4.8 Other business or employment

a) Public perception of bias/conflict of interest requires that persons appointed as Panel members must not engage in any of the following:

i) appearing for or against Council as consultants acting on behalf of applicants or Council, giving evidence in Court;

ii) making representations to the Panel on behalf of others, for example, making a submission in support of a development, or on behalf of a submitter;

iii) making representations to Council in relation to planning and development matters in the Inner West Local Government Area, for example, supporting an application for a rezoning or a development application;

iv) deriving income (other than remuneration for being a Panel Member) through contracts with Council.

b) Any other work conducted within the Inner West Local Government Area shall be the subject of a declaration of interest in accordance with the Code.

5 GIFTS OR BENEFITS

5.1 Panel members must not:

a) seek or accept a bribe or other improper inducement;

b) seek gifts or benefits of any kind;

c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence them in carrying out your public duty;

d) accept any gift or benefit of more than token value;

e) accept an offer of cash or a cash-like gift (includes gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts).

6 TOKEN GIFTS AND BENEFITS

6.1 Avoidance

Panel members must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment.

6.2 Definition of token gifts and benefits

Generally speaking, token gifts and benefits include:

a) free or subsidised meals, beverages or refreshments provided in conjunction with:

i) the discussion of matters before the Panel;

ii) conferences; or

iii) social functions organised by groups.

b) invitations to and attendance at local social, cultural or sporting events;

c) gifts of single bottles of reasonably priced alcohol at end of year functions and public occasions;

d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers; and

e) prizes of token value.

6.3 Gifts and benefits of value

a) Gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events, corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

b) If a Panel member is offered a gift or benefit that is not considered token it should be reported to Council's Public Officer. Or, if a Panel member is not sure if the gift or benefit would be considered token, they should contact Council's Public Officer. Openness about such matters prevents unfair criticism at a later date.

c) Any gift from an applicant, submitter or associate of an applicant or submitter in relation to a matter to be determined by a Panel must not be accepted.

d) When offered a gift or benefit, Panel members must inform Council's Public Officer to ensure the following information is provided for the purposes of making a recording on the Gifts and Benefits Register:

i) the person who made the offer and the date on which the offer was made;

ii) whether or not the gift/benefit was accepted;

iii) whether the gift or benefit was allocated to another person or body; and

iv) the value of the gift or benefit.

e) Panel members must also advise the Panel Chairperson of any such notification.

7 CONFIDENTIAL AND PERSONAL INFORMATION

7.1 A Panel member may have contact with confidential or personal information retained by Council. If so, they must maintain the security of any confidential or personal information and not access, use or remove any information, unless they are authorised to do so.

7.2 Panel members must:

a) protect confidential information;

b) only release confidential information if they have authority to do so;

c) only use confidential information for the purpose it is intended to be used;

d) not use confidential information gained through their position as a Panel member for the purpose of securing a private benefit for themselves or for any other person;

e) not use confidential information with the intention to cause harm or detriment to the Panel or any other person or body; and

f) not disclose any information discussed during a confidential session of a Panel.

7.3 When dealing with personal information you must comply with:

a) The Privacy and Personal Information Protection Act 1998

b) The Health Records and Information Privacy Act 2002

c) The Information Protection Principles and Health Privacy Principles

d) Council's Privacy Management Plan

e) The Privacy Code of Practice for Local Government

7.4 No Panel member is authorised to make any comment to the media, through social media or to the general public in relation to any matter before the Panel or any decision of the Panel.

8 BREACH OF THE CODE

8.1 Reporting and action

a) Panel members are required to report suspected breaches of the Code to the Panel Chairperson. If the Panel Chairperson suspects a breach of the Code they must report the suspected breach to the General Manager or the Public Officer.

b) If the suspected breach is by the Panel Chairperson, Panel members must report the suspected breach to the General Manager or the Public Officer.

c) The General Manager must take such steps as they think appropriate to investigate and take action in respect of the alleged breach.

d) A person who is alleged to have breached the Code must be given:

i) the full particulars of the alleged breach;

ii) an opportunity to respond to the allegations; and

iii) the right to have a legal or other representative present during any meetings/ discussions in respect of the matter.

8.2 Sanctions

a) Upon receipt of advice from the Chairperson of a breach of the Code of Conduct by a member, the following action may be taken by the General Manager:

i) counselling of the member;

ii) suspension from hearing a particular matter;

iii) suspension from the Panel;

iv) removal from the Panel; or

v) report to another authority.

b) Serious breaches of the Code may be referred to the Police.

9 COMPLAINTS HANDLING

9.1 Complaints against Panel members must be made in writing and are handled in accordance with Council's Complaints Management Policy and Procedures.

Item 10

ATTACHMENT 3

INNER WEST COUNCIL

INNER WEST PLANNING PANEL (IWPP) CHARTER

1. STATUS OF THE PANEL

The Inner West Planning Panel (the "Panel") is a determining body with delegated authority to consider and determine development (and related) applications referred to it by the General Manager.

The Panel is a body constituted for the purpose of delegation of functions by the Council under Section 377 of the Local Government Act 1993.

2. FUNCTIONS OF THE PANEL

The functions of the Inner West Planning Panel are to:

a) Determine development and related applications that are within the prescribed delegations provided to the Panel by the Council;

b) Provide an independent and open forum for interested persons and the community to make submissions relevant to the applications being considered by the Panel;

c) Provide a professional and technical assessment of applications within a transparent decision making process;

d) Achieve best practice development outcomes consistent with the relevant legislation and local and State planning controls.

3. PANEL CONSTITUTION

3.1 Members

The Panel consists of members with the following qualifications and experience:

a) Lawyers who are currently admitted or eligible for admission to practice law in New South Wales as a Barrister or Solicitor; or non-lawyers but professionals with exceptional levels of experience such as retired Land and Environment Court Commissioners;

b) Professional experts with qualifications and experience in environmental law, planning, urban design, environmental planning, architecture, heritage, arboriculture, social planning, or government and public administration;

c) Community representatives with a demonstrated understanding and experience in similar or related fields to the professional experts.

Attachment 3

3.2 Membership pool

The members shall be in the form of a "pool". To ensure the Panel has the widest available level of expertise, there is no maximum number of persons that may be accepted into the membership pool, provided they are appointed in accordance with the terms of this Charter.

The Chairperson of the Panel and an alternate Chairperson shall be appointed by the General Manager or delegate from the pool of members.

The pool, made up of persons meeting the Panel Charter criteria, will be maintained and there will be a rotation of members for the purpose of each meeting as specified by the General Manager or delegate.

The pool will include, as a minimum:

- 2 members that satisfy the criteria of 3.1 a);
- 4 members that satisfy the criteria of 3.1 b);
- 2 members that satisfy the criteria of 3.1 c).

In the event of an application to review a determination of a decision made by the Panel (under Section 82A or Section 96AB of the Environmental Planning and Assessment Act 1979), the Panel considering the review shall comprise of at least two (2) members who did not form part of the Panel that considered the original Development or Section 96 application.

3.3 Appointment

The Membership Pool shall be selected and appointed by the General Manager, and each Panel member shall sign a Memorandum of Understanding.

Members of the Panel for each Panel meeting will be selected from the membership pool by the General Manager or their delegate, having regard to the suitability of expertise for the matters being considered by the Panel, any conflict of interest disclosure and the Panel member's availability.

The Panel will be selected at least 7 days prior to the meeting. This information will not become public information prior to the meeting.

3.4 Term

The term of the members of Panel appointed by the General Manager shall be for a period of two (2) years with an option to extend the term a further two (2) years.

3.5 Remuneration

A member or an alternate member is entitled to be paid such remuneration as the General Manager shall from time to time determine in respect of the member.

3.6 Vacancies

The office of a member becomes vacant if the member:

a) dies, or

b) completes a term of office and is not re-appointed, or

c) resigns the office by letter or email addressed to the General Manager, or

d) is removed from his or her membership of the Panel by the General Manager for breach of any relevantly applicable requirements of the Panel Code of Conduct, Charter, Guidelines or Memorandum of Understanding, issued by the General Manager in respect of the Panel as in force from time to time, or

e) without reasonable excuse does not attend a meeting of the Panel in compliance with a call of the Panel or is otherwise absent (without a written explanation for any such absence given to and accepted by the General Manager) from 2 consecutive meetings of the Panel, or

f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or

g) becomes physically or mentally incapacitated to such an extent that he or she is unable to continue discharging the responsibilities of being a member of the Panel, or

h) is removed by the General Manager from office for any or no reason and without notice.

If the office of a member becomes vacant, the General Manager may recruit a replacement member.

3.7 Meetings

A meeting of the Panel will consist of four (4) members including one (1) community representative.

3.8 Quorum

Three (3) Panel members shall form a quorum for a meeting.

3.9 Meeting and Associated Practices and Procedures

a) The Panel shall act in accordance with the Operational Guidelines for the Inner West Planning Panel issued by the General Manager.

b) The Panel as a whole may undertake site inspections prior to the Panel meetings. Such inspections are for the purpose of the Panel members collectively acquainting themselves with the issues associated with an application. Site inspections are not open to the public.

c) The Panel is not bound by the rules of evidence at meetings and may inquire into and inform itself on any matter in such manner as it thinks fit.

d) At meetings the Panel is to act with as little formality as the circumstances of the case permit and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.

e) Meeting proceedings of the Panel shall be open to the public. However, the Panel may close part of a public meeting to the public where the Panel is of the opinion that such action is strictly necessary in order to protect commercial information of a confidential nature, or that it is necessary to adjourn the meeting for the express purpose of deliberating prior to reaching a decision about a matter.

3.10 Determinations/Decisions

a) Determinations and any relevant decision of the Panel shall be by a majority of votes of members present at a meeting. If votes are tied the Chairperson will have the casting vote.

b) Voting (including the names and vote of each Panel member when the vote is not unanimous) will be recorded in the minutes for the public record.

c) Where the Panel determines to refuse an application, the reasons for refusal must be given and recorded in the minutes.

d) Where an application is approved contrary to an officer's recommendation for refusal, the reasons for supporting the application must be given and recorded in the minutes.

4. MATTERS TO BE REFERRED TO THE PANEL

Refer to **Attachment 5.**

5. MEMBER OBLIGATIONS

All Panel members are required to observe the provisions of the Panel Code of Conduct; the Charter; the Guidelines; and the Memorandum of Understanding.

If Panel members do not comply with the Code of Conduct or the Panel Charter, the General Manager may terminate the Panel member's appointment without notice.

Panel members must attend all meetings reasonably required by the General Manager or the Director of Planning and Environment or delegate.

Panel members will have read and be familiar with the documents provided by Council prior to attending a Panel meeting.

The relationship between the Council and the Panel member is that of a client and independent contractor, and nothing shall be taken as constituting the Panel members or any of their employees as an employee of the Council.

Each Panel member must complete a Pecuniary Interest Declaration Return as required by the Local Government Act 1993.

Obligations regarding Declarations of Interest are contained in the Panel Code of Conduct and are to be strictly met.

Continued professional development of the Panel is important. This may, from time to time, be required either by the Panel receiving written reports from Council and working groups for information when appropriate or the Panel attending a face-to-face session (or multiple sessions).

6. ADDITIONAL DOCUMENTATION

The following documents are to be read in conjunction with this Charter:

- Inner West Planning Panel Code of Conduct;
- Inner West Planning Panel Operational Guidelines; and
- Inner West Planning Panel Memorandum of Understanding.

7. ON-GOING EVALUATION OF PANEL PROGRAM

The IWPP will be subject to on-going evaluation and review, and an annual report will be provided to Council on the activities and outcomes of the Panel in the previous 12 months.

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ATTACHMENT 4

Determinations delegated to bodies other than staff in 2015 (excludes JRPPs)

Applications Determined by Leichhardt Planning Panel		
Reason for determination at meeting	**No. of Applications**	**As %**
Called to meeting	66	48.53%
Clause 4.6 variation exceeds officer delegation	45	33.09%
Exceeds officer delegation - Council is the applicant/landowner	12	8.82%
Exceeds officer delegation - number of submissions	8	5.88%
Section 82A review of determination by LPP	4	2.94%
Exceeds officer delegation - cost of works	1	0.74%
TOTAL	**136**	**100**
Applications Determined by former Marrickville Development Assessment Committee (Committee of the whole)		
Reason for determination at meeting	**No. of Applications**	**As %**
Called to meeting	15	48.38%
Clause 4.6 variation exceeds officer delegation	8	25.8%
Exceeds officer delegation - community land/council is landowner	2	6.46%
Brothel	1	3.23%
Discretionary referral (e.g. public interest, history of site)	4	12.9%
Resolution of Council	1	3.23%
TOTAL	**31**	**100**
Applications determined by former Ashfield Council (full Council meeting)		
Reason for determination at meeting Council meeting	**No. of Applications**	**As %**
Exceeds officer delegation - Council is the applicant/landowner	2	4.1%
Exceeds officer delegation	26	53.1%
Called to meeting	14	28.5%
Section 82A review	5	10.2%
Discretionary referral (e.g. public interest, history of site)	2	4.1%
TOTAL	**49**	**100**

Attachment 4

ATTACHMENT 5

A. Development Applications to be delegated to the IWPP for determination, subject to Council being the consent authority.

In the case where a recommendation for approval is made:

1. Major development[1] on Council property;
2. Where an applicant or submitter is an Administrator, Councillor or senior member of staff (Team Leader or above);
3. Where an application involves a variation to a development standard in excess of 10% except as provided for by any special concession agreed to by the NSW Department of Planning and Environment;
4. Where the applicant has offered to enter into a Voluntary Planning Agreement in conjunction with the development application.
5. An application with an estimated cost of development in excess of $10 million, except applications where Council is not the consent authority.
6. An application with unresolved[2] objections/submissions received in writing from 10 or more properties[3].
7. An application for the establishment of a new brothel, sex services premises or boarding house.
8. An application involving total demolition of a building listed as a heritage item or a contributory item[4] in a Heritage Conservation Area.

B. A request made under Section 82A of the *Environmental Planning & Assessment Act 1979* where there is no substantial change in recommendation on the matters subject of the Review.

C. Development on community land in accordance with Section 47E of the Local Government Act 1993.

Note 1: *Major development means any works with an estimated cost in excess of $500,000.*

Note 2: *An unresolved objection/submission in an objection that is considered by the delegate to have planning merit, relevance, substance, reasonableness and validity which in the opinion of the delegate has not or been addressed though compliance with the relevant planning control/s or a condition of consent.*

Note 3: *Objections must be in writing and from residents/owners of 10 separate properties; and excludes 'form' letters and petitions.*

Note 4: *A contributory item is a structure or feature within a heritage conservation area that contributes to the heritage values of the area set out in the statement of significance. These items are not necessarily individually listed but by virtue of their age, scale, materials, details, design, style or intactness are consistent with the conservation area, and collectively reinforce its heritage significance, and the loss or demolition of one of these structures or features would erode the heritage significance of the area as a whole.*

Item 11

Item No: C0916 Item 11

Subject: STRONGER COMMUNITIES FUND MAJOR PROJECTS PROGRAM

File Ref: 16/6032/101106.16

Prepared By: Simone Schwarz - Director, Service Delivery

Authorised By: Simone Schwarz - Director, Service Delivery

SUMMARY

The Stronger Communities Fund Major Projects Program was established by the State Government and funding of $14million provided to merged Councils to deliver new or improved infrastructure or services to the community.

This report outlines the governance and project framework that supports the consultation, assessment and delivery of the Program.

RECOMMENDATION

THAT

1. **Council adopt framework that supports the consultation, assessment and delivery of the Program; and**
2. **the Stronger Communities Fund Assessment Panel are to allocate projects and funds according to the option with the highest community support.**

BACKGROUND

The Stronger Communities Fund Major Projects Program was established for Councils to fund projects that deliver new or improved infrastructure or services to the community and must meet the following criteria*:

- Have been through a community consultation process
- Demonstrate social and/or economic benefits to the community
- Consider issues of sustainability and equity across the broader community
- Demonstrate project feasibility and value for money, including full lifecycle cost
- Did not have funds allocated by the former councils
- Give consideration to the processes and procedures outlined in the capital expenditure review guidelines

** Criteria issued by the NSW Government*

By December 2016, councils are to notify the Office of Local Government of their three year plan for allocating the Stronger Communities Fund. This requirement means that tight timeframes must be adhered to in order to achieve the deadline.

The Stronger Communities Fund is to be spent or committed by 30 June 2019 and all funding acquitted before 31 December 2019.

Infrastructure position

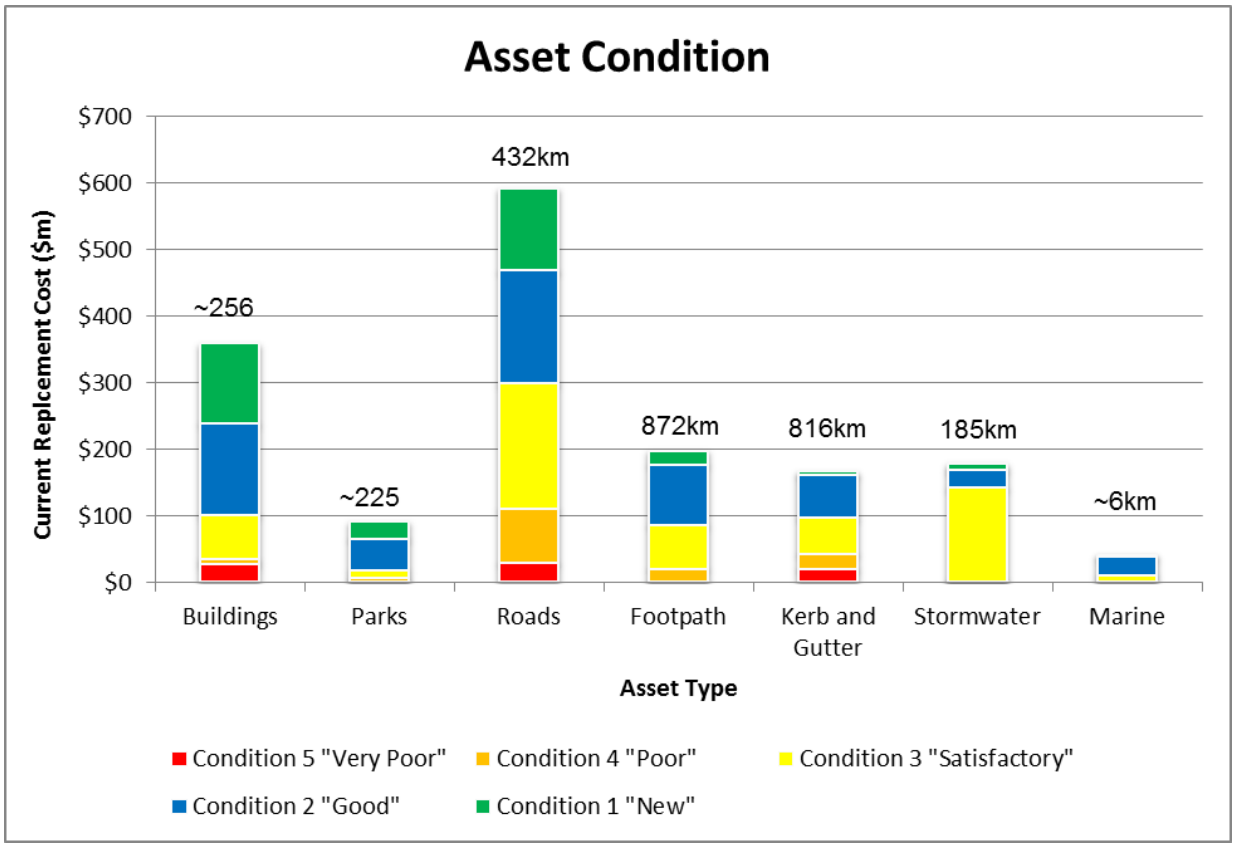
This one off opportunity to spend $14million additional funds has required careful consideration of the infrastructure position of the new Inner West Council. The Inner West Council has an asset portfolio to the value of $1.6 billion.

Council already has an ambitious program to deliver considerable new community assets, with upcoming major projects including 2 new childcare centres (Leichhardt and Marrickville South), 2 new libraries (Dulwich Hill and Marrickville), new town centre (Ashfield) and aquatic facilities (Ashfield).

Rather than allocate all the available money to one or two new large scale projects, where all the funds would be exhausted, Inner West Council is aiming to deliver community benefits across the new LGA.

It will also be important that the community feels that the money and projects are geographically spread across the new Inner West Council area. It is therefore proposed to allocate spending equally in each ward per option, but the category spend will be based on the need and community feedback.

Some more detail on the asset value and condition appears in the figure below:



Current annual renewal spending is approximately $25 million or 1.5% of the total asset value. The Stronger Communities Fund provides the opportunity to accellerate annual renewal spending and thereby reduce the backlog of assets considered to be in an unsatisfactory condition. It also provides an opportunity to address some program areas having strategies which are not suffieciently funded.

Background work undertaken on asset needs across the Inner West indicates that the priority categories for funding expenditure are:

Categories

Transport
- Roads
- Footpath
- Kerb & gutter
- Traffic facilities
- Stormwater

Recreation and Sustainability
- Parks
- Water Sensitive Urban Design
- Greenway

Item 11

Community Facilities

- Child care centres renewal and compliance
- Townhall facades rehabilitation
- Accessibility upgrades
- Way finding

Consultation and engagement with the community

Council is seeking community input into the allocation of $14million for the Major Projects component of the Stronger Communities Fund.

Information provided to communities:

Fact sheets will be prepared for each category with three options of what could be achieved with a range of funds. The funding would be spread across the five ward areas and the community would not be asked to pick and choose specific projects.

Data may include evidence such as existing master plans, engagement undertaken to date, community satisfaction surveys for the former councils and asset conditions. The information would be in the form of high level summaries as the engagement program needs to accommodate a two-hour forum for former committee members and broader community, so must be easily digestible. Council's Asset Managers will prepare this information in collaboration with the engagement team.

Engagement Program

The community would be asked to contribute to the funds allocation through:

1. Engagement forum – tentatively booked for Wednesday 12 October
   It is proposed that the Stronger Communities Fund Major Projects Program be the single focus of a broad, open to the whole community, engagement forum
2. Your Say Inner West – online budget allocator tool which would replicate information provided to people at the forum but enable all residents to have a say via an electronic format.
3. Engagement at the community festivals to be held in October – Ashfield's Feast of Flavours, Marrickville Festival, and Norton Street Italian Fiesta.

The community will be asked to consider the priority categories and provide input as to which of three options are preferred:

	OPTION 1	OPTION 2	OPTION 3
CATEGORIES	**Recreation Focus**	**Community Facilities Focus**	**Transport Focus**
Transport Roads, footpaths, kerb & gutter, bridges, Traffic Facilities, stormwater	$4 Mil **29%**	$4 Mil **29%**	$7 Mil 50%
Recreation and Sustainability Parks, water sensitive urban design, Greenway	$7 Mil 50%	$4 Mil **29%**	$4 Mil 29%
Community Facilities Community facilities renewal and compliance, accessibility, way finding	$3 Mil **21%**	$6 Mil **43%**	$3 Mil 21%
	$14 Mil	**$14 Mil**	**$14 Mil**

Assessment and Decision Making Framework

Council will undertake that the option with the highest community support will be endorsed and the Stronger Communities Fund Assessment Panel are to allocate projects and funds accordingly. Individual projects will be scoped and costed and then a schedule of projects will be provided to the Stronger Communities Fund Assessment Panel.

The Stronger Communities Fund Assessment Panel is prescribed by the State Government and is to include:

- Administrator or delegate
- State Members of Parliament or representative
- Regional Coordinator of the Department of Premier and Cabinet or delegate
- Other members, appointed by the Administrator, as required
- An independent probity adviser, appointed by the Administrator to advise the Panel on their deliberation and assessment process

Letters inviting participation in the Panel have already been sent.

The Stronger Communities Fund Assessment Panel will assess the projects and make recommendations to council for funding prior to the December deadline.

FINANCIAL IMPLICATIONS

Funding of $14million has been provided by the State Government to deliver the Stronger Communities Fund Major Projects Program.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

The engagement program will be supported by an extensive communication and marketing campaign for community members to engage - either in person or online. The key messaging will stress that:

- this opportunity to allocate funds is a once in a lifetime event to benefit participants own communities with tangible results
- this is an authentic participatory process ie the Assessment Panel will allocate projects and funds with the highest community support

Beyond inviting community members to participate at the forum and the community festivals, all publicity will drive traffic to Council's online engagement hub www.yoursayinnerwest.com (YSIW) for submissions through the online budgetary tool. This will include:

- Council column in local newspaper
- Media releases
- Council websites – click through link
- Social media blasts – click through link
- Council e-newsletter – click through link
- YSIW e-newsletter – click through link

It is to be expected that the blanket publicity coverage, the ease of participating online and the importance of the engagement will yield a high number of good quality, representative, community submissions in addition to those collected at the forum and the community festivals.

ATTACHMENTS

Nil.

Item No: C0916 Item 12

Subject: LOCAL TRAFFIC COMMITTEE MEETING HELD ON 1 SEPTEMBER 2016

File Ref: 16/4718/105000.16

Prepared By: John Stephens - Traffic Manager, Leichhardt

Authorised By: Wal Petschler - Director, Major Projects and Engineering

SUMMARY

The minutes of the Local Traffic Committee Meeting held on 1 September 2016 are presented for Council consideration.

RECOMMENDATION

THAT the Minutes of the Local Traffic Committee Meeting held on 1 September 2016 be received and the recommendations be adopted.

BACKGROUND

A meeting of the Inner West Council Local Traffic Committee was held on 1 September 2016 at Ashfield. The minutes of the meeting are shown at **Attachment 1**.

FINANCIAL IMPLICATIONS

Projects proposed for implementation in 2016/17 are funded within existing budget allocations.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Members of the public attended the meeting to address the committee on specific items.

ATTACHMENTS

1.⇩ Minutes of Local Traffic Committee Meeting held on 1 September 2016

INNER WEST COUNCIL

Local Traffic Committee Meeting
1 September 2016

Minutes of Local Traffic Committee Meeting
Held at Ashfield Council Chambers on 1 September 2016

Meeting commenced at 10:07 am

ACKNOWLEDGEMENT OF COUNTRY BY CHAIRPERSON

Acknowledgement by Chairman:

"I acknowledge the Gadigal and Wangal people of the Eora nation on whose country we are meeting today and their elders past and present."

COMMITTEE REPRESENTATIVES PRESENT

Mr John Stephens	IWC's Traffic Manager, Leichhardt (Chair)
Mr Ryan Horne	Roads & Maritime Services
Sgt Dan Chilvers	NSW Police - Leichhardt
Mr Bill Holliday	Representative for Jamie Parker MP, Member for Balmain

OFFICERS IN ATTENDANCE

Mr Wal Petschler	IWC's Director, Major Projects and Engineering
Mr Brandon Morson	Roads & Maritime Services
Ms Nina Fard	IWC's Senior Traffic Engineer, Leichhardt
Mr George Tsaprounis	IWC's Coordinator Traffic Engineering Services, Marrickville
Ms Kim Fagan	IWC's Administration Assistant, Leichhardt
Mr Manod Wickramasinghe	IWC's Traffic & Parking Engineer, Leichhardt
Mr Emilio Andari	IWC's Engineer – Traffic Services, Marrickville
Ms Snezana Bakovic	IWC's Engineer – Traffic Services, Marrickville
Mr Rabih Bekdache	State Transit Authority
Ms Mary Bailey	IWC's Parking Planner, Infrastructures Planning , Marrickville
Mr Boris Muha	IWC's Engineer, Traffic and Project, Ashfield

VISITORS

Ms Jo Tomlinson	Item 3
Ms Estelle Cuiuli	Item 3
Mr Greg Smith	Item 6
Mr Meletios Dragatsis	Item 10
Ms Pompa Dutta	Item 25
Mr Dean Nguyen	Item 25
Ms R. Murphy	Item 27
Mr T Lehman	Randwick City Council- Observer

APOLOGIES:

Sgt John Micallef	NSW Police – Ashfield
SC Stephen Flanagan	NSW Police - Marrickville
Mr Chris Woods	Representative for Ron Hoenig MP, Member for Heffron
Ms Cathy Peters	Representative for Jenny Leong MP, Member for Newtown
Mr Simon Emsley	Representative for Jo Haylen MP, Member for Summer Hill
Mr Jason Scoufis	IWC's Team Leader Traffic, Leichhardt
Mr Khanh Nguyen	IWC's Parking Engineer, Leichhardt
Mr Alan Nassau	IWC's Team Leader Parking Enforcement, Leichhardt
	Representative for Ms Jodi McKay MP, Member for Strathfield

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INNER WEST COUNCIL

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DISCLOSURES OF INTERESTS
Nil.

CONFIRMATION OF MINUTES

Minutes of the Inner West Local Traffic Committee Meeting held on Thursday, 4 August 2016 were adopted at Council's Ordinary Meeting held on 23 August 2016.

MATTERS ARISING FROM COUNCIL'S RESOLUTION OF MINUTES
Nil.

EMAIL CONFIRMATION OF OFFICER'S RECOMMENDATION:

Sc Sam Tohme, representative for NSW Police-Ashfield, supported Officer's Recommendations for the items in their LAC (item 25 and item 35) on 05/09/2016.

SC Stephen Flanagan, representative for NSW Police Marrickville supported Officer's Recommendations for the items in their LAC on 08/09/2016.

SC Anthony Kenny, rep for NSW Police – Newtown supported Officer's Recommendations for the items in their LAC on 09/09/2016.

PART A – ITEMS WHERE COUNCIL MAY EXERCISE ITS DELEGATED FUNCTIONS

TRAFFIC MATTERS

T0916 Item 1 **UNION STREET, TEMPE - PROPOSED TRAFFIC CALMING DESIGN PLANS (MARRICKVILLE WARD/HEFFRON)**

SUMMARY
Detailed design plans have been finalised for the proposed traffic calming improvements in Union Street, Tempe as part of Council's Traffic Facility Capital Works Program. The proposal for a raised pedestrian crossing, a raised threshold and an at-grade threshold (including kerb blisters) and associated signs and line markings will improve pedestrian safety and traffic conditions at this location.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT the detailed design plan for a raised pedestrian crossing, a raised threshold and an at-grade threshold (including kerb blisters) and associated signs and line markings in Union Street, Tempe (as per the attached design plan No. 5912) be APPROVED.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

Attachment 1

T0916 Item 2 **AUSTRALIA STREET & ETON STREET, CAMPERDOWN - PROPOSED KERB EXTENSION & LINE MARKING DESIGN PLANS (STANMORE WARD/NEWTOWN)**

SUMMARY
Detailed design plans have been finalised for the proposed traffic calming improvements in Australia Street and Eton Street, Camperdown as part of Council's Footpath Capital Works Program. The proposal for a kerb extension with a new kerb and gutter alignment and associated line markings will improve pedestrian safety and traffic conditions at this location.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT the detailed design plan of the kerb extension with a new kerb and gutter alignment and associated line markings at the intersection of Australia Street and Eton Street, Camperdown (as per the attached design plan No. 6112) be APPROVED.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 3 **JERSEY STREET & MOYES STREET, MARRICKVILLE - PROPOSED TRAFFIC CALMING DESIGN PLANS (MARRICKVILLE WARD/SUMMER HILL)**

SUMMARY
Detailed design plans have been finalised for the proposed drainage improvements, landscaping and associated signs and line marking works at the intersection of Jersey Street and Moyes Street, Marrickville as part of Council's Drainage Facility Capital Works Program. The proposal for three new storm water inlets, a new kerb and gutter alignment and associated signs and line markings will improve drainage amenity and traffic conditions at this location.

Traffic Committee Discussion

Public speaker: Ms Estelle Cuiuli
Public speaker: Ms Jo Tomlinson

Two speakers from Jersey Street attended the meeting in objection to the proposal; they requested that the matter be deferred for further consultation with the affected residents.
The following concerns were raised in regards to the proposed civil works at the intersection of Jersey Street and Moyes Street, Marrickville:

- The houses in the vicinity of the proposed civil works do not have off street parking spaces and struggle to find parking close to their property. As such, loss of two parking spaces is not supported.
- Improving access for heavy vehicles will encourage more frequent use of the street by trucks which is not supported by the residents.
- Traffic calming, improving access for garbage trucks and reduce flooding in the street have been mentioned as the primary reasons for the proposed civil works. Long term residents of the street are unclear about these problems and would like to be further consulted before a decision is made.

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Two late submissions were circulated at the meeting on behalf of two residents objecting to the proposed Traffic Calming designs with the following comments:

- Residents do not support the proposal due to loss of parking. Close proximity of the street to Marrickville Railway Station, Greek Orthodox Church and McNeilly Park influences the increased parking demands in the street.
- The proposal is not supported due to loss of two parking spaces. Concerns were raised regarding devaluing residential property as an outcome of this proposal. Resident believes this proposal will not prevent vehicles from speeding around the corner at the intersection.

Officer's Recommendation

THAT the detailed design plans for drainage improvements, landscaping and associated signs and line marking works at the intersection of Jersey Street and Moyes Street, Marrickville (as per the attached design plan No. 6102) be APPROVED.

Traffic Committee Recommendation

THAT the Item by deferred for further consultation with the affected residents.
For motion: Unanimous

T0916 Item 4 **DABURI LANE, ST PETERS - SHARED ZONE PROPOSAL FINAL DESIGN PLAN (MARRICKVILLE WARD/HEFFRON)**

SUMMARY
An application has been received from Traffix on behalf of Thirdi Group for the provision of a one-way 'Shared Zone' in the new laneway named Daburi Lane to be constructed, as part of an approved mixed-use development at 44-56 May Street and 19 Hutchinson Street, St Peters.

Council raises no objection to the proposed 'Shared Zone' and the proposed one-way laneway treatment which will connect May Street and Hutchinson Street, St Peters subject to all associated costs being borne by the applicant and the 'Shared Zone' proposal being referred to the Roads and Maritime Services for consideration and approval.

The final 'Traffic Signage Plan' for Daburi Lane has been submitted for consideration. It incorporates previous Council and RMS recommendations and requested design adjustments, which have now been integrated into the revised consultant's traffic report for the 'Shared Zone Application – 44-56 May Street and Hutchinson Street, St Peters'.

It is recommended that the Traffic Signage Plan be approved subject to concurrence of RMS and the applicant be requested to submit a Traffic Management Plan (TMP) to the RMS for the 'No Right Turn' into May Street.

Attachment 1

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. the Traffic Signage Plan (20601-001-C-008-P-08) for the proposed 'Shared Zone' and the proposed one-way laneway named Daburi Lane to connect May Street and Hutchinson Street, St Peters (as part of an approved mixed-use development at 44-56 May Street and 19 Hutchinson Street, St Peters) be approved and submitted to the RMS for their concurrence; and

2. a Traffic Management Plan for the 'No Right Turn' into May Street, St Peters be prepared by the applicant and be submitted to the RMS for consideration and approval.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 5 **GLEESON AVENUE, SYDENHAM - PROPOSED FOOTPATH ENHANCEMENT DESIGN PLAN (MARRICKVILLE WARD/HEFFERON)**

SUMMARY
Design plans have now been finalised for the construction of new footpaths, kerbs and a driveway crossing on the east side of Gleeson Avenue between Unwins Bridge Road and 3 Gleeson Avenue to improve access for pedestrians.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT the detailed design for the new footpaths, kerbs and a driveway crossing on the east side of Gleeson Avenue between Unwins Bridge Road and 3 Gleeson Avenue, Sydenham (as per the attached design plan No. 6135) be APPROVED in principle with the concurrence of the RMS.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 6 **PROPOSED TRAFFIC CALMING & ANGLE PARKING REVISED DESIGN PLANS - YULE STREET, DULWICH HILL (ASHFIELD WARD)**

SUMMARY
In 2011 Council adopted a Local Area Traffic Management (LATM) plan for Dulwich Hill South which recommended a series of projects which have been accelerated into the current capital works program.

Design plans have been finalised for a speed cushion, kerb blister and angled parking treatment along Yule Street, Dulwich Hill as part of Dulwich Hill South LATM Scheme.

Traffic Committee Discussion

Public speaker: Mr Greg Smith

One speaker from Yule Street attended the meeting in objection to the Traffic Calming and angle parking proposal and advised the following:

- He raised concerns regarding the level of speeding in the street when he first moved to the area. Nothing was done for 16 years following his request and the proposed four speed humps are excessive in his view.

- He submitted an application to construct a driveway at his property at 37 Yule Street, Dulwich Hill, but his application was rejected by Council.
- Many residents in the street have off-street parking but choose to park on the street which reduces his family's ability to park close to their property. With three teenagers and an elderly mother, parking close to the property is very important to his family.
- Angle parking proposal will make it impossible to temporarily double park whilst unloading groceries and helping the elderly mother in and out of the car. As such, he is objecting to the proposal.

The Traffic members were advised that the proposed angle parking will increase the number of on-street parking spaces and hence improve parking availability. Parking occupancy Surveys done in Yule Street show the occupancy levels are not high enough to support installation of Residential Parking Restrictions.

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT the design plans for Yule Street, Dulwich Hill incorporating 90 degrees angle parking, four landscape traffic islands and associated signage and line markings (ATTACHMENT - design plans No 6049) be APPROVED.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 7 **TEMPORARY ROAD CLOSURE TO DISMANTLE A TOWER CRANE WITHIN THE ADJACENT BUILDING SITE AT 23-29 ADDISON ROAD, MARRICKVILLE (ASHFIELD, STANMORE & MARRICKVILLE WARDS/SUMMER HILL & NEWTOWN)**

SUMMARY
An application has been received from Addison Projects Pty Ltd for the temporary full road closure of Addison Road (between Cook Road and Enmore Road) Marrickville for a period of 10 hours from 8pm Wednesday 1st to 6am Thursday 2nd February 2017, in order to stand a mobile crane on Addison Road for the dismantling of a tower crane within the adjacent building site. It is recommended that the proposed temporary road closure be approved, subject to the conditions outlined in this report.

Traffic Committee Discussion

The State Transit Authority representative raised concerns regarding the proposed hours of closure as it conflicts with STA bus service to Martin Place. STA representative advised the following:

- Bus services use this route every 20 minutes commencing at 3:43am until 2am. He requested that Addison Road be reopened by 5am (at the latest) to minimise major interference with bus services.
- Less bus services are scheduled on Sunday and Monday evenings. These days are preferred for the proposed works.
- Left Turn out of Cook Road into Addison Road will be difficult due to the configuration of the intersection and the existing pedestrian refuge; STA requests Traffic Control at this intersection.

Officer's Recommendation

THAT:

The proposed temporary full road closure of Addison Road (between Cook Road and Enmore Road) Marrickville be APPROVED for a period of 10 hours from 8pm Wednesday 1st to 6am Thursday 2nd February 2017, in order to stand a mobile crane on the roadway to dismantle a tower crane within the adjacent building site, subject to the following conditions;

1. A fee of $1,354.60 for the temporary full road closure is payable by the applicant in accordance with Council's Fees and Charges;

2. The temporary full road closure be advertised in the local newspaper providing 28 days' notice for submissions, in accordance with the Roads Act;

3. A Traffic Management Plan (TMP) be submitted by the applicant to the Roads and Maritime Services for consideration and approval;

4. A Traffic Control Plan (TCP) which has been prepared by a certified Traffic Controller, is to be submitted to Council for review with a copy of the Traffic Controllers certification number attached to the plan, not less than 5 days prior to implementation of closure;

5. A Road Occupancy License be obtained by the applicant from the Roads and Maritime Services' Transport Management Centre;

6. Notice of the proposed closure be forwarded by the applicant to the NSW Police, the NSW Fire Brigades and the NSW Ambulance Services;

7. Notification signs advising of the proposed road closures and new traffic arrangements to be strategically installed and maintained by the applicant at each end of the street at least 7 days prior to the closure;

8. All affected residents and businesses shall be notified in writing, by the applicant, of the proposed temporary road closure at least 7 days in advance of the closure with the applicant making reasonable provision for residents;

9. Vehicular and pedestrian access for residents and businesses to their off-street car parking spaces be maintained where possible whilst site works are in progress;

10. Adequate vehicular traffic control shall be provided for the protection and convenience of pedestrians and motorists including appropriate signage and flagging. Workers shall be specially designated for this role, as necessary to comply with this condition. This is to be carried out in accordance with the Australian Standard AS 1742.3 - Traffic Control Devices for works on roads;

11. The holder of this approval shall indemnify the Council against all claims, damages and costs incurred by, or charges made against, the Council in respect to death or injury to any person or damage in any way arising out of this approval. In this regard, a public liability insurance policy for an amount not less than $20,000,000 for any one occurrence is to be obtained and is to note the Council as an interested party. The holder of this approval shall inform its insurer of the terms of this condition and submit a copy of the insurance policy to the Council prior to commencement of the work the subject of this approval;

12. The operator of any unit exercising this approval shall have this approval with them and produce it if required along with any other relevant authority approvals granted in the connection with the work;

13. Mobile cranes, cherry packers or concrete boom pumps shall not stand within the public way for extended periods when not in operation under this approval;

14. The operation of the mobile crane shall not give rise to an "offensive noise" as defined in the Protection of Environment Operations Act, 1997. Furthermore, vibrations and/or emission of gases that are created during its operations and which are a nuisance, or dangerous to public health are not permitted;

15. All work is to be carried out in accordance with Work Cover requirements; and

16. The costs to repair damages, as a result of these works, to Council's footway and roadway areas will be borne by the applicant.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted subject to Council further liaising with STA and the applicant, with the view of amending the road reopening time from 6am to 5am and undertaking the closure on a Sunday and Monday evening.
For motion: Unanimous

T0916 Item 8 **WARDELL ROAD AT PORTER AVENUE, MARRICKVILLE - SAFETY IMPROVEMENTS DESIGN PLANS (MARRICKVILLE WARD/SUMMER HILL)**

SUMMARY
In 2015 Council adopted a Local Area Traffic Management (LATM) plan for Marrickville West which recommended a series of projects which have been accelerated into the current Capital Works Program.

Design plans have been finalised for the proposed pedestrian refuge on Wardell Road at Porter Avenue, Marrickville as part of the Marrickville West LATM study implementation.

Traffic Committee Discussion

The Roads and Maritime Services representative advised that the chevron line marking in Design Plans No. 6119 (in front of driveways) should be continuous with unbroken line markings.

The Committee members agreed with the Officer's recommendation subject to the Design Plans being amended with the RMS advice.

Officer's Recommendation

THAT the design plan for the widening of the existing pedestrian refuge on Wardell Road at Porter Avenue, Marrickville including, installing landscaped traffic islands and associated signage and line markings (design plans No 6119) be APPROVED.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted subject to the Design Plans being amended with the RMS advice.
For motion: Unanimous

T0916 Item 9 **WARDELL ROAD AT WILGA AVENUE, MARRICKVILLE - SAFETY IMPROVEMENTS DESIGN PLANS (MARRICKVILLE WARD/SUMMER HILL)**

SUMMARY
In 2015 Council adopted a Local Area Traffic Management (LATM) plan for Marrickville West which recommended a series of projects which have been accelerated into the current Capital Works Program.

Design plans have been finalised for the proposed pedestrian refuge on Wardell Road at Wilga Avenue, Marrickville as part of the Marrickville West LATM study implementation.

Traffic Committee Discussion

The Roads and Maritime Services representative devised that the chevron line marking in Design Plans No. 6117 should be continuous with unbroken line markings.

The Committee members agreed with the Officer's recommendation subject to the Design Plans being amended with the RMS advice.

Officer's Recommendation

THAT the design plan for the proposed widening of the existing pedestrian refuge on Wardell Road at Wilga Avenue including the installing landscaped traffic islands and associated signage and line markings (Design Plans No. 6117) be APPROVED.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted subject to the Design Plans being amended with the RMS advice.
For motion: Unanimous

T0916 Item 10 **ELSWICK STREET, MACAULEY STREET, CARLISLE STREET & MARLBOROUGH STREET, LEICHHARDT - PROPOSED TRAFFIC CALMING/INTERSECTION TREATMENT (LEICHHARDT/BALMAIN)**

SUMMARY
Since early 2015, Council has been investigating the traffic conditions in Elswick Street, Leichhardt. A number of residents have expressed concerns regarding the speed of vehicles and accidents that have occurred in Elswick Street, between Allen Street and Marion Street.

In order to improve intersection safety and reduce the speed of traffic, it is proposed to install intersection treatments in Elswick Street in the form of raised traffic islands at the following locations:

- Intersection of Macauley Street
- Intersection of Carlisle Street
- Intersection of Marlborough Street

It is recommended that the Concept Plans for Elswick Street Traffic Calming/Intersection Treatment be supported, subject to further amending the design to preserve parking on the western side of Elwick Street, Leichhardt.

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Traffic Committee Discussion

Public speaker: Mr Meletios Dragatsis

One speaker from Elswick Street attended the meeting in support of the proposed intersection treatments and advised the following:

- There has been 5 accidents in the street over the past few years. People are encouraged to drive faster due to Elswick Street being wide and straight.
- The speed radar has not been successful in reducing the average speed. With children playing on footpath close to the intersection there is a fear for the residents' and general publics' safety.

The Roads and Maritime Services representative advised that all refuge islands are to comply with RMS technical directions (2m wide). He suggested that consideration be given to implementing edge line marking and BB lines all along Elswick Street, to encourage lower speeds.

The following comments were advised in an email by the representative of Bike Leichhardt:

- Rumble bars on painted islands can be dangerous for cyclists as they are hard to see. A cyclist could think they could ride there to avoid an overtaking car for example, or might be forced there by an overtaking car.
- 3.4 m lanes are not advised on bike routes as they fall in the 3.2 to 3.7 m width that motorists often think is wide enough to pass in. A 3 m traffic lane would be better at signalling to motorists not to pass, and possibly have a better slowing effect than 3.4 m.
- Consideration be given to marking an uphill bike lane between Carlisle Street and Marion Street and also Carlisle Street and Allen Street.
- There is a bike logo with turn arrow in Elswick just S of Carlisle St. This may give cyclists the wrong idea to make the turn from the left of the lane and is too close to the intersection in any case. Maybe a bigger turn arrow, further back and placed more to the right in the lane.

Committee members were advised that detailed designs for the proposed intersection treatments will be brought back to the Traffic Committee for approval, taking on board the advice from RMS and Bike Leichhardt.

Officer's Recommendation

THAT:

1. the Concept Plans for Elswick Street Leichhardt - Traffic Calming/Intersection Treatment and associated signage and line markings (Attachment 1) be supported; and
2. the estimated cost of $20,000 be included in the 2017/18 Draft LATM Budget for these works.

Traffic Committee Recommendation

THAT:

1. the Concept Plans for Elswick Street, Leichhardt - Traffic Calming/Intersection Treatment and associated signage and line markings (Attachment 1) be supported, subject to:
    a) The proposed refuge islands in Macauley Street, Carlisle Street and Marlborough Street complying with RMS technical directions.
    b) Considering the comments received from Bike Leichhardt.
2. the estimated cost of $20,000 be included in the 2017/18 Draft LATM Budget for these works.
3. Final detailed designs of the proposed intersection treatments being presented to the LTC for review.

For motion: Unanimous

Attachment 1

T0916 Item 11 **2017 ST JEROME'S LANEWAY FESTIVAL - TRAFFIC MANAGEMENT PLAN & TRAFFIC CONTROL PLAN (LEICHHARDT/BALMAIN)**

SUMMARY
The proposed event, the St. Jerome's Laneway Festival 2017, is a music festival held annually at Sydney University College of Arts, Rozelle Campus, Callan Park. Assure Event Safety Services on behalf of Sydney College of Arts has submitted a Development Application including a Traffic Management Plan for the upcoming "St Jerome's Laneway Music Festival", to be held in Callan Park on Saturday, 4th February 2017.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. the Traffic Management Plan (TMP) attached in Attachment 1 dated 8th August 2016 submitted by the event organiser for the St Jerome's Laneway Festival 2017 at Callan Park to be held on Saturday, 4th February 2017 be supported, subject to the following:
    - the TMP be implemented at the applicant's cost;
    - the maximum number of tickets sold to be 12,500, subject to NSW Police approval;
    - operating the Event as 'car free' (no parking is available at the venue);
    - the applicant must obtain approval from the Transport Management Centre for the 'Special Event Clearway' restrictions on the northern side (Callan Park side) of Balmain Road and Darling Street (from 200m west of the main entrance to Callan Park at Cecily Street, to Victoria Road) from 2pm to Midnight;
    - use standard parking restriction signage: 'No Parking' (R5-40) and 'Pick up & Set down Area"' (R9-301), Bus Zone (R5-20) and Taxi Zone (R5-21) at the locations identified in the TMP; and
    - liaise with Transport for NSW to ensure train and light rail services operate at full capacity (no rail close downs)
2. a Council officer be in attendance at the Event Operation Centre.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 12 **SPEED CALMING - COLLINS STREET AT YOUNG STREET, ANNANDALE (LEICHHARDT WARD/ BALMAIN)**

SUMMARY
To address issues of pedestrian and road safety it is proposed that rubber speed cushions be installed on all approaches to the roundabout at the intersection of Collin Street and Young Street, Annandale.

Traffic Committee Discussion

Late correspondence was circulated on behalf of Ms Ward in support of the proposal for traffic calming and requested Council investigate speeding in Young Street between Booth Street and Collins Street, Annandale.

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. the installation for rubber speed cushions be supported for all approaches to the roundabout at the intersection of Collin Street and Young Street, Annandale.
2. Council include this proposal in its submission for Active Transport Funding in its 2017-18 submission.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted including that Council investigates speeding in Young Street between Booth Street and Collin Street, Annandale.
For motion: Unanimous

T0916 Item 13 YEEND STREET, BIRCHGROVE - PEDESTRIAN IMPROVEMENTS (BALMAIN WARD/BALMAIN)

SUMMARY
Modifications to the footpath and signposting are proposed at the easternmost section of Yeend Street, Birchgrove including footpath widening and installation of a garden bed to provide safe conditions for pedestrians as a result of potential hazards associated with rock falls. It is recommended that the attached plan be approved.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT the proposed works including footpath widening, garden beds, parking signs and speed hump installation as detailed on the attached plan be supported.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 14 WELLS STREET, ANNANDALE - ANNUAL ROAD OCCUPANCY (STREET PARTY) (LEICHHARDT/BALMAIN/LEICHHARDT LAC)

SUMMARY
Council has received an application for approval of a street party in Wells Street between Booth Street and Collins Street, from the resident of No.24 Wells Street, Annandale.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. the temporary road closure of Wells Street between Booth Street and Collins Street, Annandale on Sunday, 27th November 2016 between 4.00pm and 7.00pm be supported, subject to the following conditions:
   a. an unencumbered passage minimum 3.0m wide be available for emergency vehicles through the closed section of Wells Street, Annandale.
   b. occupation of the road carriageway must not occur until the road has been physically closed.
   c. the organiser be advised to arrange accredited traffic controllers to manage the road closure.
   d. the barbeque activities be undertaken on the footpath, subject to no fire restrictions.
   e. the applicant notifies all affected businesses, residents and other occupants of the temporary road closure prior to the event. Any concerns or requirements in relation to the road closure raised by business proprietors, residents and other occupants must be resolved or accommodated. The notification shall involve at the minimum an information letterbox drop distributed one week prior to the commencement of the event. The proposed information, distribution area and period must be submitted to Council's Traffic section for approval two weeks before the event.
   f. the supported Traffic Control Plan (TCP) be implemented at the applicant's expense.
   g. the Fire Brigade (Glebe) be notified of the intended closure by the applicant.
   h. the applicant provide and erect barricades and signs, in accordance with the current Australian Standard AS 1742.3: Traffic Control Devices for Works on Roads. As a minimum the following must be erected at both ends of the road closure area:
      i. Barrier Boards
      ii. 'Road Closed' (T2-4) signs
      iii. 'Detour' (T5-1) signs
   i. the applicant be advised Council provides barricades and 'Road Closed' signs free or at minimum cost. The applicant is required to arrange delivery by Council at cost, or arrange pickup from and return to Council's Depot at no cost. Any non-standard signs may be provided at cost.
   j. the areas to be used for the activities must be maintained in a clean and tidy condition to the satisfaction of Council's Director Major Projects Engineering, or else the applicant will be required to reimburse Council for any extraordinary cleaning costs.
   k. the conduct of any activities or use of any equipment required in conjunction with the road occupancy and temporary road closure not results in any 'offensive noise' as defined by the Noise Control Act.
   l. a copy of the Council approval be available on site for inspection by relevant authorities.
   m. Council reserves the right to cancel the approval at any time.
   n. the applicant complies with any reasonable directive from Council Officers and NSW Police.
2. the applicant be advised of the Committee's recommendation.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

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T0916 Item 15 **BIG BIKE DAY 2016 - SPECIAL EVENT (LEICHHARDT & BALMAIN/BALMAIN/LEICHHARDT LAC)**

SUMMARY
As part of NSW Bike Week 2016, Council is running free events and the last event the 'Big Bike Day' is to be held on Sunday, 25th September 2016.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT the Big Bike Day 2016 event proposed to be held on Sunday, 25th September 2016 be supported.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 16 **2016 NORTON STREET ITALIAN FESTA EVENT - TRAFFIC MANAGEMENT PLAN AND TRAFFIC CONTROL PLAN (LEICHHARDT/BALMAIN)**

SUMMARY
The proposed event, The Norton Street Italian Festa, is a street festival held annually celebrating the traditional Italian culture that is considered an essential part of the Leichhardt community.
To facilitate the event, it is proposed to close the following roads between 3:00am and 8:00pm on Sunday, 30th October 2016:

- Norton Street from Marion Street to William Street;
- Marlborough Street from Norton Street to Cromwell Street;
- Short Street from Norton Street to Balmain Road;
- Carlisle Street from Norton Street to Cromwell Street;
- Allen Street from Cromwell Street to Derbyshire Road;
- Arthur Street from Allen Street to Short Street.

Traffic Committee Discussion

The State Transit Authority representative raised concerns regarding cars left in the temporary bus stop on William Street from the night before. He requested that extra notification letters be distributed in this section of William Street to ensure no cars are parked where the temporary bus stop will be provided.

The Committee members agreed with the Officer's recommendation, including the request from the STA representative.

Officer's Recommendation

THAT:

1. the road closure application for the 'Norton Street Italian Festa 2016' on Sunday, 30th October 2016 be supported, subject to the following conditions:

    a) the road closures be restricted to occur between 3:00am and 8.00pm on Sunday, 30th October 2016 at the following locations:

        i. Norton Street from Marion to William Street;
        ii. Marlborough Street from Norton Street to Cromwell Street;
        iii. Short Street from Norton Street to Balmain Road;

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iv. Carlisle Street from Norton Street to Cromwell Street;
v. Allen Street from Cromwell Street to Derbyshire Road;
vi. Arthur Street from Allen Street to Short Street.

b) approval from RMS for the TMP and to install a 'Special Event Clearway' restriction in Norton Street be obtained prior to the event;

c) Wetherill Street (Norton Street – Balmain Road) and Macauley Street (Cromwell Street – Norton Street) function as two way roads when Norton Street is closed to provide access for residents etc;

d) parking for the event be reserved in:

i. Short Street on both sides between Norton Street and the unnamed lane for Emergency Service vehicles;
ii. William Street on the southern side between Norton Street and Derbyshire Road (Pioneers Memorial Park side). The angle parking in this area will be temporarily amended to allow parallel parking for Police horse floats etc;

e) approval from the Transport Management Centre to close the roads is obtained prior to the event;

f) a three (3) metre unencumbered passage be available for emergency vehicles though the closed section of Norton Street at all times;

g) approval to conduct a public assembly be obtained from the NSW Police prior to the event. A copy of the NSW Police approval must be forwarded to Council's Traffic Section prior to the event;

h) the applicant be requested to provide free bicycle valet parking at a central location (ie. Short Street or Allen Street) including adequate 'way finding' signage to the public and include the availability of this service in promoting the event;

i) additional signs indicating 'Bicycles Excepted' and 'cyclists dismount' be included with the road closure signs provided at the road closure points;

j) the occupation of the road carriageway must not occur until the road has been formally closed;

k) that the set up and break down times occur at 3.30am and 7:00pm respectively and include additional waste staff at the break down to expedite the road openings;

l) the entrance to the access way into Pioneers Memorial Park in Allen Street opposite Arthur Street be temporarily closed by barricades for security purposes during the event;

m) all advertising of the event must encourage the use of Public Transport;

n) all affected businesses, residents and other occupants be notified of the road closures, activities, parking changes and changes to public transport arrangements. Any concerns or requirements raised by business proprietors, residents and other occupants must be resolved or reasonably accommodated. The notification shall involve the following, at minimum an information letterbox drop distributed two weeks prior to the commencement of the event. The proposed information, distribution area and distribution period is to be submitted to Council's Traffic Section for approval one week prior to distribution;

o) The road closures be advertised in the local relevant newspapers at the applicant's expense. The advertising shall be in accordance with RMS's advertising format and be submitted to Council's Traffic Section for approval prior to advertising. The advertisements shall be placed in the local newspapers 7 days before the event;

p) The approved Traffic Management Plan must be implemented at the applicant's expense;

q) Where applicable, that the applicant provides and erects barricades and signage in accordance with Australian Standard AS 1742.3-1996: Traffic Control Devices for Works on Roads;

r) All traffic controllers must hold RMS certification;

s) The areas to be used for the activities must be maintained in a clean and tidy condition to the satisfaction of Council's Director Major Projects and Engineering, or else the applicant will be required to reimburse Council for any extraordinary cleansing costs;

t) Council's Manager Works & Waste Services must be notified of the cleanup arrangements (Council contact: Allan Willding 9367 9060);

u) The conduct of any activities or use of any equipment required in conjunction with the road closures must not result in any "offensive noise" as defined by the Noise Control Act;

v) Copies of approvals from Council, NSW Police, RMS and the approved Traffic Management Plan must be available on the site for inspection by NSW Police, WorkCover Inspectors, RMS Inspectors, or Council Officers;

w) Applicant shall comply with any reasonable directive from Council's Officers;

x) Council and RMS must be indemnified against all claims for damage or injury that may result from either the activities or from the occupation of part of the public way during the road closures. The applicant must produce evidence of public risk insurance cover (under which the Council and RMS are indemnified) with a minimum policy value of at least $20,000,000;

2. the following measures be provided to accommodate buses:

a) install temporary 'Bus Zones' to accommodate two buses on both sides of William Street between Norton Street and James Street;

b) place barricades within 10m at the south-eastern corner of the Flood Street/William Street intersection to assist buses;

c) no trucks (Festa) to be parked in the Marion Street 'Bus Zone' at the Norton Street intersection, outside the Town Hall;

3. the Sydney Buses Leichhardt Depot be notified of the road closure and associated activities. Any concerns or requirements raised by Sydney Buses Leichhardt Depot must be resolved or accommodated by the applicant; and

4. Council reserves the right to cancel the road closure approval at any time.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted, including that residents be notified of the temporary Bus Zones in William Street between Norton Street and James Street and not park in these Bus Zones for the event. .
For motion: Unanimous

T0916 Item 17 SEVEN BRIDGES WALK 2016 SPECIAL EVENT (LEICHHARDT AND BALMAIN/BALMAIN/LEICHHARDT LAC)

SUMMARY
The Cancer Council NSW Seven Bridges Walk event will be held on Sunday, 30th October 2016 at various locations in Sydney including areas within the Inner West Council. The Event is in its 11th year of operation and seeks for approval again in 2016.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. the Cancer Council NSW Seven Bridges Walk to be held on Sunday, 30th October 2016 be approved; and
2. a current Public Liability Insurance Policy which includes the Inner West Council being an interested party be submitted by the event organiser prior to the event.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 18 NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT 2016 - TRAFFIC MANAGEMENT PLAN (LEICHHARDT/BALMAIN)

SUMMARY
The Inner West Council has entered into a partnership with the Redfern All Blacks to host the NSW Aboriginal Rugby League Knockout 2016 at the Leichhardt Park Precinct. The event is being held over a 4 day period from Friday, 30th September 2016 to Monday, 3rd October 2016. A number of temporary traffic changes are proposed which are detailed in the report. Please note that the TMP and TCPs will be forwarded prior to the meeting.

Traffic Committee Discussion

The Traffic Management Plan (TMP) and Traffic Control Plans (TCP) for this event were circulated to the Traffic Committee members and made available on Council's website on Monday 29/08/2016, hard copies of the documents were available at the meeting.

The NSW Police representative for Leichhardt supported the TMP and TCPs.

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. the Traffic Management Plan detailing the traffic arrangements for the NSW Aboriginal Rugby League Knockout 2016 be supported;
2. the Traffic Control Plans (TCP) be implemented by ESI, including RMS accredited traffic controllers;
3. the Traffic Management Plan be forwarded to Council's Area Base Coordinator, Transport Management Centre and the Major Events & Incidents Group (NSW Police) by the applicant;
4. the applicant be requested to advise all affected residents and businesses in advance of the temporary parking changes and temporary internal partial road closures in the subject area;
5. a three (3) metre unencumbered passage be available for emergency vehicles though all the closed section of internal roads at all times;
6. all advertising of the event must encourage the use of Public Transport;
7. the applicant be requested to liaise with the STA to organise additional public transport services if necessary;

8. the NSW Fire Brigade be notified of the intended closure;
9. the applicant provide and erect barricades and signs, in accordance with the current Australian Standard AS 1742.3: Traffic Control Devices for Works on Roads. As a minimum the following must be erected at the appropriate locations:
   a. Barrier Boards (Barricades);
   b. 'Road Closed' (T2-4) signs;
   c. 'Road Closed Ahead' (T2-Q02A);
   d. 'On Side Road' (TC-1325);
10. the areas to be used for the activities must be maintained in a clean and tidy condition to the satisfaction of Council's Director Major Projects & Engineering, or else the applicant will be required to reimburse Council for any extraordinary cleaning costs;
11. the conduct of any activities or use of any equipment required in conjunction with the road occupancy and temporary road closure not results in any 'offensive noise' as defined by the Noise Control Act;
12. a copy of the Council approval be available on site for inspection by relevant authorities;
13. Council reserves the right to cancel the approval at any time;
14. the applicant complies with any reasonable directive from Council Officers and NSW Police; and
15. the applicant be advised of the Committee's recommendation.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 19 NORTHWOOD LANE, CAMPERDOWN - EXTENSION OF 'NO PARKING' RESTRICTIONS IN THE LANEWAY (STANMORE WARD/NEWTOWN)

SUMMARY
A resident of Roberts Street, Camperdown raised concerns regarding vehicles being parked in Northwood Lane opposite their garage and therefore restricting vehicular access into and out of their garage. It is recommended that the existing 'No Parking' restrictions on the eastern side of Camden Lane be extended 18 metres southward from the rear of property No.13 Northwood Street to the rear of the property No.17 Northwood Street, Camperdown to improve vehicular access to residents' off-street parking spaces.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. a proposal to extend the existing 'No Parking' restrictions on the eastern side of Camden Lane by 18 metres southward from the rear of property No.13 Northwood Street to the rear of property No.17 Northwood Street, Camperdown be APPROVED to improve vehicular access to residents' off-street parking spaces; and
2. the applicant, Council's Rangers and all affected residents be advised in terms of this report.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 20 **REQUEST FOR STATUTORY 'NO PARKING' ZONE TO BE REMOVED (ASHFIELD, STANMORE & MARRICKVILLE WARDS/SUMMER HILL & NEWTOWN)**

SUMMARY

A request has been received from a resident for the removal of the 'No Parking' zone on the western side of Australia Street, Camperdown outside property no 90.

In order to increase parking provision for residents and visitors, it is recommended that the section of statutory 'No Parking' zone outside property be removed and replaced with the adjacent 2P resident parking signage.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT the Existing 'No Parking' zone on the western side of Australia Street (outside property no 90) be removed and replaced with the adjacent 2P resident parking signage to provide additional parking opportunities subject to the adjacent property owner being notified prior to its removal.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 21 **PROPOSALS STATUTORY 'NO STOPPING' YELLOW ROAD MARKINGS (ASHFIELD, STANMORE & MARRICKVILLE WARDS/SUMMER HILL & NEWTOWN)**

SUMMARY

A number of requests have been received from various residents for the provision of 'No Stopping' zones to deter illegal parking at intersections and along laneways. It is proposed to install unbroken yellow lines as a form of 'No Stopping' to improve traffic safety at the intersections listed within the report and to prevent parked vehicles from either blocking the laneways or hindering sight lines at these intersections. Residents of these laneways have advised that vehicles are regularly parked too close to the intersection and along these laneways, which restricts available sightlines for turning motorists and manoeuvring around these vehicles safely.

It is recommended that the statutory 'No Stopping' restrictions, in the form of unbroken yellow lines, be installed for a distance of minimum 10 metres from their intersection in order to deter illegal parking, increase safety and improve visibility and access.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. the following locations;
   - the western and eastern side of Neville Lane, at it's intersection with Norwood Lane and Neville Lane, Marrickville (behind of property no. 44);
   - the western and eastern side of Durham Lane, at it's intersection with Durham Lane and Salisbury Road, Stanmore;

- the northern and southern side of Rosford Avenue at it's intersection with Livingstone Road and Rosford Avenue, Petersham;
- the eastern side of unnamed Lane, Marrickville between Schwebel Street and Balmaire Lane;
- On the western and eastern side of Chalder Avenue at it's intersection with Chapel Street and Chalder Avenue, Marrickville; and
- On the eastern side of Griffiths Street and both side of Green Lane, Tempe at it's intersection with Griffiths Street and Green Lane, Tempe.

Be APPROVED, as 'No Stopping' using unbroken yellow lines for the statutory minimum 10 metres in order to deter illegal parking, improve access for turning motorists and increase safety;

2. Council Rangers be advised of the decision and requested to include this location in their patrols, once the 'No Stopping lines have been installed; and

3. The adjoining residents to be notified of the decision.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 22 **REQUESTS FOR MOBILITY PARKING SPACES (ASHFIELD, STANMORE & MARRICKVILLE WARDS/SUMMER HILL & NEWTOWN)**

SUMMARY
Requests have been received from residents for the provision of a dedicated mobility parking space outside their residence. It is recommended that the following 'Mobility Parking' spaces be approved as the applicant current medical condition warrants the provision of the space and have constrained or no off-street parking opportunities.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. The following locations;
   - Southern side of Arlington Street, Dulwich Hill adjacent to property no 3 Arlington Street, Dulwich Hill;
   - Western side of Shaw Street, Petersham adjacent to property no 22 Shaw Street, Petersham;
   - Northern side of Lewisham Street, Dulwich Hill adjacent to property no 42 Lewisham Street, Dulwich Hill; and
   - Southern side of Bayley Street, Marrickville adjacent to property no 4 Bayley Street, Marrickville.

   Be APPROVED as a 'mobility parking' space, subject to:

   a) the operation of the dedicated parking space be valid for twelve (12) months from the date of installation;
   b) the applicant advising Council of any changes in circumstances affecting the need for the special parking space; and
   c) the applicant is requested to furnish a medical certificate and current mobility permit justifying the need for the mobility parking space for its continuation after each 12 months period.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 23 **PROPOSED 'MAIL ZONE' RELOCATION - ILLAWARRA ROAD, MARRICKVILLE (MARRICKVILLE WARD)**

SUMMARY
A request has been received from Australia Post for the relocation of the existing 'Mail Zone' located on Illawarra Road outside the Marrickville South Post Office (located on the eastern side of Illawarra Road 16 metres south of Grove Street). The Marrickville South Post Office will be relocated to Shop 3, 415-421 Illawarra Road, Marrickville, by the middle of August 2016.

It is recommended that the existing 'Mail Zone" currently located on the eastern side of Illawarra Road, Marrickville (near its intersection with Grove Street) be relocated by approximately 54 meters to the south, adjacent to the new Post Office location at Shop 3, 415-421 Illawarra Road ,Marrickville. The length of 'Mail Zone' to be 8 meters to allow for access for Australian Post vans.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. The existing 'Mail Zone' currently located at no. 399 Illawarra Road, Marrickville be relocated by approximately 54m south to a location adjacent to the new Post Office at 415-421 Illawarra Road, Marrickville with the 'Mail Zone' being 8m in length to allow for access for Australian Post Vans.
2. Current 'Mail Zone' parking space adjacent to 399 Illawarra Road, Marrickville be converted into 1P (8:30 am-6pm) parking area, after the 'Mail Zone' and Street Posting Box have been relocated.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 24 **REQUEST FOR 'WORKS ZONE' ADJACENT TO CONSTRUCTION SITE (ASHFIELD, STANMORE MARRICKVILLE WARDS/SUMMER HILL & NEWTOWN)**

SUMMARY
A request has been received from a builder for the provision of 'Works Zone' restrictions to facilitate construction deliveries and permit the parking of construction vehicles during

loading and unloading activities in the Local Government area.
It is recommended that the 'Works Zone' space be approved for the construction work subject to Council fees and charges applying.

Item 12

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. the installation of a 'Works Zone 7AM-5.30PM Mon-Sat' (total of 10 metres in length) on the southern side of Gladstone Street adjacent to property 39 Phillip Street, Newtown be APPROVED for a period of twelve (12) months, for the proposed construction works; and
2. The costs of the supply, installation and removal of the signs and 'Works Zone' fees in accordance with Council's Fees and Charges are to be borne by the applicants.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 25 REQUEST TO REINSTATE 'NO STOPPING' OUTSIDE NO. 7 HUNT STREET, CROYDON (LEICHHARDT WARD/STRATHFIELD)

SUMMARY
A resident has appealed to Council to reinstate 'No Stopping' restrictions so as to allow unobstructed access to and from the driveway garage opposite.

'No Stopping' from the western side of the driveway to 6.5 metres west thereof, would assure unimpeded, quick, safe, clear access for the resident.

Traffic Committee Discussion

Public speaker: Mr Dean Nguyen
Public speaker: Ms Pompa Dutta

The resident of No. 7 Hunt Street, Croydon attended the meeting in objection to the proposed reinstatement of the 'No Stopping' zone outside his property and advised the following:

- He requested that the proposed 'No Stopping' zone be changed to 'No Parking' to allow short term stopping to open and close the gate that provides access to his garage.

The resident of No. 83 Croydon Road, Croydon attended the meeting in support of the proposal to reinstate the 'No Stopping' zone across from her property and advised the following:

- The 'No Stopping' zone outside No. 7 Hunt Street, Croydon was originally put in place to provide clear access to her driveway/garage. It was removed during the reconstruction of No. 7 Hunt Street, Croydon and will need to be restated.

Ms Pompa Dutta did not object to having the 'No Stopping' zone changed to a 'No Parking' zone.

Officer's Recommendation

THAT a "No Stopping" zone be reinstated on the northern side of Hunt Street, Croydon, between 1.3 metres and 6.5 metres west of the driveway of No. 7 Hunt Street.

Attachment 1

Traffic Committee Recommendation

THAT a "No Parking" zone be reinstated on the northern side of Hunt Street, Croydon, between 1.3 metres and 6.5 metres west of the driveway of No. 7 Hunt Street.

For motion: Unanimous

T0916 Item 26 DULWICH HILL PARKING MANAGEMENT PLAN

SUMMARY
The Final Dulwich Hill Parking Management Plan has been developed following a process of public consultation, stakeholder engagement, review and public exhibition. The recommendations contained in the report are designed to address issues raised by residents and identified through data gathering.

Traffic Committee Discussion

Council's Parking Planner addressed the Committee in regards to the Dulwich Hill Parking Management Plan and advised that the Plan had been on public exhibition and the parking restriction changes had been adjusted based on the comments received.

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT the Committee endorse the recommendations in the Dulwich Hill Final Parking Management Plan.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 27 PINE STREET, ROZELLE - NO PARKING RESTRICTIONS (BALMAIN WARD/BALMAIN)

SUMMARY
Report regarding the installation of a 6.6m 'No Parking' zone in Pine Street, Rozelle to address issues with vehicle flow and driveway access.

Traffic Committee Discussion

Public speaker: Ms R. Murphy

The Speaker from No. 1 Pine Street, Rozelle addressed the Committee in regards to the proposed extension of a 'No Parking' zone in Pine Street and tabled a petition on behalf of 7 other residents, advising the following:

- Five parking spaces have been lost in recent years due to four new garages being constructed. There are not enough parking spaces in Pine Street and as such, residents of Pine Street park in Moore Street, Mansfield Street, Mullens Street and Perret Street. This inconveniences the residents of these streets.
- The 6 townhouses at Pine Street have garages; however, the driveway is so narrow and virtually impossible to use (even with small cars). The residents of these townhouse thereby rely on the parking spaces in Pine Street.
- If the 'No Parking' sign was moved to its original position, which was at least a metre closer to the Moore Street end of Pine Street there would be no obstruction for the garage owner. Also, remove the pot plants at the end of Pine Street to increase width of the traveling lane.

- Garbage trucks access the street every Tuesday and don't seem to have an issue with turning into Pine Street from Moore Street.

Officer's Recommendation

THAT a 6.6m 'No Parking' zone be installed on the southern side of Pine Street, immediately east of the existing 'No Stopping' zone extending from Moore Street.

Traffic Committee Recommendation

THAT Council officers investigate maintaining a parking space of 5.5m subject to maintaining access to the affected garage and if feasible, adjust signage acoordingly.

For motion: Unanimous

T0916 Item 28 UNNAMED LANE (REAR OF MACKENZIE ST/COLERIDGE ST), LEICHHARDT - NO STOPPING RESTRICTIONS (LEICHHARDT/BALMAIN/LEICHHARDT LAC)

SUMMARY
Vehicles parking in the unnamed lane behind the rear of Mackenzie Street/Coleridge Street properties and too close to the intersection of the unnamed lane between Mackenzie Street and Coleridge Street are obstructing garage access to some properties. The subject area is within 10m of the intersection and therefore the proposed signposting of statutory 10m 'No Stopping' zone will address the problem.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT the statutory 10m 'No Stopping' zone be installed on the eastern side of the 'unnamed lane' along the rear boundary of No. 12 Coleridge Street, Leichhardt.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 29 MINOR TRAFFIC FACILITIES (LEICHHARDT & BALMAIN WARDS/BALMAIN)

SUMMARY
This report deals with minor traffic facility applications received by Inner West Council, Leichhardt and includes 'Disabled Parking' and 'Works Zones'.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. the 'Disabled Parking' space in Balmain Road, in front of No.119 Balmain Road, Leichhardt be removed and replaced with RPS restrictions as it is no longer required; and

INNER WEST COUNCIL

2. a 9m 'Works Zone 7.00am - 5.00pm Mon-Fri, 7.00am - 1.00pm Sat' be installed in Trafalgar Street, Annandale in front of No.182 Trafalgar Street for 12 weeks, subject to Council receiving written confirmation of concurrence from directly affected properties.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 30 MARGARET STREET, ROZELLE - NO PARKING RESTRICTIONS (BALMAIN WARD, BALMAIN)

SUMMARY
Report regarding the provision of a drop-off/pick-up zone in Margaret Street, Rozelle adjacent to the unit blocks.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT a 6m 'No Parking' zone replace 6m of the existing 'No Stopping' restrictions on the eastern side of Margaret Street, immediately north of the driveway to No.27-31 Margaret Street, Rozelle.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 31 PIPER STREET AT PRETORIA STREET, LILYFIELD - NO STOPPING RESTRICTION (BALMAIN/BALMAIN)

SUMMARY
Report regarding the installation of a 10m 'No Stopping' Zone on the northern side of Piper Street, east of Pretoria Street to improve sightlines for motorists exiting Pretoria Street.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT a 10m 'No Stopping' zone be installed on the northern side of Piper Street, east of Pretoria Street, Lilyfield.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

Item 12

T0916 Item 32 **NELSON STREET (THE CRESCENT - ROSE ST), ANNANDALE - ANGLE PARKING (LEICHHARDT/BALMAIN/LEICHHARDT LAC)**

SUMMARY
Council is seeking to formalise 45 degree angle parking on the western side of Nelson Street, Annandale between The Crescent and Rose Street. It will also allow the signposting the Resident Parking Scheme restrictions that were approved in this section at Traffic Committee of November 2015.

Traffic Committee Discussion

The RMS representative raised concerns regarding the direction of the proposed rear to kerb 45 degree angle parking in Nelson Street. He requested that the plans be adjusted to show 135 degree angle parking on the western side of Nelson Street, Annandale.

The chair advised that the Leichhardt Bike representative had emailed Council requesting repainting of the bike logos and shared footpath arrows on the route to The Crescent crossing point and a shared path sign post be installed.

Officer's Recommendation

THAT:

1. 45 degree angle parking (rear to kerb) restriction be installed on the western side of Nelson Street between The Crescent and Rose Street; and
2. the statutory 10m 'No Stopping' restriction be installed on the western side of Nelson Street north of Rose Street.

Traffic Committee Recommendation

THAT:

1. 135 degree angle parking (rear to kerb) restriction be installed on the western side of Nelson Street between The Crescent and Rose Street; and
2. the statutory 10m 'No Stopping' restriction be installed on the western side of Nelson Street north of Rose Street.

For motion: Unanimous

T0916 Item 33 **NELSON STREET (MCCARTHY LN - PARRAMATTA RD), ANNANDALE - 4P PARKING RESTRICTIONS (LEICHHARDT/BALMAIN/LEICHHARDT LAC)**

SUMMARY
Council is seeking to implement '4P 8am-6pm Mon-Fri' and 'Rear to Kerb' parking restrictions to the 90 degree angle parking spaces on the eastern side of Nelson Street between McCarthy Lane and Parramatta Road, to improve parking turnover for nearby businesses.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT:

1. 4P 8am-6pm Mon-Fri' parking restrictions be installed on the eastern side of Nelson Street between McCarthy Lane and Parramatta Road for the 90 degree angle parking spaces; and

Attachment 1

2. '90 degree angle parking; rear to kerb' restrictions be installed in conjunction with the proposed '4P' parking restrictions.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 34 BURUWAN LANE AT BAYVIEW LANE, ANNANDALE - NO PARKING RESTRICTIONS (BALMAIN/BALMAIN)

SUMMARY
Report regarding the installation of 11m 'No Parking' zone in Buruwan Lane at Bayview Lane, Annandale.

Traffic Committee Discussion

Late correspondence from Mr Peart was circulated to the Committee members on Friday 02/09/2016, strongly objecting to the proposed 'No Parking' restrictions as follows:

- Resident of the directly affected property are very concerned with the impact on parking availability next to their place of residence.
- Two children live at this property and access their residence from the proposed impacted parking spaces.
- There are currently 'No Parking' restrictions on Buruwan Lane. This limits available parking during the week and will place further risk on movement and drop off of his children during school hours.

Officer's Recommendation

THAT a 11m 'No Parking' zone be installed on the western side of Buruwan Lane at Bayview Lane, extending south from the rear boundary of No.363 Annandale Street and No.14 Pritchard Street.

Traffic Committee Recommendation

THAT the item be deferred for further investigations.

For motion: Unanimous

T0916 Item 35 PLACEMENT OF "NO PARKING" OVER NEW CROSSOVER TO THE ASHFIELD MALL (ENTRY) FORECOURT - 260A LIVERPOOL ROAD, ASHFIELD

SUMMARY
Council has resolved to place full time "No Parking" restrictions across a new proposed crossover to access the Ashfield Mall forecourt currently being re-constructed under development approval. The crossover is for infrequent use primarily for essential maintenance service vehicle access to Telstra Plant located in the forecourt area. Removable bollards will be placed to prevent general vehicle access to the forecourt.

The matter is for the traffic committee to note. Traffic/parking facilities along a State Road are approved by the RMS. Police raise no objection to the matter.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Item 12

Officer's Recommendation

THAT the Committee note that Council intents to install, subject to RMS approval, full time "No Parking" across the new proposed crossover to the Ashfield Mall forecourt, 260 A Liverpool Road, Ashfield.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

T0916 Item 36 **825-829 NEW CANTERBURY ROAD, DULWICH HILL - PROPOSED MIXED USE DEVELOPMENT DA201600388 (ASHFIELD WARD/SUMMER HILL)**

SUMMARY
A Development Application has been received to demolish the existing buildings and construct a 5 storey building (Building A) and a 4 storey building (Building B) being mixed use buildings containing commercial premises on the ground floor with shop top housing containing 22 units on the upper floors with a 3 level basement parking area and associated landscaping works.

It is recommended that the comments of the Local Traffic Committee be referred to Council's Development Assessment Section for consideration in determining the Development Application.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

THAT the findings of this report be received and noted and the applicant be requested to review the proposed development in its present and incorporating the following feedback into the proposal:

1. the design be amended to include clear splay sight triangles at the property line for the proposed driveway in accordance with clause 3.2.2 of AS2890.1:2004, to provide clear sight lines to pedestrians on the footpath;

2. the proposed driveway crossing on New Canterbury Road be designed and sign posted to restrict vehicular movements to the subject development to left-in and left-out movements only, to increase safety for pedestrians, cyclists and motorists;

3. the layout of the proposed car parking areas associated with the subject development be in accordance with AS 2890.1-2004, AS 2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage; and

4. owners and occupants of the proposed development are not to be eligible for any existing or future Resident Permit Parking Schemes for the area, to ensure the development does not impact on-street parking currently available. The applicant is responsible to advise any purchaser or prospective tenant of this condition.

Attachment 1

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

LATE ITEM:

T0916 Item 37 MINOR TRAFFIC FACILITIES (LEICHHARDT & BALMAIN WARDS/BALMAIN)

SUMMARY
This report deals with minor traffic facility applications received by Inner West Council, Leichhardt and includes 'Disabled Parking' and 'Works Zones'.

BACKGROUND

1 Installation of 'Works Zone' Restriction – Elliott Street, Balmain

The applicant has requested the installation of a temporary 15m 'Works Zone 7.00am - 5.00pm Mon-Fri, 7.00am - 1.00pm Sat' in Elliott Street, Balmain in front of No.100-102 Elliott Street for 12 weeks. This is in addition to the exiting 65m 'Work Zone' in front of the development and will allow concrete trucks and other deliveries to access the eastern end of the works site.

Traffic Committee Discussion

The Committee members agreed with the Officer's recommendation.

Officer's Recommendation

That a 15m 'Works Zone 7.00am - 5.00pm Mon-Fri, 7.00am - 1.00pm Sat' be installed in Elliott Street, Balmain in front of No.100-102 Elliott Street for 12 weeks.

Traffic Committee Recommendation

THAT the Officer's recommendation be adopted.
For motion: Unanimous

GENERAL BUSINESS

Future meetings
The next meeting of the Traffic Committee is scheduled for Thursday, 6th October 2016 to be held at Petersham Service Centre.

Meeting closed at 12:50 pm.

Item 13

Item No: C0916 Item 13

Subject: **ANTI-POVERTY WEEK 2016 GRANTS**

File Ref: 3125/101693.16

Prepared By: Lynne George - Manager Community Development, Marrickville

Authorised By: Josephine Bennett - Director, Community Services

SUMMARY

Anti-Poverty Week 2016 is being held from 16 to 22 October, 2016. The United Nation's International Anti-Poverty Day is Monday 17 October 2016 and is recognised as the day for the eradication of poverty. Poverty and severe hardship affect more than a million Australians and more than a billion people world-wide. As in past years, events are held in local communities across Australia with the aim of strengthening public understanding of the causes and consequences of poverty and disadvantage; and encouraging citizens to become involved in actions designed to prevent or reduce poverty and hardship. This report outlines Council's contribution to Anti-Poverty Week 2016.

RECOMMENDATION

THAT Council endorses donations of $1,660 each to The Girls Refuge, Exodus Foundation and Aboriginal Women and Children's Crisis Service, as part of its 2016 Anti-poverty Week activities.

BACKGROUND

Anti-Poverty Week was established in Australia in 2002 and this year is being held for 16 to 22 October, 2016. Monday 17 October 2016 is the United Nation's recognised day for the eradication of poverty. Anti-Poverty Week is a week where all Australians are encouraged to organise or take part in an activity designed to prevent or reduce poverty.

In recognition of Anti-Poverty Week, it is proposed to donate $1,660 to each of the following organisations working to support people living in poverty across the Inner West LGA:

- **The Girls Refuge** (previously the Young People's Refuge) offers a three month stay in a safe, home-like environment for girls aged 13 to 17 years who are going through a difficult time and are homeless or at risk of homelessness due to family breakdown, domestic and family violence, trauma, child abuse, disengagement with education, misuse of drugs and alcohol, mental health issues and interaction with the justice system.

- **Exodus Foundation** provides a range of social health and wellbeing services to disadvantaged, at risk and homeless people, including up to 1,000 meals per day to homeless and struggling Australians, crisis intervention and support, health and financial services.

- **Aboriginal Women and Children's Crisis Service** (previously Jean's Place) is an inner west service providing support services and crisis accommodation for Aboriginal women and children escaping domestic or family violence who are homeless or at risk of homelessness.

Council will also mark Anti-Poverty Week on 17 October 2016 by presenting Council's Community Grants (Petersham branch) to successful applicants as well as presenting the cheques to The Girls Refuge, Exodus Foundation and Aboriginal Women and Children's Crisis Service.

FINANCIAL IMPLICATIONS

Funding of $5,000 is allocated in the current Operating Budget for this purpose.

OTHER STAFF COMMENTS

Not applicable.

PUBLIC CONSULTATION

Not applicable.

ATTACHMENTS

Nil.

Item 14

Item No: **C0916 Item 14**

Subject: **THE METROPOLITAN ORCHESTRA - FEE WAIVER REQUEST**

File Ref: 16/4718/107165.16

Prepared By: Aaron Callaghan - Senior Parks and Open Space Planner, Leichhardt

Authorised By: Josephine Bennett - Director, Community Services

SUMMARY

The Inner West Council has recently received a request from The Metropolitan Orchestra (TMO) requesting bookings for the Balmain Town Hall in 2017 for their rehearsal plan. The bookings requested a full fee waiver to the value of $4,681.00. The rehearsal plan forms part of their performance program *(performances will be conducted at Eugene Goossens Hall, Ultimo).* The request has been made at this time to inform the preparation of their 2017 season brochure due to be launched in October 2016.

The fee waiver requested is being submitted to Council to provide transparency and probity for Council in meeting its financial obligations under the Local Government Act. Moving forward this reporting will also assist in developing a framework for a consistent and ratified approach to fee waivers with respect to community partners.

The former Leichhardt Council's Community & Cultural Plan 2011-2021 identified The Metropolitan Orchestra (TMO) as a Major Partner and as playing a role in enlivening arts and cultural life in the local area. A Draft *Major Partnerships Policy*, which would provide the framework for considering and approving major support for organisations, has been developed, however has not yet been finalised following the creation of the Inner West Council.

RECOMMENDATION

THAT:

1. **Council approve the fee waiver for The Metropolitan Orchestra for the 2017 calendar year; and**
2. **Council advise The Metropolitan Orchestra that changes in the fee waiver policy will be considered by Council in the near future as part of a development of a new grants framework and integrated fees and charges for the Inner West Council.**

BACKGROUND

The former Leichhardt Council developed a partnership with The Metropolitan Orchestra (formerly Metropolitan Chamber Orchestra) for rehearsal and performance space in the local area in 2010. The Council resolution (C370/10) includes:

1. *That Council notes that Leichhardt residents have a high interest in music, drama and the performing arts, and that the Metropolitan Chamber Orchestra is a Balmain based Chamber Orchestra, established to provide outstanding musical experience accessible to local audiences in local venues, and*
2. *That Council provides a fee waiver to the Metropolitan Chamber Orchestra for the second three series of rehearsals and performances starting in August 2010 and concluding on 13 November 2010.*
3. *That Council notes that the Metropolitan Chamber Orchestra will provide 20 complimentary tickets for Seniors Council, Youth and local disadvantaged groups for each concert as a community benefit.*

4. *That Council notes that the refundable bond of $500 is to be paid upon booking confirmation.*
5. *Acknowledging the potential for the Balmain Town Hall to host the Metropolitan Chamber Orchestra on a regular basis, and noting the Leichhardt 2020+ community vision that Council and the community work together for a sustainable and liveable Leichhardt,*
    a. *That Leichhardt Council convene a working group to discuss with the Metropolitan Chamber Orchestra the development of a potential 3 year Memorandum of Understanding between the two organisations addressing the following considerations*
        i. *the potential for the Balmain Town hall to be the home base for the Metropolitan Chamber Orchestra*
        ii. *fostering locally-produced chamber music that enlivens arts and cultural life*
        iii. *the community benefit arising from a 3 year-relationship between the two organisations, including access to rehearsals and performances by people who would not otherwise have this opportunity*
        iv. *the business relationship underpinning such an Agreement, including sponsorship notices, acknowledgement of Council in MCO publicity, fee waivers and associated matters.*

During 2015, TMO commenced performing at the Eugene Goossens Hall at the ABC Ultimo Centre. TMO continue to provide 20 complimentary tickets for local disadvantaged groups. TMO has continued to use Balmain Town Hall largely for rehearsal space (free of charge). During 2015 and 2016 TMO performed Cushion Concerts at Balmain Town Hall. (This included free venue use and grant funding from Council). In recent years the TMO has also performed one concert in Council's Site & Sound Program (venue fee waiver program run annually at Leichhardt Town Hall) and have performed at Classics at Callan Park, for which they received payment (through Council's Events budget).

During 2016, TMO's booking requests repeatedly changed and included additional hall booking and meeting room booking requests made on short notice. TMO's 2016 hall bookings for rehearsals are currently valued this year at $4,681.00.

In addition to the above TMO have ten further bookings from 22 March to 9 April 2017.

Balmain Town Hall - 8 sessions	$ 3,176
Leichhardt Town Hall -1 Weekend	$ 678
Total	$ 3, 854

The additional events are for rehearsals except for a weekend booking on 9 April for a performance. These additional rehearsals relate to Council supported events including Site and Sound and Classics in the Park (Callan Park). **(Refer to Attachment 1).**

FINANCIAL IMPLICATIONS

Fee waivers for use of the Balmain Town Hall in 2015/16 have equated to a total of $36,614.86. Similarly fee waivers for use of the Leichhardt Town Hall in 2015/16 have equated to a total of $104,606.71.

It is critical that community facilities such as the Town Halls are fully utilised and support ongoing community and cultural needs. The value of fee waivers however needs to be balanced with the ongoing maintenance of the building and the ability of Council to service and maintain the facility sustainably into the future. Both the Leichhardt Town Hall and Balmain Town Halls have heritage listings and as such the costs in maintaining them are significant. Both are in need of upgrades.

Item 14

Table 1.0 Fee Waivers vs. Infrastructure Improvements Leichhardt and Balmain Town Halls 2015-17

Town hall	Income 15/16	Maintenance Spent 15/16	Capital Projects 15/16	Capital Projects Carried over to 16/17	Fee Waiver Totals
Balmain	($35k)	$52k		$400k	$36,614
Leichhardt	($15k)	$21.3k		$150k	$104,606.71
Leichhardt - windows				$29k	
Leichhardt - repaint				$200k	
Leichhardt			$1.8k		

OTHER STAFF COMMENTS

Council's Manager Property and Commercial Services Leichhardt is generally supportive of the fee waiver as the proposed use demonstrates community benefits. The Manager of Property and Commercial Services has suggested that in reviewing any future partnership arrangements that Council require TMO to perform a certain number of concerts in Balmain and Leichhardt Town Halls. Participating in Site and Sound and Classics in Callan Park is also viewed as positive and should be made a requirement for substantial fee waivers. Opportunities for open rehearsals are also a consideration that Council may like to consider into the future. This way the public would benefit from being able to sit quietly and enjoy music and the TMO would benefit from wider exposure.

PUBLIC CONSULTATION

Nil to date but community consultation will be undertaken as part of the exhibition of Council's 2017/18 fees and charges policy.

CONCLUSION

The fee waiver requested is being submitted to Council to provide transparency and probity for Council in meeting its financial obligations under the Local Government Act, 1993. Moving forward this reporting will also assist in developing a framework for a consistent and ratified approach to fee waivers with respect to community partners. It is recommended that Council approve the fee waiver request for the Metropolitan Orchestra for the 2017 calendar year. Further it is noted that changes in the fee waiver policy will be considered by Council in the near future as part of a development of a new grants framework and integrated fees and charges framework for the Inner West Council. It is recommended that Council consider requiring a certain number of concerts or other community benefits in exchange for fee waivers.

ATTACHMENTS

1.⇩ The Metropolitan Orchestra Booking Requests for 2017

THE METROPOLITAN ORCHESTRA
ARTISTIC DIRECTOR & CHIEF CONDUCTOR: SARAH-GRACE WILLIAMS | PATRON: GUY NOBLE

2017 INNER WEST COUNCIL BOOKING REQUESTS

MET CONCERT #1			
Thursday 23 February	6-10pm	Balmain Town Hall & Meeting Room	Rehearsal
Monday 27 February	6-10pm	Balmain Town Hall	Rehearsal
Tuesday 28 February	6-10pm	Balmain Town Hall	Rehearsal
Thursday 2 March	6-10pm	Balmain Town Hall	Rehearsal
SPECIAL EVENT *Classics at Callan Park – for INNER WEST COUNCIL*			
Wednesday 22 March	6-10pm	Balmain Town Hall	Rehearsal
Thursday 23 March	6-10pm	Balmain Town Hall	Rehearsal
Friday 24 March	6-10pm	Balmain Town Hall	Rehearsal
SPECIAL EVENT *The Cellists of TMO* – for *INNER WEST COUNCIL* SITE & SOUND FESTIVAL			
Tuesday 28 March	7-10pm	Balmain Town Hall	Rehearsal
Thursday 30 March	7-10pm	Balmain Town Hall	Rehearsal
Monday 3 April	7-10pm	Balmain Town Hall	Rehearsal
Wednesday 5 April	7-10pm	Balmain Town Hall	Rehearsal
Friday 7 April	7-10pm	Balmain Town Hall	Rehearsal
Sunday 9 April	12-1pm	Leichhardt Town Hall	Dress Rehearsal
Sunday 9 April	3pm	Leichhardt Town Hall	Concert
MET CONCERT #2			
Wednesday 26 April	6-10pm	Balmain Town Hall	Rehearsal
Thursday 27 April	6-10pm	Balmain Town Hall & Meeting Room	Rehearsal
Monday 1 May	6-10pm	Balmain Town Hall	Rehearsal
Tuesday 2 May	6-10pm	Balmain Town Hall	Rehearsal
CUSHION CONCERT #1 - *Animal Adventures*			
Thursday 25 May	6-10pm	Balmain Town Hall	Rehearsal
Friday 26 May	6-10pm	Balmain Town Hall	Dress Rehearsal
Saturday 27 May	9am-4pm	Balmain Town Hall	Concerts
Sunday 28 May	9am-4pm	Balmain Town Hall	Concerts
TMO COMPOSER DEVELOPMENT PROGRAM			
Friday 23 June	9am-6pm	Balmain Town Hall	Workshop
MET CONCERT #3 / MAJESTIC CONCERT			
Thursday 6 July	6-10pm	Balmain Town Hall & Meeting Room	Rehearsal
Monday 10 July	6-10pm	Balmain Town Hall	Rehearsal
Tuesday 11 July	6-10pm	Balmain Town Hall	Rehearsal
Thursday 13 July	6-10pm	Balmain Town Hall	Rehearsal
Bravo Cruise of the Performing Arts			
30 October	3-6pm	Balmain Town Hall	Rehearsal
MET CONCERT #5 – Classic Elegance			
Thursday 16 November	6-10pm	Balmain Town Hall & Meeting Room	Rehearsal
Monday 20 November	6-10pm	Balmain Town Hall	Rehearsal
Tuesday 21 November	6-10pm	Balmain Town Hall	Rehearsal
Thursday 23 November	6-10pm	Balmain Town Hall	Rehearsal

NB: Items marked in yellow are council events or will be covered under separate grant requests.

Total hire costs (26 hires) at the Community Rate charge as per LMC rates through to June 2017 (TMO are a registered charity and NFP) are as follows:

Balmain Town Hall evening rate ($198.50) x 18 = $3,573.00
Balmain Town Hall half day rate ($184.00) x 4 = $736.00
Balmain Town Hall Meeting Room ($93.00) x 4 = $372.00

Total hall hire fee waiver request for 2017 = $4,681.00

Item 15

Item No: C0916 Item 15

Subject: REQUEST FOR CHRISSIE COTTER GALLERY FEE WAIVER - AGNSW STAFF CHARITY EXHIBITION

File Ref: 16/3293/102396.16

Prepared By: Victoria Johnstone - A/Arts and Cultural Development Coordinator, Marrickville

Authorised By: Josephine Bennett - Director, Community Services

SUMMARY

Council is advised of a request from Emma Smith (Curator, *Art Gallery of NSW*) to waive the Chrissie Cotter Gallery 15% commission for the *AGNSW Staff Charity Fundraiser Exhibition* at Chrissie Cotter Gallery from 12 to October 2016. All funds raised will go to Save the Children Fund, Australia.

RECOMMENDATION

THAT:

1. **the report be received and noted; and**
2. **Council waive the 15% commission for the *AGNSW Staff Charity Fundraiser Exhibition* at the Chrissie Cotter Gallery, 12 to 16 October 2016.**

BACKGROUND

From 12 - 16 October 2016, Curator Emma Smith will hold a fundraising art exhibition at Council's Chrissie Cotter Gallery to raise funds for Save the Children Fund. Over 25 artists, a majority of whom work at the Art Gallery of NSW, are donating artworks for the exhibition.

The artists' donations are outright and they will not be seeking a percentage of the sales. All funds raised from the sale of artworks will go to Save the Children Fund.

The Save the Children Fund, commonly known as Save the Children, is an international non-governmental organization that promotes children's rights, provides relief and helps support children in developing countries.

Council received a letter on 5 August 2016 from curator, Emma Smith, requesting that Council waive the 15% commission on any works sold as all funds raised from the sale of the artworks will go directly to Save the Children Fund. This request was accompanied by a letter from Nikki Kerridge, Single Giving Manager, Save the Children Fund Australia, authorising Emma Smith to fundraise on behalf of the charity.

Last year the Art Gallery of NSW staff held a fundraiser event at Chrissie Cotter Gallery for The Fred Hollows Foundation. Marrickville Council approved waiver of the fees. The exhibition was a great success and a large sum was raised for The Fred Hollows Foundation.

FINANCIAL IMPLICATIONS

Council's 2016/2017 Fees and Charges include a 15% commission for all works sold at the Chrissie Cotter Gallery. Hirer's are also required to pay a refundable bond of $200 to cover any potential maintenance requirements following the exhibition.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Nil.

ATTACHMENTS

1.⇩ Emma Smith and Dot Kolentsis - Authority to Fundraise
2.⇩ AGNSW Fee Waiver Request

Item 15

Save the Children Australia

05 August 2016

Authority to Fundraise

This is to confirm that Emma Smith and Dot Kolentsis are authorised to fundraise for Save the Children Australia through an art exhibition and silent auction to be held from 6th – 9th October 2016 at Chrissie Cotter Gallery, Pidcock St, Camperdown. 100% of sales made from the art exhibition will be donated to Save the Children Australia.

Emma and Dot are authorised to promote the Save the Children Australia brand and our work in order to raise funds. All sales as stated above will be donated to Save the Children Australia. Any support that you can provide would be greatly appreciated and will go toward ensuring that Save the Children Australia can continue to save and protect children's lives here in Australia and overseas.

General donations of $2 or more are tax deductible. Fundraisers are not authorised to issue receipts on behalf of Save the Children. If a receipt is required, the donor's details and amount must be provided to Save the Children so that a receipt may be issued. Payments made to purchase goods or services are not eligible to receive a tax-deductible receipt.

Fundraisers are responsible for ensuring that all state regulations are followed with regard to food safety, collection devices, auctions and raffles.

If you have any questions or concerns regarding this activity please do not hesitate to contact myself on (03) 9281 2724 or via email to Dinushka.Vethavanam@savethechildren.org.au If you would like to find out more about Save the Children, please visit our website at www.savethechildren.org.au

Yours sincerely,

Nikki Kerridge
Single Giving Manager
Save the Children Australia

Attachment 1

Tel: 1800 76 00 11 Fax: +61 3 9281 2724
Level 6, 250 Victoria Parade, East Melbourne, Victoria 3002
(Locked Bag 5000, Fitzroy, Victoria 3065)

savethechildren.org.au 1800 76 00 11

Registered as Save the Children Australia
ABN 99 008 610 035 ACN 008 610 035
Save the Children Australia Trust ABN 79 685 451 696

10th August 2016

Dear Councillors,

From the 6th – 9th October , I will be holding a fundraising Art Exhibition at the Chrissie Cotter Gallery.
Over 25 Artists, a majority of whom work for the Art Gallery of NSW, are donating an artwork to the exhibition.
The Artists' donation is outright and they are not seeking a percentage of the sales.
All funds raised from the sale of the artworks will go the *Save The Children Fund.*

I am writing to you to seek the possibility of the Council donating their 15% commission to this extremely worthwhile cause. Donations are tax deductable.

The Council has very generously waivered the commission over the past 4 years that we have held the annual fund raiser. Previously we have raised for the Fred Hollows Foundation, Cerebral Palsy Alliance, Leukaemia Foundation & Chris O'Brien Lifehouse at RPA Hospital. I do hope we can count on your continued generosity.

Please find attached a letter from Nikki Kerridge , Save the Children Fund Australia authorising us to fundraise in their name.

I look forward to your reply,
Kind regards

Emma Smith
Curator & Fund Raiser- *Colourwall* exhibition

Item 16

Item No: C0916 Item 16

Subject: EXPENSES AND FACILITIES POLICY FOR THE ADMINISTRATOR

File Ref: 16/4718/88986.16

Prepared By: Ian Naylor - Manager Governance and Administration, Leichhardt

Authorised By: Peter Gainsford - Director, Corporate Services

SUMMARY

The purpose of this report is to advise Council of the submissions received during the public exhibition of the Expenses and Facilities Policy for the Administrator. This policy was placed on public exhibition for 28 days in accordance with Section 252 of the Local Government Act. The Policy has been amended in response to the submissions received. It is recommended that the amended Policy be adopted.

RECOMMENDATION

THAT Council adopt the amended Expenses and Facilities Policy for the Administrator, shown as Attachment 1 to this Report and publish it on the Inner West Council website.

BACKGROUND

Council at its Meeting of 5 July 2016 resolved to place the Expenses and Facilities Policy for the Administrator on public exhibition for 28 days in accordance with Section 252 of the Local Government Act. The Policy was exhibited at the three Customer Service Centres as well as on the "Your Say Inner West" webpage on the Inner West Council website.

During the public exhibition period, there were 542 visits to the public exhibition webpage and 492 users viewed or downloaded the policy. Council received 7 submissions on the Your Say Inner West webpage. A summary of the comments made in the submissions in relation to the Policy are shown in the table below:-

Comment on Policy	Officer Response
The Policy does not state the consequences if there is a private benefit to the Administrator.	On page 2 of the Policy it states that any substantial private benefit received by the Administrator is to be paid back to Council.
The provision of technology and reimbursement of technology costs is excessive. There should be no need to access the internet from home and there is no need for the Administrator to be provided with a work mobile phone. One plan to cover all data usage should be used.	The Policy reflects the provision of technology, phone and internet usage levels that was previously provided to the former Councillors and is in line with best practice for NSW local government. The internet usage is a reimbursement up to the limits outlined in the Policy so if the plan costs less, then the Administrator will only be reimbursed for the cost of the plan. If Council organises the data plan it will seek the cheapest plan possible.
There is no limit on the cost of refreshments and this should not include alcohol.	The Policy has been amended to include an annual limit for refreshments. It is considered reasonable that alcohol can be served at civic events as was the case for the former Councillors, however Council has a policy that no alcohol refreshments be served prior to a Council Meeting.

Comment on Policy	Officer Response
The Administrator should choose one office location and only have modest office space at the two other locations and not be provided with parking permits. The existing Town Halls should be utilised for functions.	The Policy has been amended to provide for one office space at the Leichhardt Service Centre and utilisation of meeting rooms at the other locations. The reference to parking permits has been removed.
The Administrator should only have access to one secretary.	The Policy has been amended to clarify that secretarial services will be provided from the Leichhardt Service Centre.
The Policy should include a limit on accommodation expenses specifying a limit for metropolitan and rural accommodation.	It is difficult to put a monetary limit on accommodation as it will depend on where the Conference is held however the Policy has been amended to state that the accommodation is to be no more than a 4 star rated venue.
The Meal allowance rate is excessive.	This is the rate specified by the Australian Tax Office.
The Policy should not include reimbursement of any expenses for the Administrator's spouse.	The Policy states that this reimbursement is very limited to specific circumstances. The same provisions applied to the former Councillors and is considered best practice in NSW local government.
The Policy should not include reimbursement of any training or conference costs.	The same provisions applied to the former Councillors and is considered best practice in NSW Local Government.
The General Manager should not be the approver for expenses where the General Manager reports to the Administrator.	The Policy requires approval for conferences and training to be reported to a Council Meeting for transparency and accountability. The General Manager was the approver for all other expenses for the former Councillors and this is considered best practice in NSW Local Government.
The Administrator should only be entitled to either a laptop or an ipad, not both	The same provisions applied to the former Councillors and this is considered best practice in NSW Local Government to allow them to carry out their civic functions.
The Policy should not include Carers allowance this should be paid out of the Administrator's salary.	The same provisions applied to the former Councillors and this is considered best practice in NSW Local Government.
The Policy should not include the provision of cab charges, own transport should be used and there should not be both cabcharges and a vehicle allowance	The same provisions applied to the former Councilors and this is considered best practice in NSW Local Government. A vehicle allowance applies to any person who uses their own vehicle for work purposes eg. to attend meetings or events, this excludes travelling to and from work.
The Policy does not provide accountability or transparency as the Administrator himself is responsible for approving reimbursements.	That is not correct the Administrator must seek approval from the General Manager for any reimbursements.

Item 16

There are contradictions in the Policy. For instance, the policy expressly states that the Administrator cannot receive a general allowance. The policy then states the Administrator's internet access above $100 per month will be deducted from their general allowance.	In line with the Office of Local Government's Guidelines on Provision of Facilites and Reimbursement of Expenses Policies a general allowance with no reconciliation of expenses is not allowed however the Administrator is paid a Salary as determined by the NSW Governor. The Policy has been amended to rename allowance to Salary.
The Administrator should not be provided with a multifunction device as the office would have these devices.	The Policy states that this is upon request and may not be necessary. Multifunction devices were provided to the former Councillors to carry out their civic duties.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

The Policy was publicly exhibited in accordance with Section 252 of the Local Government Act and has been amended in response to the submissions received.

CONCLUSION

The draft policy has been amended in response to the submissions received. The amendments are shown in red in **Attachment 1**. Once adopted by Council this policy will be published on the Inner West Council website.

ATTACHMENTS

1.⇩ Amended Payment of Expenses and Provision of Facilities Policy for Administrator

INNER WEST COUNCIL

POLICY FOR PAYMENT OF EXPENSES & PROVISION OF FACILITIES FOR THE ADMINISTRATOR

Date Adopted:	
Council or Corporate Policy	Council Policy
Responsible Division:	Inner West Council
Supporting documents, procedures & forms of this policy:	Expenses Claim Form
References & Legislation:	Local Government Act 1993

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1 Purpose of Policy

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Administrator. The policy also ensures that the facilities provided to assist the Administrator to carry out their civic duties are reasonable.

2 Statements Applying to the Policy

Statement disallowing the payment of a general allowance to the Administrator

In accordance with Clause 403 of the Local Government (General) Regulation this policy does not include any provision to pay the Administrator an allowance in the nature of a general expense allowance.

Statement about Hospitality/Gifts and Benefits Provided by the Administrator to Others to be of Token Value Only

In circumstances where it is appropriate for the Administrator to give a gift or benefit (for example, on a Council business related trip or when receiving visitors), these gifts should be of token value (valued under $50.00) for eg. ties, scarves, coasters, tie pins, diaries, chocolates or flowers. A written request should be made to the Interim General Manager setting out the reasons for the request and any supporting documentation (eg correspondence). The Interim General Manager is responsible for approval of requests.

Statement in relation to Private Benefit

The Administrator should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs. However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental use is not subject to a compensatory payment. Where more substantial private use has occurred the Administrator must reimburse Council for the actual cost to Council of the private use in question.

Approval Process

Unless otherwise stated in the policy, requests for facilities or reimbursement or expenses shall be made to the Interim General Manager. All requests will be determined by the Interim General Manager as soon as practicable following advice (from another officer of Council) that the facility or reimbursement is authorised by this Policy.

3 Definitions

Word/Term	Definition (with examples if required)
Private Benefit	Obtaining a financial gain from the use of facilities provided to the Administrator to undertake their civic duties
Subsistence	A daily allowance for food and incidental expenses when travelling to and from a Conference.
Carers Expenses	The expense in arranging another person to take care of elderly, disabled and/or sick immediate family members of the Administrator, to allow the Administrator to attend Council, Committee and other meetings, official civic and ceremonial functions.

4 The Administrator

Section 258 of the Local Government Act 1993 requires Council to pay a Salary to the Administrator. The amount of the Salary is to be determined by the NSW Governor.

In addition to the Salary payable, the Administrator is eligible to receive the benefit of the following facilities:

* Office space at the Leichhardt Service Centre and access to meeting rooms at the Ashfield and Marrickville Service Centres.

* Secretarial Assistance (one staff member from the Leichhardt Service Centre) for official secretarial support duties, stationery, business cards, fax, photocopier, telephone and fridge.

* Refreshments for official Administrator functions to a limit of $2000 Annually.

* Transport on request to and from Council and Committee meetings, official Civic Events and for other Council business. Cabcharges will be provided as required.

* Vehicle Allowance is paid at the Local Government Award Rate to the Administrator for use of their private vehicle for attendance to official Council business, including meetings and civic events.

* Parking Facilities at the Leichhardt Service Centre.

* Refreshments will be provided prior to Council and Committee Meetings as necessary for the Administrator and senior staff (excluding alcohol).

* Personal computer or laptop at the request of the Administrator. Where the Administrator pays for their own internet access they will be entitled to be reimbursed for the amount of the plan up to the total of $100.00 per month. Anything above the monthly limit of $100.00 per month will be deducted from the Administrator's Salary. Should the Administrator's civic related expenses exceed this amount, they will need to submit a claim for reimbursement verifying the total Council related costs to claim reimbursement (subject to the abovementioned monthly limits).

* Tablet computer with mobile data access at the request of the Administrator to enable the delivery of electronic business papers, Council documents, mobile communication and other information access. Where the Administrator provides their own tablet and pays for their own data access, they will be entitled to be reimbursed for the amount of their data plan, up to $500 per year.

Mobile Phone

A mobile phone and standard accessories will be provided to the Administrator on request, with the cost of the phone and other set up costs being met by Council. Allowance of $150 per month is provided for ongoing plan costs. If the Administrator uses their own mobile phone then monthly invoices are to be provided to the Interim General Manager detailing civic related expenses for reimbursement. Should the Administrator's civic related expenses exceed the monthly phone allowance, they will need to submit a claim for reimbursement using the appropriate form.

Multifunction Device

The Administrator will be provided with an office standard multifunction device that can print/copy/scan upon request.

Time Limit

A three (3) month time limit applies for claims for any expenses/reimbursement provided under this policy.

5 Conferences and Seminars

The Administrator may attend conferences and seminars locally or interstate. Attendance at conferences and the like are to be reported to a meeting of the Council. If this is not possible (due to lack of time) then approval shall be sought from the Interim General Manager and then reported back to the next available meeting. Expenses for attending conferences will be met in accordance with the following criteria:-

Travel – economy class air travel will be arranged and paid for by Council for delegates to and from the conference town/city.

Vehicle Hire – The Administrator will be reimbursed for reasonable car hire expenses for the duration of the conference.

Accommodation – accommodation up to a 4 star rated venue will be booked and paid by Council. Such accommodation will be arranged for each night of the conference, and the nights before and after, as may be necessary due to travel arrangements.

Subsistence – A daily travel allowance as outlined below is payable to the Administrator where travel for Council business involves an overnight stay;

- Breakfast	$26.00
- Lunch	$29.00
- Dinner	$50.00
- Incidentals	$25.00

Should the conference or accommodation packages include the provision of these meals, then that meal allowance cannot be claimed. Incidentals costs are paid for overnight stays. An itemised list of subsistence payments will be submitted to the Administrator who is attending a conference or seminar at least one week prior to attending an event.

Reconciliation of Advance Subsistence Payment

Where a subsistence allowance has been paid in advance, staff will reconcile with the Administrator to ensure that the Administrator repay any monies owed to Council.

Partners Expenses

Limited expenses incurred by spouses/partners associated with attendance at the NSW Local Government Association annual conference will be met by Council. These expenses will be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses and the cost of partner tours etc will, on request, be booked by Council and paid by the Administrator.

The payment of expenses for spouses/partners attending official appropriate functions within the local government area or when accompanying the Administrator will be met by Council but confined specifically to the ticket, meal and/or the direct cost of attending the function.

6 Carers Expenses

An allowance of up to $4,000 per annum is available for the reimbursement of the cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of the Administrator, to allow the Administrator to attend Council, Committee and other meetings, official civic and ceremonial functions.

A formal claim (with receipts attached) must be lodged with the Interim General Manager no later than 1 month after the expense has been incurred. In the event, carer expenses exceed $4,000 reimbursement will be provided subject to the submission of a formal claim (with receipts attached) within one month of the expense being incurred and verification the expense was incurred in order to attend official civic duties.

Reasonable expenses to also be met for the provision of carer/support during the attendance at the LGNSW Annual Conference on behalf of Council. Should this involve the payment of partners expenses to provide such support the Interim General Manager's authority will be up to and including 50% of that persons expenses in travel, accommodation and meals.

7 Training

Council provides for training and development courses that are directly related to the Administrator' civic functions and responsibilities. Requests to attend training and education courses must be submitted to the Interim General Manager outlining the details of the proposed training or education, the benefits to Council and how it relates to the Administrator's civic functions and responsibilities. Requests will then be determined by the Interim General Manager.

8 Legal Expenses

Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Administrator. This may include circumstances in which a matter does not proceed to a finding. Council must not meet the legal costs of legal proceedings initiated by the Administrator under any circumstances. Council must not meet the legal costs of the Administrator seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation. Legal costs must not be met for legal proceedings that do not involve the Administrator performing their role as the Administrator.

(1) Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

(a) the Administrator defending an action arising from the performance in good faith of a function under the Local Government Act; or

(b) the Administrator defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act;

(c) the Administrator for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the investigative or review body makes a finding substantially favourable to the Administrator.

Clause (c) applies only when the subject of the inquiry, investigation or hearing arises from the performance in good faith of the Administrator's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

(2) In the case of a conduct complaint made against the Administrator, legal costs will only be paid where a finding is made that the Administrator has been found not to breach the Code of Conduct.

(3) In the case of a pecuniary interest or misbehaviour matter, legal costs will only be paid where a finding is made that the Administrator has been found not to breach the relevant legislation.

(4) Legal expenses incurred in relation to proceedings arising out of the performance by the Administrator of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that the Administrator has done during his or her term in office. For example, expenses arising from an investigation as to whether the Administrator acted corruptly would not be covered by this section.

(5) Council will not meet the costs of an action in defamation taken by the Administrator as plaintiff in any circumstances and will not meet the costs of the Administrator seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

(6) Council will not meet the legal costs of legal proceedings initiated by the Administrator under any circumstance.

(7) Reimbursement of expenses for reasonable legal expenses must be reported to a Council Meeting prior to costs being reimbursed.

9 Insurance

Insurance provision for the Administrator includes;

- Public liability (for matters arising out of the Administrator' performance of their civic duties and/or exercise of their Council functions);

- Professional indemnity (for matters arising out of the Administrator' performance of their civic duties and/or exercise of their functions)

- Personal injury while on Council business. Note; The Administrator is not covered by workers compensation payments or arrangements.

- Travel insurance (where applicable) for approved interstate and overseas travel on Council business

All insurances are subject to any limitations or conditions set out in the Council's policy of insurance.

10 Approval Process for Reimbursement

The following reconciliation and reimbursement processes are covered in the Policy and summarised below;

- Internet

  Where the Administrator pays for their own home internet access they will be entitled to be reimbursed for the amount of the cost of the plan (subject to providing a copy of a monthly tax invoice) (up to $100.00 per month). Where the Administrator provides their own tablet and pays for their own data access, they will be entitled to be reimbursed for the amount of their data plan, up to $360 per year.

- Mobile phone

  A monthly phone allowance is available for the Administrator's mobile phone costs of up to $150 per month. If the Administrator uses their own phone equipment then monthly invoices are to be provided to the Interim General Manager detailing civic related expenses for reimbursement. Should the Administrator's civic related expenses exceed the monthly phone allowance, they will need to submit a claim for reimbursement using the appropriate form.

- Carer arrangements/expenses

  An allowance of up to $4,000 per annum is available for the reimbursement of the cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of the Administrator, to allow the Administrator to attend Council, Committee and other meetings, official civic and ceremonial functions. In the event, carer expenses exceed the annual limit, reimbursement will be provided subject to the submission of a formal claim (with receipts attached) within one month of the expense being incurred and verification the expense was incurred in order to attend official civic duties.

- Conferences

  Reimbursement of expenses will be provided upon submission of receipts.

- Cabcharge

  Individual cabcharge costs (where applicable) are forwarded to the Administrator each month for them to identify Council or private use. Any private use costs is to be deducted from the Administrator's Salary.

11 Policy Review

Each year as required by Section 252 and 253 of the Local Government Act 1993.

12 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1			
2			
3			
4			

Item 17

Item No: C0916 Item 17

Subject: EXPENSES AND FACILITIES POLICY FOR IAG/LRAC MEMBERS

File Ref: 16/4718/88987.16

Prepared By: Ian Naylor - Manager Governance and Administration, Leichhardt

Authorised By: Peter Gainsford - Director, Corporate Services

SUMMARY

The purpose of this report is to advise Council of the submissions received during the public exhibition of the Expenses and Facilities Policy for IAG/LRAC members. This policy was placed on public exhibition for 28 days in accordance with Section 252 of the Local Government Act. It is recommended that the amended Policy be adopted.

RECOMMENDATION

THAT Council adopts the amended Expenses and Facilities Policy for IAG/LRAC members, as shown in Attachment 1 to this report, and publish it on the Inner West Council website.

BACKGROUND

Council at its Meeting of 26 July 2016 resolved to place the Expenses and Facilities Policy for IAG/LRAC members on public exhibition for 28 days in accordance with Section 252 of the Local Government Act. The Policy was exhibited at the three Customer Service Centres as well as on the "Your Say Inner West" webpage on the Inner West Council website.

During the public exhibition period, there were 47 visits to the public exhibition webpage and 23 users viewed or downloaded the policy. Council received no submissions in respect to the Policy.

Minor amendments to the exhibited policy (shown attached as **Attachment 1**) have been made by staff to clarify the following items:

- the reimbursement for internet usage is for both broadband and ipad usage;
- travel insurance does not apply as there is no provision in the policy for interstate or overseas travel; and
- substituting the words "IAG/LRAC Terms of Reference" in place of the Local Government Act in the provision for legal expenses.

These minor amendments are shown in red in the amended policy attached as **Attachment 1**.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Nil.

Item 17

PUBLIC CONSULTATION

The Policy was publicly exhibited in accordance with Section 252 of the Local Government Act.

CONCLUSION

The Policy once adopted by Council will be published on the Inner West Council website.

ATTACHMENTS

1.⇩ IAG and LRAC Provision of Facilities Policy - Amended following Exhibition

Item 17

POLICY FOR PAYMENT OF EXPENSES & PROVISION OF FACILITIES

(FOR THE MEMBERS OF THE IMPLEMENTATION ADVISORY GROUP (IAG) AND LOCAL REPRESENTATION ADVISORY COMMITTEE (LRAC))

Date Adopted:	
Council or Corporate Policy	Council Policy
Responsible Division:	Interim General Manager
Supporting documents, procedures & forms of this policy:	Expenses Claim Form
References & Legislation:	Local Government Act 1993

Contents

1 Purpose of Policy 2
2 Statements Applying to the Policy 2
3 Definitions 2
4 Advisory Committee Members 3
5 Legal Expenses 3
6 Insurance 5
7 Approval Process for Reimbursement 5
8 Version Control and Change History 6

Attachment 1

INNER WEST COUNCIL

1 Purpose of Policy

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the members of the Implementation Advisory Group (IAG) and Local Representation Advisory Committee (LRAC). The policy also ensures that the facilities provided to assist the Advisory Committee Member to carry out their civic duties are reasonable.

2 Statements Applying to the Policy

Statement in relation to Private Benefit

The Advisory Committee members should not obtain private benefit from the provision of equipment and facilities. However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental use is not subject to a compensatory payment. Where more substantial private use has occurred the Advisory Committee member must reimburse Council for the actual cost to Council of the private use in question.

Approval Process

Unless otherwise stated in the policy, requests for facilities or reimbursement or expenses shall be made to the Interim General Manager. All requests will be determined by the Interim General Manager as soon as practicable following advice (from another officer of Council) that the facility or reimbursement is authorised by this Policy.

3 Definitions

Word/Term	Definition (with examples if required)
Advisory Committee Member	Former Mayor and Councillors who expressed an interest in continued local representation to the Administrator of the Inner West Council and are members of either the IAG and/or LRAC.
Private Benefit	Obtaining a financial gain from the use of facilities provided to the Advisory Committee Member to undertake their duties.

Item 17

INNER WEST COUNCIL

4 Advisory Committee Members

In accordance with the Department of Premier and Cabinet Guidelines Advisory Committee Members are to receive payment of a fee (at the same rate as their former Mayor, Deputy Mayor or Councillor fee).

In addition to the fee payable to Advisory Committee Member, the Advisory Committee Member is eligible to receive the benefit of the following facilities:

- Transport on request to and from IAG and/or LRAC meetings and where attending official Civic Events (as approved by the Interim General Manager). Cab charges will be provided as required.
- Meeting rooms be made available for use by Advisory Committee Members to prepare for upcoming IAG and/or LRAC meetings (subject to availability)
- Parking permits will be issued for the relevant service Centre precinct area for the duration of the tenure (i.e. 8 September 2017) as applicable.
- Refreshments will be provided prior to IAG and/or LRAC Meetings.
- Desktop computer, iPad or laptop will be provided at the request of the Advisory Committee Member. Where the Advisory Committee Member pays for their own internet access (broadband and IPAD usage) they will be entitled to be reimbursed for the amount of the plan/s up to the total of $100.00 per month.

Mobile Phone

An allowance of up to $100 per month is provided for ongoing plan costs. If the Advisory Committee Member uses their own mobile phone then monthly invoices are to be provided to the Interim General Manager.

A mobile phone and standard accessories will be provided to Advisory Committee Members of the IAG and/or LRAC on request and in the event they do not choose to use their own mobile phone.

Time Limit

A three (3) month time limit applies for claims for any expenses/reimbursement provided under this policy.

5 Legal Expenses

Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Advisory Committee Member. This may include circumstances in which a matter does not proceed to a finding. Council must not meet the legal costs of legal proceedings initiated by the Advisory Committee Member under any circumstances. Council must not meet the legal costs of the Advisory Committee Members seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

INNER WEST COUNCIL

Legal costs must not be met for legal proceedings that do not involve the Advisory Committee Member performing their role as the Advisory Committee Member.

(1) Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

(a) the Advisory Committee Member defending an action arising from the performance in good faith of a function under the IAG/LRAC Terms of Reference; or

(b) the Advisory Committee Member defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the IAG/LRAC Terms of Reference;

(c) the Advisory Committee Member for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the IAG/LRAC Terms of Reference and the investigative or review body makes a finding substantially favourable to the Advisory Committee Member.

Clause (c) applies only when the subject of the inquiry, investigation or hearing arises from the performance in good faith of the Advisory Committee Member's functions under the IAG/LRAC Terms of Reference and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

(2) In the case of a conduct complaint made against the Advisory Committee Member, legal costs will only be paid where a finding is made that the Advisory Committee Member has been found not to breach the Code of Conduct.

(3) In the case of a pecuniary interest or misbehaviour matter, legal costs will only be paid where a finding is made that the Advisory Committee Member has been found not to breach the relevant legislation.

(4) Legal expenses incurred in relation to proceedings arising out of the performance by the Advisory Committee Member of his or her functions under the IAG/LRAC Terms of Reference are distinguished from expenses incurred in relation to proceedings arising merely from something that the Advisory Committee Member has done during his or her term as an Advisory Committee Member. For example, expenses arising from an investigation as to whether the Advisory Committee Member acted corruptly would not be covered by this section.

(5) Council will not meet the costs of an action in defamation taken by the Advisory Committee Member as plaintiff in any circumstances and will not meet the costs of the Advisory Committee Member seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

(6) Council will not meet the legal costs of legal proceedings initiated by the

INNER WEST COUNCIL

Advisory Committee Member under any circumstance.

(7) Reimbursement of expenses for reasonable legal expenses must be reported to a Council Meeting prior to costs being reimbursed.

6 Insurance

Insurance provision for the Advisory Committee Member includes;

- Public liability (for matters arising out of the Advisory Committee Member' performance of their civic duties and/or exercise of their Council functions);
- Professional indemnity (for matters arising out of the Advisory Committee Member' performance of their civic duties and/or exercise of their functions)
- Personal injury while on Council business. Note; The Advisory Committee Member is not covered by workers compensation payments or arrangements.
- ~~Travel insurance (where applicable) for approved interstate and overseas travel on Council business~~

All insurances are subject to any limitations or conditions set out in the Council's policy of insurance.

7 Approval Process for Reimbursement

The following reconciliation and reimbursement processes are covered in the Policy and are summarised below;

- Internet

Where the Advisory Committee Member pays for their own home internet access or Data Plan for iPad, they will be entitled to be reimbursed for the amount of the cost of the plan/s (subject to providing a copy of monthly tax invoice/s) (up to $100.00 per month).

- Mobile phone

A monthly phone allowance is available for the Advisory Committee Member - of up to $100 per month. If the Advisory Committee Member uses their own phone equipment then monthly invoices are to be provided to the Interim General Manager.

INNER WEST COUNCIL

8 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1		Council	

Item 18

Item No: C0916 Item 18

Subject: SUMMARY OF RESOLUTIONS - PUBLISHING ON WEBSITE

File Ref: 16/4718/104737.16

Prepared By: Ian Naylor - Manager Governance and Administration, Leichhardt

Authorised By: Peter Gainsford - Director, Corporate Services

SUMMARY

The purpose of this report is to seek endorsement for the Summary of Resolutions for the Inner West Council and three former councils to be published on the Inner West Council website, updated on a monthly basis and no longer be reported to Council and committee meetings.

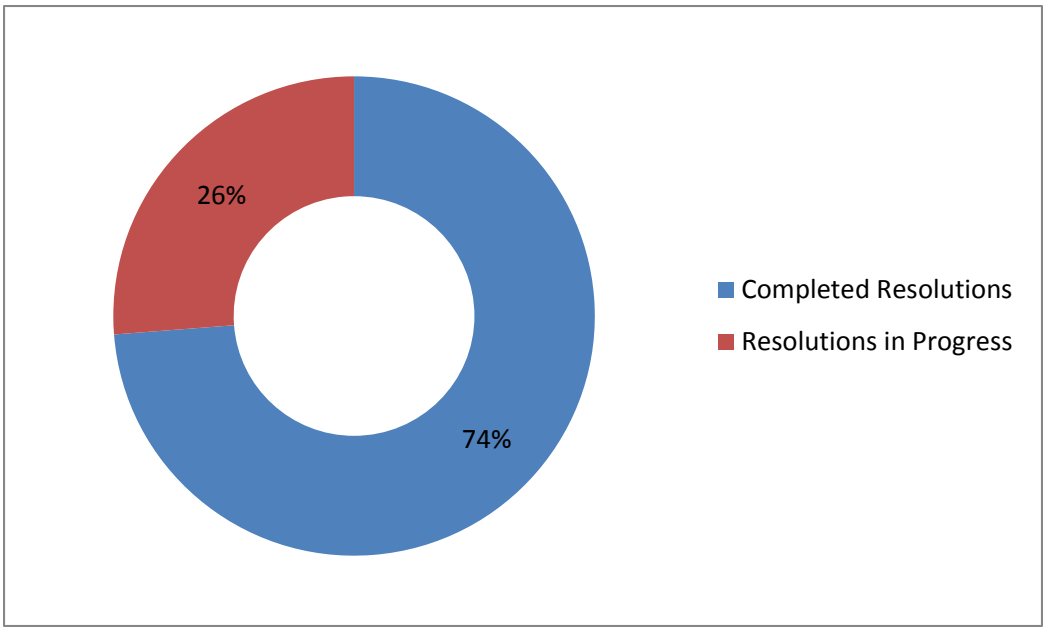
RECOMMENDATION

THAT Council publishes a dedicated webpage that reports on outstanding recommendations and resolutions for the Inner West Council and three former councils and these reports no longer be reported separately to Council and committee meetings.

BACKGROUND

The former Ashfield, Leichhardt and Marrickville councils had different timeframes, from monthly to quarterly, for reporting outstanding council resolutions to a Council Meeting. Currently, staff are preparing reports on outstanding resolutions for the Inner West Council and three former councils. Consideration of these reports at Council and LRAC meetings will have an impact on the consideration of other council business and for Council Meetings delay agenda items that the public are in attendance to speak to. It is recommended that outstanding resolution reports no longer be reported separately to Council and committee meetings.

As the Inner West Council has four separate reports on outstanding resolutions it is proposed that a dedicated page on the IWC website be setup and updated on a monthly basis. The webpage would provide a snapshot on the number of resolutions implemented since the last update, a year to date figure as well as links to each of the four outstanding resolutions reports. In only 4 months, the Inner West Council has implemented 74% of resolutions which required action as shown in the graph below.



Council staff surveyed other NSW councils to determine how outstanding resolutions were reported to their communities. From the 20 responses received no other council publishes a report of outstanding resolutions on a dedicated webpage as outlined above. The Inner West Council could be a leader in this regard and this webpage would provide our community, committee members and elected officials with open and transparent information on the implementation of council resolutions.

Once the webpage is implemented Council staff will inform the community and LRAC members. If LRAC members had any questions about the status of a resolution than they could submit a request for information under the protocol that has been established for LRAC members.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Nil.

ATTACHMENTS

Nil.

Item 19

Item No: C0916 Item 19

Subject: PROPOSED CHANGES TO THE SCHEDULE FOR COUNCIL MEETINGS 2016

File Ref: 16/4718/103208.16

Prepared By: Popy Mourgelas - Manager Corporate Governance, Ashfield

Authorised By: Peter Gainsford - Director, Corporate Services

SUMMARY

The report proposes changes to the location and schedule of Council meetings for the 2016 calendar year, commencing October to December 2016.

RECOMMENDATION

THAT the Administrator determines the change of location to Ashfield and the change of dates to the schedule of Council meetings for the remainder 2016 calendar year.

BACKGROUND

The Extraordinary Council Meeting held on 5 July 2016, resolved the schedule of Council meetings for the 2016 calendar year. The October to December 2016 Ordinary Council meetings where intended to be at the Leichhardt location and rotated to Petersham in 2017.

It is proposed to continue to hold Council meetings at the Ashfield location for the remainder of the 2016 calendar year. This is based on the relative size and capacity of the venue to accommodate larger public gatherings and events, with a seating capacity of 120, the close proximity to public transport and associated security measures. Council is also investigating options for live streaming of public meetings which provides added flexibility, increasing and expanding public access.

The updated schedule of Council meetings for the remainder 2016 calendar year is:

Date - Time 6.30pm	Meeting	Location
25 October 2016	Ordinary Council	260 Liverpool Road Ashfield
6 December 2016	Ordinary Council	260 Liverpool Road Ashfield

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Governance Managers - Leichhardt and Marrickville.

PUBLIC CONSULTATION

Updates to the Council meeting schedule will be advertised in the local papers and on Council's website.

CONCLUSION

The locations will again be reviewed by Council when preparing the schedule for Council meetings in 2017.

ATTACHMENTS

Nil.

Item No: C0916 Item 20

Subject: INNER WEST COUNCIL INVESTMENTS AS AT 31 AUGUST 2016

File Ref: 16/5386/103058.16

Prepared By: Brian Chen - Team Leader Financial Accounting, Marrickville

Authorised By: Peter Gainsford - Director, Corporate Services

Item 20

SUMMARY

In accordance with the requirements of clause 212 of the Local Government (General) Regulation 2005, Council is provided with a listing of all investments made pursuant to section 625 of the Local Government Act 1993 and held as at 31 August 2016.

RECOMMENDATION

THAT the report be received and noted.

BACKGROUND

Clause 212 of the Local Government (General) Regulation 2005 requires that a report be presented to Council each month listing all investments with a certification from the Responsible Accounting Officer (Chief Financial Officer, Marrickville). Attached to this report are further reports from Council's Investment Advisors, Prudential Investment Services.

DISCUSSION

The Investment Holdings report (**Attachment 1**) for the period to 31 August 2016 reflects Council's holding in various investment categories these are listed in the table below:

Investment Holdings

By Product	Face Value ($)	Current Value ($)	Current Yield (%)
Bonds	3,000,000.00	3,086,692.55	4.1667
Cash	7,272,796.80	7,272,796.80	1.1305
Floating Rate Note	23,800,000.00	23,928,207.61	3.1004
Mortgage Backed Security	1,679,162.57	1,217,621.22	2.3537
Term Deposit	164,000,000.00	165,331,274.10	2.9414
	199,751,959.37	**200,836,592.28**	**2.9079**

By Portfolio	Face Value ($)	Current Value ($)	% of portfolio
Ashfield	32,520,933.37	32,680,821.17	16%
Leichhardt	91,429,885.00	92,294,641.54	46%
Marrickville	75,801,141.00	75,861,129.57	38%
	199,751,959.37	**200,836,592.28**	**100%**

Item 20

Environmental Commitments

The former Leichhardt Council investment portfolio has 59% of its investments with non-fossil fuel ADIs and the former Marrickville Council investment portfolio has 44% of its investments with non-fossil fuel ADIs.

Attachments 1 and 2 to this report summarise all investments held by Council and interest returns as at 31 August 2016.

The portfolio for Inner West Council had a One-Month Portfolio Investment Return (3.49%) was above the UBSWA Bank Bill Index Benchmark (2.01%). Council has a well-diversified portfolio with 97% of the portfolio spread among the top three credit rating categories (A long term / A2 short term and higher).

The Current Market value is required to be accounted for by the accounting standards and are due to the nature of the investment, and are unlikely to impact on the eventual return of capital and interest to Council. The Current Market Value is a likely outcome if Council were to consider recalling the investment prior to its due date.

A Monthly Economic and Investment Portfolio Commentary from Prudential Investment Services, is at **Attachment 3**.

Certificate by Responsible Accounting Officer:

I, Pav Kuzmanovski, hereby certify in accordance with Clause 212 (1) (b) of the Local Government (General) Regulation 2005 that the investments listed in **Attachment 1** have been made in accordance with section 625 of the Local Government Act 1993 for each of the Branches of the Inner West Council. There will be a review of the separate investment policies in the coming months with the view to develop a consolidated investment policy for the Inner West Council.

ATTACHMENTS

1.⇩ IWC Investments August 2016
2.⇩ IWC Monthly Interest August 2016
3.⇩ IWC Economic and Investment Portfolio Commentary August 2016



Investment Summary Report
August 2016

PRUDENTIAL
INVESTMENT SERVICES CORP

Attachment 1

Item 20

Inner West Council
Executive Summary - August 2016

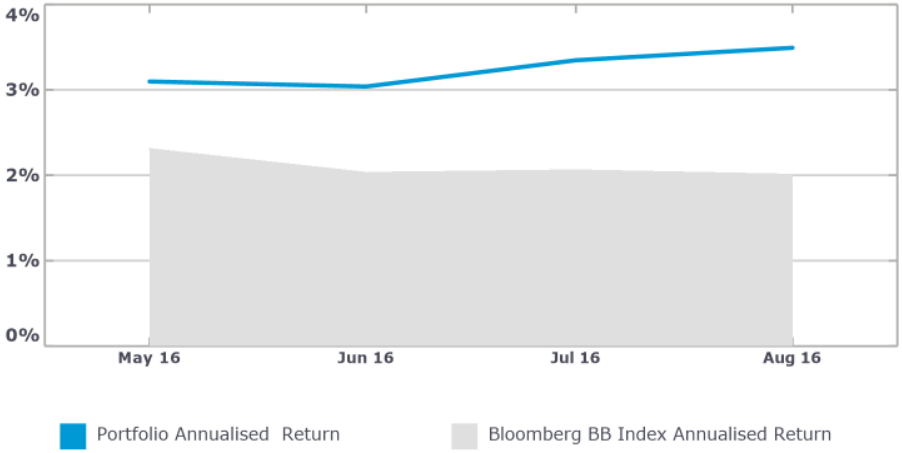
INNER WEST COUNCIL

Investment Holdings

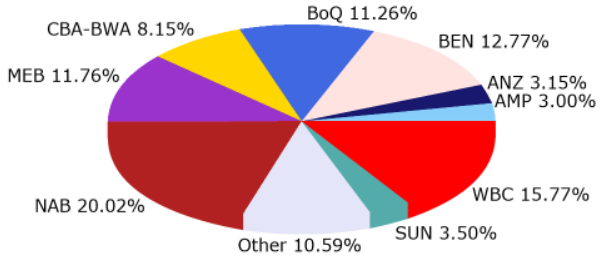
By Product	Face Value ($)	Current Value ($)	Current Yield (%)
Bonds	3,000,000.00	3,086,692.55	4.1667
Cash	7,272,796.80	7,272,796.80	1.1305
Floating Rate Note	23,800,000.00	23,928,207.61	3.1004
Mortgage Backed Security	1,679,162.57	1,217,621.22	2.3537
Term Deposit	164,000,000.00	165,331,274.10	2.9414
	199,751,959.37	**200,836,592.28**	**2.9079**

By Portfolio	Face Value ($)	Current Value ($)	% of portfolio
Ashfield	32,520,933.37	32,680,821.17	16%
Leichhardt	91,429,885.00	92,294,641.54	46%
Marrickville	75,801,141.00	75,861,129.57	38%
	199,751,959.37	**200,836,592.28**	**100%**

Investment Performance



Portfolio Exposures



Detailed Maturity Profile

	Face Value ($)	
00. Cash + Managed Funds	7,272,796.80	4%
01. Less Than 30 Days	20,000,000.00	10%
02. Between 30 Days and 60 Days	21,500,000.00	11%
03. Between 60 Days and 90 Days	14,000,000.00	7%
04. Between 90 Days and 180 Days	64,500,000.00	32%
05. Between 180 Days and 365 Days	33,500,000.00	17%
06. Between 365 Days and 3 Years	29,300,000.00	15%
07. Between 3 Years and 5 Years	8,000,000.00	4%
08. Between 5 Years and 10 Years	679,162.57	0%
09. Greater than 10 Years	1,000,000.00	1%
	199,751,959.37	

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Investment Holdings Report - August 2016

INNER WEST COUNCIL

Cash Accounts

Face Value ($)	Current Yield	Institution	Credit Rating	Current Value ($)	Deal No.	Reference
2,321,978.43	1.1000%	Commonwealth Bank of Australia	A-1+	2,321,978.43	99167	Marrickville
4,429,885.00	1.1500%	Commonwealth Bank of Australia	A-1+	4,429,885.00	242615	Leichhardt
520,933.37	1.1000%	Commonwealth Bank of Australia	A-1+	520,933.37	533586	Ashfield
7,272,796.80	**1.1305%**			**7,272,796.80**		

Term Deposits

Maturity Date	Face Value ($)	Rate	Institution	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Coupon Frequency	Reference
1-Sep-16	2,000,000.00	2.7500%	ME Bank	A-2	2,000,000.00	1-Sep-15	2,055,150.68	509015	55,150.68	AtMaturity	Leichhardt
6-Sep-16	2,000,000.00	3.1000%	National Australia Bank	A-1+	2,000,000.00	30-Mar-16	2,026,328.77	533372	26,328.77	AtMaturity	Marrickville
6-Sep-16	1,000,000.00	2.8000%	Bank of Sydney	NR	1,000,000.00	2-Sep-15	1,028,000.00	509340	28,000.00	Annually	Leichhardt
7-Sep-16	500,000.00	3.0200%	Rural Bank	A-2	500,000.00	27-Apr-16	505,253.97	533635	5,253.97	AtMaturity	Ashfield
7-Sep-16	1,000,000.00	2.9500%	National Australia Bank	A-1+	1,000,000.00	5-May-16	1,009,617.81	533788	9,617.81	AtMaturity	Ashfield
13-Sep-16	2,000,000.00	3.1100%	ME Bank	A-2	2,000,000.00	20-Apr-16	2,022,835.07	533430	22,835.07	AtMaturity	Marrickville
14-Sep-16	1,000,000.00	2.8000%	People's Choice Credit Union	A-2	1,000,000.00	20-May-16	1,007,978.08	533781	7,978.08	AtMaturity	Ashfield
14-Sep-16	1,000,000.00	2.8000%	Bankwest	A-1+	1,000,000.00	5-May-16	1,009,128.77	533787	9,128.77	AtMaturity	Ashfield
16-Sep-16	1,500,000.00	2.8200%	Bank of Queensland	A-2	1,500,000.00	17-Sep-15	1,540,561.64	509341	40,561.64	AtMaturity	Leichhardt
20-Sep-16	2,000,000.00	3.1100%	ME Bank	A-2	2,000,000.00	20-Apr-16	2,022,835.07	533431	22,835.07	AtMaturity	Marrickville
21-Sep-16	500,000.00	2.8500%	Suncorp Bank	A-1	500,000.00	25-May-16	503,865.07	533780	3,865.07	AtMaturity	Ashfield
21-Sep-16	1,000,000.00	2.7500%	Commonwealth Bank of Australia	A-1+	1,000,000.00	30-May-16	1,007,082.19	533779	7,082.19	AtMaturity	Ashfield
27-Sep-16	1,000,000.00	3.0000%	National Australia Bank	A-1+	1,000,000.00	29-Feb-16	1,015,205.48	533257	15,205.48	AtMaturity	Leichhardt
27-Sep-16	2,000,000.00	2.9500%	National Australia Bank	A-1+	2,000,000.00	9-May-16	2,018,589.04	533533	18,589.04	AtMaturity	Marrickville
28-Sep-16	1,000,000.00	2.8000%	Bankwest	A-1+	1,000,000.00	2-Jun-16	1,006,980.82	534034	6,980.82	AtMaturity	Ashfield
28-Sep-16	500,000.00	2.8500%	Suncorp Bank	A-1	500,000.00	1-Jun-16	503,591.78	534036	3,591.78	AtMaturity	Ashfield
4-Oct-16	2,000,000.00	2.9200%	National Australia Bank	A-1+	2,000,000.00	25-May-16	2,015,840.00	533706	15,840.00	AtMaturity	Marrickville
5-Oct-16	1,000,000.00	2.8700%	National Australia Bank	A-1+	1,000,000.00	8-Jun-16	1,006,683.56	534032	6,683.56	AtMaturity	Ashfield

PRUDENTIAL INVESTMENT SERVICES CORP

Attachment 1 **Item 20**

Inner West Council
Investment Holdings Report - August 2016

INNER WEST COUNCIL

Term Deposits

Maturity Date	Face Value ($)	Rate	Institution	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Coupon Frequency	Reference
5-Oct-16	500,000.00	2.8000%	Bank of Queensland	A-2	500,000.00	8-Jun-16	503,260.27	534033	3,260.27	AtMaturity	Ashfield
7-Oct-16	2,000,000.00	3.0000%	Westpac Group	A-1+	2,000,000.00	7-Oct-15	2,054,246.58	510072	54,246.58	AtMaturity	Leichhardt
11-Oct-16	2,000,000.00	3.1000%	National Australia Bank	A-1+	2,000,000.00	12-Apr-16	2,024,120.55	533416	24,120.55	AtMaturity	Marrickville
12-Oct-16	500,000.00	2.9500%	ME Bank	A-2	500,000.00	15-Jun-16	503,152.05	534030	3,152.05	AtMaturity	Ashfield
12-Oct-16	500,000.00	2.8000%	Bank of Queensland	A-2	500,000.00	15-Jun-16	502,991.78	534031	2,991.78	AtMaturity	Ashfield
14-Oct-16	2,000,000.00	2.9500%	National Australia Bank	A-1+	2,000,000.00	19-Feb-16	2,031,520.55	533214	31,520.55	AtMaturity	Leichhardt
18-Oct-16	2,000,000.00	3.1100%	ME Bank	A-2	2,000,000.00	28-Apr-16	2,021,471.78	533471	21,471.78	AtMaturity	Marrickville
19-Oct-16	2,000,000.00	2.7800%	Commonwealth Bank of Australia	A-1+	2,000,000.00	20-Jun-16	2,011,120.00	534029	11,120.00	AtMaturity	Ashfield
19-Oct-16	2,000,000.00	2.9000%	Suncorp Bank	A-1	2,000,000.00	20-Jun-16	2,011,600.00	534028	11,600.00	AtMaturity	Ashfield
25-Oct-16	2,000,000.00	2.9200%	National Australia Bank	A-1+	2,000,000.00	2-Jun-16	2,014,560.00	533756	14,560.00	AtMaturity	Marrickville
27-Oct-16	3,000,000.00	3.0000%	National Australia Bank	A-1+	3,000,000.00	26-Feb-16	3,046,356.16	533249	46,356.16	AtMaturity	Leichhardt
31-Oct-16	2,000,000.00	3.1000%	Bank of Sydney	NR	2,000,000.00	2-Feb-16	2,036,010.96	533151	36,010.96	AtMaturity	Leichhardt
31-Oct-16	2,000,000.00	2.9000%	ME Bank	A-2	2,000,000.00	2-Jun-16	2,014,460.27	533757	14,460.27	AtMaturity	Marrickville
4-Nov-16	2,000,000.00	2.8000%	Westpac Group	A-1+	2,000,000.00	4-Nov-15	2,046,334.25	511041	46,334.25	AtMaturity	Leichhardt
8-Nov-16	1,500,000.00	2.9000%	Bank of Queensland	A-2	1,500,000.00	2-Jun-16	1,510,845.21	533758	10,845.21	AtMaturity	Marrickville
15-Nov-16	2,500,000.00	3.0000%	ME Bank	A-2	2,500,000.00	8-Jun-16	2,517,465.75	533794	17,465.75	AtMaturity	Marrickville
16-Nov-16	1,000,000.00	3.0000%	AMP Bank	A-1	1,000,000.00	20-May-16	1,008,547.95	533778	8,547.95	AtMaturity	Ashfield
16-Nov-16	500,000.00	2.7000%	IMB Ltd	A-2	500,000.00	22-Jun-16	502,626.03	534024	2,626.03	AtMaturity	Ashfield
23-Nov-16	500,000.00	2.8000%	Bankwest	A-1+	500,000.00	29-Jun-16	502,454.79	534022	2,454.79	AtMaturity	Ashfield
23-Nov-16	500,000.00	2.9500%	ME Bank	A-2	500,000.00	22-Jun-16	502,869.18	534023	2,869.18	AtMaturity	Ashfield
30-Nov-16	500,000.00	2.7400%	Commonwealth Bank of Australia	A-1+	500,000.00	29-Jun-16	502,402.19	534021	2,402.19	AtMaturity	Ashfield
30-Nov-16	1,000,000.00	2.8300%	ING Bank (Australia)	A-2	1,000,000.00	1-Jun-16	1,007,133.15	534035	7,133.15	AtMaturity	Ashfield
6-Dec-16	2,000,000.00	2.9500%	National Australia Bank	A-1+	2,000,000.00	23-Jun-16	2,011,315.07	533896	11,315.07	AtMaturity	Marrickville
7-Dec-16	500,000.00	2.8500%	National Australia Bank	A-1+	500,000.00	13-Jul-16	501,952.05	534091	1,952.05	AtMaturity	Ashfield
7-Dec-16	1,000,000.00	2.5900%	ANZ Banking Group	A-1+	1,000,000.00	13-Jul-16	1,003,547.95	534092	3,547.95	AtMaturity	Ashfield
13-Dec-16	2,000,000.00	2.9500%	National Australia Bank	A-1+	2,000,000.00	23-Jun-16	2,011,315.07	533897	11,315.07	AtMaturity	Marrickville

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Investment Holdings Report - August 2016

INNER WEST COUNCIL

Term Deposits

Maturity Date	Face Value ($)	Rate	Institution	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Coupon Frequency	Reference
13-Dec-16	1,000,000.00	3.0000%	Bank of Queensland	A-2	1,000,000.00	23-Jun-16	1,005,753.42	533900	5,753.42	AtMaturity	Marrickville
14-Dec-16	1,000,000.00	2.9100%	ING Bank (Australia)	A-2	1,000,000.00	21-Jun-16	1,005,740.27	534026	5,740.27	AtMaturity	Ashfield
14-Dec-16	3,000,000.00	3.0000%	AMP Bank	A-1	3,000,000.00	20-Jun-16	3,018,000.00	534027	18,000.00	AtMaturity	Ashfield
19-Dec-16	3,000,000.00	3.0000%	Bankwest	A-1+	3,000,000.00	17-Dec-15	3,063,863.01	533007	63,863.01	Annually	Leichhardt
20-Dec-16	4,000,000.00	3.0000%	Bank of Queensland	A-2	4,000,000.00	23-Jun-16	4,023,013.70	533898	23,013.70	AtMaturity	Marrickville
20-Dec-16	2,500,000.00	3.6000%	National Australia Bank	A-1+	2,500,000.00	16-Dec-14	2,564,109.59	498162	64,109.59	Annually	Marrickville
21-Dec-16	500,000.00	2.8500%	Bank of Queensland	A-2	500,000.00	20-Jul-16	501,678.77	534093	1,678.77	AtMaturity	Ashfield
21-Dec-16	500,000.00	2.7000%	Bendigo and Adelaide Bank	A-2	500,000.00	27-Jul-16	501,331.51	534095	1,331.51	AtMaturity	Ashfield
21-Dec-16	500,000.00	2.5200%	ANZ Banking Group	A-1+	500,000.00	27-Jul-16	501,242.74	534094	1,242.74	AtMaturity	Ashfield
4-Jan-17	1,000,000.00	3.0200%	Rural Bank	A-2	1,000,000.00	29-Jun-16	1,005,295.34	533910	5,295.34	AtMaturity	Marrickville
4-Jan-17	500,000.00	2.7500%	National Australia Bank	A-1+	500,000.00	3-Aug-16	501,092.47	534284	1,092.47	AtMaturity	Ashfield
4-Jan-17	1,000,000.00	2.6500%	ME Bank	A-2	1,000,000.00	10-Aug-16	1,001,597.26	534285	1,597.26	AtMaturity	Ashfield
10-Jan-17	2,000,000.00	3.0000%	Bendigo and Adelaide Bank	A-2	2,000,000.00	10-Jul-15	2,008,547.95	507101	8,547.95	Annually	Leichhardt
11-Jan-17	2,000,000.00	3.0200%	Rural Bank	A-2	2,000,000.00	29-Jun-16	2,010,590.68	533911	10,590.68	AtMaturity	Marrickville
11-Jan-17	1,000,000.00	3.0000%	National Australia Bank	A-1+	1,000,000.00	13-Jan-16	1,019,068.49	533076	19,068.49	AtMaturity	Leichhardt
11-Jan-17	2,000,000.00	3.0500%	ME Bank	A-2	2,000,000.00	13-Jan-16	2,038,772.60	533075	38,772.60	AtMaturity	Leichhardt
11-Jan-17	1,000,000.00	2.6000%	IMB Ltd	A-2	1,000,000.00	11-Aug-16	1,001,495.89	534287	1,495.89	AtMaturity	Ashfield
11-Jan-17	1,000,000.00	2.5800%	Bank of SA	A-1+	1,000,000.00	16-Aug-16	1,001,130.96	534289	1,130.96	AtMaturity	Ashfield
18-Jan-17	1,000,000.00	3.0200%	Rural Bank	A-2	1,000,000.00	29-Jun-16	1,005,295.34	533912	5,295.34	AtMaturity	Marrickville
18-Jan-17	1,000,000.00	3.0400%	National Australia Bank	A-1+	1,000,000.00	21-Mar-16	1,013,659.18	533355	13,659.18	AtMaturity	Leichhardt
18-Jan-17	2,000,000.00	3.0500%	ME Bank	A-2	2,000,000.00	20-Jan-16	2,037,602.74	533087	37,602.74	AtMaturity	Leichhardt
18-Jan-17	1,000,000.00	2.5800%	ANZ Banking Group	A-1+	1,000,000.00	17-Aug-16	1,001,060.27	534288	1,060.27	AtMaturity	Ashfield
18-Jan-17	500,000.00	2.5000%	Suncorp Bank	A-1	500,000.00	17-Aug-16	500,513.70	534293	513.70	AtMaturity	Ashfield
24-Jan-17	2,000,000.00	2.8000%	National Australia Bank	A-1+	2,000,000.00	8-Aug-16	2,003,682.19	534109	3,682.19	AtMaturity	Marrickville
24-Jan-17	1,000,000.00	2.5700%	Bank of SA	A-1+	1,000,000.00	23-Aug-16	1,000,633.70	534291	633.70	AtMaturity	Ashfield
24-Jan-17	500,000.00	2.6000%	Suncorp Bank	A-1	500,000.00	24-Aug-16	500,284.93	534297	284.93	AtMaturity	Ashfield

PRUDENTIAL INVESTMENT SERVICES CORP

Attachment 1 **Item 20**

Inner West Council
Investment Holdings Report - August 2016

INNER WEST COUNCIL

Term Deposits

Maturity Date	Face Value ($)	Rate	Institution	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Coupon Frequency	Reference
25-Jan-17	2,000,000.00	2.9500%	National Australia Bank	A-1+	2,000,000.00	21-Jun-16	2,011,638.36	533843	11,638.36	AtMaturity	Leichhardt
30-Jan-17	2,000,000.00	3.1000%	ME Bank	A-2	2,000,000.00	28-Jan-16	2,036,860.27	533105	36,860.27	AtMaturity	Leichhardt
31-Jan-17	1,000,000.00	3.0000%	Bendigo and Adelaide Bank	A-2	1,000,000.00	29-Jul-15	1,002,794.52	507291	2,794.52	Annually	Leichhardt
31-Jan-17	2,000,000.00	2.7000%	ME Bank	A-2	2,000,000.00	30-Aug-16	2,000,295.89	534182	295.89	AtMaturity	Marrickville
1-Feb-17	1,000,000.00	2.5500%	National Australia Bank	A-1+	1,000,000.00	29-Aug-16	1,000,209.59	534294	209.59	AtMaturity	Ashfield
1-Feb-17	500,000.00	2.6500%	Bank of Queensland	A-2	500,000.00	31-Aug-16	500,036.30	534296	36.30	AtMaturity	Ashfield
7-Feb-17	2,000,000.00	2.8000%	National Australia Bank	A-1+	2,000,000.00	5-Aug-16	2,004,142.47	534108	4,142.47	AtMaturity	Marrickville
7-Feb-17	2,000,000.00	3.0000%	Bendigo and Adelaide Bank	A-2	2,000,000.00	3-Aug-15	2,004,602.74	508032	4,602.74	Annually	Leichhardt
7-Feb-17	1,000,000.00	2.8500%	Bank of Queensland	A-2	1,000,000.00	3-Aug-15	1,002,186.30	508033	2,186.30	Annually	Leichhardt
14-Feb-17	2,000,000.00	2.9500%	Bendigo and Adelaide Bank	A-2	2,000,000.00	5-Aug-15	2,004,364.38	508053	4,364.38	Annually	Leichhardt
21-Feb-17	2,000,000.00	2.8000%	Bank of Queensland	A-2	2,000,000.00	17-Aug-16	2,002,301.37	534143	2,301.37	AtMaturity	Marrickville
28-Feb-17	1,000,000.00	2.8500%	Bendigo and Adelaide Bank	A-2	1,000,000.00	28-Aug-15	1,000,234.25	508281	234.25	Annually	Leichhardt
15-Mar-17	2,000,000.00	2.9100%	National Australia Bank	A-1+	2,000,000.00	17-Jun-16	2,012,118.36	533836	12,118.36	AtMaturity	Leichhardt
22-Mar-17	2,000,000.00	2.9000%	Bank of Queensland	A-2	2,000,000.00	17-Jun-16	2,012,076.71	533837	12,076.71	Annually	Leichhardt
12-Apr-17	2,000,000.00	2.9500%	Suncorp Bank	A-1	2,000,000.00	17-Jun-16	2,012,284.93	533838	12,284.93	AtMaturity	Leichhardt
18-Apr-17	1,000,000.00	3.2000%	ME Bank	A-2	1,000,000.00	15-Apr-16	1,012,186.30	533425	12,186.30	AtMaturity	Leichhardt
16-May-17	2,000,000.00	2.8000%	Bank of Queensland	A-2	2,000,000.00	17-Aug-16	2,002,301.37	534144	2,301.37	AtMaturity	Marrickville
31-May-17	3,000,000.00	2.9000%	Credit Union Australia	A-2	3,000,000.00	31-May-16	3,022,167.12	533742	22,167.12	AtMaturity	Leichhardt
6-Jun-17	1,000,000.00	2.9800%	Rural Bank	A-2	1,000,000.00	29-Jun-16	1,005,225.21	533932	5,225.21	AtMaturity	Leichhardt
14-Jun-17	2,000,000.00	2.9500%	Bendigo and Adelaide Bank	A-2	2,000,000.00	17-Jun-16	2,012,284.93	533839	12,284.93	AtMaturity	Leichhardt
14-Jun-17	1,000,000.00	2.9500%	Suncorp Bank	A-1	1,000,000.00	15-Jun-16	1,006,304.11	533822	6,304.11	AtMaturity	Leichhardt
22-Jun-17	2,000,000.00	3.0500%	Credit Union Australia	A-2	2,000,000.00	23-Jun-16	2,011,698.63	533899	11,698.63	AtMaturity	Leichhardt
22-Jun-17	2,000,000.00	2.9500%	Westpac Group	A-1+	2,000,000.00	22-Jun-16	2,011,476.71	533887	11,476.71	AtMaturity	Leichhardt
17-Jul-17	1,500,000.00	2.9000%	Bendigo and Adelaide Bank	A-2	1,500,000.00	15-Jul-16	1,505,720.55	534042	5,720.55	AtMaturity	Leichhardt
28-Jul-17	2,000,000.00	2.9000%	Westpac Group	A-1+	2,000,000.00	28-Jul-16	2,005,561.64	534062	5,561.64	AtMaturity	Leichhardt
4-Aug-17	1,000,000.00	2.9000%	AMP Bank	A-1	1,000,000.00	4-Aug-16	1,002,224.66	534301	2,224.66	AtMaturity	Leichhardt

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Investment Holdings Report - August 2016

INNER WEST COUNCIL

Term Deposits

Maturity Date	Face Value ($)	Rate	Institution	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Coupon Frequency	Reference
9-Aug-17	1,000,000.00	2.9000%	AMP Bank	A-1	1,000,000.00	4-Aug-16	1,002,224.66	534114	2,224.66	AtMaturity	Leichhardt
15-Aug-17	2,000,000.00	3.0000%	Westpac Group	A-1+	2,000,000.00	12-Aug-16	2,003,287.67	534126	3,287.67	Annually	Marrickville
15-Aug-17	1,000,000.00	3.0000%	Westpac Group	A-1+	1,000,000.00	12-Aug-16	1,001,643.84	534128	1,643.84	Annually	Leichhardt
22-Aug-17	2,000,000.00	3.0000%	Westpac Group	A-1+	2,000,000.00	12-Aug-16	2,003,287.67	534127	3,287.67	Annually	Marrickville
31-Aug-17	2,000,000.00	2.7000%	Bank of Queensland	A-2	2,000,000.00	31-Aug-16	2,000,147.95	534190	147.95	AtMaturity	Leichhardt
31-Aug-17	2,000,000.00	2.7000%	Newcastle Permanent Building Society	A-2	2,000,000.00	31-Aug-16	2,000,147.95	534194	147.95	AtMaturity	Leichhardt
5-Sep-17	2,000,000.00	3.0000%	Westpac Group	AA-	2,000,000.00	29-Aug-16	2,000,493.15	534180	493.15	Annually	Marrickville
12-Sep-17	2,000,000.00	3.0000%	Westpac Group	AA-	2,000,000.00	31-Aug-16	2,000,164.38	534185	164.38	Annually	Marrickville
19-Dec-17	2,500,000.00	3.6500%	National Australia Bank	AA-	2,500,000.00	16-Dec-14	2,565,000.00	498161	65,000.00	Annually	Marrickville
28-Jun-18	3,000,000.00	3.0000%	Westpac Group	AA-	3,000,000.00	29-Aug-16	3,000,739.73	534181	739.73	Annually	Leichhardt
12-Jul-18	4,000,000.00	3.0000%	Westpac Group	AA-	4,000,000.00	12-Aug-16	4,006,575.34	534129	6,575.34	Annually	Leichhardt
	164,000,000.00	**2.9414%**			**164,000,000.00**		**165,331,274.10**		**1,331,274.10**		

Floating Rate Notes

Maturity Date	Face Value ($)	Current Coupon	Security Name	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Next Coupon Date	Reference
7-Nov-16	1,500,000.00	2.9350%	BoQ Snr FRN (Nov16) BBSW+1.15%	A-2	1,500,000.00	31-Oct-13	1,504,900.52	401765	2,894.79	7-Nov-16	Marrickville
20-Feb-17	2,500,000.00	3.3750%	WBC Snr FRN (Feb17) BBSW+1.65%	A-1+	2,500,000.00	13-Mar-12	2,517,736.64	339539	2,311.64	21-Nov-16	Marrickville
9-Mar-17	2,000,000.00	4.9250%	MAC Snr FRN (Mar17) BBSW+2.90%	A-1	2,000,000.00	9-Mar-12	2,022,788.49	339541	22,668.49	9-Sep-16	Marrickville
27-Feb-18	3,000,000.00	2.8300%	NPBS Snr FRN (Feb18) BBSW+1.10%	BBB+	3,000,000.00	27-Feb-15	2,998,867.81	502254	697.81	28-Nov-16	Leichhardt
14-Nov-18	3,000,000.00	3.0267%	BEN Snr FRN (Nov18) BBSW+1.27%	A-	3,000,000.00	7-Nov-13	3,028,679.09	402080	4,229.09	14-Nov-16	Marrickville
25-Feb-19	1,000,000.00	2.6650%	WBC Snr FRN (Feb19) BBSW+0.94%	AA-	1,000,000.00	14-Feb-14	1,006,261.10	421808	511.10	25-Nov-16	Marrickville
29-Apr-19	1,000,000.00	3.0100%	BoQ Snr FRN (Apr19) BBSW+1.15%	A-	1,002,330.00	18-Feb-16	1,005,293.84	533203	2,803.84	31-Oct-16	Leichhardt
10-May-19	2,000,000.00	2.7717%	WBC Snr FRN (May19) BBSW+1.00%	AA-	2,000,000.00	11-Mar-16	2,017,481.23	533332	3,341.23	10-Nov-16	Leichhardt
25-Jul-19	1,800,000.00	2.7000%	ANZ Snr FRN (Jul19) BBSW+0.82%	AA-	1,800,000.00	25-Jul-14	1,806,445.73	472510	5,059.73	25-Oct-16	Marrickville
18-Aug-20	2,000,000.00	2.8450%	BEN Snr FRN (Aug20) BBSW+1.10%	A-	2,000,000.00	18-Aug-15	2,003,722.47	505171	2,182.47	18-Nov-16	Marrickville

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Inner West Council
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INNER WEST COUNCIL

Floating Rate Notes

Maturity Date	Face Value ($)	Current Coupon	Security Name	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Next Coupon Date	Reference
18-Aug-20	1,000,000.00	2.8450%	BEN Snr FRN (Aug20) BBSW+1.10%	A-	1,000,000.00	18-Aug-15	1,001,861.23	505174	1,091.23	18-Nov-16	Leichhardt
18-Aug-20	2,000,000.00	2.8450%	BEN Snr FRN (Aug20) BBSW+1.10%	A-	2,000,000.00	18-Aug-15	2,003,722.47	505175	2,182.47	18-Nov-16	Leichhardt
18-May-21	1,000,000.00	3.2250%	BoQ Snr FRN (May21) BBSW+1.48%	A-	1,000,000.00	18-May-16	1,010,446.99	533606	1,236.99	18-Nov-16	Leichhardt
	23,800,000.00	**3.1004%**			**23,802,330.00**		**23,928,207.61**		**51,210.88**		

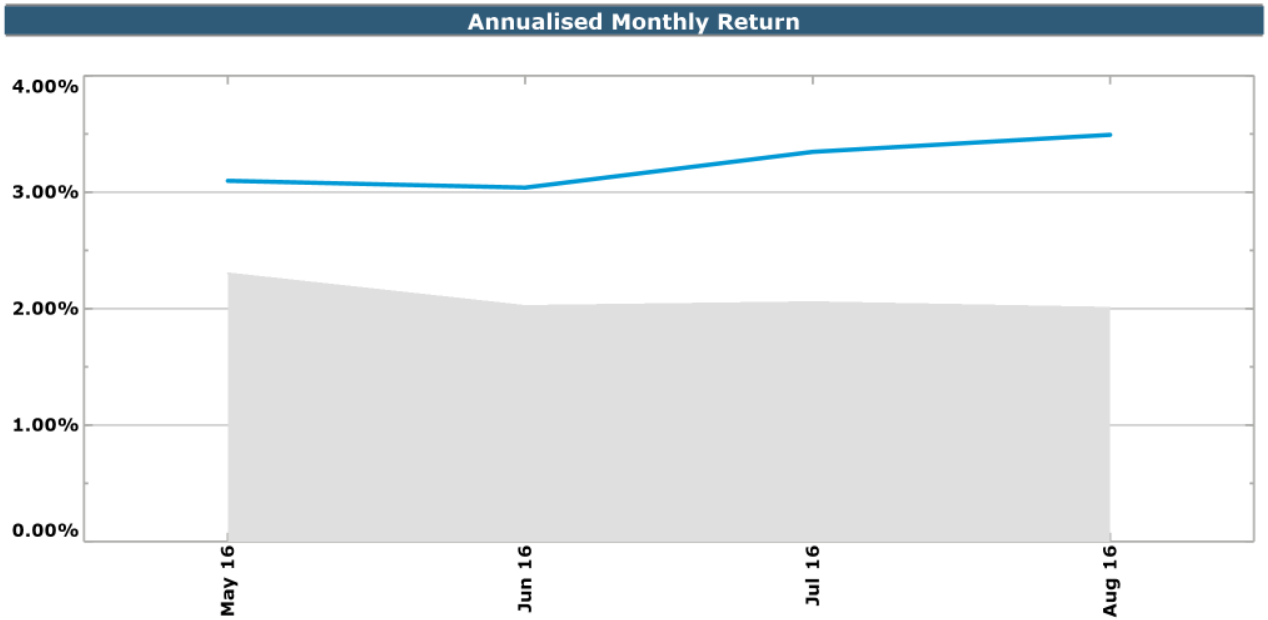
Fixed Rate Bonds

Maturity Date	Face Value ($)	Coupon	Security Name	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Purchase Yield	Reference
15-Feb-17	1,000,000.00	6.0000%	NAB Snr Bond (Feb17) 6.00%	A-1+	988,980.00	15-Feb-12	1,020,361.74	336190	2,771.74	6.2601%	Leichhardt
3-Jun-20	2,000,000.00	3.2500%	ANZ 'Green' Snr Bond (Jun20) 3.25%	AA-	1,987,680.00	3-Jun-15	2,066,330.81	505284	15,810.81	3.3850%	Leichhardt
	3,000,000.00				**2,976,660.00**		**3,086,692.55**		**18,582.55**	**4.3433%**	

Mortgage Backed Securities

Weighted Avg Life	Face Value ($)	Current Coupon	Security Name	Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Reference
22-Aug-22	679,162.57	2.1750%	Emerald Reverse Mortgage (A Tranche)	AAA	1,000,000.00	17-Jul-06	536,943.14	310321	404.71	Marrickville
23-Aug-27	1,000,000.00	2.4750%	Emerald Reverse Mortgage (B Tranche)	AA	1,000,000.00	17-Jul-06	680,678.08	310334	678.08	Marrickville
	1,679,162.57	**2.3537%**			**2,000,000.00**		**1,217,621.22**		**1,082.79**	

PRUDENTIAL INVESTMENT SERVICES CORP



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Aug 2016	3.49%	2.01%	1.48%
Last 3 Months	3.30%	2.04%	1.27%
Last 6 Months	N/A	2.20%	N/A
Financial Year to Date	3.42%	2.03%	1.39%
Last 12 months	N/A	2.22%	N/A

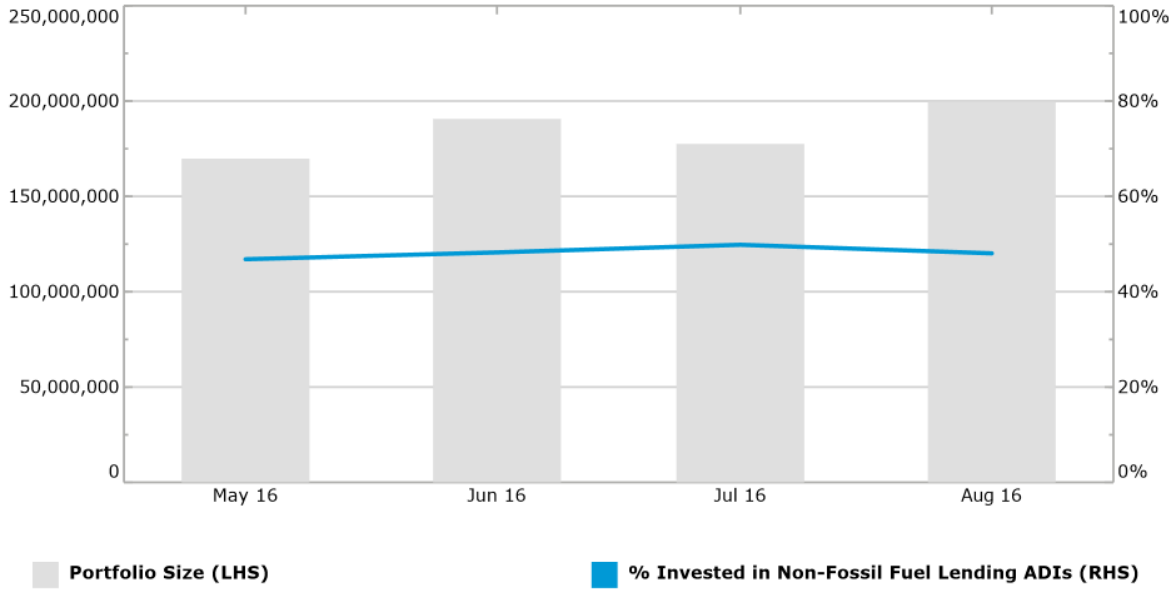
Inner West Council
Environmental Committments Report - August 2016

INNER WEST COUNCIL

Current Breakdown

ADI Lending Status *	Face Value ($)	
Fossil Fuel Lending ADIs		
AMP Bank	6,000,000	
ANZ Group	4,300,000	
Commonwealth Bank of Australia	16,272,797	
ING Group	2,000,000	
Macquarie Group	2,000,000	
National Australia Bank	40,000,000	
Non ADI	1,679,163	
Westpac Group	31,500,000	
	103,751,959	**52%**
Non Fossil Fuel Lending ADIs		
ANZ Group (Green)	2,000,000	
Bank of Queensland	22,500,000	
Bank of Sydney	3,000,000	
Bendigo and Adelaide Bank	25,500,000	
Credit Union Australia	5,000,000	
IMB Ltd	1,500,000	
Members Equity Bank	23,500,000	
Newcastle Permanent Building Society	5,000,000	
People's Choice Credit Union	1,000,000	
Suncorp Bank	7,000,000	
	96,000,000	**48%**
	199,751,959	

Historical Portfolio Exposure to Non Fossil Fuel Lending ADIs



* *ADI Lending Status source: http://www.marketforces.org.au*

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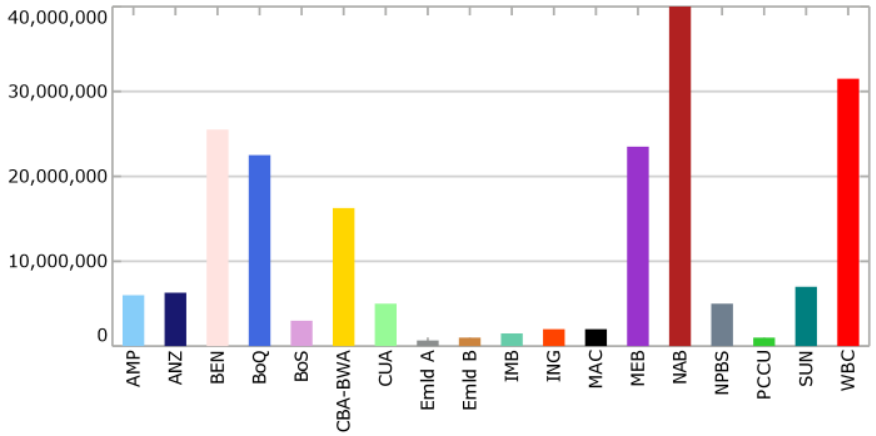
Inner West Council
Individual Institutional Exposures Report - August 2016

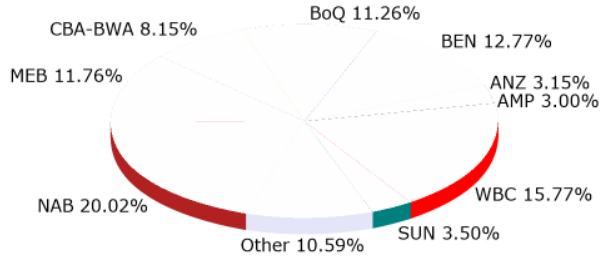
INNER WEST COUNCIL

Individual Institutional Exposures

Parent Group	Credit Rating	Portfolio Exposure ($)
AMP Bank	A-1, A+	6,000,000
ANZ Group	A-1+, AA-	6,300,000
Bank of Queensland	A-2, A-	22,500,000
Bank of Sydney	NR, NR	3,000,000
Bendigo and Adelaide Bank	A-2, A-	25,500,000
Commonwealth Bank of Australia	A-1+, AA-	16,272,797
Credit Union Australia	A-2, BBB+	5,000,000
Emerald Reverse Mortgage (A Tranche)	AAA	679,163
Emerald Reverse Mortgage (B Tranche)	AA	1,000,000
IMB Ltd	A-2, BBB+	1,500,000
ING Group	A-2, A-	2,000,000
Macquarie Group	A-1, A	2,000,000
Members Equity Bank	A-2, BBB+	23,500,000
National Australia Bank	A-1+, AA-	40,000,000
Newcastle Permanent Building Society	A-2, BBB+	5,000,000
People's Choice Credit Union	A-2, BBB+	1,000,000
Suncorp Bank	A-1, A+	7,000,000
Westpac Group	A-1+, AA-	31,500,000
		199,751,959

Individual Institutional Exposure Charts





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Attachment 1 **Item 20**

Inner West Council
Cash Flows Report - August 2016

INNER WEST COUNCIL

Current Month Cashflows

Transaction Date	Deal No.		Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
2-Aug-16	512021	Marrickville	ME Bank	Term Deposits	Interest - Received	41,045.48
		Marrickville	ME Bank	Term Deposits	Maturity Face Value - Received	2,000,000.00
					Deal Total	2,041,045.48
					Day Total	**2,041,045.48**
3-Aug-16	508051	Leichhardt	Bankwest	Term Deposits	Interest - Received	57,841.10
		Leichhardt	Bankwest	Term Deposits	Maturity Face Value - Received	2,000,000.00
					Deal Total	2,057,841.10
	533564	Ashfield	National Australia Bank	Term Deposits	Interest - Received	5,830.14
		Ashfield	National Australia Bank	Term Deposits	Maturity Face Value - Received	500,000.00
					Deal Total	505,830.14
	533579	Ashfield	Suncorp Bank	Term Deposits	Interest - Received	6,141.78
		Ashfield	Suncorp Bank	Term Deposits	Maturity Face Value - Received	500,000.00
					Deal Total	506,141.78
	534284	Ashfield	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
					Deal Total	-500,000.00
					Day Total	**2,569,813.01**
4-Aug-16	508032	Leichhardt	Bendigo and Adelaide Bank	Term Deposits	Interest - Received	60,164.38
					Deal Total	60,164.38
	508033	Leichhardt	Bank of Queensland	Term Deposits	Interest - Received	28,578.08
					Deal Total	28,578.08
	508321	Leichhardt	AMP Bank	Term Deposits	Interest - Received	29,000.00
		Leichhardt	AMP Bank	Term Deposits	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,029,000.00
	534114	Leichhardt	AMP Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
					Deal Total	-1,000,000.00
	534301	Leichhardt	AMP Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
					Deal Total	-1,000,000.00
					Day Total	**-882,257.53**

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Cash Flows Report - August 2016

INNER WEST COUNCIL

Current Month Cashflows

Transaction Date	Deal No.		Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
5-Aug-16	508053	Leichhardt	Bendigo and Adelaide Bank	Term Deposits	Interest - Received	59,161.64
					Deal Total	59,161.64
	534108	Marrickville	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00
					Day Total	**-1,940,838.36**
8-Aug-16	401765	Marrickville	Bank of Queensland	Floating Rate Note	Coupon - Received	11,742.74
					Deal Total	11,742.74
	534109	Marrickville	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00
					Day Total	**-1,988,257.26**
9-Aug-16	533326	Marrickville	National Australia Bank	Term Deposits	Interest - Received	26,074.52
		Marrickville	National Australia Bank	Term Deposits	Maturity Face Value - Received	2,000,000.00
					Deal Total	2,026,074.52
					Day Total	**2,026,074.52**
10-Aug-16	533332	Leichhardt	Westpac Group	Floating Rate Note	Coupon - Received	15,098.08
					Deal Total	15,098.08
	533571	Ashfield	ME Bank	Term Deposits	Interest - Received	11,123.29
		Ashfield	ME Bank	Term Deposits	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,011,123.29
	533576	Ashfield	ANZ Banking Group	Term Deposits	Interest - Received	5,695.89
		Ashfield	ANZ Banking Group	Term Deposits	Maturity Face Value - Received	500,000.00
					Deal Total	505,695.89
	534285	Ashfield	ME Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
					Deal Total	-1,000,000.00
					Day Total	**531,917.26**
11-Aug-16	534287	Ashfield	IMB Ltd	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
					Deal Total	-1,000,000.00
					Day Total	**-1,000,000.00**

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Inner West Council
Cash Flows Report - August 2016

INNER WEST COUNCIL

Current Month Cashflows

Transaction Date	Deal No.		Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
12-Aug-16	534126	Marrickville	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00
	534127	Marrickville	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00
	534128	Leichhardt	Westpac Group	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
					Deal Total	-1,000,000.00
	534129	Leichhardt	Westpac Group	Term Deposits	Settlement Face Value - Paid	-4,000,000.00
					Deal Total	-4,000,000.00
					Day Total	**-9,000,000.00**
15-Aug-16	336190	Leichhardt	National Australia Bank	Bonds	Coupon - Received	30,000.00
					Deal Total	30,000.00
	402080	Marrickville	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	24,345.62
					Deal Total	24,345.62
	402973	Marrickville	ME Bank	Floating Rate Note	Settlement Face Value - Received	1,000,000.00
		Marrickville	ME Bank	Floating Rate Note	Settlement Accrued Coupon - Received	6,824.52
		Marrickville	ME Bank	Floating Rate Note	Discount - Received	2,305.48
					Deal Total	1,009,130.00
					Day Total	**1,063,475.62**
16-Aug-16	508320	Leichhardt	AMP Bank	Term Deposits	Interest - Received	58,476.71
		Leichhardt	AMP Bank	Term Deposits	Maturity Face Value - Received	2,000,000.00
					Deal Total	2,058,476.71
	533343	Marrickville	National Australia Bank	Term Deposits	Interest - Received	25,989.04
		Marrickville	National Australia Bank	Term Deposits	Maturity Face Value - Received	2,000,000.00
					Deal Total	2,025,989.04
	534289	Ashfield	Bank of SA	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
					Deal Total	-1,000,000.00
					Day Total	**3,084,465.75**
17-Aug-16	533550	Ashfield	Suncorp Bank	Term Deposits	Interest - Received	5,868.49

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Inner West Council
Cash Flows Report - August 2016

INNER WEST COUNCIL

Current Month Cashflows

Transaction Date	Deal No.		Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
		Ashfield	Suncorp Bank	Term Deposits	Maturity Face Value - Received	500,000.00
					Deal Total	505,868.49
	533577	Ashfield	ANZ Banking Group	Term Deposits	Interest - Received	11,161.64
		Ashfield	ANZ Banking Group	Term Deposits	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,011,161.64
	534143	Marrickville	Bank of Queensland	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00
	534144	Marrickville	Bank of Queensland	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00
	534288	Ashfield	ANZ Banking Group	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
					Deal Total	-1,000,000.00
	534293	Ashfield	Suncorp Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
					Deal Total	-500,000.00
					Day Total	**-3,982,969.86**
18-Aug-16	505171	Marrickville	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	15,593.62
					Deal Total	15,593.62
	505174	Leichhardt	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	7,796.81
					Deal Total	7,796.81
	505175	Leichhardt	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	15,593.62
					Deal Total	15,593.62
	533606	Leichhardt	Bank of Queensland	Floating Rate Note	Coupon - Received	8,754.62
					Deal Total	8,754.62
					Day Total	**47,738.67**
22-Aug-16	310321	Marrickville	Emerald Reverse Mortgage (A Tranche)	Mortgage Backed Securities	Coupon - Received	4,167.05
		Marrickville	Emerald Reverse Mortgage (A Tranche)	Mortgage Backed Securities	Amortised Face Value - Received	4,436.79
					Deal Total	8,603.84
	310334	Marrickville	Emerald Reverse Mortgage (B Tranche)	Mortgage Backed Securities	Coupon - Received	6,843.70

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Attachment 1 **Item 20**

Inner West Council
Cash Flows Report - August 2016

INNER WEST COUNCIL

Current Month Cashflows

Transaction Date	Deal No.		Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
					Deal Total	6,843.70
	339539	Marrickville	Westpac Group	Floating Rate Note	Coupon - Received	23,403.42
					Deal Total	23,403.42
					Day Total	**38,850.97**
23-Aug-16	534291	Ashfield	Bank of SA	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
					Deal Total	-1,000,000.00
					Day Total	**-1,000,000.00**
24-Aug-16	533631	Ashfield	Bankwest	Term Deposits	Interest - Received	5,657.53
		Ashfield	Bankwest	Term Deposits	Maturity Face Value - Received	500,000.00
					Deal Total	505,657.53
	533634	Ashfield	Suncorp Bank	Term Deposits	Interest - Received	5,483.97
		Ashfield	Suncorp Bank	Term Deposits	Maturity Face Value - Received	500,000.00
					Deal Total	505,483.97
	534297	Ashfield	Suncorp Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
					Deal Total	-500,000.00
					Day Total	**511,141.51**
25-Aug-16	421808	Marrickville	Westpac Group	Floating Rate Note	Coupon - Received	7,397.81
					Deal Total	7,397.81
					Day Total	**7,397.81**
29-Aug-16	502254	Leichhardt	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	23,744.40
					Deal Total	23,744.40
	508281	Leichhardt	Bendigo and Adelaide Bank	Term Deposits	Interest - Received	28,656.16
					Deal Total	28,656.16
	509041	Leichhardt	Commonwealth Bank of Australia	Term Deposits	Interest - Received	27,221.92
		Leichhardt	Commonwealth Bank of Australia	Term Deposits	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,027,221.92
	534180	Marrickville	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Cash Flows Report - August 2016

INNER WEST COUNCIL

Current Month Cashflows

Transaction Date	Deal No.		Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
	534181	Leichhardt	Westpac Group	Term Deposits	Settlement Face Value - Paid	-3,000,000.00
					Deal Total	-3,000,000.00
	534294	Ashfield	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
					Deal Total	-1,000,000.00
					Day Total	**-4,920,377.52**
30-Aug-16	534182	Marrickville	ME Bank	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00
					Day Total	**-2,000,000.00**
31-Aug-16	533632	Ashfield	Bankwest	Term Deposits	Interest - Received	5,465.75
		Ashfield	Bankwest	Term Deposits	Maturity Face Value - Received	500,000.00
					Deal Total	505,465.75
	533633	Ashfield	Bank of Queensland	Term Deposits	Interest - Received	5,350.68
		Ashfield	Bank of Queensland	Term Deposits	Maturity Face Value - Received	500,000.00
					Deal Total	505,350.68
	534185	Marrickville	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00
	534190	Leichhardt	Bank of Queensland	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00
	534194	Leichhardt	Newcastle Permanent Building Society	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
					Deal Total	-2,000,000.00
	534296	Ashfield	Bank of Queensland	Term Deposits	Settlement Face Value - Paid	-500,000.00
					Deal Total	-500,000.00
					Day Total	**-5,489,183.56**
					Net Cash Movement for Period	**-20,281,963.49**

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Inner West Council
Cash Flows Report - August 2016

INNER WEST COUNCIL

Next Month Cashflows

Transaction Date	Deal No.		Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
1-Sep-16	509015	Leichhardt	ME Bank	Term Deposit	Interest - Received	55,150.68
		Leichhardt	ME Bank	Term Deposit	Maturity Face Value - Received	2,000,000.00
					Deal Total	2,055,150.68
					Day Total	**2,055,150.68**
2-Sep-16	509340	Leichhardt	Bank of Sydney	Term Deposit	Interest - Received	28,076.71
					Deal Total	28,076.71
					Day Total	**28,076.71**
6-Sep-16	509340	Leichhardt	Bank of Sydney	Term Deposit	Interest - Received	306.85
		Leichhardt	Bank of Sydney	Term Deposit	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,000,306.85
	533372	Marrickville	National Australia Bank	Term Deposit	Interest - Received	27,178.08
		Marrickville	National Australia Bank	Term Deposit	Maturity Face Value - Received	2,000,000.00
					Deal Total	2,027,178.08
					Day Total	**3,027,484.93**
7-Sep-16	533635	Ashfield	Rural Bank	Term Deposit	Interest - Received	5,502.19
		Ashfield	Rural Bank	Term Deposit	Maturity Face Value - Received	500,000.00
					Deal Total	505,502.19
	533788	Ashfield	National Australia Bank	Term Deposit	Interest - Received	10,102.74
		Ashfield	National Australia Bank	Term Deposit	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,010,102.74
					Day Total	**1,515,604.93**
9-Sep-16	339541	Marrickville	Macquarie Bank	Floating Rate Note	Coupon - Received	24,827.40
					Deal Total	24,827.40
					Day Total	**24,827.40**
13-Sep-16	533430	Marrickville	ME Bank	Term Deposit	Interest - Received	24,880.00
		Marrickville	ME Bank	Term Deposit	Maturity Face Value - Received	2,000,000.00
					Deal Total	2,024,880.00
					Day Total	**2,024,880.00**
14-Sep-16	533781	Ashfield	People's Choice Credit Union	Term Deposit	Interest - Received	8,975.34
		Ashfield	People's Choice Credit Union	Term Deposit	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,008,975.34
	533787	Ashfield	Bankwest	Term Deposit	Interest - Received	10,126.03

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Cash Flows Report - August 2016

INNER WEST COUNCIL

Next Month Cashflows

Transaction Date	Deal No.		Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
		Ashfield	Bankwest	Term Deposit	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,010,126.03
					Day Total	**2,019,101.37**
16-Sep-16	509341	Leichhardt	Bank of Queensland	Term Deposit	Interest - Received	42,300.00
		Leichhardt	Bank of Queensland	Term Deposit	Maturity Face Value - Received	1,500,000.00
					Deal Total	1,542,300.00
					Day Total	**1,542,300.00**
20-Sep-16	533431	Marrickville	ME Bank	Term Deposit	Interest - Received	26,072.88
		Marrickville	ME Bank	Term Deposit	Maturity Face Value - Received	2,000,000.00
					Deal Total	2,026,072.88
					Day Total	**2,026,072.88**
21-Sep-16	533779	Ashfield	Commonwealth Bank of Australia	Term Deposit	Interest - Received	8,589.04
		Ashfield	Commonwealth Bank of Australia	Term Deposit	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,008,589.04
	533780	Ashfield	Suncorp Bank	Term Deposit	Interest - Received	4,645.89
		Ashfield	Suncorp Bank	Term Deposit	Maturity Face Value - Received	500,000.00
					Deal Total	504,645.89
					Day Total	**1,513,234.93**
27-Sep-16	533257	Leichhardt	National Australia Bank	Term Deposit	Interest - Received	17,342.47
		Leichhardt	National Australia Bank	Term Deposit	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,017,342.47
	533533	Marrickville	National Australia Bank	Term Deposit	Interest - Received	22,791.78
		Marrickville	National Australia Bank	Term Deposit	Maturity Face Value - Received	2,000,000.00
					Deal Total	2,022,791.78
					Day Total	**3,040,134.25**
28-Sep-16	534034	Ashfield	Bankwest	Term Deposit	Interest - Received	9,052.05
		Ashfield	Bankwest	Term Deposit	Maturity Face Value - Received	1,000,000.00
					Deal Total	1,009,052.05
	534036	Ashfield	Suncorp Bank	Term Deposit	Interest - Received	4,645.89
		Ashfield	Suncorp Bank	Term Deposit	Maturity Face Value - Received	500,000.00
					Deal Total	504,645.89

PRUDENTIAL INVESTMENT SERVICES CORP

Attachment 1 **Item 20**

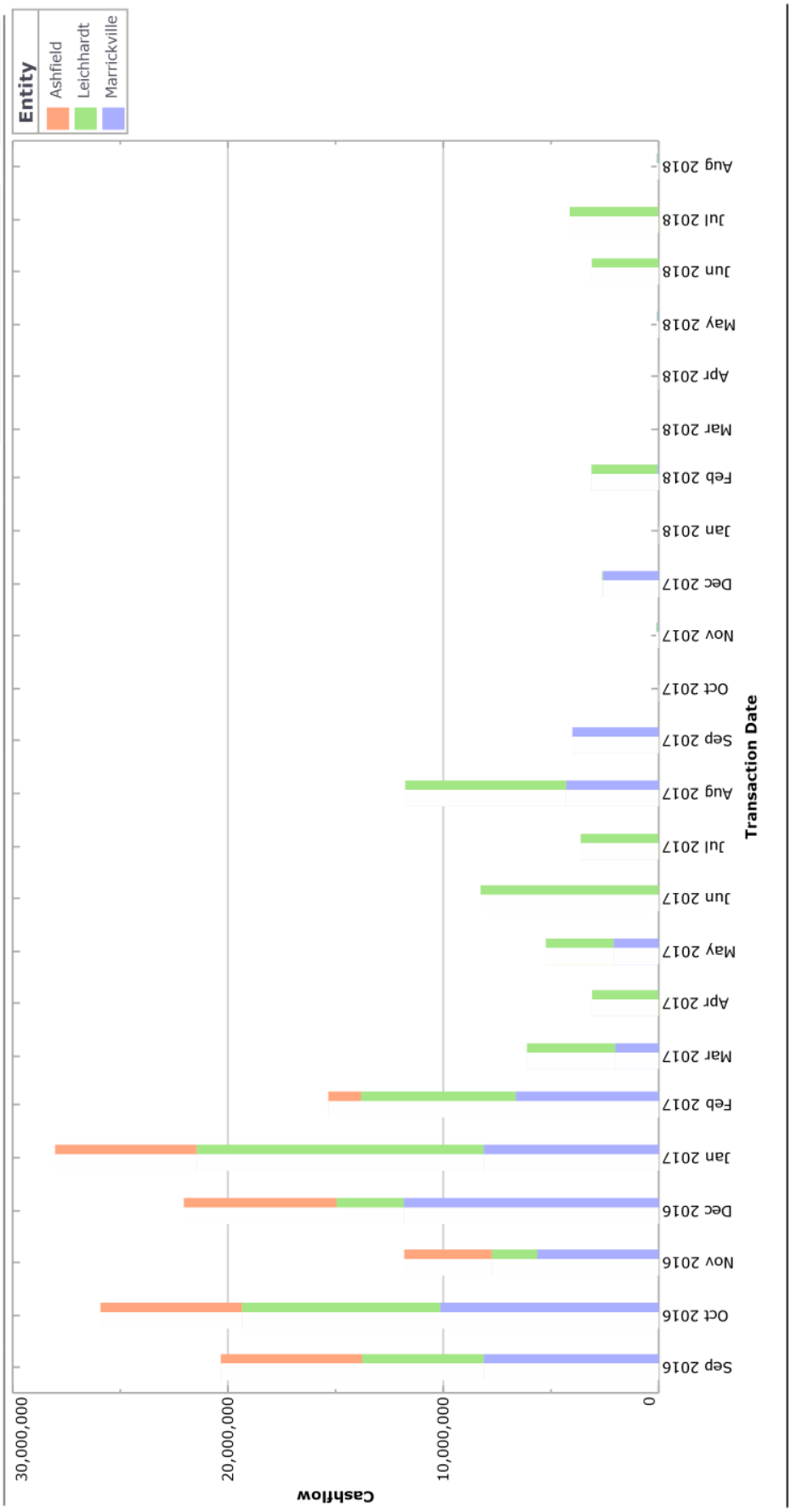
Attachment 1

Item 20

Inner West Council
Cash Flows Report - August 2016

Next Month Cashflows

Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
				Day Total	1,513,697.95
				Net Cash Movement for Period	20,330,566.03



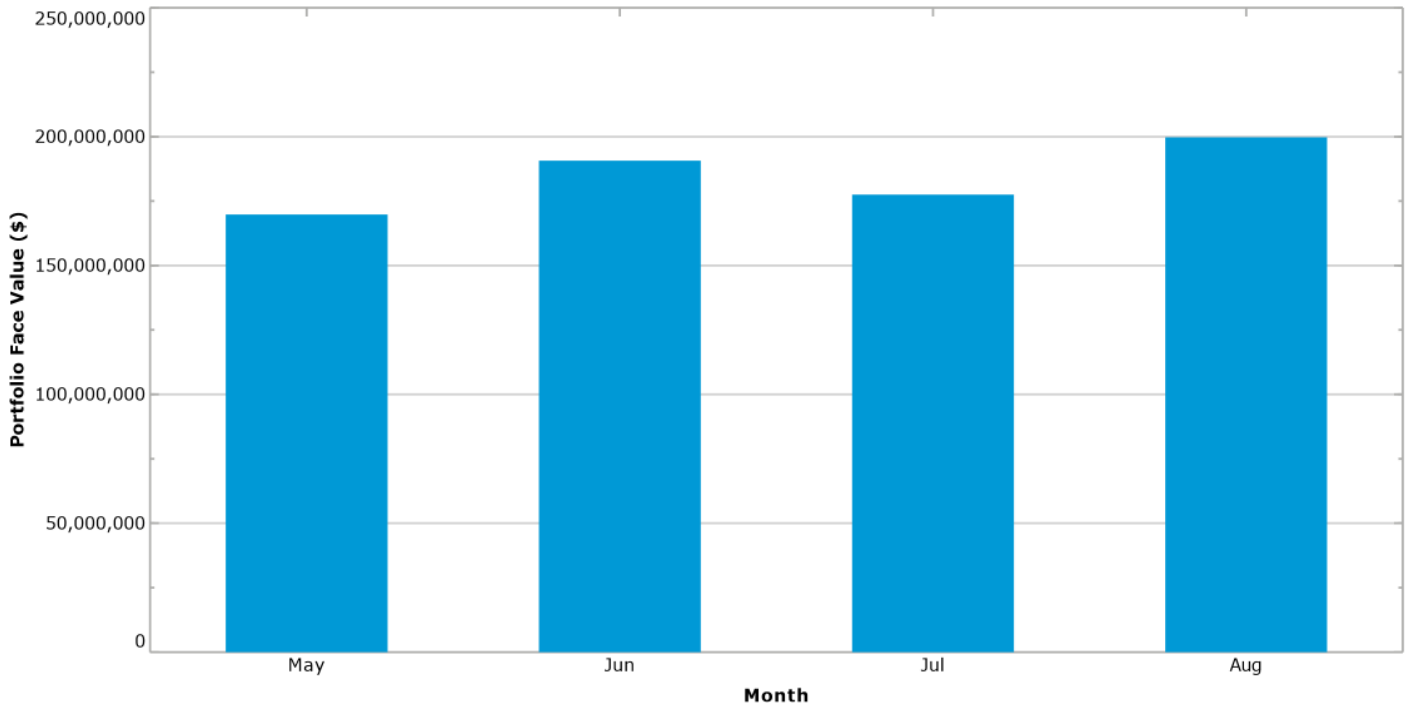
PRUDENTIAL
INVESTMENT SERVICES CORP

Inner West Council
Historical Balances Report - August 2016

INNER WEST COUNCIL

Historical Portfolio Face Value ($)

	May	Jun	Jul	Aug
Balance	169,792,039.90	190,658,992.70	177,524,374.10	199,751,959.37



PRUDENTIAL INVESTMENT SERVICES CORP

Attachment 1 **Item 20**

Inner West Council
Accrued Interest Report - August 2016

INNER WEST COUNCIL

Monthly Accrued Interest									
Asset Type	**Deal Number**	**Entity**	**Face Value ($)**	**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Days Accrued**	**Interest Accrued ($)**	**Percentage Return**
NAB Snr Bond (Feb17) 6.00%	336190	Leichhardt	1,000,000.00	15-Feb-12	15-Feb-17	30,000.00	31	5,079.43	6.00%
ANZ 'Green' Snr Bond (Jun20) 3.25%	505284	Leichhardt	2,000,000.00	3-Jun-15	3-Jun-20	0.00	31	5,445.95	3.25%
Bonds						**30,000.00**		**10,525.38**	**4.17%**
Commonwealth Bank of Australia	533586	Ashfield	520,933.37			550.33	31	550.33	1.10%
Commonwealth Bank of Australia	242615	Leichhardt	4,429,885.00				31		
Commonwealth Bank of Australia	99167	Marrickville	2,321,978.43			2,946.77	31	2,946.77	1.10%
Cash						**3,497.10**		**3,497.10**	**1.10%**
BoQ Snr FRN (Nov16) BBSW+1.15%	401765	Marrickville	1,500,000.00	7-Nov-13	7-Nov-16	11,742.74	31	3,798.08	2.98%
WBC Snr FRN (Feb17) BBSW+1.65%	339539	Marrickville	2,500,000.00	13-Mar-12	20-Feb-17	23,403.42	31	7,540.07	3.55%
MAC Snr FRN (Mar17) BBSW+2.90%	339541	Marrickville	2,000,000.00	9-Mar-12	9-Mar-17	0.00	31	8,365.75	4.92%
NPBS Snr FRN (Feb18) BBSW+1.10%	502254	Leichhardt	3,000,000.00	27-Feb-15	27-Feb-18	23,744.40	31	7,770.61	3.05%
BEN Snr FRN (Nov18) BBSW+1.27%	402080	Marrickville	3,000,000.00	14-Nov-13	14-Nov-18	24,345.62	31	7,974.57	3.13%
WBC Snr FRN (Feb19) BBSW+0.94%	421808	Marrickville	1,000,000.00	25-Feb-14	25-Feb-19	7,397.81	31	2,440.96	2.87%
BoQ Snr FRN (Apr19) BBSW+1.15%	533203	Leichhardt	1,000,000.00	22-Feb-16	29-Apr-19	0.00	31	2,556.44	3.01%
WBC Snr FRN (May19) BBSW+1.00%	533332	Leichhardt	2,000,000.00	11-Mar-16	10-May-19	15,098.08	31	4,818.21	2.84%
ANZ Snr FRN (Jul19) BBSW+0.82%	472510	Marrickville	1,800,000.00	25-Jul-14	25-Jul-19	0.00	31	4,127.67	2.70%
BEN Snr FRN (Aug20) BBSW+1.10%	505174	Leichhardt	1,000,000.00	18-Aug-15	18-Aug-20	7,796.81	31	2,531.95	2.98%
BEN Snr FRN (Aug20) BBSW+1.10%	505175	Leichhardt	2,000,000.00	18-Aug-15	18-Aug-20	15,593.62	31	5,063.90	2.98%
BEN Snr FRN (Aug20) BBSW+1.10%	505171	Marrickville	2,000,000.00	18-Aug-15	18-Aug-20	15,593.62	31	5,063.90	2.98%
BoQ Snr FRN (May21) BBSW+1.48%	533606	Leichhardt	1,000,000.00	18-May-16	18-May-21	8,754.62	31	2,854.69	3.36%
Floating Rate Note						**153,470.75**		**64,906.79**	**3.21%**
Emerald Reverse Mortgage (A Tranche)	310321	Marrickville	679,162.57	17-Jul-06	22-Aug-22	4,167.05	31	1,366.33	2.37%

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Accrued Interest Report - August 2016

INNER WEST COUNCIL

Monthly Accrued Interest									
Asset Type	**Deal Number**	**Entity**	**Face Value ($)**	**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Days Accrued**	**Interest Accrued ($)**	**Percentage Return**
Emerald Reverse Mortgage (B Tranche)	310334	Marrickville	1,000,000.00	17-Jul-06	23-Aug-27	6,843.70	31	2,257.40	2.66%
Mortgage Backed Securities						**11,010.75**		**3,623.73**	**2.54%**
ME Bank	512021	Marrickville	2,000,000.00	2-Dec-15	2-Aug-16	41,045.48	1	168.22	3.07%
National Australia Bank	533564	Ashfield	500,000.00	16-Mar-16	3-Aug-16	5,830.14	2	83.29	3.04%
Suncorp Bank	533579	Ashfield	500,000.00	9-Mar-16	3-Aug-16	6,141.78	2	83.56	3.05%
Bankwest	508051	Leichhardt	2,000,000.00	5-Aug-15	3-Aug-16	57,841.10	2	317.81	2.90%
AMP Bank	508321	Leichhardt	1,000,000.00	5-Aug-15	4-Aug-16	29,000.00	3	238.36	2.90%
National Australia Bank	533326	Marrickville	2,000,000.00	8-Mar-16	9-Aug-16	26,074.52	8	1,354.52	3.09%
ME Bank	533571	Ashfield	1,000,000.00	23-Mar-16	10-Aug-16	11,123.29	9	715.07	2.90%
ANZ Banking Group	533576	Ashfield	500,000.00	23-Mar-16	10-Aug-16	5,695.89	9	366.16	2.97%
AMP Bank	508320	Leichhardt	2,000,000.00	14-Aug-15	16-Aug-16	58,476.71	15	2,383.56	2.90%
National Australia Bank	533343	Marrickville	2,000,000.00	16-Mar-16	16-Aug-16	25,989.04	15	2,547.95	3.10%
Suncorp Bank	533550	Ashfield	500,000.00	30-Mar-16	17-Aug-16	5,868.49	16	670.68	3.06%
ANZ Banking Group	533577	Ashfield	1,000,000.00	30-Mar-16	17-Aug-16	11,161.64	16	1,275.62	2.91%
Bankwest	533631	Ashfield	500,000.00	6-Apr-16	24-Aug-16	5,657.53	23	929.45	2.95%
Suncorp Bank	533634	Ashfield	500,000.00	13-Apr-16	24-Aug-16	5,483.97	23	948.36	3.01%
Commonwealth Bank of Australia	509041	Leichhardt	1,000,000.00	4-Sep-15	29-Aug-16	27,221.92	28	2,117.26	2.76%
Bankwest	533632	Ashfield	500,000.00	20-Apr-16	31-Aug-16	5,465.75	30	1,232.88	3.00%
Bank of Queensland	533633	Ashfield	500,000.00	27-Apr-16	31-Aug-16	5,350.68	30	1,273.97	3.10%
ME Bank	509015	Leichhardt	2,000,000.00	1-Sep-15	1-Sep-16	0.00	31	4,671.23	2.75%
Bank of Sydney	509340	Leichhardt	1,000,000.00	2-Sep-15	6-Sep-16	0.00	31	2,378.08	2.80%
National Australia Bank	533372	Marrickville	2,000,000.00	30-Mar-16	6-Sep-16	0.00	31	5,265.75	3.10%

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Accrued Interest Report - August 2016

INNER WEST COUNCIL

Monthly Accrued Interest									
Asset Type	Deal Number	Entity	Face Value ($)	Settlement Date	Maturity Date	Interest Received ($)	Days Accrued	Interest Accrued ($)	Percentage Return
Rural Bank	533635	Ashfield	500,000.00	27-Apr-16	7-Sep-16	0.00	31	1,282.47	3.02%
National Australia Bank	533788	Ashfield	1,000,000.00	5-May-16	7-Sep-16	0.00	31	2,505.48	2.95%
ME Bank	533430	Marrickville	2,000,000.00	20-Apr-16	13-Sep-16	0.00	31	5,282.74	3.11%
People's Choice Credit Union	533781	Ashfield	1,000,000.00	20-May-16	14-Sep-16	0.00	31	2,378.08	2.80%
Bankwest	533787	Ashfield	1,000,000.00	5-May-16	14-Sep-16	0.00	31	2,378.08	2.80%
Bank of Queensland	509341	Leichhardt	1,500,000.00	17-Sep-15	16-Sep-16	0.00	31	3,592.60	2.82%
ME Bank	533431	Marrickville	2,000,000.00	20-Apr-16	20-Sep-16	0.00	31	5,282.74	3.11%
Commonwealth Bank of Australia	533779	Ashfield	1,000,000.00	30-May-16	21-Sep-16	0.00	31	2,335.62	2.75%
Suncorp Bank	533780	Ashfield	500,000.00	25-May-16	21-Sep-16	0.00	31	1,210.27	2.85%
National Australia Bank	533257	Leichhardt	1,000,000.00	29-Feb-16	27-Sep-16	0.00	31	2,547.95	3.00%
National Australia Bank	533533	Marrickville	2,000,000.00	9-May-16	27-Sep-16	0.00	31	5,010.96	2.95%
Bankwest	534034	Ashfield	1,000,000.00	2-Jun-16	28-Sep-16	0.00	31	2,378.08	2.80%
Suncorp Bank	534036	Ashfield	500,000.00	1-Jun-16	28-Sep-16	0.00	31	1,210.27	2.85%
National Australia Bank	533706	Marrickville	2,000,000.00	25-May-16	4-Oct-16	0.00	31	4,960.00	2.92%
National Australia Bank	534032	Ashfield	1,000,000.00	8-Jun-16	5-Oct-16	0.00	31	2,437.53	2.87%
Bank of Queensland	534033	Ashfield	500,000.00	8-Jun-16	5-Oct-16	0.00	31	1,189.04	2.80%
Westpac Group	510072	Leichhardt	2,000,000.00	7-Oct-15	7-Oct-16	0.00	31	5,095.89	3.00%
National Australia Bank	533416	Marrickville	2,000,000.00	12-Apr-16	11-Oct-16	0.00	31	5,265.75	3.10%
ME Bank	534030	Ashfield	500,000.00	15-Jun-16	12-Oct-16	0.00	31	1,252.74	2.95%
Bank of Queensland	534031	Ashfield	500,000.00	15-Jun-16	12-Oct-16	0.00	31	1,189.04	2.80%
National Australia Bank	533214	Leichhardt	2,000,000.00	19-Feb-16	14-Oct-16	0.00	31	5,010.96	2.95%
ME Bank	533471	Marrickville	2,000,000.00	28-Apr-16	18-Oct-16	0.00	31	5,282.74	3.11%

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Accrued Interest Report - August 2016

INNER WEST COUNCIL

Monthly Accrued Interest									
Asset Type	**Deal Number**	**Entity**	**Face Value ($)**	**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Days Accrued**	**Interest Accrued ($)**	**Percentage Return**
Suncorp Bank	534028	Ashfield	2,000,000.00	20-Jun-16	19-Oct-16	0.00	31	4,926.03	2.90%
Commonwealth Bank of Australia	534029	Ashfield	2,000,000.00	20-Jun-16	19-Oct-16	0.00	31	4,722.19	2.78%
National Australia Bank	533756	Marrickville	2,000,000.00	2-Jun-16	25-Oct-16	0.00	31	4,960.00	2.92%
National Australia Bank	533249	Leichhardt	3,000,000.00	26-Feb-16	27-Oct-16	0.00	31	7,643.84	3.00%
Bank of Sydney	533151	Leichhardt	2,000,000.00	2-Feb-16	31-Oct-16	0.00	31	5,265.75	3.10%
ME Bank	533757	Marrickville	2,000,000.00	2-Jun-16	31-Oct-16	0.00	31	4,926.03	2.90%
Westpac Group	511041	Leichhardt	2,000,000.00	4-Nov-15	4-Nov-16	0.00	31	4,756.16	2.80%
Bank of Queensland	533758	Marrickville	1,500,000.00	2-Jun-16	8-Nov-16	0.00	31	3,694.52	2.90%
ME Bank	533794	Marrickville	2,500,000.00	8-Jun-16	15-Nov-16	0.00	31	6,369.86	3.00%
AMP Bank	533778	Ashfield	1,000,000.00	20-May-16	16-Nov-16	0.00	31	2,547.95	3.00%
IMB Ltd	534024	Ashfield	500,000.00	22-Jun-16	16-Nov-16	0.00	31	1,146.58	2.70%
Bankwest	534022	Ashfield	500,000.00	29-Jun-16	23-Nov-16	0.00	31	1,189.04	2.80%
ME Bank	534023	Ashfield	500,000.00	22-Jun-16	23-Nov-16	0.00	31	1,252.74	2.95%
Commonwealth Bank of Australia	534021	Ashfield	500,000.00	29-Jun-16	30-Nov-16	0.00	31	1,163.56	2.74%
ING Bank (Australia)	534035	Ashfield	1,000,000.00	1-Jun-16	30-Nov-16	0.00	31	2,403.56	2.83%
National Australia Bank	533896	Marrickville	2,000,000.00	23-Jun-16	6-Dec-16	0.00	31	5,010.96	2.95%
National Australia Bank	534091	Ashfield	500,000.00	13-Jul-16	7-Dec-16	0.00	31	1,210.27	2.85%
ANZ Banking Group	534092	Ashfield	1,000,000.00	13-Jul-16	7-Dec-16	0.00	31	2,199.73	2.59%
National Australia Bank	533897	Marrickville	2,000,000.00	23-Jun-16	13-Dec-16	0.00	31	5,010.96	2.95%
Bank of Queensland	533900	Marrickville	1,000,000.00	23-Jun-16	13-Dec-16	0.00	31	2,547.95	3.00%
ING Bank (Australia)	534026	Ashfield	1,000,000.00	21-Jun-16	14-Dec-16	0.00	31	2,471.51	2.91%
AMP Bank	534027	Ashfield	3,000,000.00	20-Jun-16	14-Dec-16	0.00	31	7,643.84	3.00%

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Accrued Interest Report - August 2016

INNER WEST COUNCIL

Monthly Accrued Interest									
Asset Type	Deal Number	Entity	Face Value ($)	Settlement Date	Maturity Date	Interest Received ($)	Days Accrued	Interest Accrued ($)	Percentage Return
Bankwest	533007	Leichhardt	3,000,000.00	17-Dec-15	19-Dec-16	0.00	31	7,643.84	3.00%
National Australia Bank	498162	Marrickville	2,500,000.00	16-Dec-14	20-Dec-16	0.00	31	7,643.84	3.60%
Bank of Queensland	533898	Marrickville	4,000,000.00	23-Jun-16	20-Dec-16	0.00	31	10,191.78	3.00%
Bank of Queensland	534093	Ashfield	500,000.00	20-Jul-16	21-Dec-16	0.00	31	1,210.27	2.85%
ANZ Banking Group	534094	Ashfield	500,000.00	27-Jul-16	21-Dec-16	0.00	31	1,070.14	2.52%
Bendigo and Adelaide Bank	534095	Ashfield	500,000.00	27-Jul-16	21-Dec-16	0.00	31	1,146.58	2.70%
National Australia Bank	534284	Ashfield	500,000.00	3-Aug-16	4-Jan-17	0.00	29	1,092.47	2.75%
ME Bank	534285	Ashfield	1,000,000.00	10-Aug-16	4-Jan-17	0.00	22	1,597.26	2.65%
Rural Bank	533910	Marrickville	1,000,000.00	29-Jun-16	4-Jan-17	0.00	31	2,564.93	3.02%
Bendigo and Adelaide Bank	507101	Leichhardt	2,000,000.00	10-Jul-15	10-Jan-17	0.00	31	5,095.89	3.00%
IMB Ltd	534287	Ashfield	1,000,000.00	11-Aug-16	11-Jan-17	0.00	21	1,495.89	2.60%
Bank of SA	534289	Ashfield	1,000,000.00	16-Aug-16	11-Jan-17	0.00	16	1,130.96	2.58%
ME Bank	533075	Leichhardt	2,000,000.00	13-Jan-16	11-Jan-17	0.00	31	5,180.82	3.05%
National Australia Bank	533076	Leichhardt	1,000,000.00	13-Jan-16	11-Jan-17	0.00	31	2,547.95	3.00%
Rural Bank	533911	Marrickville	2,000,000.00	29-Jun-16	11-Jan-17	0.00	31	5,129.86	3.02%
ANZ Banking Group	534288	Ashfield	1,000,000.00	17-Aug-16	18-Jan-17	0.00	15	1,060.27	2.58%
Suncorp Bank	534293	Ashfield	500,000.00	17-Aug-16	18-Jan-17	0.00	15	513.70	2.50%
ME Bank	533087	Leichhardt	2,000,000.00	20-Jan-16	18-Jan-17	0.00	31	5,180.82	3.05%
National Australia Bank	533355	Leichhardt	1,000,000.00	21-Mar-16	18-Jan-17	0.00	31	2,581.92	3.04%
Rural Bank	533912	Marrickville	1,000,000.00	29-Jun-16	18-Jan-17	0.00	31	2,564.93	3.02%
Bank of SA	534291	Ashfield	1,000,000.00	23-Aug-16	24-Jan-17	0.00	9	633.70	2.57%
Suncorp Bank	534297	Ashfield	500,000.00	24-Aug-16	24-Jan-17	0.00	8	284.93	2.60%

PRUDENTIAL INVESTMENT SERVICES CORP

Inner West Council
Accrued Interest Report - August 2016

INNER WEST COUNCIL

Monthly Accrued Interest									
Asset Type	**Deal Number**	**Entity**	**Face Value ($)**	**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Days Accrued**	**Interest Accrued ($)**	**Percentage Return**
National Australia Bank	534109	Marrickville	2,000,000.00	8-Aug-16	24-Jan-17	0.00	24	3,682.19	2.80%
National Australia Bank	533843	Leichhardt	2,000,000.00	21-Jun-16	25-Jan-17	0.00	31	5,010.96	2.95%
ME Bank	533105	Leichhardt	2,000,000.00	28-Jan-16	30-Jan-17	0.00	31	5,265.75	3.10%
Bendigo and Adelaide Bank	507291	Leichhardt	1,000,000.00	29-Jul-15	31-Jan-17	0.00	31	2,547.95	3.00%
ME Bank	534182	Marrickville	2,000,000.00	30-Aug-16	31-Jan-17	0.00	2	295.89	2.70%
National Australia Bank	534294	Ashfield	1,000,000.00	29-Aug-16	1-Feb-17	0.00	3	209.59	2.55%
Bank of Queensland	534296	Ashfield	500,000.00	31-Aug-16	1-Feb-17	0.00	1	36.30	2.65%
Bendigo and Adelaide Bank	508032	Leichhardt	2,000,000.00	3-Aug-15	7-Feb-17	60,164.38	31	5,095.89	3.00%
Bank of Queensland	508033	Leichhardt	1,000,000.00	3-Aug-15	7-Feb-17	28,578.08	31	2,420.55	2.85%
National Australia Bank	534108	Marrickville	2,000,000.00	5-Aug-16	7-Feb-17	0.00	27	4,142.47	2.80%
Bendigo and Adelaide Bank	508053	Leichhardt	2,000,000.00	5-Aug-15	14-Feb-17	59,161.64	31	5,010.96	2.95%
Bank of Queensland	534143	Marrickville	2,000,000.00	17-Aug-16	21-Feb-17	0.00	15	2,301.37	2.80%
Bendigo and Adelaide Bank	508281	Leichhardt	1,000,000.00	28-Aug-15	28-Feb-17	28,656.16	31	2,420.55	2.85%
National Australia Bank	533836	Leichhardt	2,000,000.00	17-Jun-16	15-Mar-17	0.00	31	4,943.01	2.91%
Bank of Queensland	533837	Leichhardt	2,000,000.00	17-Jun-16	22-Mar-17	0.00	31	4,926.03	2.90%
Suncorp Bank	533838	Leichhardt	2,000,000.00	17-Jun-16	12-Apr-17	0.00	31	5,010.96	2.95%
ME Bank	533425	Leichhardt	1,000,000.00	15-Apr-16	18-Apr-17	0.00	31	2,717.81	3.20%
Bank of Queensland	534144	Marrickville	2,000,000.00	17-Aug-16	16-May-17	0.00	15	2,301.37	2.80%
Credit Union Australia	533742	Leichhardt	3,000,000.00	31-May-16	31-May-17	0.00	31	7,389.04	2.90%
Rural Bank	533932	Leichhardt	1,000,000.00	29-Jun-16	6-Jun-17	0.00	31	2,530.96	2.98%
Suncorp Bank	533822	Leichhardt	1,000,000.00	15-Jun-16	14-Jun-17	0.00	31	2,505.48	2.95%
Bendigo and Adelaide Bank	533839	Leichhardt	2,000,000.00	17-Jun-16	14-Jun-17	0.00	31	5,010.96	2.95%

PRUDENTIAL INVESTMENT SERVICES CORP

Attachment 2 **Item 20**

Inner West Council
Accrued Interest Report - August 2016

INNER WEST COUNCIL

Monthly Accrued Interest									
Asset Type	**Deal Number**	**Entity**	**Face Value ($)**	**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Days Accrued**	**Interest Accrued ($)**	**Percentage Return**
Westpac Group	533887	Leichhardt	2,000,000.00	22-Jun-16	22-Jun-17	0.00	31	5,010.96	2.95%
Credit Union Australia	533899	Leichhardt	2,000,000.00	23-Jun-16	22-Jun-17	0.00	31	5,180.82	3.05%
Bendigo and Adelaide Bank	534042	Leichhardt	1,500,000.00	15-Jul-16	17-Jul-17	0.00	31	3,694.52	2.90%
Westpac Group	534062	Leichhardt	2,000,000.00	28-Jul-16	28-Jul-17	0.00	31	4,926.03	2.90%
AMP Bank	534301	Leichhardt	1,000,000.00	4-Aug-16	4-Aug-17	0.00	28	2,224.66	2.90%
AMP Bank	534114	Leichhardt	1,000,000.00	4-Aug-16	9-Aug-17	0.00	28	2,224.66	2.90%
Westpac Group	534128	Leichhardt	1,000,000.00	12-Aug-16	15-Aug-17	0.00	20	1,643.84	3.00%
Westpac Group	534126	Marrickville	2,000,000.00	12-Aug-16	15-Aug-17	0.00	20	3,287.67	3.00%
Westpac Group	534127	Marrickville	2,000,000.00	12-Aug-16	22-Aug-17	0.00	20	3,287.67	3.00%
Bank of Queensland	534190	Leichhardt	2,000,000.00	31-Aug-16	31-Aug-17	0.00	1	147.95	2.70%
Newcastle Permanent Building Society	534194	Leichhardt	2,000,000.00	31-Aug-16	31-Aug-17	0.00	1	147.95	2.70%
Westpac Group	534180	Marrickville	2,000,000.00	29-Aug-16	5-Sep-17	0.00	3	493.15	3.00%
Westpac Group	534185	Marrickville	2,000,000.00	31-Aug-16	12-Sep-17	0.00	1	164.38	3.00%
National Australia Bank	498161	Marrickville	2,500,000.00	16-Dec-14	19-Dec-17	0.00	31	7,750.00	3.65%
Westpac Group	534181	Leichhardt	3,000,000.00	29-Aug-16	28-Jun-18	0.00	3	739.73	3.00%
Westpac Group	534129	Leichhardt	4,000,000.00	12-Aug-16	12-Jul-18	0.00	20	6,575.34	3.00%
Term Deposit						**509,988.22**		**372,001.92**	**2.96%**
						707,966.82		**454,554.92**	**2.97%**

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Product Name	**Deal Number**		**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Interest Accrued ($)**
Bonds						
NAB Snr Bond (Feb17) 6.00%	336190	Leichhardt	15-Feb-12	15-Feb-17	30,000.00	18,266.25
ANZ 'Green' Snr Bond (Jun20) 3.25%	505284	Leichhardt	3-Jun-15	3-Jun-20	32,500.00	19,540.32
Totals					**62,500.00**	**37,806.57**
Cash						
Commonwealth Bank of Australia	99167	Marrickville			10,585.83	10,585.83
Commonwealth Bank of Australia	242615	Leichhardt				
Commonwealth Bank of Australia	533586	Ashfield			2,086.84	2,086.84
Totals					**12,672.67**	**12,672.67**
Floating Rate Note						
BoQ Snr FRN (Nov16) BBSW+1.15%	401765	Marrickville	7-Nov-13	7-Nov-16	11,742.74	14,121.37
ME Bank Snr FRN (Nov16) BBSW+1.25%	402973	Marrickville	28-Nov-13	28-Nov-16	15,650.27	8,473.28
WBC Snr FRN (Feb17) BBSW+1.65%	339539	Marrickville	13-Mar-12	20-Feb-17	47,071.21	27,597.73
MAC Snr FRN (Mar17) BBSW+2.90%	339541	Marrickville	9-Mar-12	9-Mar-17	26,314.52	30,391.23
NPBS Snr FRN (Feb18) BBSW+1.10%	502254	Leichhardt	27-Feb-15	27-Feb-18	48,263.85	28,343.03
BEN Snr FRN (Nov18) BBSW+1.27%	402080	Marrickville	14-Nov-13	14-Nov-18	50,935.07	29,451.28
WBC Snr FRN (Feb19) BBSW+0.94%	421808	Marrickville	25-Feb-14	25-Feb-19	15,358.00	8,970.27
BoQ Snr FRN (Apr19) BBSW+1.15%	533203	Leichhardt	22-Feb-16	29-Apr-19	8,223.16	9,761.90
WBC Snr FRN (May19) BBSW+1.00%	533332	Leichhardt	11-Mar-16	10-May-19	15,098.08	17,946.98
ANZ Snr FRN (Jul19) BBSW+0.82%	472510	Marrickville	25-Jul-14	25-Jul-19	13,714.52	16,183.73
BEN Snr FRN (Aug20) BBSW+1.10%	505171	Marrickville	18-Aug-15	18-Aug-20	32,295.16	18,703.96

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BEN Snr FRN (Aug20) BBSW+1.10%	505171	Marrickville	18-Aug-15	18-Aug-20	32,295.16	18,703.96
BEN Snr FRN (Aug20) BBSW+1.10%	505174	Leichhardt	18-Aug-15	18-Aug-20	16,147.58	9,351.97
BEN Snr FRN (Aug20) BBSW+1.10%	505175	Leichhardt	18-Aug-15	18-Aug-20	32,295.16	18,703.96
BoQ Snr FRN (May21) BBSW+1.48%	533606	Leichhardt	18-May-16	18-May-21	8,754.62	9,991.61
Totals					**341,863.93**	**247,992.30**
Mortgage Backed Security						
Emerald Reverse Mortgage (A Tranche)	310321	Marrickville	17-Jul-06	22-Aug-22	8,868.78	5,088.43
Emerald Reverse Mortgage (B Tranche)	310334	Marrickville	17-Jul-06	23-Aug-27	14,389.72	8,351.01
Totals					**23,258.50**	**13,439.44**
Term Deposit						
Westpac Group	389382	Marrickville	17-May-13	17-May-16	91,000.00	997.26
Bank of Queensland	533554	Ashfield	9-Dec-15	18-May-16	6,506.16	202.05
Bank of SA	533567	Ashfield	2-Dec-15	18-May-16	12,749.59	379.45
Suncorp Bank	533548	Ashfield	9-Dec-15	25-May-16	6,904.11	493.15
Bank of Queensland	533555	Ashfield	13-Jan-16	25-May-16	5,465.75	493.15
Credit Union Australia	497262	Leichhardt	28-Nov-14	31-May-16	54,900.00	5,400.00
Suncorp Bank	533549	Ashfield	13-Jan-16	1-Jun-16	5,657.53	767.80
ING Bank (Australia)	533568	Ashfield	2-Dec-15	1-Jun-16	14,460.27	1,509.59
ME Bank	533110	Marrickville	1-Feb-16	7-Jun-16	20,876.71	4,109.59
Bank of Queensland	533556	Ashfield	20-Jan-16	8-Jun-16	5,849.32	1,086.31
National Australia Bank	533561	Ashfield	27-Jan-16	8-Jun-16	10,749.32	2,101.37

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Product Name	**Deal Number**		**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Interest Accrued ($)**
Bank of Queensland	533111	Marrickville	1-Feb-16	14-Jun-16	22,027.40	5,260.28
National Australia Bank	533346	Leichhardt	17-Mar-16	15-Jun-16	7,594.52	2,784.66
Bank of Queensland	533557	Ashfield	3-Feb-16	15-Jun-16	11,040.82	6,890.14
ME Bank	533569	Ashfield	3-Feb-16	15-Jun-16	5,374.66	1,333.56
Westpac Group	503196	Leichhardt	19-Mar-15	21-Jun-16	16,635.62	7,052.06
Bank of Queensland	533112	Marrickville	1-Feb-16	21-Jun-16	23,332.60	6,453.70
ME Bank	533570	Ashfield	11-Feb-16	22-Jun-16	5,243.84	1,589.05
IMB Ltd	533572	Ashfield	10-Feb-16	22-Jun-16	4,919.18	1,479.45
People's Choice Credit Union	506333	Leichhardt	25-Jun-15	24-Jun-16	60,000.00	6,904.11
Westpac Group	502271	Leichhardt	27-Feb-15	28-Jun-16	21,698.63	8,317.81
Bank of Queensland	533141	Marrickville	3-Feb-16	28-Jun-16	48,800.00	15,375.34
Bank of Queensland	506291	Leichhardt	29-Jun-15	29-Jun-16	56,153.42	7,210.95
Commonwealth Bank of Australia	533534	Marrickville	9-May-16	29-Jun-16	6,986.30	6,438.35
Bankwest	533545	Ashfield	11-Feb-16	29-Jun-16	5,617.12	1,899.31
Commonwealth Bank of Australia	533566	Ashfield	2-Mar-16	29-Jun-16	4,727.40	1,867.13
National Australia Bank	533324	Marrickville	8-Mar-16	5-Jul-16	20,083.29	8,944.66
National Australia Bank	533562	Ashfield	22-Feb-16	6-Jul-16	10,910.96	4,364.38
IMB Ltd	533573	Ashfield	17-Feb-16	6-Jul-16	5,369.86	2,071.23
Bank of Queensland	533208	Marrickville	18-Feb-16	12-Jul-16	24,232.88	10,027.40
National Australia Bank	533563	Ashfield	24-Feb-16	13-Jul-16	5,657.53	2,465.06
ANZ Banking Group	533574	Ashfield	29-Feb-16	13-Jul-16	10,615.07	4,796.44

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Product Name	**Deal Number**		**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Interest Accrued ($)**
ANZ Banking Group	533574	Ashfield	29-Feb-16	13-Jul-16	10,615.07	4,796.44
RaboDirect	501304	Leichhardt	12-Jan-15	15-Jul-16	35,682.19	12,151.23
National Australia Bank	533248	Marrickville	26-Feb-16	19-Jul-16	23,671.23	11,013.70
Bankwest	533546	Ashfield	1-Mar-16	20-Jul-16	5,697.95	2,747.95
Bank of Queensland	533558	Ashfield	1-Mar-16	20-Jul-16	5,891.10	2,841.10
National Australia Bank	533325	Marrickville	8-Mar-16	26-Jul-16	23,704.11	12,529.32
ANZ Banking Group	533575	Ashfield	3-Mar-16	27-Jul-16	5,800.00	2,979.45
Bendigo and Adelaide Bank	533578	Ashfield	9-Mar-16	27-Jul-16	10,356.16	5,547.94
AMP Bank	507308	Leichhardt	29-Jul-15	28-Jul-16	60,000.00	12,493.15
ME Bank	512021	Marrickville	2-Dec-15	2-Aug-16	41,045.48	13,625.75
Bankwest	508051	Leichhardt	5-Aug-15	3-Aug-16	57,841.10	13,030.14
National Australia Bank	533564	Ashfield	16-Mar-16	3-Aug-16	5,830.14	3,414.80
Suncorp Bank	533579	Ashfield	9-Mar-16	3-Aug-16	6,141.78	3,426.03
AMP Bank	508321	Leichhardt	5-Aug-15	4-Aug-16	29,000.00	6,594.52
National Australia Bank	533326	Marrickville	8-Mar-16	9-Aug-16	26,074.52	14,899.73
ME Bank	533571	Ashfield	23-Mar-16	10-Aug-16	11,123.29	7,071.24
ANZ Banking Group	533576	Ashfield	23-Mar-16	10-Aug-16	5,695.89	3,620.96
AMP Bank	508320	Leichhardt	14-Aug-15	16-Aug-16	58,476.71	15,095.89
National Australia Bank	533343	Marrickville	16-Mar-16	16-Aug-16	25,989.04	16,136.99
Suncorp Bank	533550	Ashfield	30-Mar-16	17-Aug-16	5,868.49	4,024.11
ANZ Banking Group	533577	Ashfield	30-Mar-16	17-Aug-16	11,161.64	7,653.69

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Product Name	**Deal Number**		**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Interest Accrued ($)**
Bankwest	533631	Ashfield	6-Apr-16	24-Aug-16	5,657.53	4,162.32
Suncorp Bank	533634	Ashfield	13-Apr-16	24-Aug-16	5,483.97	4,246.98
Commonwealth Bank of Australia	509041	Leichhardt	4-Sep-15	29-Aug-16	27,221.92	8,166.58
Bankwest	533632	Ashfield	20-Apr-16	31-Aug-16	5,465.75	4,520.54
Bank of Queensland	533633	Ashfield	27-Apr-16	31-Aug-16	5,350.68	4,671.23
ME Bank	509015	Leichhardt	1-Sep-15	1-Sep-16		16,726.02
Bank of Sydney	509340	Leichhardt	2-Sep-15	6-Sep-16		8,515.07
National Australia Bank	533372	Marrickville	30-Mar-16	6-Sep-16		18,854.80
Rural Bank	533635	Ashfield	27-Apr-16	7-Sep-16		4,592.05
National Australia Bank	533788	Ashfield	5-May-16	7-Sep-16		8,971.23
ME Bank	533430	Marrickville	20-Apr-16	13-Sep-16		18,915.62
People's Choice Credit Union	533781	Ashfield	20-May-16	14-Sep-16		7,978.08
Bankwest	533787	Ashfield	5-May-16	14-Sep-16		8,515.07
Bank of Queensland	509341	Leichhardt	17-Sep-15	16-Sep-16		12,863.83
ME Bank	533431	Marrickville	20-Apr-16	20-Sep-16		18,915.62
Commonwealth Bank of Australia	533779	Ashfield	30-May-16	21-Sep-16		7,082.19
Suncorp Bank	533780	Ashfield	25-May-16	21-Sep-16		3,865.07
National Australia Bank	533257	Leichhardt	29-Feb-16	27-Sep-16		9,123.29
National Australia Bank	533533	Marrickville	9-May-16	27-Sep-16		17,942.46
Bankwest	534034	Ashfield	2-Jun-16	28-Sep-16		6,980.82
Suncorp Bank	534036	Ashfield	1-Jun-16	28-Sep-16		3,591.78

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Product Name	**Deal Number**		**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Interest Accrued ($)**
Suncorp Bank	534036	Ashfield	1-Jun-16	28-Sep-16		3,591.78
National Australia Bank	533706	Marrickville	25-May-16	4-Oct-16		15,840.00
National Australia Bank	534032	Ashfield	8-Jun-16	5-Oct-16		6,683.56
Bank of Queensland	534033	Ashfield	8-Jun-16	5-Oct-16		3,260.27
Westpac Group	510072	Leichhardt	7-Oct-15	7-Oct-16		18,246.58
National Australia Bank	533416	Marrickville	12-Apr-16	11-Oct-16		18,854.80
ME Bank	534030	Ashfield	15-Jun-16	12-Oct-16		3,152.05
Bank of Queensland	534031	Ashfield	15-Jun-16	12-Oct-16		2,991.78
National Australia Bank	533214	Leichhardt	19-Feb-16	14-Oct-16		17,942.47
ME Bank	533471	Marrickville	28-Apr-16	18-Oct-16		18,915.62
Suncorp Bank	534028	Ashfield	20-Jun-16	19-Oct-16		11,600.00
Commonwealth Bank of Australia	534029	Ashfield	20-Jun-16	19-Oct-16		11,120.00
National Australia Bank	533756	Marrickville	2-Jun-16	25-Oct-16		14,560.00
National Australia Bank	533249	Leichhardt	26-Feb-16	27-Oct-16		27,369.86
ME Bank	533757	Marrickville	2-Jun-16	31-Oct-16		14,460.27
Bank of Sydney	533151	Leichhardt	2-Feb-16	31-Oct-16		18,854.80
Westpac Group	511041	Leichhardt	4-Nov-15	4-Nov-16		17,030.14
Bank of Queensland	533758	Marrickville	2-Jun-16	8-Nov-16		10,845.21
ME Bank	533794	Marrickville	8-Jun-16	15-Nov-16		17,465.75
AMP Bank	533778	Ashfield	20-May-16	16-Nov-16		8,547.95
IMB Ltd	534024	Ashfield	22-Jun-16	16-Nov-16		2,626.03

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Product Name	**Deal Number**		**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Interest Accrued ($)**
Bankwest	534022	Ashfield	29-Jun-16	23-Nov-16		2,454.79
ME Bank	534023	Ashfield	22-Jun-16	23-Nov-16		2,869.18
Commonwealth Bank of Australia	534021	Ashfield	29-Jun-16	30-Nov-16		2,402.19
ING Bank (Australia)	534035	Ashfield	1-Jun-16	30-Nov-16		7,133.15
National Australia Bank	533896	Marrickville	23-Jun-16	6-Dec-16		11,315.07
National Australia Bank	534091	Ashfield	13-Jul-16	7-Dec-16		1,952.05
ANZ Banking Group	534092	Ashfield	13-Jul-16	7-Dec-16		3,547.95
National Australia Bank	533897	Marrickville	23-Jun-16	13-Dec-16		11,315.07
Bank of Queensland	533900	Marrickville	23-Jun-16	13-Dec-16		5,753.42
ING Bank (Australia)	534026	Ashfield	21-Jun-16	14-Dec-16		5,740.27
AMP Bank	534027	Ashfield	20-Jun-16	14-Dec-16		18,000.00
Bankwest	533007	Leichhardt	17-Dec-15	19-Dec-16		27,369.86
Bank of Queensland	533898	Marrickville	23-Jun-16	20-Dec-16		23,013.70
National Australia Bank	498162	Marrickville	16-Dec-14	20-Dec-16		27,369.86
Bank of Queensland	534093	Ashfield	20-Jul-16	21-Dec-16		1,678.77
ANZ Banking Group	534094	Ashfield	27-Jul-16	21-Dec-16		1,242.74
Bendigo and Adelaide Bank	534095	Ashfield	27-Jul-16	21-Dec-16		1,331.51
Rural Bank	533910	Marrickville	29-Jun-16	4-Jan-17		5,295.34
National Australia Bank	534284	Ashfield	3-Aug-16	4-Jan-17		1,092.47
ME Bank	534285	Ashfield	10-Aug-16	4-Jan-17		1,597.26
Bendigo and Adelaide Bank	507101	Leichhardt	10-Jul-15	10-Jan-17	60,328.77	18,246.58

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Product Name	**Deal Number**		**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Interest Accrued ($)**
Bendigo and Adelaide Bank	507101	Leichhardt	10-Jul-15	10-Jan-17	60,328.77	18,246.58
Rural Bank	533911	Marrickville	29-Jun-16	11-Jan-17		10,590.68
IMB Ltd	534287	Ashfield	11-Aug-16	11-Jan-17		1,495.89
Bank of SA	534289	Ashfield	16-Aug-16	11-Jan-17		1,130.96
ME Bank	533075	Leichhardt	13-Jan-16	11-Jan-17		18,550.68
National Australia Bank	533076	Leichhardt	13-Jan-16	11-Jan-17		9,123.28
Rural Bank	533912	Marrickville	29-Jun-16	18-Jan-17		5,295.34
ANZ Banking Group	534288	Ashfield	17-Aug-16	18-Jan-17		1,060.27
Suncorp Bank	534293	Ashfield	17-Aug-16	18-Jan-17		513.70
ME Bank	533087	Leichhardt	20-Jan-16	18-Jan-17		18,550.69
National Australia Bank	533355	Leichhardt	21-Mar-16	18-Jan-17		9,244.93
National Australia Bank	534109	Marrickville	8-Aug-16	24-Jan-17		3,682.19
Bank of SA	534291	Ashfield	23-Aug-16	24-Jan-17		633.70
Suncorp Bank	534297	Ashfield	24-Aug-16	24-Jan-17		284.93
National Australia Bank	533843	Leichhardt	21-Jun-16	25-Jan-17		11,638.36
ME Bank	533105	Leichhardt	28-Jan-16	30-Jan-17		18,854.79
ME Bank	534182	Marrickville	30-Aug-16	31-Jan-17		295.89
Bendigo and Adelaide Bank	507291	Leichhardt	29-Jul-15	31-Jan-17	30,082.19	9,123.29
National Australia Bank	534294	Ashfield	29-Aug-16	1-Feb-17		209.59
Bank of Queensland	534296	Ashfield	31-Aug-16	1-Feb-17		36.30
National Australia Bank	534108	Marrickville	5-Aug-16	7-Feb-17		4,142.47

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Product Name	**Deal Number**	**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Interest Accrued ($)**
Bendigo and Adelaide Bank	508032 Leichhardt	3-Aug-15	7-Feb-17	60,164.38	18,246.57
Bank of Queensland	508033 Leichhardt	3-Aug-15	7-Feb-17	28,578.08	8,667.12
Bendigo and Adelaide Bank	508053 Leichhardt	5-Aug-15	14-Feb-17	59,161.64	17,942.46
Bank of Queensland	534143 Marrickville	17-Aug-16	21-Feb-17		2,301.37
Bendigo and Adelaide Bank	508281 Leichhardt	28-Aug-15	28-Feb-17	28,656.16	8,667.12
National Australia Bank	533836 Leichhardt	17-Jun-16	15-Mar-17		12,118.36
Bank of Queensland	533837 Leichhardt	17-Jun-16	22-Mar-17		12,076.71
Suncorp Bank	533838 Leichhardt	17-Jun-16	12-Apr-17		12,284.93
ME Bank	533425 Leichhardt	15-Apr-16	18-Apr-17		9,731.51
Bank of Queensland	534144 Marrickville	17-Aug-16	16-May-17		2,301.37
Credit Union Australia	533742 Leichhardt	31-May-16	31-May-17		22,167.12
Rural Bank	533932 Leichhardt	29-Jun-16	6-Jun-17		5,225.21
Suncorp Bank	533822 Leichhardt	15-Jun-16	14-Jun-17		6,304.11
Bendigo and Adelaide Bank	533839 Leichhardt	17-Jun-16	14-Jun-17		12,284.93
Westpac Group	533887 Leichhardt	22-Jun-16	22-Jun-17		11,476.71
Credit Union Australia	533899 Leichhardt	23-Jun-16	22-Jun-17		11,698.63
Bendigo and Adelaide Bank	534042 Leichhardt	15-Jul-16	17-Jul-17		5,720.55
Westpac Group	534062 Leichhardt	28-Jul-16	28-Jul-17		5,561.64
AMP Bank	534301 Leichhardt	4-Aug-16	4-Aug-17		2,224.66
AMP Bank	534114 Leichhardt	4-Aug-16	9-Aug-17		2,224.66
Westpac Group	534126 Marrickville	12-Aug-16	15-Aug-17		3,287.67

PRUDENTIAL INVESTMENT SERVICES CORP

Attachment 2 **Item 20**

Inner West Council
FYTD Interest Received and Accrued Report - August 2016

INNER WEST COUNCIL

Financial Year to Date Interest Received and Accrued					
Product Name	**Deal Number**	**Settlement Date**	**Maturity Date**	**Interest Received ($)**	**Interest Accrued ($)**
Westpac Group	534126 Marrickville	12-Aug-16	15-Aug-17		3,287.67
Westpac Group	534128 Leichhardt	12-Aug-16	15-Aug-17		1,643.84
Westpac Group	534127 Marrickville	12-Aug-16	22-Aug-17		3,287.67
Bank of Queensland	534190 Leichhardt	31-Aug-16	31-Aug-17		147.95
Newcastle Permanent Building Society	534194 Leichhardt	31-Aug-16	31-Aug-17		147.95
Westpac Group	534180 Marrickville	29-Aug-16	5-Sep-17		493.15
Westpac Group	534185 Marrickville	31-Aug-16	12-Sep-17		164.38
National Australia Bank	498161 Marrickville	16-Dec-14	19-Dec-17		27,750.00
Westpac Group	534181 Leichhardt	29-Aug-16	28-Jun-18		739.73
Westpac Group	534129 Leichhardt	12-Aug-16	12-Jul-18		6,575.34
Totals				**1,383,341.78**	**1,300,172.85**
Grand Totals				**1,823,636.88**	**1,612,083.83**

PRUDENTIAL INVESTMENT SERVICES CORP

PRUDENTIAL
INVESTMENT SERVICES CORP

Inner West Council
Economic and Investment Portfolio Commentary
August 2016

Global issues:

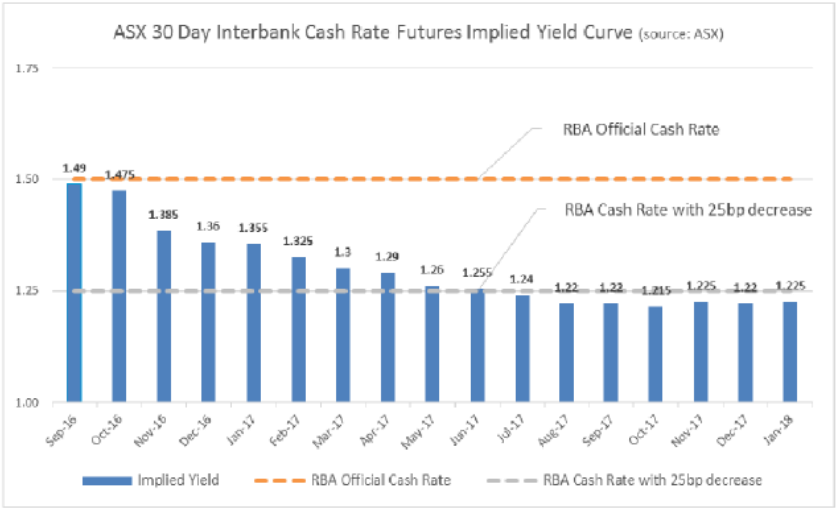
- In the US, the latest jobs report was weaker than expected with August payrolls only increasing 151,000, down sharply from previous months. This, combined with other recent soft data, strengthens the case for the US Federal Reserve to keep interest rates unchanged until at least December.
- In China, the latest data revealed continuing economic contraction. Retail sales, industrial production and trade figures were all disappointing. Economists are predicting more interest rate cuts by the Bank of China in the coming months.

Domestic issues:

- Australia's latest employment data was stronger than expected with new jobs in July increasing by 26,200; more than double economists' predictions. Detractors noted that part time jobs are boosting the results as new full time jobs are weak.
- Overall business capital expenditure was down 5.5% for the June quarter, led by a 16% spending cut by miners. Consumer spending was also disappointing with retail sales figures flat for July after only very modest gains in May and June.

Interest rates

- The RBA's official cash rate remains at 1.50% following the central bank's 25bps cut in early August. The money market is pricing in another cut by mid-2017:



- Term deposit rates across most maturities ended 15-20 basis points lower for the month. Three month TDs from Australian majors closed August in the 2.50%-2.60% area and the best indicative 12 month rate from a four major was at 2.65%.

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Investment Portfolio Commentary

Council's investment portfolio posted a return of 3.49%pa for the month of August versus the bank bill index benchmark return of 2.01%pa. For the financial year to date, the investment portfolio returned 3.42%pa, exceeding the bank bill index benchmark's 2.03%pa by 1.39%pa.

Valuations for floating rate notes (FRNs) continued to rally during August with both regional and major bank FRNs benefitting. Council's fixed rate bonds continued to gain in value as a result of the August interest rate cut.

Without marked-to-market influences, Council's investment portfolio yielded 2.97%pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the securities/deposits.

48% of Council's investment portfolio was invested in non fossil fuel lending banks.

Council has a well-diversified portfolio invested among a range of term deposits and fixed & floating rate bonds from highly rated Australian ADIs. 97% of the portfolio is spread among the top three credit rating categories (A long term/A2 short term and higher). It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short and long term holdings.

Disclaimer: The statements and opinions contained in this report are based on currently prevailing conditions in financial markets and are so contained in good faith and in the belief that such statements and opinion are not false or misleading. In preparing this report, Prudential Investment Services Corp has relied upon information which it believes to be reliable and accurate. Prudential Investment Services Corp believes that this report and the opinions expressed in this report are accurate, but no warranty of accuracy or reliability is given. Prudential Investment Services Corp does not warrant that its investigation has revealed all of the matters which a more extensive examination might disclose. This report may not be reproduced, transmitted, or made available either in part or in whole to any third party without the prior written consent of Prudential Investment Services Corp. AFS Licence No. 468145.

Item No: C0916 Item 21

Subject: AFFORDABLE AND SUPPORTED LIVING HOUSING OVER HAY STREET CAR PARK, LEICHHARDT

File Ref: 16/507/106717.16

Prepared By: Lyn Gerathy - Manager Property and Commercial Services, Leichhardt

Authorised By: Peter Gainsford - Director, Corporate Services

SUMMARY

Leichhardt Council resolved, amongst other things, that Council enter into discussions with registered housing providers about a development deed and agreement for a long term lease and, in consultation with the registered housing provider, prepare an application for Pre-DA advice for affordable and other housing over the Hay Street car park. It is recommended that Council enter into Heads of Agreement with the recommended housing provider to cover the preparation of the Pre-DA application and the negotiation of the agreement for lease and other documents.

RECOMMENDATION

THAT:

1. **Council moves into closed session to deal with this matter as information contained in Confidential Attachments 1, 2, 3 and 4 are classified as confidential under section 10A(2)(c) and/or (d)(i) of the Local Government Act, 1993 as parts relate to information that, if disclosed, would confer a commercial advantage on a party with whom Council is conducting or proposing to conduct business and parts are commercial information that, if disclosed, would prejudice the position of the party which supplied it.**

OR if the meeting is not closed:

THAT:

1. **Confidential Attachments 1, 2, 3 and 4 to the report be treated as confidential in accordance with section 10A of the Local Government Act, 1993 as they relate to a matter or matters specified in sections 10A(2)(c) and (d)(i) of that Act;**
2. **Council enters into the Heads of Agreement with Link Housing Limited in the form of Confidential Attachment 3 to the Report; and**
3. **authority is delegated to the General Manager to sign the Heads of Agreement for Council.**

BACKGROUND

In this and previous reports, "affordable housing" is often a generic term to cover social, affordable, key worker, supported living, below market, and other housing.

At its Ordinary Council Meeting on 24 November 2015, Leichhardt Council resolved (C598/15) relevantly to this report:

That Council:

2. *Commence discussions with registered community housing providers about an Agreement for Lease and Development Deed permitting the construction and sub-lease of affordable housing above the Hay Street Car Park in Leichhardt.*

Item 21

3. *Following discussions and in consultation with the community housing provider, appoint an architect to prepare broad concept plans and an external traffic engineer to provide parking advice and traffic impacts, and lodge a Pre-DA for supported housing, affordable housing for key workers and community housing above the ground level Hay Street car park.*

4 *Receive a further report after receipt of the Pre-DA advice and the reviewed discussion paper in accordance with Resolution C426/15 with recommendations on the type of affordable, supported and community housing and a list of possible registered community housing providers for this site.*

Expressions of Interest were invited from registered community housing providers, to be lodged by 23 May 2016. Three were received. All had undertaken preliminary investigations. There were meeting with all three.

Discussions with the housing providers clarified that it was more sensible to select a preferred housing provider to prepare the Pre-DA in consultation with Council than for Council to pause the selection process and do the Pre-DA itself before selecting the preferred provider. Selection of a preferred provider became urgent due to the closing date for such providers to apply for funding from the NSW Government's Social and Affordable Housing Fund ("SAHF").

On 29 June 2016, the then Interim General Manager under delegated authority approved:

1. *Link Housing is the preferred housing provider for affordable housing over the Hay Street car park.*
2. *It is noted that this will allow Link Housing to include this project in its tender to the NSW Government Social and Affordable Housing Fund.*
3. *Council will work with Link Housing and its architects and planners on designs and a Pre-DA (as per paragraph 3 of resolution C598/15).*
4. *The Local Representation Advisory Committee Leichhardt be briefed.*

A report on the Expressions of Interest is **Confidential Attachment 1**.

Heads of agreement between Link Housing and Council were prepared and amendments negotiated. There was a report to the August Leichhardt Local Representation Advisory Committee meeting ("LRAC"). Then Link Housing decided not to pursue the application for funding from SAHF. However, Link Housing wanted to proceed with the project with Council. The report to Council was changed from the version that went to LRAC but the Recommendations were the same, dealing with matters affecting the land but unrelated to the particular housing provider. At the Council Meeting on 23 August 2016, relevantly to this report:

The Administrator determined that:

1. *the Report be received and noted;*

The other August resolutions related to the land and are not relevant for this report.

During discussion at the August 2016 Council Meeting, there were comments that further details of Link Housing's decision not to proceed with its tender for SAHF funding should be provided. That is one reason this report is being brought to Council this month. Information from Link Housing about its decision not to proceed with its tender for SAHF is set out in **Confidential Attachment 2**. Further, now that it is not urgent to meet the SAHF deadline, it is considered appropriate to bring the recommendation of Link Housing and the draft Heads of Agreement to a Council meeting for determination.

FINANCIAL IMPLICATIONS

Under the proposed Heads of Agreement, the costs of preparation of the plans and additional supporting documents to seek Pre-DA advice will be borne by the housing provider.

OTHER STAFF COMMENTS

This report is dealing with the recommendation that Council enter into the heads of agreement. Other issues such as the Affordable Housing Fund, the tenancy/housing mix and implementation of the August 2016 resolutions will be reported to a later meeting.

The preferred housing provider decided not to continue with its application for funds from SAHF but does want to proceed with this project with Council. The Heads of Agreement were amended. They have been executed by the housing provider in accordance with a resolution of its Board of Directors. The signed Heads of Agreement have been delivered to Council. A copy is **Confidential Attachment 3** to this report. An outline of the principal terms and conditions is in **Confidential Attachment 4** with officer's comments.

The report writer accepts Link Housing's reasons set out in **Confidential Attachment 2**. This housing provider is still recommended to proceed with the next stage (see **Confidential Attachment 1**). The execution by link Housing of the Heads of Agreement and return to Council for signing demonstrates the commitment to the project, as the Heads of Agreement require the housing provider (in consultation with Council) to prepare the Pre-DA documents at its cost.

It is recommended that Council enter into the Heads of Agreement with Link Housing. Work on concept designs will then commence and a Pre-DA application lodged. The outcomes will be reported to Council. Input will be sought on the housing/tenancy mix to be negotiated in the initial period covered by the heads of agreement.

PUBLIC CONSULTATION

This project was supported by the former Leichhardt Council's Housing Advisory Committee. It is referred to in the draft Leichhardt Housing Action Plan which was on public exhibition. Pre-DA advice will be reported to Council. The DA will be exhibited in the usual way.

CONCLUSION

The project for affordable housing over the Hay Street Car Park has advanced with the recommendation of a preferred registered community housing provider to work with Council to prepare a PRE-DA Application and a recommendation that Council enter into Heads of Agreement in the form of Confidential **Attachment 3**. There will be update reports from time to time including after receipt of the Pre-DA advice.

ATTACHMENTS

1. Report on Expressions of Interest - *Confidential*
2. Information from Link Housing - Social and Affordable Housing Fund - *Confidential*
3. Heads of Agreement - *Confidential*
4. Principal Terms and Conditions in the Heads of Agreement - *Confidential*

Item 22

Item No: C0916 Item 22

Subject: COOKS RIVER PARKLANDS - DRAFT PLANS OF MANAGEMENT AND MASTER PLANS 2016-2026: FEEDBACK FROM PUBLIC EXHIBITION

File Ref: 14/5451/83829.16

Prepared By: David Petrie - Coordinator Public Domain Planning, Marrickville

Authorised By: Josephine Bennett - Director, Community Services

SUMMARY

The Cooks River Parklands Plans of Management and Master Plans have been amended to include feedback from the community obtained during the public exhibition period that ran from 4 May 2016 to 15 June 2016. This report provides an overview of the plans, the process and the feedback received from the community. The report is seeking Council's endorsement of the Plans of Management and Master Plans.

RECOMMENDATION

THAT:

1. **Council moves into closed session to deal with this matter as the information contained in Confidential Attachment 4 of this report are classified as confidential under provisions of Section 10A (2) (c) of the Local Government Act 1993 for the following reasons:**

   a. **Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, WHERE THE MEETING IS NOT CLOSED:

THAT:

1. **Council resolves that Confidential Attachment 4 of the report be treated as confidential in accordance with Section 10A(4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) of the Local Government Act 1993;**

2. **the report be received and noted;**

3. **Council adopts the draft Cooks River Parklands - Plans of Management and Master Plans as attached to this report;**

4. **all residents and stakeholders who made submission during the public exhibition be notified of Council's determination; and**

5. **the Plans of Management and Master Plans be used to inform future management and capital upgrades of the Cooks River Parklands.**

BACKGROUND

The former Marrickville Council conducted an extensive research project in 2012 resulting in the development of the Recreation Needs Research - Strategic Directions for Marrickville. The study identified the community need for improved recreation and environmental outcomes for the Cooks River and its parklands.

In July 2014, the former Marrickville Council initiated the planning process to develop plans of management and master plans for open space along 2.5 kilometres of the Cooks River foreshore. The project scope includes the following parks and reserves:

- HJ Mahoney Reserve;
- Steel Park;
- Warren Park;
- Richardson's Lookout;
- Cooks River Foreshore;
- Kendrick Park; and
- Fatima Island.

The draft plans of management (PoMs) and master plans (MPs), **Attachment 1**, view the Cooks River Parklands as a connected series of open space areas that form the northern riparian corridor of the lower Cooks River. The draft PoMs and MPs balance interests of passive and organised recreation, biodiversity, stormwater treatment, heritage, pedestrian and cyclist circulation. The project aims to deliver balanced outcomes that facilitate multipurpose infrastructure and provide an environment for all park users. Proposed actions are based on user needs research, project community engagement, site analysis, design and engineering best practice.

The former Marrickville Council endorsed the plans for public exhibition at the 3 May 2016 Community and Corporate Services Committee meeting. The meeting minutes note that:

1. *"Council resolves that CONFIDENTIAL ATTACHMENT 2 of the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A (2) (c) of the Local Government Act 1993;*
2. *the report be received and noted;*
3. *the draft Plans of Management and Master Plans for the Cooks River Parklands in ATTACHMENT 1 be placed on public exhibition for a period of 28 days and submissions be received for a further 14 days;*
4. *a public hearing is convened on the proposed re-categorisation of community land in accordance with the Local Government Act (1993); and*
5. *the results of the public exhibition be presented to Council recommending further action."*

The plan was on exhibition for six weeks from Wednesday 4 May through until Wednesday 15 June 2016. During the exhibition period much support was received from the community as well as feedback that has been used to revise elements within the plans to ensure the plans better reflect the community's vision for the parklands in the future.

DISCUSSION

How to Use the Plans of Management and Master Plans Document

The PoMs and MPs are a holistic reference guide for the proposed use and upgrade works along the Cooks River between HJ Mahoney Reserve and Kendrick Park including Fatima Island for the next ten years. The document is divided into seven sections which describe each of the parks separately.

1. Project Context
The project context provides an introduction and the background to the project, including definitions, planning framework, integration with the (former) Marrickville Community Strategic Plan, PoM statutory requirements, project objectives and project methodology.

2. Existing Site Description (Appraisal) and Site Analysis
Each of the physical elements that occur within the parks is described in their existing condition. The descriptions include service locations and requirements, contours, existing trees, buildings, furniture and describe existing and associated uses. Existing constraints and site analysis considered in the design of the project are shown in plan and in photos in this section.

3. Engagement Overview and Common Themes
The community engagement process completed for the project is summarised in this section of the report. The outcomes are provided with recommendations that were undertaken to produce the proposed park upgrades as listed in the design section.

4. Land Categorisation
This section outlines the crown and community land managed by Council. All crown land is for the purpose of public recreation and community purposes in accordance with the *Crown Lands Act 1989*. For community land the document categorises specific areas in accordance with the requirements of the *Local Government Act 1993* and dictates what activities can or cannot take place within the park. The following categorisations are proposed in the draft PoMs:

- Sportsground;
- General community use; and
- Natural area - foreshore.

5. Leasing and Licencing
Leasing and licencing outlines whether there are existing leases and licences as well as allowable future leases and licences within the parks.

6. Design
Park upgrades and improvements are outlined in words, plans and imagery. Upfront design principles set the lens through which decisions are made for all parks upgrades. The graphic plans highlight the overall design outcomes, the text describe the strategies providing site specific outcomes while images help to articulate the required finish and character of the proposed work.

7. Implementation Plan
Each of the proposed actions and upgrades is costed in an opinion of probable costs schedule. The upgrades are grouped as potential deliverable projects and prioitoised for delivery according to the outcomes from community engagement. Projects costs have been integrated into the long term financial plan.

Projects
The key design projects and strategies proposed in the draft PoMs and MPs for each park are as follows:

HJ Mahoney Reserve

- Construction of water sensitive urban design (WSUD) initiatives including an ephemeral wetland and swale for water treatment from Wharf Street. The design provides for recreation nodes including barbecues, a shade structure, picnic facilities, seating, planting and shade trees;
- Naturalisation of the river edge with a share pathway, shade trees, habitat provision and seating;
- Retention of the sports field, athletics facilities and amenities building;

- Development of a youth facility with multi use courts, skatable seating and retention of the existing graffiti street art wall; and
- Pilot trial of a dog off leash area including the sports ground area.

Steel Park

- Implementation of the Debbie and Abbey Borgia Recreation Centre (DAB) expansion master plan;
- Integration of WSUD initiatives to existing and new car parking areas along with water treatment from Illawarra Road and implementation of associated passive recreation opportunities of seating and shade;
- Additional seating around the playing fields for sports viewing and terraces on the embankment from Thornley Street;
- Expansion of the existing children's playground, water play area, picnic facilities, shade shelters and barbecues;
- Provision of a vegetative buffer between users and the river near the play facilities to limit water access by users; and
- Upgrade of the playing fields including re-surfacing, drainage and sports lighting.

Richardson's Lookout, Warren Park and the Cooks River Foreshore

- Implementation of WSUD initiatives to reduce erosion and treat storm water from Thornley Street and Warren Park;
- Implement staged exercise circuit with new equipment along the foreshore;
- Additional vegetation and naturalisation of unused areas under existing fig trees and on dangerously steep slopes (in Richardson's Lookout) to increase biodiversity, habitat values and provide for a safe park;
- Provision of a river viewing platform, additional signage, seating and other park furniture; and
- Retain open space for informal recreation (Warren Park).

Mackey Park

- Naturalisation of the Sydney Water drainage channel with passive recreation items to increase park use opportunities;
- Increase recreation opportunities along the foreshore with seating and picnic tables;
- Provide an additional pathway connection from the foreshore to Richardson Crescent;
- Reconfigure the playing fields to reduce cricket ball conflict with the adjacent children's playground;
- Investigate the reconfiguring of the playing field line markings and the addition of new goalpost sleeves to increase flexibility of playing field and reduce turf wearing;
- Upgrade children's playground with new equipment, seating, shade and landscaping; and
- Implement staged exercise circuit with new equipment along the foreshore.

Kendrick Park and Fatima Island

- Retention of Fatima Island as a natural river asset and support the Biodiversity Action Plan strategies;
- Additional planting areas including the development of a low vegetative buffer (native meadow planting) along the Princes Highway to enable better mental separation from the traffic and additional planting under the fig trees to provide habitat opportunities;
- Upgrade the existing children's playground, barbecue facilities and shade structures; and
- Retain open space for informal recreation and the opportunity for future river swimming access.

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RESOURCING

Several projects will require shared delivery with funding from alternate sources and strong collaboration with stakeholders. These include:

- Bank naturalisation of the foreshore edge in HJ Mahoney Reserve. This project will require collaboration and funding from other sources including Sydney Water; and
- Naturalisation of the Sydney Water drainage channel in Mackey Park with a new rock lined creek, habitat logs, vegetation, shade trees and passive recreation items including seating.

These projects have been discussed with Sydney Water representatives. The draft PoM and MP document was used to support funding applications specifically for the Mackey Park project, which has been successful. To progress the project, Council has written to Sydney Water providing in-principle support for the project. Detailed investigations and collaborative planning will take place in the coming months, as the initial implementation stage of the project. A project working group will be established to oversee the project and determine governance, management and ongoing maintenance responsibilities for the project.

FINANCIAL IMPLICATIONS

The implementation of projects has been prioritised according to community engagement and funding availability. Each project has been given a staging rating of 1 – 3, with a 1 being implemented within 3 years; 2 being implemented 4 to 6 years and a 3 being implemented in >7 years.

The Council funded actions and upgrades proposed in the PoMs and MPs have been included in the Long Term Financial Plan with over 80% of projects funded over 10 years. The full project costings and prioritisation is included as **Confidential Attachment 4**. A budget shortfall of approximately $3 million exists, however it is envisaged this can be partially funded (by unallocated Section 94 funds) during the development of the 2017/18 -2021-22 Capital Works program. The funding of the shortfall is highlighted as a priority item for Section 94 funds.

The external / grant funding element of the projects will be incorporated into Council's Long Term Financial Plan pending details of the scope and funding agreements for each project being reached with Sydney Water.

A summary of project scenario costs implications are as follows:

TOTAL Project costs (excl. external / grant funding)	**$9,203,531**
Prioritised as follows:	
TOTAL priority 1 (excl. external / grant funding)	**$4,061,750**
TOTAL priority 2 (excl. external / grant funding)	**$1,661,375**
TOTAL priority 3 (excl. external / grant funding)	**$3,480,406**
Add:	
TOTAL External / grant funding costs	$6,249,750
Grand Total:	
TOTAL Project costs (incl. external / grant funding)	$15,453,281
Prioritised as follows:	
TOTAL priority 1 (incl. external / grant funding)	$6,505,500
TOTAL priority 2 (incl. external / grant funding)	$5,467,375
TOTAL priority 3 (incl. external / grant funding)	$3,480,406

OTHER STAFF COMMENTS

The development of the draft Cooks River Parklands Plans of Management and Master Plans has been a collaborative process with input sought at multiple stages of the project from internal stakeholders including: Environmental Services, Library and History Services, Integrated Strategy, Corporate Strategy and Communications, Planning Services, Monitoring Services, Infrastructure Works and Services, Customer Experience, Community Development, Design and Investigation, Major Projects, Resource Recovery, Infrastructure Planning and Property, Finance and Culture and Recreation. The design of the parks, with the input from so many has produced multi-functional infrastructure that achieves diverse outcomes and value for money.

PUBLIC CONSULTATION

Project participation in developing the design outcomes

Extensive external engagement with the community and stakeholders was completed during the project initiation. Information was disseminated to the community via a number of means including social media, business cards, information flyers, the Council website, letter box mail outs, direct emailing and meeting with stakeholder groups.

A number of interactive engagement sessions were held with the community at different locations to maximise input. For those that couldn't attend the engagement events, advertising material provided the 'Your Say Marrickville' website details. The site contained information outlining key dates, an overview of the project and a link to a web survey.

Separately, meetings were held with stakeholders to discuss needs and provide input on designs. Stakeholder groups that Council met with included AFL New South Wales, Canterbury Council, Cooks River Alliance, Cooks River Valley Association, Cooks River Committee, Canterbury and Western Suburbs Cricket Association, Gallipoli Centenary Peace Campaign, Local Land Services, Marrickville Aboriginal Consultative Committee (MACC), Marrickville Golf, Sporting and Community Club, Marrickville Heritage Society, Marrickville Red Devils, Marrickville SES, Muds Crabs, Newtown Police, Marrickville Police, Police Citizens Youth Clubs NSW (PCYC) Debbie and Abbey Borgia Community Recreation Centre, Residents for Reconciliation, River Canoe Club of NSW, Rockdale Council, St Peters Church History Group, Sydney Water and the Wolli Creek Environment Group.

Public Exhibition

The former Marrickville Council endorsed the plans for public exhibition of the plans at the 3 May 2016 Community and Corporate Services Council meeting. A six week exhibition period concluded on Wednesday 15 June 2016. During this time signage was installed within each park, a postcard distribution was delivered to 6000 residents within Tempe, Marrickville and Earlwood, an advertisement was placed in the Inner West Courier and posts were placed on the former Marrickville Council Facebook and Twitter accounts. An email was also sent to all stakeholders including the sporting groups, and where necessary meetings were held to provide an overview of the plans to ensure all questions could be answered.

All advertising material highlighted the 'Your Say Marrickville' website, which contained information about the project, copies of the report and an online survey that requested respondents to outline whether they supported the proposed plans and if they had any specific feedback. Hard copies of the report were supplied to the Petersham Service Centre and Marrickville Library.

During the exhibition period the online documents received views from 884 people, who made 84 submissions, totaling 186 comments. From the 84 submission we received 71% support for the plans, which correlates to more than 97% support from the total who viewed the documents.

A few items were repeatedly were raised by the community. These included:

HJ Mahoney Reserve

- Concern over the width, construction material, loss of existing character and pedestrian conflicts from the development of a share (bicycle and pedestrian) pathway connection along the river foreshore;
- The request to provide a synthetic cricket pitch and cover for summer cricket use of HJ Mahoney Reserve;
- Concerns with Poplar tree removals occurring sooner than proposed in the master plan.
- Ensuring the continued use of HJ Mahoney Reserve by a mix of sports users; and
- Support for the trial of dog off leash in HJ Mahoney Reserve, with requests for further trials if HJ Mahoney Reserve is successful.

Steel Park

- Concerns with Poplar tree removals occurring sooner than proposed in the master plan;
- Option for including cricket practice nets in Steel or Mackey Park; and
- Ensuring the continued use of Steel Park by a mix of sports users.

Mackey Park

- The lack of vehicle parking within the park;
- A perceived risk of ball strike during cricket match play within the children's playground;
- Option for including cricket practice nets in Steel or Mackey Park; and
- Ensuring the continued use of Mackey Park by a mix of sports users.

Fatima Island

- A request for additional strategies to help save Fatima Island from erosion due to the river currents.

The feedback was used to amend the Plan of Management and Master Plan design strategies to include the feedback from the community.

The full list of comments, Council's response and amendments made to the report is attached in a schedule as **Attachment 2**.

Public Hearing

A public hearing was held in accordance with the provisions of Section 40A of the Local Government Act (1993). The hearing was held at 6pm on Wednesday 1 June 2016 at the Petersham Service Centre and facilitated by an independent facilitator. The public hearing was attended by two Council officers and three members of the public.

The draft PoMs and MPs proposes the re-categorisation of community and crown land to Sportsground, General Community Use and Natural Area – foreshore. The categorisations meet the core objectives of the Local Government Act (1993) and Crown Lands Act 1989, and Council's commitment to recreation facilities and services. The core objectives for each category include:

Sportsground (LGA 1993 Section 36F)

- To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- To ensure that such activities are managed having regard to any adverse impact on nearby residences.

General Community Use (LGA 1993 Section 36I)

- To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and the wider public:
  (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
  (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Natural Areas – foreshore (LGA 1993 Section 36N)

- To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- To facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

Attendees of the public hearing were in favour of each of the proposed categorization changes to each of the parks. No written submissions were received. As such the independent facilitator has recommended that Council proceed with the proposed categorization of the Cooks River Parklands as described in the Plan of Management and Master Plan documents. A summary report of the public hearing prepared by the independent facilitator is provided at **Attachment 3**.

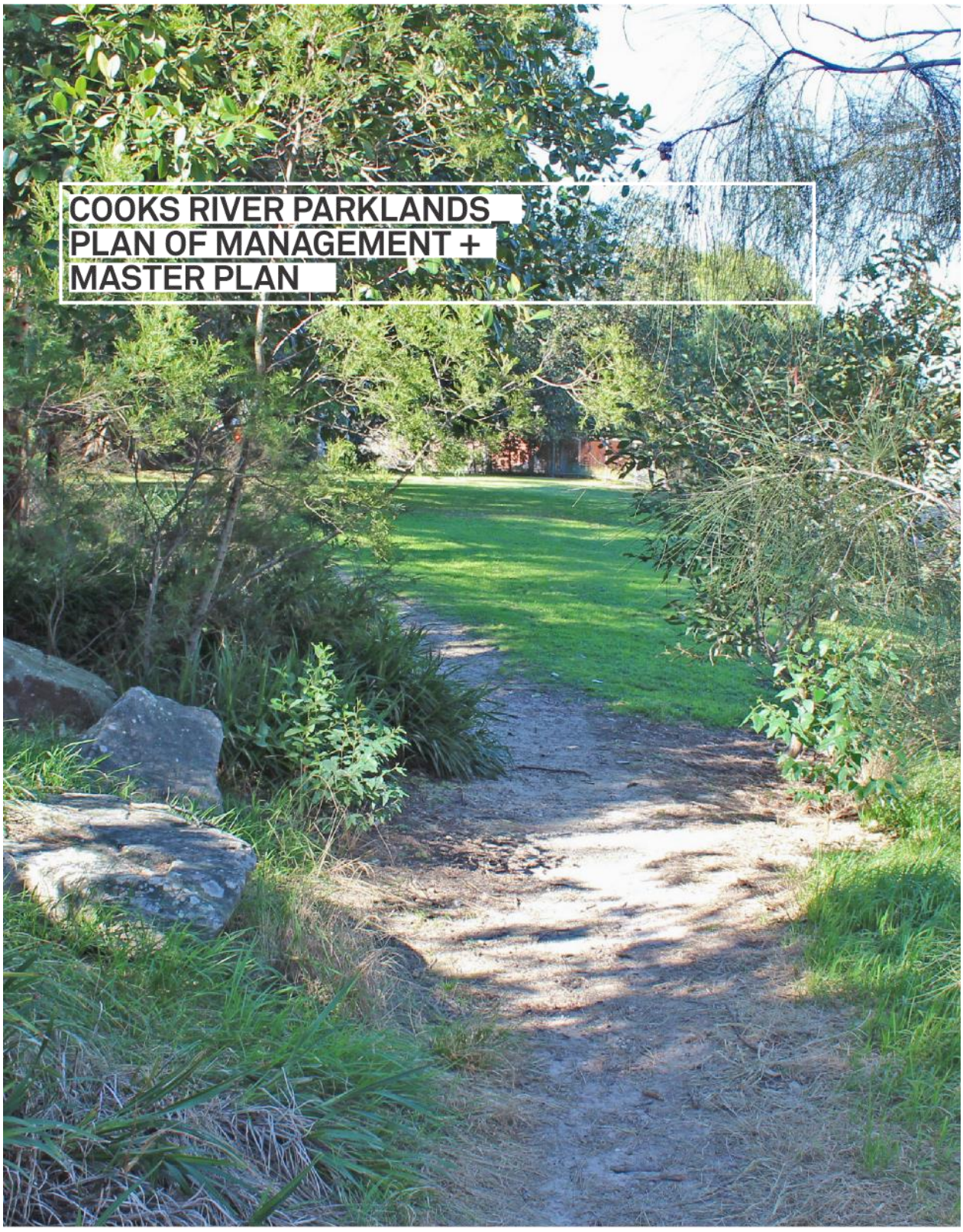
CONCLUSION

The draft Cooks River Parklands Plans of Management and Master Plans have been developed through a community based collaborative process. The high level of community support and the amendments to the plans post exhibition to address community feedback has established a detailed 10 year plan that is consistent with the community vision and values.

ATTACHMENTS

1.⇩ Draft Plan of Management and Master Plan Document
2.⇩ Feedback Schedule - Cooks River Parklands
3.⇩ Public Hearing Report
4. Draft Implementation and Action Plan - *Confidential*

Item 22



Inner West Council
August 2016

INNER WEST COUNCIL

Attachment 1

Document Control

Date	Revision No.	Revision Details	Approved
08.03.2016	01	Draft Issue 01 - For internal comment	DP
16.03.2016	02	Draft Issue 02 - For stakeholder input	DP
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10.08.2016	06	Draft Issue 06 - Fo final adoption	DP/JB

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Front cover image: Richardson's Lookout above Thornley Street, Marrickville
Photography by Inner West Council

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Tree vegetation in HJ Mahoney Reserve, Marrickville. Photography by Inner West Council.

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Executive Summary

Cooks River Parklands Plan of Management + Master Plan

Extensive research in 2012 resulted in the 'Recreation Needs Research - Strategic Directions for Marrickville', which identified the Cooks River Parklands as being in need of improved recreation and environmental outcomes for the community. The former Marrickville Council initiated the planning process to develop Plans of Management and Master Plans for 2.5 kilometres of the Cooks River Foreshore in July 2014. The scope of the project includes the following parks and recreation reserves:

> HJ Mahoney Reserve;
> Steel Park;
> Warren Park;
> Richardson's Lookout;
> Cooks River Foreshore;
> Kendrick Park; and
> Fatima Island.

The report outlines all the legislative requirements for a Plan of Management. The report is divided into eight sections, within which, each of the parks are described separately. The sections include: Project context, existing site description and site analysis, park categorisation, leases and licences, engagement overview and common themes, designs including proposed strategies and the implementation plan.

The report provides information on the Cooks River Parklands as a connected series of open space areas that form the northern riparian corridor of the lower Cooks River. The report balances interests of passive and organised recreation, biodiversity, stormwater treatment, heritage, pedestrian and cyclist circulation. It aims to deliver balanced outcomes that facilitate multipurpose infrastructure and use outcomes that provide for all park users and the environment. The design outcomes are a direct representation of requests from the community engagement process.

The key design strategies proposed for each the parks include:

HJ Mahoney Reserve
> Construction of water sensitive urban design initiatives including an ephemeral wetland and swale for water treatment from Wharf Street. The design provides for recreation nodes including barbecues, a shade structure, picnic facilities, seating, planting and shade trees.
> Naturalisation of the river edge with a share pathway, shade trees, habitat provision and seating.
> Retention of the sports field, athletics facilities and amenities building.
> Development of a youth facility with multi use courts, skatable seating and retention of the existing graffiti street art wall.

Steel Park
> Implementation of the DAB expansion Master Plan.
> Integration of WSUD initiatives to existing and new car parking areas along with water treatment from Illawarra Road and implementation of associated passive recreation opportunities of seating and shade.
> Additional seating around the playing fields for sports viewing and terraces on the embankment from Thornley Street.
> Expansion of the existing children's playground, picnic facilities, picnic shelters and barbecues.
> Provision of a vegetative buffer between users and the river near the play facilities to limit water access by users.
> Upgrade of the playing fields with new turf and drainage.

Richardson's Lookout, Warren Park and the Cooks River Foreshore
> Implementation of water sensitive urban design initiatives to reduce erosion and treat storm water from Thornley Street and Warren Park.
> Implement staged exercise circuit with new equipment along the foreshore.
> Additional vegetation and naturalisation of unused areas under existing fig trees and on dangerously steep slopes (in Richardson's Lookout) to increase biodiversity, habitat values and provide for a safe park.
> Provision of a river viewing platform, additional signage, seating and other park furniture.
> Retain open space for informal recreation

Mackey Park
> Naturalisation of the Sydney Water drainage channel with passive recreation items to increase park use opportunities.
> Increase recreation opportunities along the foreshore with seating and picnic tables.
> Provide an additional pathway connection from the foreshore to Richardson Crescent.
> Reconfigure the playing fields to reduce cricket ball conflict with the adjacent children's playground.
> Reconfigure the playing field line markings and the additional of new goalpost sleeves to increase flexibility of playing field and reduce turf wearing.
> Upgrade children's playground with new equipment, seating, shade and landscaping.
> Implement staged exercise circuit with new equipment along the foreshore.

Kendrick Park and Fatima Island
>Retention of Fatima Island as a natural river asset.
>Additional planting areas including the development of a low vegetative buffer with the Princes Highway to enable better mental separation from the traffic and noise.
> Upgrade the existing children's playground, barbecue facilities and shade structures.

The design strategies are described on scaled plans as well as in text and imagery.

Implementation of the proposed plans
The implementation plan articulates the estimated costs for each project. Performance measure targets and a time frame for implementation is also provided. Each of the proposed upgrades are prioritised according to community feedback and have informed the former Marrickville Long Term Financial Plan.

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Open Space, Kendrick Park, Tempe. Photography by Inner West Council.

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Steel Park, Marrickville. Photography by Inner West Council.

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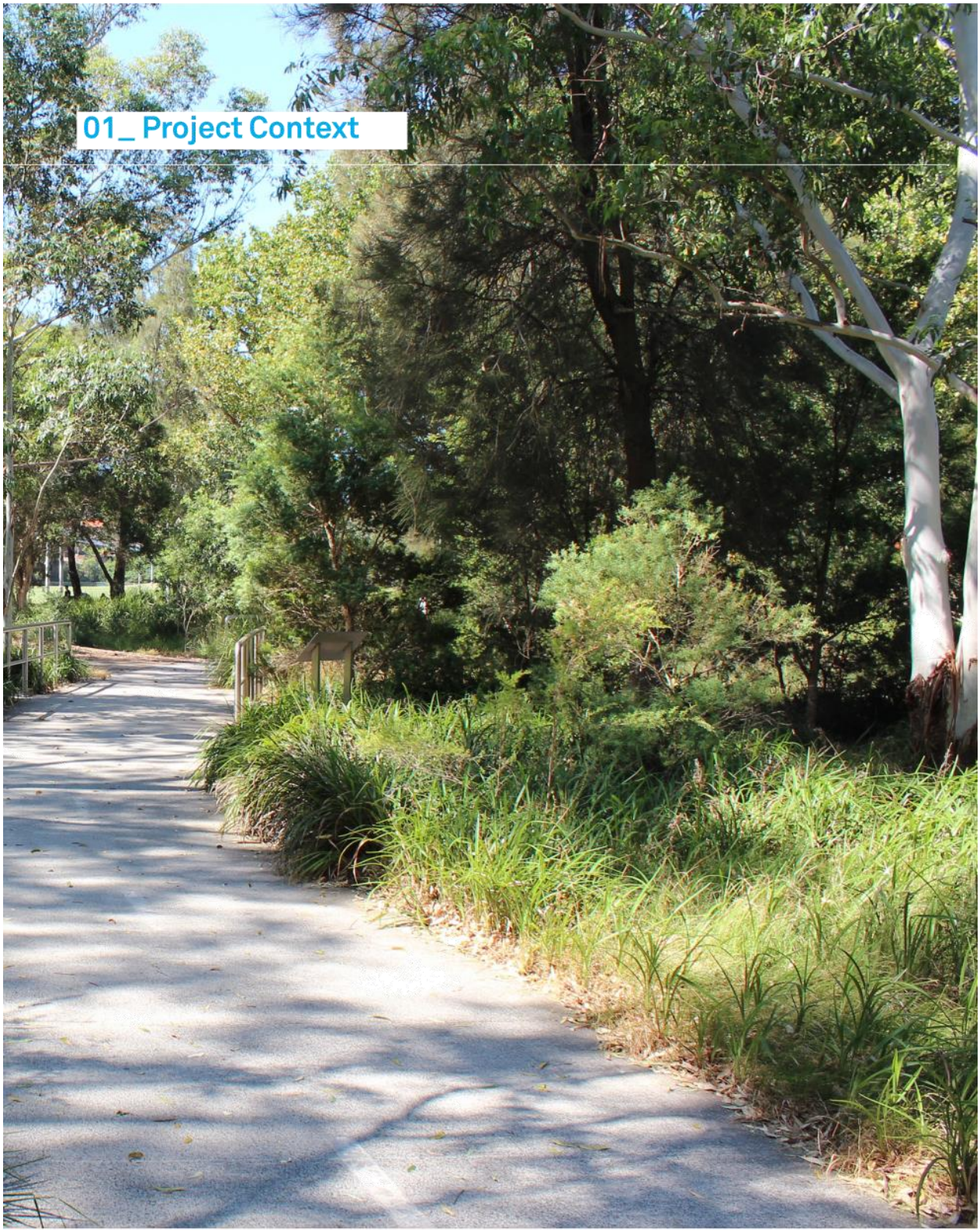
01_ Project Context

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Kendrick Park, Tempe. Photography by Inner West Council.

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01_ Project Context

Introduction

Overview
Council conducted an extensive research project in 2012 resulting in the development of the 'Recreation Needs Research - Strategic Directions for Marrickville'. The study identified the community need for improved recreation and environmental outcomes for the Cooks River and its parklands.

In July 2014 the former Marrickville Council initiated the planning process to develop plans of management and master plans for open space along 2.5 kilometres of the Cooks River foreshore. The project scope includes the following parks and reserves:

> HJ Mahoney Reserve;
> Steel Park;
> Warren Park;
> Richardson's Lookout;
> Cooks River Foreshore;
> Kendrick Park; and
> Fatima Island.

The purpose of the plans is to inform the former Marrickville Council Long Term Financial Plan and the Open Space Asset plan, in order to plan staged upgrades over the next ten years.

This report views the Cooks River Parklands as a connected series of open space areas that form the northern riparian corridor of the lower Cooks River. The report balances interests of passive and organised recreation, biodiversity, stormwater management, heritage, pedestrian and cyclist circulation. It aims to deliver balanced outcomes that facilitate multipurpose infrastructure and use outcomes that provide for the environment and all park users. Outcomes and decisions are based on the user needs research, project community engagement, site analysis, design and engineering best practice.

Our Place, Our Vision 2023: (former) Marrickville's Community Strategic Plan
Council parklands service multiple community needs as demonstrated by the extensive list of relevant outcomes in Our Place, Our Vision 2023, (former) Marrickville's Community Strategic Plan (CSP). The ongoing management of the Cooks River Parklands is consistent with the CSP, promoting the shared vision of the community and Council. It also provides us with a focus; enabling us to allocate the required resources to translate our vision into action. The following pages show how the Cooks River Parklands Plan of Management and Master Plan integrate with, and actively support, our community's strategic outcomes.

The development of the Cooks River Parklands Plan of Management and Master Plan was informed by community and stakeholder engagement, research and analysis of the sites and user groups and related strategies and plans. Ongoing implementation will be achieved through not only our targeted Action Plan, but Council's four year Delivery Program, annual Operational Plan and Resourcing Strategy.

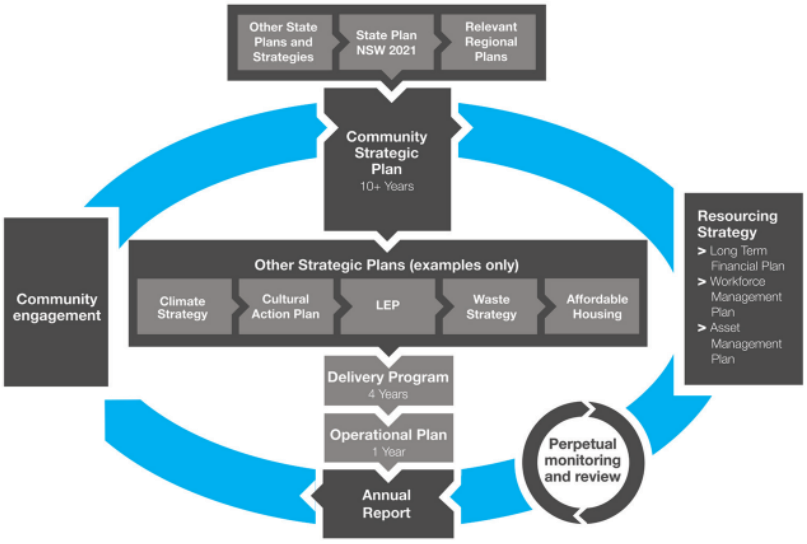

Figure - 01: Planning context, strategic alignment and process.

01_ Project Context

Strategic Alignment

OUR PLACE, OUR VISION 2023 (former) Marrickville Community Strategic Plan	ALIGNMENT OF THE COOKS RIVER PARKLANDS PLAN OF MANAGEMENT AND MASTER PLAN WITH THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM
KEY RESULT AREAS These are the big picture results which the community would like Council and its many partners to focus on achieving	**KEY RESULT AREAS** **KRA 1** - A diverse community that is socially just, educated, safe and healthy. **KRA 2** - A creative and cultural Marrickville. **KRA 3** - A vibrant economy and well planned, sustainable urban environment and infrastructure. **KRA 4** - An innovative, effective, consultative and representative Council.
OUTCOME STATEMENT These are detailed outcomes under each KRA. They are more specific than the KRAs, but still focus on the end result rather than how to get there	**OUTCOMES** **1.1** The community is active and healthy; **1.2** The community has improved access to a range of local services for all ages and abilities; **1.3** The community has increased opportunities for participation and enjoyment; **1.4** The community feels safe, connected and has access to infrastructure; **2.1** Marrickville is a creative community participating in arts and cultural activities at all stages of life; **2.3** The community understands and has a strong sense of history; **2.4** Increased awareness and appreciation of Aboriginal art, culture and history in Marrickville; **3.1** The community is responding to climate change and is actively reducing greenhouse gas emissions. **3.3** The community walks, rides and uses public transport. **3.6** Marrickville's parks, grounds and open spaces provide diverse opportunities for recreation and enjoyment and are designed with community input. **3.7** Marrickville is a water sensitive community that: supplies water from within its catchment; provides green infrastructure to support ecosystem services and collaborates to makes plans, designs and decisions that are water sensitive. **3.8** Marrickville has thriving natural habitats. **3.9** Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability. **4.3** Council is innovative in its delivery of services and projects. **4.4** Council operations are high quality, sustainable, ethical and efficient. **4.5** Council is financially viable and provides value for money in the delivery of its services.

Figure - 02: Aligning the Cooks River Parklands with the Community Strategic Plan

01_ Project Context

Strategic Alignment

OUR PLACE, OUR VISION 2023
(former) Marrickville Community Strategic Plan

ALIGNMENT OF THE COOKS RIVER PARKLANDS PLAN OF MANAGEMENT AND MASTER PLAN WITH THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM

DELIVERY PROGRAM OBJECTIVES
These guide the specific actions related to this plan and define how to achieve the outcomes

STRATEGY OBJECTIVES

1.1.1 Provide the community with access to diverse and affordable sporting and recreation opportunities.
1.1.2 Provide sport and recreation facilities, programs and services that meet the present and future needs of the community.
1.1.3 Support the mental health and well-being of citizens.
1.2.2 Deliver and improve a wide range of essential community services that produce better outcomes for people of all ages and abilities.
1.2.3 Collaborate with other agencies to plan and deliver a range of programs that meet community needs and promote community well-being.
1.2.4 Community and Council facilities are well managed.
1.3.4 There are safe places for people to meet and interact.
1.4.1 Plan and advocate for improved accessibility including accessible transport options and well maintained and accessible pathways.
1.4.2 Collaborate to address crime and improve safety.
2.1.1 Provide community members with access to arts and cultural activities and facilities.
2.1.2 Develop a community culture where everybody feels comfortable expressing their chosen cultural life, including their cultural practices, art and languages.
2.1.4 Integrate public art and street art into public spaces.
2.1.6 Provide cultural infrastructure through a range of affordable and accessible facilities.
2.3.1 Record and promote the area's diverse cultural history for current and future generations.
2.3.2 Engender a sense of community pride in and respect for the area's diverse history.
2.4.1 Protect Aboriginal Culture and History in Marrickville.
2.4.3 Increase interpretative signage and aboriginal art in public places.
3.1.3 Enhance Council's and the community's ability to adapt to a changing climate.
3.3.1 Plan and provide accessible and well connected footpaths, cycle ways and associated facilities.
3.3.2 Promote accessibility of railway stations and bus stops.
3.3.3 Support and promote cycling, walking and use of public transport and other alternative transport modes to reduce car use.
3.6.1 Ensure Council's parks are well maintained, accessible and visually appealing.

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01_ Project Context

Strategic Alignment

OUR PLACE, OUR VISION 2023 (former) Marrickville Community Strategic Plan	ALIGNMENT OF THE COOKS RIVER PARKLANDS PLAN OF MANAGEMENT AND MASTER PLAN WITH THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM
DELIVERY PROGRAM OBJECTIVES These guide the specific actions related to this plan and define how to achieve the outcomes	**STRATEGY OBJECTIVES** **3.6.2** Ensure Council's playgrounds are safe, accessible and offer a range of opportunities for creative play and exploration. **3.6.3** Ensure Council's sporting facilities are sustainable, accessible and offer a diverse range of recreational opportunities. **3.7.1** Reduce the use of potable mains water in homes, businesses, Council facilities and public spaces. **3.7.2** Manage the stormwater system and its impact on the urban environment. **3.7.3** Support regional projects to improve the health of the Cooks River, Botany Bay, Lower Parramatta River, Sydney Harbour and their catchments. **3.7.4** Implement sustainable urban water management. **3.8.1** Protect and enhance Marrickville's biodiversity and Priority Biodiversity Areas. **3.9.1** Provide effective planning controls to ensure that the built environment reflects community expectations and changing needs, conserves heritage and is socially and environmentally sustainable. **4.3.2** Council works collaboratively with new and existing partners to tackle complex problems. **4.4.1** Implement best practice governance standards, transparent decision making and a strong ethical culture. **4.5.1** Provide financial information and services to support effective decision making. **4.5.3** Ensure Council's property assets are well managed.

Attachment 1

01_ Project Context

Strategic Alignment

OUR PLACE, OUR VISION 2023
(former) Marrickville Community Strategic Plan

ACTIONS
The detailed set of actions which Council will undertake to help achieve the community vision are not contained in the Community Strategic Plan, but are specified in its Delivery Programs and Operational Plan

ALIGNMENT OF THE COOKS RIVER PARKLANDS PLAN OF MANAGEMENT AND MASTER PLAN WITH THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM

ACTIONS
1. Complete community engagement to determine how the Cooks River Parklands are used, how the community want to use the facilities and how they would like the parks to look like in the future.
2. Undertake existing site appraisal and analysis of the parklands and their connections.
3. Develop design principles for the design of all parks.
4. Outline design strategies that articulate proposed park upgrades.
5. Provide an opinion of probable costs for the proposed park upgrades.
6. Provide a list of prioritised upgrades with financial implications integrated into the former Long Term Financial Plan and Open Space Asset Management Plan. Ensure the priorities are aligned with feedback as described during the engagement sessions.

01_ Project Context

Scope of Work

The Cooks River Parklands are located in the suburbs of Marrickville and Tempe within the Inner West Local Government Area (LGA). The parklands are adjacent to both Rockdale and Canterbury Council areas and the suburbs of Wolli Creek and Earlwood. The Cooks River Parklands project includes the following parks and reserves bounded by the following streets and landmarks:

HJ Mahoney Reserve
HJ Mahoney Reserve is bounded by Wharf Street to the north, Illawarra Road to the east, the Cooks River to the south and the Marrickville Golf Course to the west.

Steel Park
Steel Park is bounded by Thornley Street to the north, residential properties and the Cooks River Foreshore Park to the east, the Cooks River to the south and Illawarra Road to the west.

Warren Park
Warren Park is bounded by Thornley Street to the north, residential properties to the east, the Cooks River Foreshore Park to the south and residential properties to the west.

Richardson's Lookout
Richardson's Lookout is bounded by Holt Crescent to the north, residential properties to the east, Thornley Street to the south and Mansion Street to the west.

Cooks River Foreshore
The Cooks River Foreshore is bounded by Warren Park to the north, Mackey Park to the east, the Cooks River to the south and Steel Park to the west.

Mackey Park
Mackey Park is bounded by Premier Street and Richardson's Crescent to the north, Richardson's Crescent and Bayview Avenue to the east, the Cooks River to the south and Carrington Avenue, Cooks River Foreshore Park and residential properties to the west. The Concordia Club is located within the boundaries of Mackey Park, however is outside the scope of this document.

Kendrick Park
Kendrick Park is bounded by View Street and residential properties to the north, Princes Highway to the east, Cooks River to the south and the Tempe train station and rail line to the west.

Fatima Island
Fatima Island is an ephemeral island located in the Cooks River. The island is surrounded by tidal river water which means the island edges expand and contract according to the river tidal currents and flood levels.

The location of the parks are highlighted in figure 03 and the park and project scope plan is highlighted in figures 04 and 05.

The designs for the Master Plans have considered pedestrian and cycle connections between the parklands, along streets and through the Tempe train station car park. The design strategies recommendations in the Master Plan include areas within the public domain outside the park lot boundaries.

01_ Project Context

Location Plan - Regional Context



Figure 03: Location plan.

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01_ Project Context

Scope Plan

LEGEND
Site Boundary



ADJOINS FIGURE 05

Figure 04: Scope of the parklands for the Master Plans and Plans of Management.

Attachment 1

01_ Project Context

Scope Plan

LEGEND
Site Boundary



ADJOINS FIGURE 04

Figure 05: Scope of the parklands for the Master Plans and Plans of Management.

01_ Project Context

Scope of Work_ Climate change

The IPCC (2014) and the CSIRO (2014) outline the world is undergoing rapid warming. The warming is having measurable impacts on our daily climate with increasing extremes of temperature, rainfall intensity, rainfall variability and the severity of storms. Rising sea levels have been attributed to increasing temperatures and in combination with increased storm events and rainfall intensity, the result is more frequent flood inundation of the foreshore areas including the recreation spaces of the Cooks River.

With so many variables in calculating the full affects of climate change, scientific models vary greatly in the predicted outcomes. Worst case scenarios predict the open space along the Cooks River will be regularly inundated, severely degrading their ability to function as viable open space.

The scope of the Cooks River Master Plan is unable to fully mitigate the affects of climate change. What is proposed are outcomes tied to other benefits such as increasing revegetation for biodiversity outcomes, which also provide a natural protective barrier to the foreshore and by providing WSUD initiatives for water treatment that also reduce flood events. These integrated measures will help longer term solutions to become more resilient to climate change and delay their implementation. Should in the future additional funding opportunities become available this document recommends a holistic and integrated approach with other councils within the Cooks River catchment to combat climate change impacts.

The Cooks River Plans of Management and Master Plans are aligned with the former Marrickville Council's Climate Change Plan objectives and will help implement strategies that will provide green infrastructure for ecosystem services and enable resilience, within the local community..

01_ Project Context

How to use this document

This report is proposed to be a holistic reference guide for all proposed use and upgrade works along the Cooks River between HJ Mahoney Reserve and Kendrick Park including Fatima Island. The document is divided into seven sections which describe each of the parks separately.

01 Project context
The project context provides an introduction and the background to the project, including definitions, planning framework, strategic alignment, project objectives and methodology.

02 Existing site description (appraisal) and site analysis
Each of the physical elements that occur within the parks are described in their existing condition. The descriptions include service locations, contours, existing trees, buildings, furniture and includes existing and associated uses.

03 Engagement overview and common themes
The community engagement process that was undertaken is described in this section of the report. The outcomes are summarised with recommendations that were undertaken to produce the proposed park upgrades as listed in the design section.

04 Park categorisation
Park categorisation outlines whether each park area is either Crown land or community land managed by Council. For community land, the document outlines whether it is a sportsground, general community use, a park, an area of cultural significance or a natural area. The land categorisation stipulates what activities relating to use can or cannot take place within the park.

05 Leasing and licensing
Leasing and licensing outlines whether there are existing leases and licences existing within the parks. This section outlines whether future leases and licences are possible within any park area.

06 Design
Park upgrades and improvements are outlined in both words and imagery, with design principles setting the lens through which decisions are to made of all the parks upgrades. Plans highlight the overall design outcome, while the strategies provide site specific outcomes. Images help to articulate the required finish and character of the proposed work.

07 Implementation plan
Each of the proposed upgrades is costed via an opinion of probable costs. The upgrades are grouped as potential deliverable projects and are prioritised according to asset condition, cost benefit, related strategy priorities and need as requested by the community.

01_ Project Context

Project Methodology

The project methodology was undertaken in several phases of work. The methodology aimed to provide a process that ensures best practice outcomes and provides for user needs.

The 9 phases include:

Phase 01: Establish project aims and objectives. Establish a project program, methodology and identify all stakeholders.

Phase 03: Undertake extensive community and stakeholder engagement to understand how the park is used now and in the future. Investigate aspirations for future use and the parks' appearance. A community engagement report was produced following this phase of work capturing all communications and common themes.

Phase 04: Extensive site analysis established park opportunities and constraints. Elements considered include access, safety, legislative requirements including Council policies, existing trees and vegetation, history, pedestrian and cycle connections, vehicle access, maintenance, flooding, drainage issues,topography, geology, biodiversity, categorisation and microclimate,

Phase 05: Develop draft plan designs and write Plan of Management and Master Plan design strategies. Precedent imagery and detailed text were used to express the constructed outcomes for the parks.

Phase 06: Detailed Council stakeholder and peer review of the documents. Feedback informed design and document changes to ensure all discipline perspectives are considered.

Phase 07: Develop opinions of probable costs and establish prioritised list of projects that are reflective of user needs. Coordinate financial implications to identify availability of funding and input for the long term financial plan, project open space - asset management plan and capital works program.

Phase 08: Release the documents for public exhibition and undertake further stakeholder engagement following Council endorsing the plan for this purpose. Feedback collated for inclusion in the Plan of Management and Master Plan.

Phase 09: Update documents from feedback and finalise report and report to Council.

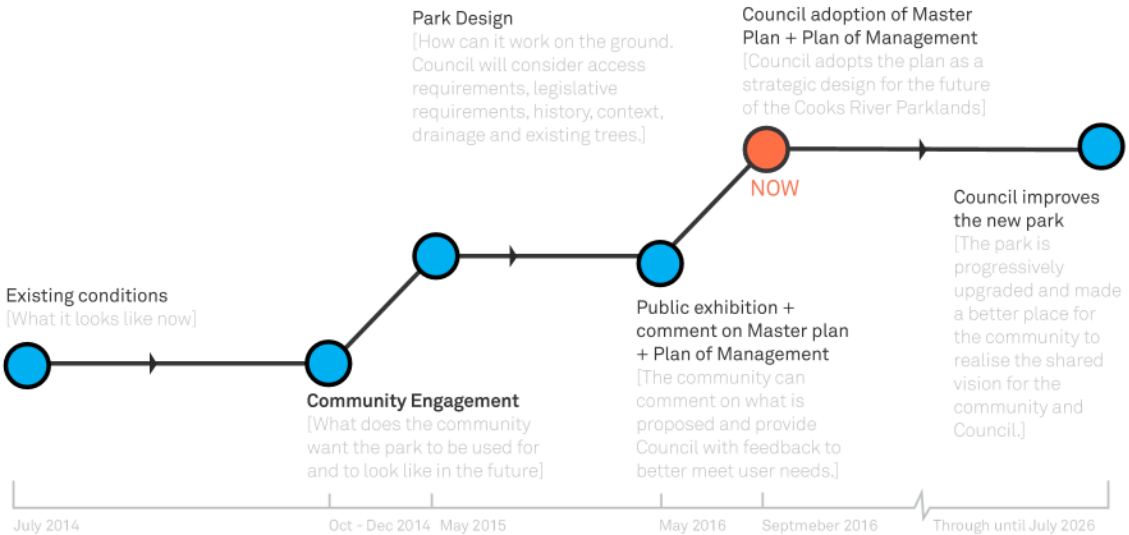

Figure 06: Summarised diagram of the process to develop a Plan of Management and Master Plan.

01_ Project Context

Planning Context

What is a Plan of Management?
A plan of management is a strategic document providing a planning and management framework for the future use, development and maintenance of areas of community land in accordance with the *Local Government Act 1993*. Plans of management are required for community land owned by Council.

Crown land - Management requirements
From the *Crown Lands Act 1989*, the principles of Crown land management are:
(a) that environmental protection principles be observed in relation to the management and administration of Crown land.
(b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible.
(c) that public use and enjoyment of appropriate Crown land be encouraged.
(e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
(f) that Crown land be occupied, used, sold, leased, licenced or otherwise dealt with in the best interest of the State consistent with the above principles.

Community land - Local Government Act requirements
Public land as defined under the *Local Government Act 1993*, must be classified as either community or operational land. Land classified as 'community' reflects the importance to the community in that the land is for use by the general public. All community land requires a plan of management to govern and manage the use of the land. The plan of management must include the following:
>The categorisation of the land.
> Objectives and performance targets of the plan with respect to the land.
> The means by which Council proposes to achieve its performance with respect to the plan's objectives and performance targets.
> The condition of the land and of any buildings improvements on the land.
> The use of the land and of any buildings or improvements as at the date of adoption.
> Specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.
> Describe the scale and intensity of any such permitted use or development.

Community land must be categorised as one of the following:
> A natural area.
> A sportsground.
> A park.
> An area of cultural significance.
> General community use.

The full list of parks and their existing categorisation is located in section 03 and the proposed categorisation is in section 04.

What is a Master Plan?
A master plan is to be read in conjunction with the plan of management. The master plan is the illustrative representation of the proposed construction and design outcomes. It highlights long-term planning aspirations. It establishes best practice outcomes and a clear vision. It uses community goals and desires for the project, giving spatial organisation and a plan for implementation.

Other relevant legislation
> Companion Animals Act.
> Disability Discrimination Act.
> Environmental Planning and Assessment Act 1979
> National Construction Code 2015.
> National Parks and Wildlife Act 1974.
> Native Vegetation Act 2003
> Noxious Weeds Act 1993
> State Environmental Planning Policy (infrastructure) 2007.
> Threatened Species Conservation Act 1995.
> Work, Health and Safety Act.

Local planning context
Relevant former Marrickville Council Studies, Strategies and Polices include:
>Asset Management Strategy and Asset Management Plans.
> Bicycle Strategy (2007).
> Biodiversity Strategy 2011-2021 and Biodiversity Action Plan (2011-2015).
> Companion Animals Management Plan.
> Cooks River Foreshores Strategic Plan 1997.
> Cooks River Signage Strategy.
> DDA Access Policy and Access Action plan 2004.
> Kendrick Park Conservation and Management Plan.
> Mackey Park WSUD Concept report
> Mackey Park Contamination Management Plan.
> Marrickville Community Strategy Plan 2013.
> Marrickville LEP 2011.
> Recreation Needs Research - Strategic Directions for Marrickville 2012.
> Recreation Strategy and Policy 2013.
> Strategy for a Water Sensitive Community.
> Subcatchment Management Plans.
> Urban Forest Strategy.
> Water Savings Action Plan 2013.
> Wharf Street WSUD Concept Design.

01_ Project Context

Values, Roles and Objectives

Council has a strong commitment to provide recreation facilities and services that are articulated through the Recreation Policy and Strategy 2013. This specifically includes:

Lifelong Recreation
> Inclusive access to best practice and innovative recreation opportunities for the Marrickville Community.

Active in Marrickville
> Enrichment of the health and well-being of the Marrickville community through participation in a diverse range of recreational activities.

The Recreation Economy
> Support for local recreation businesses and organisations that facilitate recreation in Marrickville and add economic value to the community.

Consistent with the Recreation Policy and strategy, the desired roles of the Cooks River Parklands including: HJ Mahoney Reserve, Steel Park, Richardson's Lookout, Warren Park, Cooks River Foreshore, Mackey Park, Kendrick Park and Fatima Island are outlined in the following table.

Value	Role
Lifelong Recreation	> An accessible park for people of all abilities. > Provide a place for children and young people to play. > Provide a place for informal recreation including safe walking paths and ancillary facilities such as shade and seating for all ages. > To maintain the cultural heritage and character of the parks and surrounding areas through acknowledgement and expression of local heritage. > To enrich the local community through art.
Active in Marrickville	> A park that is well connected to the surrounding urban environment. > An opportunity to engage in informal active recreation activities. > An opportunity for leisure. > An opportunity to participate in organised sporting activities. > Protection and preservation of plantings within the park. > Sustainable management of recreation and community facilities. > Preserve and enhance the biodiversity value of priority areas, specifically the Cooks River corridor. > Enhance local and regional habitat connectivity. > Reduce and eliminate threats to biodiversity protection. > Engage and educe the community to help protect values. > Provide green infrastructure to support ecosystem services.
The Recreation Economy	> Provide appropriate recreation facilities for future incoming populations. > Maintain and actively seek new partnerships. >Recreation facilities are safe, equitable, inclusive and affordable.

01_ Project Context

Project objectives

The following is a list of project objectives.

Lifelong Recreation Objectives
> Provide multifunctional infrastructure that promotes recreation and meets community needs for open space.
> Improve the visual impact of infrastructure elements.
> Ensure each park retains its unique sense of place.
> Improve microclimate affects of wind and temperature through appropriate arrangement of trees and park elements to ensure human comfort is improved.
> Maximise the river as a recreation and environmental resource for the community to enjoy.
> Provide a safe environment for all users at all times.
> Ensure passive recreation activities are considered and appropriately catered for within the parks and foreshore areas.

Active in Marrickville
> Promote infiltration of rainwater in all parks, minimising stormwater runoff to the Cooks River.
> Improve stormwater quality.
> Increase habitat values and opportunities within the parks and along the river foreshore.
> Provide tree planting for shade and shelter as well as green relief in a highly urbanised environment.

The Recreation Economy
> Park design and material selection should maximise resource efficiency and promote sustainability.
> Maximise use of space. Ensure park elements have multifunction purposes. Consider use times and possible compatible functions.
> Maximise efficiency for maintenance.
> Ensure quadruple bottom lime sustainability principles are applied to materials section.

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Mackey Park, Marrickville. Photography by Marrickville Council.

Attachment 1

02_ Existing Site Appraisal + Site Analysis

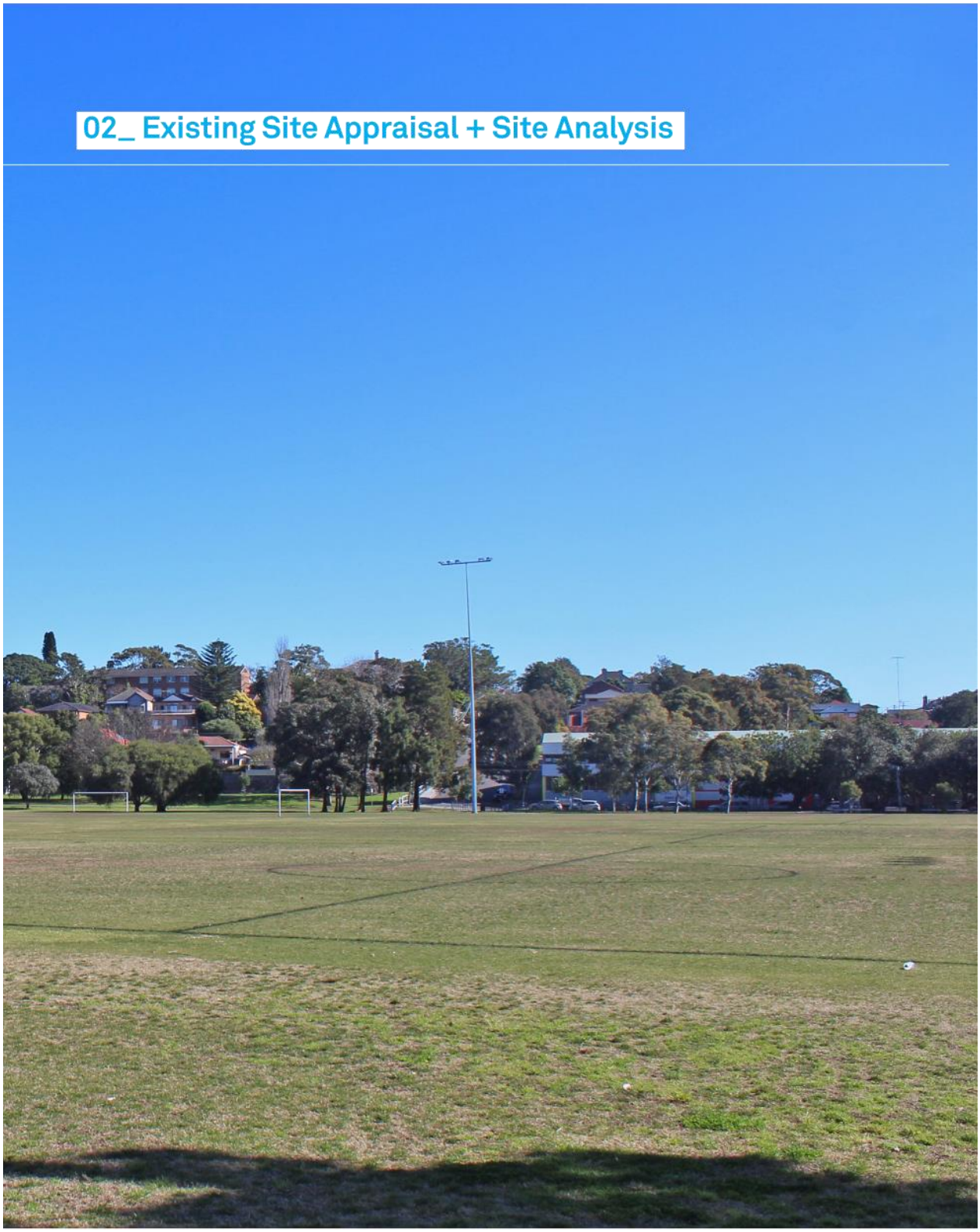

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Figure 07: Physical elements - HJ Mahoney Reserve.

HJ Mahoney Reserve Parklands Elements_ **01** Art wall; **02** Car parking area; **03** Playing field **04** Amenities building **05** Athletic equipment **06** picnic facilities.

Attachment 1

02_ Existing Site Appraisal + Site Analysis

HJ Mahoney Reserve

Land	HJ Mahoney Reserve
Title Information	Lot 1, DP504365, Lot 2, DP504365, Lot 3, DP10133, Lot 4, DP10133, Lot 5, DP10133, Lot 6 DP10133, Lots 7 & 8, DP10133, Lot A DP1164, Lots 55 to 57 incl. Sec. 1 DP272, Lots 43 & 44, Sec. 2 DP272, Lot 45, Sec. 2 DP272, Lot 46 & 47, Sec. 2 DP272, Lot 48, Sec. 2, DP272, Lot 49 & 50, Sec. 2 DP272, Part Lots 46 to 49 incl. Sec 1 DP272, Lots 54 & 58, Sec 1 DP272, Lots B to F incl. and Part Lot G, DP1164, Part Lot G, DP1164, Part Lots 46 & 49, Sec. 1 DP272. Closed road (formerly Livingstone Rd) Govt. Gaz. 5.1.1945. Closed roads (formerly Beauchamp Rd and Riverside St) Land grant 26.5.1965.
Ownership	Inner West Council
Location	HJ Mahoney Reserve is located in the suburb of Marrickville, in the south-eastern portion of the Inner West Council Local Government Area
Total area	33,000 m2
Zoning	RE1 Public Recreation
Existing Classification	Community land

Overview: HJ Mahoney Reserve is an quiet park that is used for both passive and active recreation.

Character: HJ Mahoney Reserve has an informal open character. The perimeter of the park is lined with spreading mature shade trees, while the centre of the park is an open playing field. The trees in combination with the open playing field define its character. The river edge has excellent views along the river in both directions.

Pathways: HJ Mahoney Reserve has a limited number of pathways. Along Illawarra Road, there is a concrete pedestrian pathway that connects over the Cooks River to Earlwood in the Canterbury Local Government Area. There is a pedestrian crossing and refuge island that connects to Steel Park across Illawarra Road. There is a concrete apron around the amenities building which has connections to an adjacent car park. The existing pathways are in fair condition.

Elsewhere there are a number of foot traffic wear marks in the turf including along the foreshore connecting Marrickville Golf Course to Illawarra Road.

Street art wall: HJ Mahoney Reserve has a ball sport practice wall converted into a legal street art gallery wall. The wall is heavily used and changes daily. There is a concrete apron that surrounds the wall. No bins or other infrastructure is provided to support this function.

Fencing: A 1800mm high chain wire fence is located along the boundary interface with the Marrickville Golf Course. The interface with Wharf Street has a 900mm chain wire fence running east for approximately 100m from the amenities building towards Illawarra Road. This fence is in poor condition with rust and vandalism.

The interface along Illawarra Road has a post and rail fence that connects with the Cooks River Bridge. The post and rails wrap around onto Wharf Street for a short distance joining the chain wire fence. Another post and rail fence exists from the amenities building running west along Wharf Street to the Golf Course boundary. The post and rail fences are painted white and in good condition.

Park furniture: HJ Mahoney Reserve has a scattering of seats and picnic tables particularly along the Wharf Street and Illawarra Road interfaces. Along Wharf Street there is an electric barbecue and drink fountains. The park has wheeled bins attached to lockable poles. All park furniture is in poor condition and of considerable age.

Foreshore edge interface: Steel sheet piling along the river edge creates a variable vertical drop of at least 1.0m. The sheet piling prohibits safe access to the river from the park.

Car parking: 90 degree car parking is provided adjacent the amenities building on Wharf Street. Eight car parking spaces are provided. The car park surface is asphalt with a concrete gutter. Wharf Street has parallel street parking provided along its length. Vehicle access into the park is via a locked gate along Wharf Street.

Playing field: A turf playing field occupies the centre of HJ Mahoney Reserve. The playing field is configured for soccer, AFL and athletics use. The use for athletics, is the only playing field in the LGA for this use. The playing surface has good drainage and fair grass cover.

Trees: HJ Mahoney Reserve is edged with mature tree species. Each side of the park has different species combinations. The river edge and Illawarra Road is defined by Figs, *Ficus obliqua* and Poplar trees, *Populus deltoides*. The western edge is dominated by mixed Eucalypt species with She-Oak, *Casuarina glauca*. The northern edge is mixed with Eucalyptus species though is dominated by Swamp Mahogany, *Eucalyptus robusta*. Several new Eucalypt trees have been planted as advanced stock in the south-western corner of the park. These trees have replaced several Poplar trees that were in decline and removed by Council.

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Figure 08: Mahoney reserve Parklands Elements: **01** BBQ facilities; **02** Park identification and regulatory signage; **03** Street art wall; **04** coir matting and western boundary with Marrickville Golf Course; **05** Wharf Street fencing and entry gate; **06** Planting field and athletics infrastructure; **07** Cooks River interface highlighting the sheet piling; **08** New tree plantings in the SW park corner; **09** Playing field with athletics and soccer infrastructure; **10** Park trees and Wharf street fencing and parallel street parking; **11** 90 degree park car parking; **12** Swamp Mahoney dominated northern park edge planting.

Attachment 1

02_ Existing Site Appraisal + Site Analysis

HJ Mahoney Reserve

Plantings: HJ Mahoney Reserve has limited ground cover and shrub plantings. The western boundary with the Marrickville Golf Club has coir matting beneath mature trees that supports some ground cover grasses. An area adjacent the amenities building has some low shrubs and ground covers in planting beds. Elsewhere, the park is dominated by mown turf.

Signage: Signage in HJ Mahoney Reserve is not coordinated. Regulatory and identification signage elements are located on individual poles and in different park locations. Much of the signage is out-dated in its graphic appearance.

Lighting: HJ Mahoney Reserve has pole top sport lighting and the amenities building has security lighting. Light spill from neighbouring streets illuminate the park edges.

Toilet and amenity building: The amenities building is centrally located on the northern edge of HJ Mahoney Reserve adjacent the road and car park. The facility is situated amongst an irregular copse of shade trees overlooking the playing fields. To the front of the building there are some low areas that can become waterlogged following rain events. The brick building with skillion roof houses male and female toilets, change rooms, kiosk and an electrical room.

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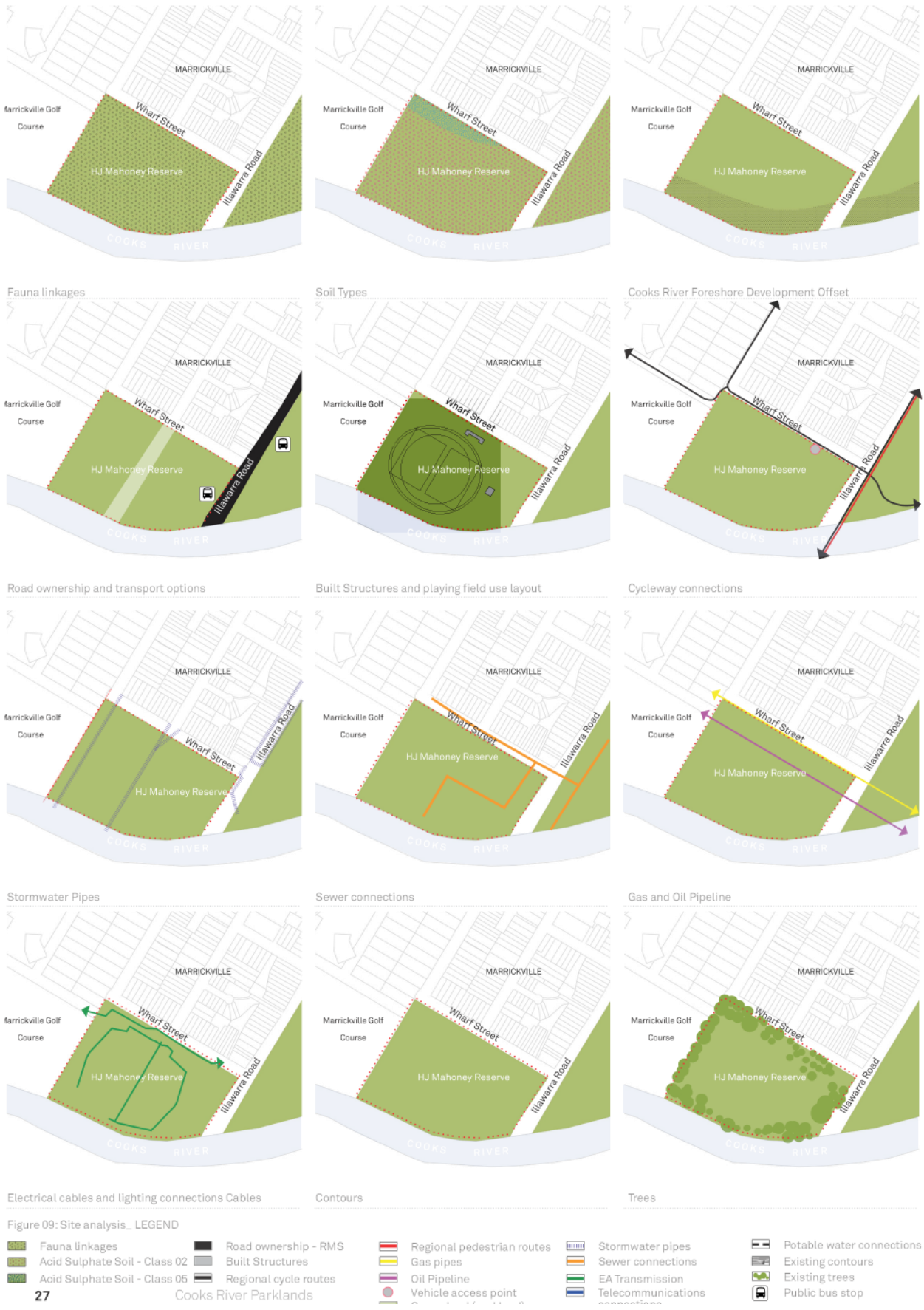

Attachment 1

02_ Existing Site Appraisal + Site Analysis

HJ Mahoney Reserve - Site Constraints

Priority Biodiversity Area: HJ Mahoney Reserve is designated as a priority biodiversity area (Cooks River corrior). The river acts to connect remnant bushland and facilitate fauna movement and Council has highlighted this area needing to preserve and enhance the biodiversity values of these areas.

Soils: HJ Mahoney Reserve has two types of acid sulphate soil: type 02 and type 05. Excavation of soil within the park should proceed with caution not to disturb the acid sulphate soils. Class 02 soils may be exposed from any excavation works. Class 05 soils may be exposed when excavation is deeper than 5.0m. Construction work within HJ Mahoney Reserve will require appropriate construction methods and approvals to deal with Acid Sulphate Soil.

Cooks River foreshore development offset: The foreshore offset zone in Steel Park is a designation that limits construction within 10.0m of the river edge. Full details of construction implications need to be discussed with the NSW Department of Primary Industries: Water.

Built structures: Built structure in HJ Mahoney Reserve include an amenities building located at the northern edge of the park near Wharf Street. Towards the eastern portion of the park there is a street art wall and associated concrete pad. The northern half of the park has a scattering of furniture items including drink fountains, picnic tables, barbecue facilities and seating.

Playing field layout: The field accommodates AFL playing requirements as well as 400m running track for school athletics. The field has under grass irrigation and drainage lines.

Road ownership: Illawarra Road is a State owned road. Other streets around HJ Mahoney Reserve are Council assets.

Pedestrian and cycleway connections: The cycleway connection is along Wharf Street which connects to the golf course. There are no formalised pedestrian connections between Steel Park and the golf course. A pedestrian pathway along Illawarra Road connects to Earlwood (south) and Marrickville (north). A traffic island has been provided as a pedestrian refuge when crossing Illawarra Road to Steel Park.

Underground services: There are a number of underground services located within HJ Mahoney Reserve, the most restrictive of which is the oil and gas pipeline that requires a 6.0m easement. Ensure no new tree or infrastructure items are installed within the 6.0 of the gas pipeline. For more information contact the service provider.

Heritage: There are no items listed of heritage significance located in HJ Mahoney Reserve.

Contours and landform: HJ Mahoney Reserve is located on the Cooks River flood plain. Due to the relatively flat, low nature of the park, storm events cause flood inundation of the park. The park has a change in elevation of less than 1.0m.

Public transport: HJ Mahoney Reserve is served by bus connections along Illawarra Road. The 423 bus connects to the city and Haymarket, while the L23 bus connects to Kingsgove.

Maintenance: Marrickville Council currently undertakes the majority of regular maintenance of the park including:

> Tree pruning.

> Grass maintenance - (mowing, edge trimming etc.).

> Fulfilment of maintenance obligations required in relevant leases and licences.

> Inspection and repair of buildings.

> Maintenance of park furniture.

> Maintenance and repair of playing fields.

> Repairs to signage.

> Mulching of planted areas.

> Repairs and line marking for athletics.

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Figure 10: Physical elements - Steel Park.

Steel Park_ **01** Cricket pitch; **02** Playing field; **03** Amenities building; **04** Car park; **05** Water play park; **06** Children's play facilities; **07** Picnic facilities **08** Saltwater marsh and revegetation **09** Exercise equipment station **10** DAB centre **11** DAB centre car parks **12** Battered grass slope **13** Rock escarpment and weeds to park boundary **14** Pedestrian and bicycle connection to Mackey Park **15** Pedestrian and bicycle connection to Canterbury LGA

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Steel Park

Land	Steel Park
Title Information	Lot 8 to 14 inclusive in D, parts of Lots 1 to 7 inclusive and part of Lot 21 of Sec. 10 in DP1142, Lot 1 in DP165198, Lots 101 and 102 in DP872574, Lots A and B in DP444772, Lots B, C and E in DP396792, Lot B in DP312643 Lot 1 in DP169629, Lots 1 to 9 inclusive and Lot 12 DP10415, Lot 1 in DP304931, Lot 1 in DP106006, Lot 1 DP324452, Lot 1 in DP181731, DP180155, Part 10 in DP68580.
Ownership	Inner West Council
Location	Steel Park is located in the suburb of Marrickville, in the southern portion of the Inner West Council Local Government Area.
Total area	63,000 m2 (approx.)
Zoning	RE1 Public Recreation
Existing Classification	Community land

Overview: Steel Park is one is the busiest parks in the former Marrickville LGA. The park has had recent upgrades and includes average playing fields, natural areas, play elements includes a water play park, amenities building, DAB, riverside share pathway and exercise equipment.

Character: The character of Steel Park is dominated by three major elements; the Debbie and Abbey Borgia Community Recreation Centre (DAB), the sports fields and the river edge with its vegetation and play facilities.

The DAB is located in the north-western corner of the park and feels like a distinctly separate part of the park. The scale of the building, large car parking areas and fencing dominate this park area.

The open nature of the playing fields contrasts strongly with the tall dense river edge and playground vegetation and the DAB. The tall trees planted in grid formation around the play facilities provide a unique experience with filtered light and shade in summer and access to sun in winter. The play facilities themselves contribute to the parks character with their high visitation and close proximity to the car park and access points to the park.

The river edge is dominated by tall lush vegetation which is visible form all parts of the park and acts as a distinctive visual marker for the river.

Pathways: The pedestrian pathways within Steel Park are mostly located around the children's play area, the riverside cycle way and as access paths to the DAB Community Recreation Centre. The pathways are constructed of in situ concrete and vary in width depending on function. The pathways in Steel Park are in good condition.

Fencing: The DAB centre has its perimeter defined with a chain link fence, effectively segregating the DAB from the rest of the park. The interface with Illawarra Road has a post and rail barrier fence. A black metal 1200mm high 'pool-style' fence has recently been constructed and divides the children's playground from the riverside and cycle way. Ball netting has been provided at the southern edge of the playing field, to help shield the children's playground from stray field balls. The fencing in Steel Park varies from excellent (play park) to fair (DAB interface).

Park furniture: Park furniture in Steel Park is a mix of types and ages. The majority of the furniture elements are located near the children's playground. Within this area there are six barbecues, one drinking water fountain, several different seating options and picnic tables. The area has one shade structures with picnic facilities. Wheeled bins are provided within the park, with the majority of these adjacent the children's playground. Bike racks are also provided. Elsewhere in the park seats are provided adjacent the pedestrian footpaths and as spectator seating around the playing fields. The park furniture in Steel Park is of good condition.

Foreshore edge interface: The foreshore edge interface is generally naturalised with the majority of the interface supporting mangrove vegetation. Other sections include low stone walling edged with turf and an areas of salt marsh vegetation.

Car parking: Steel Park has three car parking areas. One is accessed off Illawarra Road providing car parking for the children's play ground and picnic areas. Another car park adjacent the DAB is accessed off Illawarra Road and is for users of the DAB facility. The third car park is accessed off Thornley Street and is primarily used by users of the DAB facility. Both the DAB car parking areas are out-of date car parking designs, while the play facility parking areas has been configured as a standard WSUD layout.

Playing field: The playing fields at Steel Park accommodate cricket (summer) and soccer (winter) and are large enough to include three separate soccer games at the same time. The fields have one permanent cricket pitch for summer play. The playing surface is average and has some depressions and wear areas, particularly following heavy use by sports users.

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Figure 11: Steel Park Elements: **01** WSUD drainage swale in car park **02** Turf river edge near the children's playground **03** Shared pathway and tall Poplar trees near the children's playground **04** Playing field including cricket pitch. **05** exercise equipment an associated signage **06** Fencing and DAB car park **07** Park open space with Council's Magic Yellow Bus and river side planting. **08** Park edge with residential properties. **09** Riverside vegetation **10** View across the sporting field **11** Shade trees near the DAB at the edge of the playing field. **12** Riverside shared pathway connection to the Cooks River Foreshore and Warren Park

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Steel Park

Trees: Steel Park has a mixture of tree species that are of different ages. The tallest of the trees in Steel Park are located within the Children's playground. Planted in grid formation, Poplar trees, *Populus deltoides* provide excellent shade in summer and sun in winter. The river edge is dominated by Mangrove, *Avancea marina* and She-Oak, *Casuarina glauca* species. Park trees along the Illawarra Road interface include Fig Trees, *Ficus obliqua* and Norfolk Island hibiscus, *Lagunaria patersonii*. A forest area adjacent the car park includes mixed *Eucalyptus* species and some *Casuarina* species. Mixed, mostly *Eucalyptus* and *ficus* species are located adjacent the DAB near Thornley street on a sloping area between the road and playing field.

Plantings: Planting areas of shrubs and groundcovers are located in small pockets around Steel Park. The largest area of planting is located adjacent the car park and children's playground. The planting includes a drainage swale, saltwater marsh wetland and an area of native trees, grasses, shrubs and ground covers. An almost continuous section of native plantings extend along the interface with the river which includes plantings of both Mangrove, *Avicennia marina* and She-oak, *Casuarina glauca*. The northern interface of Steel Park abuts several residential properties and a steep rock cliff. Widespread weed species are located at the top and bottom of the rock cliff.

Exercise Equipment: An exercise equipment station is located adjacent the share pathway at the eastern end of Steel Park. Five elements of static equipment are grouped with softfall and signage that displays instructions for use. The equipment receives a moderate level of use and is in good condition.

Playground and Water Play park: The children's playground and water play park elements are located at the south-western corner of Steel Park. The play facilities include four swings, one flying fox, one slide, two skater twirls, two 3D climbing structures, two toddler rockers and a toddler slide. The water play elements include three separate areas of play with creeks,bubblers and water jets. The play facilities receive a very high level of use.

Vehicle Access: Steel Park has maintenance vehicle access off Illawarra Road via a lockable gate. Maintenance vehicles use the share pathway for access around the park.

Signage: Signage in Steel Park is not coordinated. Regulatory and identification signage are located on separate poles and in different park locations.

Lighting: Steel Park has eight pole top sport lighting poles and the amenities building has security lighting. The barbecue and picnic facilities have pedestrian and amenity lighting. Light spill from neighbouring streets illuminate the park edges.

Toilet and Amenity Building: The amenities building is located adjacent the vehicle car park and water play area at the south-western corner of the park. Nearby vegetation still allows for clear sight lines from the street and most parts of Steel Park. The building is a single storey facility that includes two change room areas, kiosk area and a storage area, an electrical room and separated male and female toilets. The facility has rendered concrete brick walls, tiled floors and concrete slab roof.

Concrete Slab: There is an extensive area of concrete slab near the children's play area and the amenities building. The concrete slab is used as a stopping area for the social enterprise coffee cart.

Debbie and Abbey Borgia Centre (DAB): The DAB includes indoor sports courts, administration offices, cafe and circulation spaces. A child care and expanded DAB facility and relocated car parking has previoulsy been proposed for the DAB and is currnelty being implemented. The DAB / future daycare facility configuration 'turns away' from Steel Park, rather addressing Illawarra Road and Thornley Street. Adjacent the DAB is an irrigation header tank.

Art / interpretation_ There are a collection of totem poles with associated seating at the western end of the park. The seating and totem are surrounded by native vegetation and can be access via a pedestrian pathway connection. The totems celebrate aboriginal stories associated with the Cooks River.

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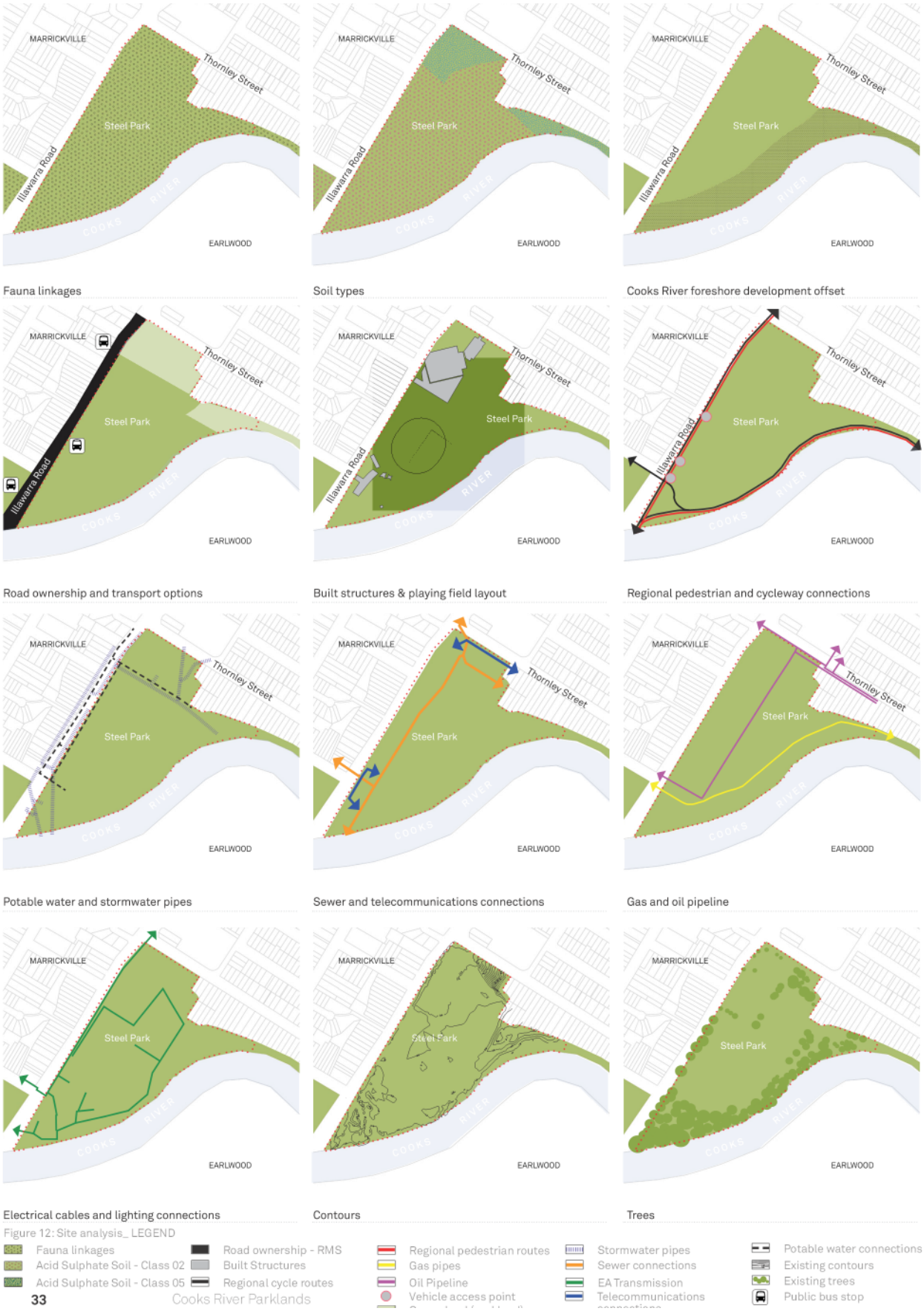

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Steel Park - Constraints

Priority Biodiversity Area: Steel Park is designated as a priority biodiversity area (Cooks River corrior). The river acts to connect remnant bushland and facilitate fauna movement and Council has highlighted this area needing to preserve and enhance the biodiversity values of these areas.

Soils: Steel Park has two types of acid sulphate soil: type 02 and type 05. Excavation of soil within the park should proceed with caution not to disturb the acid sulphate soil. Class 02 soils may be exposed from any excavation works. Class 05 soils may be exposed when excavation is deeper than 5.0m. Construction work within Steel Park will require appropriate construction methods and approvals to deal with Acid Sulphate Soil.

Cooks River foreshore development offset: The foreshore offset zone in Steel Park is a designation that limits construction within 10.0m of the river edge. Full details of construction implications need to be discussed with the NSW Department of Primary Industries: Water.

Built structures: The largest built structure in the park is the Debbie and Abbey Borgia (DAB), which is located in the norther-western corner of the parkland. The DAB facility includes two car parking areas, pathways and landscaping associated with the building. Along the western edge of Illawarra Road there is an amenities building including toilets and change rooms. Adjacent the amenities building is a car park and driveway access from Illawarra Road. Nearby is a children's playground that has material shade structures covering a water play park, and one timber and corrugated iron picnic shade structure.

Road ownership: Illawarra Road is a state owned road. Other streets around Steel Park are Council assets.

Pedestrian / cycleway connections: The riverside pedestrian / share pathway travels through Steel Park. The cycle connection links to an on road cycle link along Illawarra Road to Marrickville and across the Cooks River to Earlwood. A further connection crosses Illawarra Road and links through the Marrickville Golf Course along Wharf Street.

Underground services: Steel Park has a number of underground services including electrical, telecommunications, sewer, potable water and stormwater. Oil and gas pipelines also pass through Steel Park, which has a 6.0m easement. Ensure no new tree or infrastructure items are installed within the 6.0 of the gas pipeline. For more information contact the service provider.

Contours and landform: Much of Steel Park is on the Cooks River floodplain and has little variation in elevation. The north-eastern part of the park has a rock escarpment on the park boundary with residential properties. Nearby between the residences and the DAB centre, a portion of the park also slopes up to Thornley Street.

Heritage: There are no items of heritage significance in Steel Park.

Playing field layout: The field layout accommodates two fields for soccer and one training field as well as one cricket oval with a centre concrete pitch. The field has under grass irrigation and drainage lines.

Public transport: Steel Park is served by bus connections along Illawarra Road. The 423 bus connects to the City and Haymarket, while the L23 bus connects to Kingsgove.

Maintenance: Marrickville Council currently undertakes the majority of regular maintenance of the park including:

> Tree pruning.
> Grass maintenance - (mowing, edge trimming etc.).
> Fulfilment of maintenance obligations required in relevant leases and licences.
> Inspection and repair of buildings.
> Maintenance of park furniture.
> Maintenance and repair of playing fields.
> Repairs to signage.
> Mulching of planting areas.
> Repairs and line marking.
> DAB maintenance subject to agreements with service provider.
> Bush regeneration (via contract).
> Constructed saltmarsh terrace (via contract).
> Water play park including water filter maintenance.

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Figure 13: Physical elements - Richardson's Lookout, Warren Park and the Cooks River Foreshore.

Richardson's Lookout, Warren Park and the Cooks River Foreshore_ **01** Historic Cooks Pine; **02** Historic Fig Tree; **03** Thornley Street rain garden; **04** Vegetated escarpment; **05** Richardson's Lookout kickabout space **06** Warren Park kickabout space; **07** Vegetated escarpment; **08** Driveway access **09** Water and sewer pipeline **10** Cooks River Foreshore and pedestrian / cycleway **11 Poplar trees**

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Warren Park, Richardson's Lookout and the Cooks River Foreshore

Land	Richardson's Lookout
Title Information	Lot 3, DP582062, Lot 1, DP582062, Lot 4, DP582062, Lot 5, DP582062
Ownership	Marrickville Council
Location	Richardson's Lookout is located in the suburb of Marrickville, in the southern portion of the Marrickville Local Government Area (Refer Figure xx)
Total area	9,120 m2 (approx.)
Zoning	RE1 Public Recreation and heritage item
Existing Classification	Community land
Land	**Warren Park**
Title information	Lot 1, DP582062, Lot 2 DP582062
Ownership	Marrickville Council
Location	Warren Park is located in the suburb of Marrickville, in the southern portion of the Marrickville Local Government Area (Refer Figure xx)
Total area	7,435 m2 (approx.)
Zoning	RE1 Public Recreation and heritage item
Existing Classification	Community land
Land	**Cooks River Foreshore**
Title information	Lot 2, DP582062
Ownership	Crown
Location	Cooks River Foreshore is located in the suburb of Marrickville, in the southern portion of the Marrickville Local Government Area (Refer Figure xx)
Total area	9,255 m2 (approx.)
Zoning	RE1 Public Recreation
Existing Classification	Crown land and community land

Overview: Richardson's Lookout, Warren Park and the Cooks River Foreshore are local parks dominated by their park topography. Each of the parks are flat or slightly undulating and are separated by steep rock escarpments are covered in dense vegetation. The flat areas are dominated by open turf and used as flexible kick-about spaces.

Character: The dense vegetation, terraced landscape and an outlook over the river and middle distant horizon, helps create a park character that is peaceful and natural. The parks orientate themselves towards the Cooks River and the vegetation within the parks shield park visitors from the rest of the city and the dense urban character of the nearby suburbs.

Pathways: Concrete pathways are used as through park linkages within each of the parks. The widest concrete pathway is located on the Cooks River Foreshore and is a shared cycle/pedestrian link. Concrete pathways in Warren Park do not connect at the eastern end with pedestrian pathways along Thornley Street. Richardson's Lookout has several informal gravel pathways that meander along the escarpment edge. There are steps leading from the foreshore to Warren Park along the escarpment. The foreshore pathway is in excellent condition, other concrete pathways are in good condition and the asphalt driveway access is in fair condition. The tertiary , exploratory pathways in Richardson's Lookout are in good condition.

Fencing: Warren Park has chain wire fencing along its interface with Thornley Street, this is in fair condition. Similar fencing is used as a barrier to the escarpment in Richardson's Lookout, above Thornley Street. This fencing is in poor condition. Fencing is located along the property boundaries with residential dwellings between Warren and Mackey Parks, this fencing is privately owned and varies in condition.

Park furniture: Each of the parks has a scattering of furniture items. Richardson's Lookout and Warren Park have several timber seats located under shade trees. The foreshore has a unique site specific timber and sand stone seat associated with interpretive art. The scattered furniture elements are in average condition.

Art and interpretation: Two groups of totem polls interpreting indigenous stories from the site are located within the parks. One group is located near the escarpment in Richardson's Lookout, while the other is associated with a seating nook along the Cooks River Foreshore.

Foreshore edge interface: The foreshore is mostly naturalised with several bands of vegetation. *Avacinea marina*, the Grey Mangrove dominates the intertidal zone of the river. Mangroves give way to salt tolerant species on the river bank. Samphire, *Sarcocrnia quinqueflora*, Saltwater Couch, *Sporobolus virginicus* and New Zealand Spinach, *Tetragonia tetragonioides* dominate this zone. A small section near the driveway to Thornley Street has stormwater outfall and is clear of vegetation providing picturesque views across the river.

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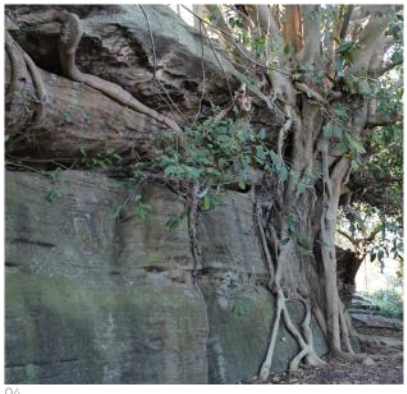
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Figure 14: Warren Park, Richardson's Lookout and the Cooks River Foreshore Park Elements: **01** Mangrove and foreshore interface. **02** interpretive art elements along the foreshore. **03** poplar trees along the Cooks River Foreshore. **04** Rock escarpment between Warren Park and the Cooks River Foreshore, highlighting dense vegetation. **05** Drainage line between Warren Park and the Cooks River Foreshore. **06** Missing pathway connection, Warren Park. **07** Historical park references. **08** Fencing to Thornley Street **09** Open space in Warren Park **10** Thornley Street rain garden. **11** Open space in Richardson's Lookout **12** Turf batter in Richardson's Lookout causing maintenance issues.

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Warren Park, Richardson's Lookout and the Cooks River Foreshore

A concrete share pathway is located near the river edge and is adjacent mix of native grasses and groundcovers. The share pathways runs the length of the foreshore and links to Mackey Park (east), and Steel Park (west). Except for a few locations the zone between the bike path and residential properties or escarpment is generally turf.

Car parking and access: There is no car parking in Warren Park, Richardson's Lookout or along the Cooks River Foreshore. Street parking is available around Richardson's Lookout and Warren Park. Vehicle access is available to the Cooks River Foreshore from Thornley Street down a sloped driveway for maintenance and equal access. Vehicle access is also available along the foreshore via the share pathway.

Open space: Both Richardson's Lookout and Warren Park have open turf kick-a-bout spaces available for use. They are located towards the centre of the parks surrounded by vegetation. There is a small area of open space near the intersection of the driveway from Thornley Street and stairs to Warren Park along the Cooks River Foreshore. This open space helps with sight lines at the intersection of the pathways, particularly for bike users.

Trees: Warren Park, Richardson's Lookout and the Cooks River Foreshore has an abundance of trees of different species and ages. Richardson's Lookout has two significant trees that pre-date the designation of the park. One, a fig tree, *ficus rubiginosa*. was part of The Warren Estate and a second tree, a Cooks River Pine, *Araucaria columnaris*, is likely to have originated from a convent from the early 1900's.

Richardson's Lookout has a number of advanced fig trees with large spreading canopies that are located along the park street edge. Similarly large fig trees are located at the eastern end of Richardson's Lookout near residential properties and Thornley Street. The escarpment in Richardson's Lookout has well established mixed plantings of *Ficus*, *Casuarina*, *Banksia*, and *Eucalyptus*.

Warren Park has scattered Eucalypt species, She-Oak, *Casuarina spp.* and Fig, *Ficus macrophylla*, on the escarpment down to the Cooks River Foreshore. The trees are of mixed age and quality.

The Cooks River Foreshore is dominated by mangrove trees, *Avacinea marina* growing in the intertidal zone. There are also a few She-Oak species, *Casuarina glauca* growing on the foreshore. In the zone near Mackey Park there is an avenue of mature Poplar trees, *Populus deltoides* growing on the foreshore adjacent the mangrove trees. The shade and leaf drop from the Poplar trees are damaging the mangroves and water quality of the Cooks River.

Plantings: All three parks are dominated by low grass, and groundcovers, shrubs and trees located in planting areas on each of the two escarpments that terrace through the parks. The foreshore also has extensive areas of grasses and groundcovers planted between the pedestrian / cycle pathway and the river edge / mangrove intertidal zone. Warren Park has substantial vegetation established near the interface with Thornley Street.

Terrain and drainage: The parks have distinctive topography with a terraced landscape. The eastern end of Richardson's Lookout has turf batters of greater than 1:3 slope. which are difficult to maintain and use.

The eastern end of Warren Park has a turf swale that drains into an eroded series of rock terraces down the escarpment that terminates at the Cooks River Foreshore. Adjacent Thornley Street on the lower parts of Richardson's Lookout is the Thornley Street rain garden. The rain garden treats stormwater from upstream of the park. It travels through a vegetated rock swale ending up in a vegetated rain garden. The WSUD initiative was designed for Council several years ago and is a successful example of integrated infrastructure provided multipurpose outcomes for a park and the community.

Signage: New signage has been installed within Richardson's Lookout. The signage is an excellent example of integrated wayfinding, identification and interpretive signage. Elsewhere there is signage along the foreshore that highlights a community garden for a local child care centre. The parks otherwise lack signage.

Lighting: There is no park lighting with the parks. Richardson's Lookout and Warren Park receive light spill from nearby streets.

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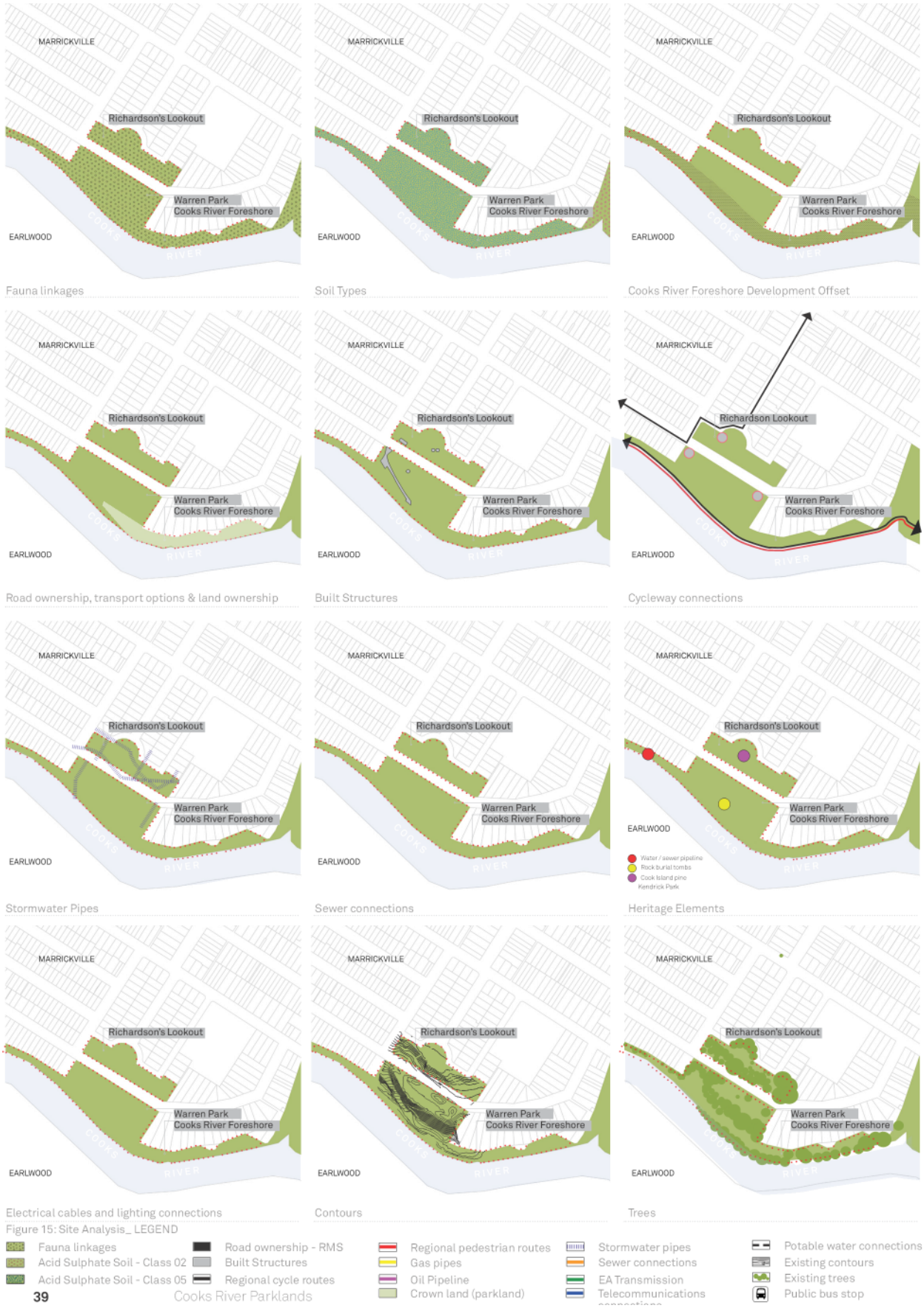

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Warren Park, Richardson's Lookout and the Cooks River Foreshore - Constraints

Priority Biodiversity Area: The Warren Park, Richardson's Lookout and the Cooks River Foreshore is designated as a priority biodiversity area (Cooks River corrior). The river acts to connect remnant bushland and facilitate fauna movement and Council has highlighted this area needing to preserve and enhance the biodiversity values of these areas.

Soils: Warren Park, Richardson's Lookout and the Cooks River Foreshore has one type of acid sulphate soil: type 05. Excavation of soil within the park should proceed with caution not to disturb the acid sulphate soil. Class 05 soils may be exposed when excavation is deeper than 5.0m. Construction work within Warren Park, Richardson's Lookout and the Cooks River Foreshore will require appropriate construction methods and approvals to deal with Acid Sulphate Soil.

Cooks River foreshore development offset: The foreshore offset zone in Warren Park and the Cooks River Foreshore is a designation that limits construction within 10.0 m of the river edge. Full details of construction implications need to be discussed with the NSW Department of Primary Industries: Water.

Built Structures: There are several built structures in Warren Park, Richardson's Lookout and the Cooks River Foreshore, and some of these have been mentioned already. Within Richardson's Lookout there are two pillars from the prior occupation of the site. Warren Park has a concrete artistic interpretation integrated into a turf mound. Warren Park also has a asphalt driveway that connects Thornley Street to the Cooks River Foreshore pathway for maintenance access. Within Richardson's Lookout, at the Thornley Street level a constructed rain garden treats storm water.

Road ownership: The roads around Warren Park, Richardson's Lookout and the Cooks River Foreshore are local road and owned by Council.

Pedestrian / cycleway connections: The riverside share pathway travels along the Cooks River Foreshore connecting with Mackey Park (east) and Steel Park (west).

Underground services: Warren Park, Richardson's Lookout and the Cooks River Foreshore have underground services including electrical, telecommunications, sewer, potable water and stormwater. Oil and gas pipelines pass through Richardson's Lookout, Warren Park and the Cooks River Foreshore, which have 6.0m easements, the locations of which are not fully surveyed. Ensure no new tree or infrastructure items are installed within the 6.0 of the gas pipeline. For more information contact the service provider.

Contours and landform: The Cooks River Foreshore is located on the Cooks River floodplain having less than 1.0m change in elevation. Warren Park is terraced up a rock escarpment, more than 10.0m above the foreshore and river. Warren Park is slightly undulating and generally slopes towards the river. Richardson's Lookout is located approximately 10.0m above Warren Park on a rock escarpment. The eastern section of Richardson's Lookout is sloping towards the east without an escarpment.

Heritage: There are several items of heritage significance in Warren Park, Richardson's Lookout and the Cooks River Foreshore, including: the water / sewer pipeline, rock burial tombs and the Richardson's Lookout itself. Richardson's Lookout is of local significance and has several features requiring preservation.

Within Richardson's Lookout there is a New Caledonian Pine that is believed to be a remnant planting from Carmelite Convent. A Port Jackson Fig, near the rock lookout, is an original planting from the 1800's Holt Estate. Most importantly in Richardson's Lookout, is the preservation of the space as open space, as it has been open space for the entirety of European settlement and has been a part in its current form since the 1920s. The Gateposts located in Richardson's Lookout are significant as they are from Thomas Holt's estate, though are no longer in the same location.

Within the rock escarpment between Warren Park and the Cooks River Foreshore there is a carved burial tomb from the Holt's Estate. Although never used they highlight a burial practice that was typical of the 19th centaury.

Along the Cooks River Foreshore, an aqueduct crosses the Cooks River from Earlwood and is of State significance. The aqueduct is a Sydney Water asset and was constructed in 1895. The aqueduct is constructed with brick arches and steel truss. This is noted as a rare example of this construction type in New South Wales, when not used as a rail bridge. The aqueduct is a significant landmark on the journey between Steel Park and Mackey Park.

Open space: Warren Park and Richardson's Lookout both have an area of open space areas that allow for informal recreation and general kick-a-bout.

Public transport: Richardson's Lookout, Warren Park and the Cooks River Foreshore does not have direct public transport connections. The closest public transport routes are via Steel Park (Illawarra Road) and the Tempe Train Station, opposite Mackey Park.

Maintenance: Marrickville Council currently undertakes the majority of regular maintenance of the park including:

> Tree pruning.
> Grass maintenance - (mowing, edge trimming etc.).
> Inspection and repair of buildings.
> Maintenance of park furniture.
> Repairs to signage.
> Mulching of planting areas.
> Bush regeneration (via contract).

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Figure 16: Physical elements - Mackey Park.

Mackey Park_ **01** Amenities building; **02** Sydney Water infrastructure - pumping station; **03** Children's playground; **04** Fence between playground and sports field; **05** Drainage channel; **06** GPT and associated Sydney Water infrastructure; **07** river foreshore and pedestrian / cycle link; **08** Concordia Club; **09** River Canoe Club; **10** Tempe train station car park; **11** Croquet Club lawns; **12** WSUD wetland water treatment area; **13** Playing fields; **14** Concordia Club Car park; **15** Vegetated batter; **16** Mature Poplar and fig trees.

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Mackey Park

Land	Mackey Park
Title Information	Lot 1, DP908763, Lot 70, DP1066013, Lot 71, DP1066013, Lot 72, DP1066013, Lot 7307, DP 1145332
Ownership	Crown
Location	Mackey Park is located in the suburb of Marrickville, in the southern portion of the Marrickville Local Government Area (Refer Figure xx)
Total area	53,000 m2
Zoning	RE1 Public Recreation
Existing Classification	Crown land

Overview: Mackey Park is a large riverside park located in the suburb of Marrickville. The park has a strong sports focus with large areas of the park designated as playing fields. The park contains three buildings; an amenities and sport club, the Concordia Club and Croquet greens and River Canoe Club, although the Concordia Club is outside the scope of the document. The Cooks River is adjacent the park, but is difficult to see from most areas due to riverside earth mounding.

Character: The character of Mackey Park is dominated by the vast open space of the playing fields. Excellent horizon views can be obtained from the playing fields. The wide horizon and views provide a sense of space and openness.

This character contrasts significantly with the river foreshore shared pathway. This section is dominated by tall trees, dense shade and picturesque water views along the Cooks River.

Pathways: The largest of the pathways through Mackey Park is the pedestrian / cycle share path that runs along the river foreshore. The share pathway connects with Tempe Station and Kendrick Park to the east and Steel Park to the west. There is a concrete pathway connection between Carrington Road and the riverside share path. This links to the street footpath that connects to Richardson's Crescent. The amenities building has a concrete apron that connects to both Carrington Road and Richardson's Crescent. The apron also connects to a pathway that leads through the children's playground. All pathways are in good condition.

Fencing: Mackey Park has extensive fencing. The interface with Richardson's Crescent is fenced with chain wire fencing which is in good condition. Ball nets are located at the southern and northern edges of the playing fields, also in good condition. Pool style fencing runs along the western edge of the playing field adjacent the children's playground and associated footpath. Chain wire fencing is also located along the park boundary with Carrington Road. The Concordia Club is surrounded by chain wire fencing. Some of this fencing is damaged with informal access at various locations. The fencing near the Concordia Club has significant vegetation associated with it at many locations. The fencing and shrubs separates the Concordia Club from the rest of the park. The chain wire fencing in mackey Park is generally in fair condition, however fencing near the Concordia Club is in poor condition.

Park Furniture: Furniture is provided in Mackey Park in a variety of locations although is concentrated around the children's playground. The furniture includes picnic tables, timber topped seats, wheeled bins, one 2.0x2.0m picnic shelter and drinking fountains. Park furniture in mackey Park is in average condition.

Foreshore edge interface: The foreshore within Mackey Park provides excellent river views. The river edge is constructed from sandstone block work and is of a considerable age. The wall at several locations is failing with the high tide regularly overtopping the wall. At the western end of the foreshore interface, there is significant Sydney Water infrastructure that includes concrete barriers, water release infrastructure and a channellised creek. All parts of the foreshore interface have significant shade trees of mixed species, mostly growing out of turf.

Car parking: Mackey Park has on street parking and a parking area associated with the Concordia Club. The Croquet Club and Concordia Club parking is located near Bayview Avenue.

Playing field: The playing fields can accommodate up to three senior soccer fields. AFL is played in winter and cricket in summer. Recent upgrade works included drainage and new turf to the playing surface. This has improved drainage and the longevity of the turf through the winter season. The playing fields have a very high level of use. The current configuration of the playing fields for cricket has caused ball strike issues in the adjacent children's playground.

Playground: The playground is located at the western end of Mackey Park adjacent Carrington Road. The playground is fenced on almost all four sides by either chain wire or pool style fencing. The play items include six swings, two climbing structures, two slides, one monkey bar structure, three toddler play elements.A shade structure is located over plany ground facilities.

Trees: There is a wide variety of tree species located in Mackey Park. The most dominate of the groupings are along the Cooks River foreshore where a mature avenue of Poplar Trees, *Populus deltoides* and scattered She-oak, *Casuarina glauca* are established . The Concordia Club has mixed species including Umbrella Trees, *Schefflera actinophylla* and Oliander, *Nerium oleander*. Along the interface with Richardson's Crescent, there are extensive mixed Eucalyptus spp. The area near a drainage canal and children's playground has many different species including *Eucalyptus spp*; Plane Trees, *Platanus acerifolia*; and *Calistemon spp.*

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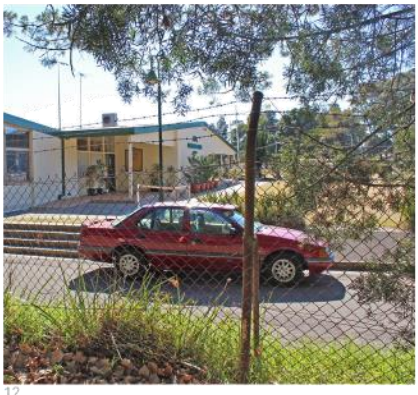
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Figure 17_ Mackey Park Elements: **01** Foreshore pedestrian pathway through Mackey Park. **02** Concordia Club and Croquet Lawns. **03** Mackey Park rain garden. **04** Mackey Park playing field. **05** Marrickville Red Devils kiosk and amenities building. **06** Ball fence. **07** Sydney Water owned drainage channel **08** playing field turf surface. **09** Cooks River edge and damaged retaining walls. **10** River Canoe Club building. **11** Tempe train station car park highlighting pedestrian and cycle way through the car park traffic lane. **12** Fencing to the Concordia Club.

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Mackey Park

Plantings: A fenced area towards the south west of the playing field contains a biofiltration system and associated constructed wetland with plant species including *Carrex*, *Lomandra* and *Phragmites*. Elsewhere there is only limited plantings except for shrubs around the Concordia Club, some sparse grasses beneath the Eucalypt species adjacent Richardson's Crescent and a mass area of weeds and She-Oak, *Casuarina glauca* specimens near the south-western foreshore associated with the Sydney Water infrastructure. The children's playground has planting areas established with mowing edges, however only turf grass is currently growing in this area.

Signage: The share pathway is signed with Cooks River signage. Elsewhere only regulatory signage exists within the park.

Lighting: Pole top pedestrian lighting is used along pathways. The playing fields also have sports lighting which is used during evening sporting events.

Concordia Club: The Concordia Club is excluded from the scope of this document

Croquet Club: Located at the eastern end of Mackey Park. The club is segregated from the majority of the park via chain wire fencing and shrub plantings. The croquet lawns are located to the north and east of the Concordia Club and visitor car parking. The croquet lawns are accessed from Bayview Avenue.

River Canoe Club: The River Canoe Club has a building located within Mackey Park at the south-eastern corner, abutting the Cooks River foreshore. The building is a two storey structure, constructed of painted timber and corrugated roofing. The River Canoe Club has river access with canoe launch facilities. Vehicle access to the River Canoe Club is via the Concordia Club car park.

Toilet and amenity building: The toilet and amenities building is located at the north-western corner of the park, adjacent the intersection of Carrington Road and Richardson's Crescent. The amenities building includes, kiosk, office area, club room, storage, change rooms, male, female and disabled toilet and an electrical cupboard. The toilets address Carrington Road, while the kiosk addresses Mackey Park with an undercover concrete area for serving.

Sydney Water infrastructure: Sydney Water has several infrastructure items including a concrete drainage channel that extends from the Cooks River to Carrington Road. Also present is a pumping station, dam walls , one way valves and stormwater outfalls on the banks of the Cooks River at the point where the concrete lined channel meets the river.

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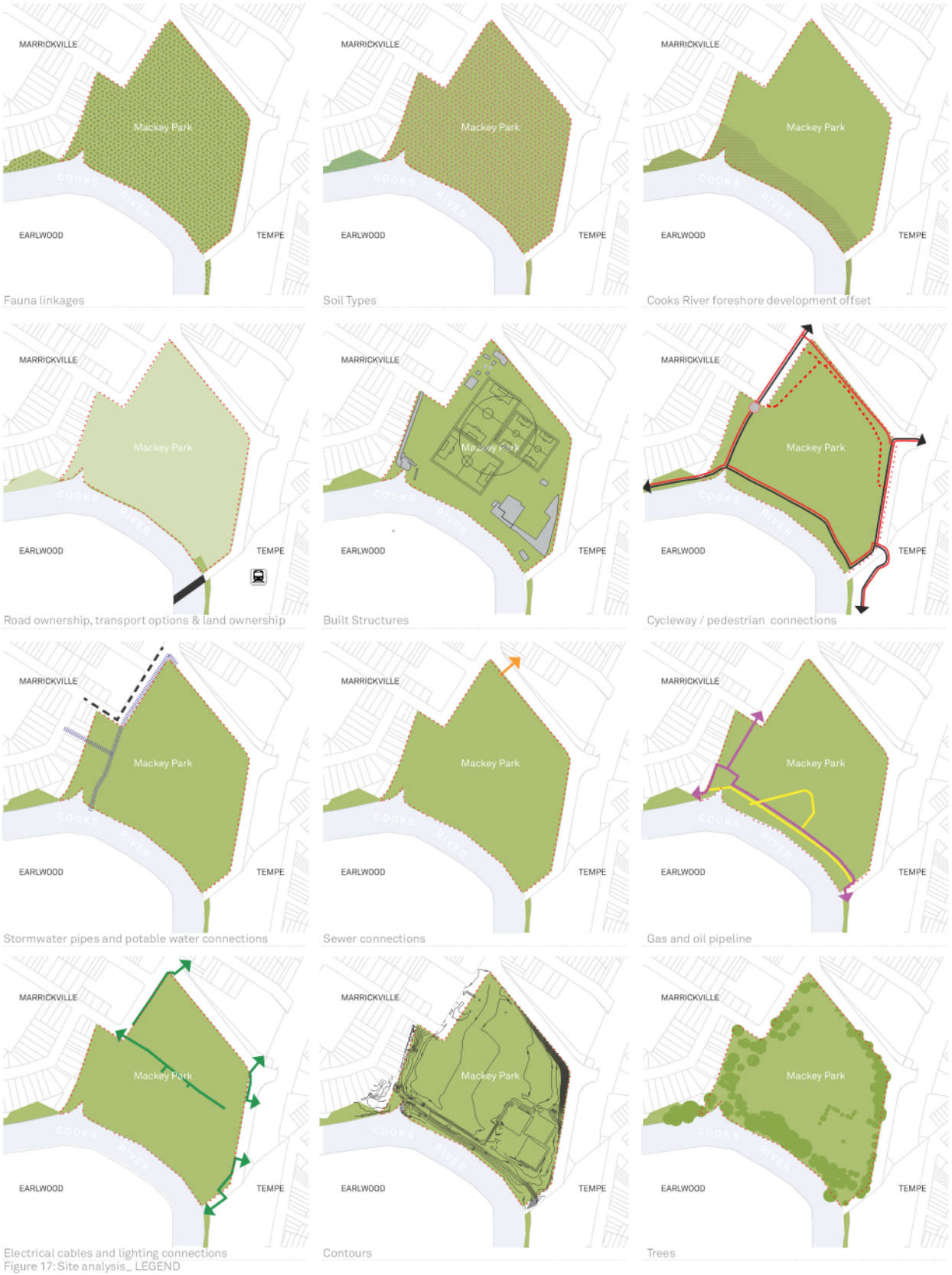

Figure 17: Site analysis_ LEGEND

45 Cooks River Parklands

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Mackey Park Constraints

Priority Biodiversity Area: Mackey Park is designated as a priority biodiversity area (Cooks River corrior). The river acts to connect remnant bushland and facilitate fauna movement and Council has highlighted this area needing to preserve and enhance the biodiversity values of these areas.

Soils: Mackey Park has one type of acid sulphate soil: type 02. Excavation of soil within the park should proceed with caution not to disturb the acid sulphate soil. Class 02 soils may be exposed from any excavation works. Construction work within Mackey Park will require appropriate construction methods and approvals to deal with Acid Sulphate Soil.

Cooks River foreshore development offset: The foreshore offset zone in Mackey Park limits construction within 10.0 m of the river edge. Full details of construction implications need to be discussed with the NSW Department of Primary Industries: Water.

Built structures: There are several built structures in Mackey Park, and some of these have been mentioned already. There is an amenities building with toilets, change rooms and a kiosk near the corner of Carrington Road and Richardson's Crescent. Nearby there are several pumping stations and other Sydney Water infrastructure.

Along the western edge of the park, Sydney Water maintain a concrete lined drainage channel and GPT and associated infrastructure.

The eastern edge of the park has the River Canoe Club, Croquet Club and associated driveways, car park and service access.

Mackey Park has some furniture items primary located with a play ground near the western end of the park.

Road ownership: The roads around Mackey Park are local road and owned by Council. The bridge across the Cooks River is a state asset.

Pedestrian and cycleway connections: The riverside pedestrian and cycle pathway passes through the park with connections to Kendrick and Steel Park. The pedestrian and cycle link also connects to the Carrington Road cycleway. The pedestrian pathway network also extend around the perimeter of the park along the streets.

Underground services: Mackey Park has a number of underground services including electrical, telecommunications, sewer, potable water and stormwater. Oil and gas pipelines also pass through Steel Park, which have 6.0m easements. Ensure no new tree or infrastructure items are installed within the 6.0 of the gas pipeline. For more information contact the service provider.

Contours and landform: Mackey Park is located on the Cooks River flood plain. The majority of the park has little change in elevation, except for the north-west which has a gentle rise and the north east which as a steep vegetated batter to the road intersection. The share pathway is located on a bund, elevated from both the river on one side and the park on the other.

Heritage: There are no items of heritage significance in Mackey Park. Opposite the park however, the Tempe train station is of state significance. The context of the station with its visual connections to the Cooks River, Mackey Park and residential Tempe is noted as being significant and should be maintained.

Field layout: The field layout in Mackey Park allows for three fields set up for soccer. The field has under grass irrigation and drainage lines.

Public transport: The Tempe Train Station is located opposite Mackey Park. The Tempe Train Station is located on the Illawarra Line between Wolli Creek (south) and Sydenham Station (north).

Maintenance: Marrickville Council currently undertakes the majority of regular maintenance of the park including:

> Tree pruning.
> Grass maintenance - (mowing, edge trimming etc.).
> Inspection and repair of buildings.
> Maintenance of park furniture.
> Mulching of planting areas.
> Maintenance and repair of playing fields.
> Repairs to signage.
> Repairs and line marking for sports.
> Bush regeneration (via contract).

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Figure 18: Physical elements - Kendrick Park + Fatima Island.

Kendrick Park_ **01** Pedestrian / cycle crossing under rail bridge; **02** Naturalised section of Kendrick Park; **03** Car park; **04** Vehicle access **05** Amenities building; **06** Canoe launch and salt water marsh terraces; **07** Children's playground; **08** Picnic shelter and BBQ facilities; **09** Large canopy fig trees; **10** Pedestrian crossing to Tempe Reserve; **11** Tempe train station car park.

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Kendrick Park + Fatima Island

Land	Kendrick Park
Title Information	Lot 1, DP124369
Ownership	Council
Location	Kendrick Parkis located in the suburb of Tempe, in the south-eastern portion of the Marrickville Local Government Area (Refer Figure xx)
Total area	20,458 m2
Zoning	RE1 Public Recreation
Existing Classification	Community land

Land	Fatima Island
Title Information	Lot 638, DP46579
Ownership	Council
Location	Fatima Island is located in the Cooks River within the suburb of Tempe, in the south-eastern portion of the Marrickville Local Government Area (Refer Figure xx)
Total area	190 m2
Zoning	RE1 Public Recreation
Existing Classification	Crown land

Overview: Kendrick Park and Fatima Island are situated in the suburb of Tempe. Kendrick Park is bordered by the Illawarra railway line to the west, the Cooks River to the south, the Princes Highway to the east and residential Tempe to the north. Kendrick Park is a moderately used park with picturesque views across the Cooks River.

Fatima Island is a small ephemeral island located in the centre of the Cooks River channel. The island is comprised of a several small trees and a failing rock wall.

Character: The character of Kendrick Park is defined by the proximity of the Princes Highway, the Cooks River and a planted escarpment north of the park. Close to the highway traffic noise and air pollution create an unfavourable experience along the transport corridor interface. Elsewhere, an open kick-a-bout space with picturesque views to the river, extensive native vegetation and a rock escarpment provide a relaxed natural character.

Art / interpretation_ There are a collection of totem poles with associated seating at the western end of the park. The seating and totem are surrounded by native vegetation and can be access via a pedestrian pathway connection. The totems celebrate aboriginal stories associated with the Cooks River.

Pathways: Pathways through Kendrick Park are well established. Pathways follow the river and the highway with connections between these features and a car park. The cycle way is marked with green paint where it joins the car park road from near the train station to the Princess Highway pedestrian / cycle path. Pathways within Kendrick Park are in good condition. There are no pathways on Fatima island.

Fencing: Fencing is limited in Kendrick Park and are RailCorp assets. Fencing is along the train line and along the connection to the Tempe Station car park. Fencing in Kendrick Park is in fair condition. There is no fencing on Fatima Island.

Park furniture: Kendrick Park has scattered park furniture. Furniture includes three picnic shelters, one double barbecue, seating, wheeled bins, one used-charcoal barbecue bin, picnic tables and barbecues. A water tap and drinking bubbler is located at the centre of the park. Most of the furniture in Kendrick Park is of average condition. There is no park furniture on Fatima Island.

Foreshore edge interface: The foreshore interface varies in Kendrick Park. There is river access with concrete steps for canoe launching and water access at eastern end of the park. Elsewhere there is a combination of rip-rap style rock lined edging, rock and salt marsh terraces and sloped vegetated river banks. Fatima Island has salt marsh, mangrove vegetation, silt and sand as its river edge interface. A small failing rock retaining wall is also in place along it south eastern edge.

Car parking: Kendrick Park has 90 degree angle parking in tow car parks, located near the northern edge of the park. Maintenance vehicle access into the park is from the car park, with lockable access gate. Vehicle access to the car park is via Bay Street. There is no car parking on Fatima Island

Open space: The centre of the Kendrick Park is open with a kick-a-bout space which allows for informal recreation. Fatima Island is covered with salt mash and mangrove vegetation with no open space.

Trees: The western part of Kendrick Park is dominated by She-Oak, *Casuarina spp.* trees. The northern edge of the park has several advanced *ficus* trees, with some growing on a rock retaining wall. Two very advanced *ficus hilli* fig trees are present towards the east of the park. Elsewhere there is a mix of species including *Calistemon*, *Eucalypt spp.* and *Melaleuca spp.* Fatima Island has several mangrove *Avacinea marina* and *Casuaina glaua* trees growing on the island.

Plantings: Kendrick Park has extensive areas of groundcover plantings. The western portion and the northern interface has a forest cover of grasses including *dianella caeullea* and *Lomandra longafolia.* The area around the children's playground has mature stands of *Lomandra longifolia* integrated with the play elements. Mixed salt marsh species are present on Fatima Island. The escaprment rock area has mixed plantings of native escapement species.

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Figure 19_ Mackey Park Elements: **01** Pedestrian connection to the Princes Highway. **02** Pedestrian connection across Kendrick Park. **03** Pedestrian pathway along the Princes Highway. **04** Kendrick park car park and green painted cycle way. **05** Saltwater marsh terraces along the river interface. **06** Rock riprap river interface. **07** Fatima Island **08** Concrete steps and canoe launch area. **09** Picnic shelter, tables and barbecues. **10** Children's playground. **11** Seating and forest vegetation. **12** interpretive art elements along the foreshore.

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Kendrick Park + Fatima Island

Playground: The playground includes two sets of swings, a slide and climbing structure, monkey bars and two toddler rockers. The playground is divided into two sections, one with fake turf as softfall, the other has pine mulch. Both have concrete edging to define the space. There are no play elements on Fatima Island.

Lighting: Pole top lighting is provided along the pedestrian pathways in Kendrick Park. No lighting is present on Fatima Island.

Signage: Regulatory signage is provided through the park, there is no wayfinding, identification or interpretive signage present. Fatima Island has no signage.

Tempe train station and car park: The pedestrian and cycle link between Kendrick Park and Mackey Park, passes through the Tempe Station car park. The carpark is a RailCorp asset, is not maintained by Council and is not part of the park. The pathway stops at the start of the carpark with pedestrian and cycle movements needing to use the car park travel lane as a thoroughfare. There is an obvious conflict of uses within the car park.

Toilet and amenity building: The toilet is located at the eastern edge of the park adjacent the highway. The toilet is very visible from the highway, but has more limited views from the rest of the park due to distance and tree plantings. There are concrete pathways that connect the toilet facility with the rest of the park. There are extensive tree plantings nearby to the toilets but no ground cover or shrub plantings. The building itself is constructed of brick cladding and a suspended colourbond roof. The toilet is configured as two equal access toilets, however one is marked as female and the other male.

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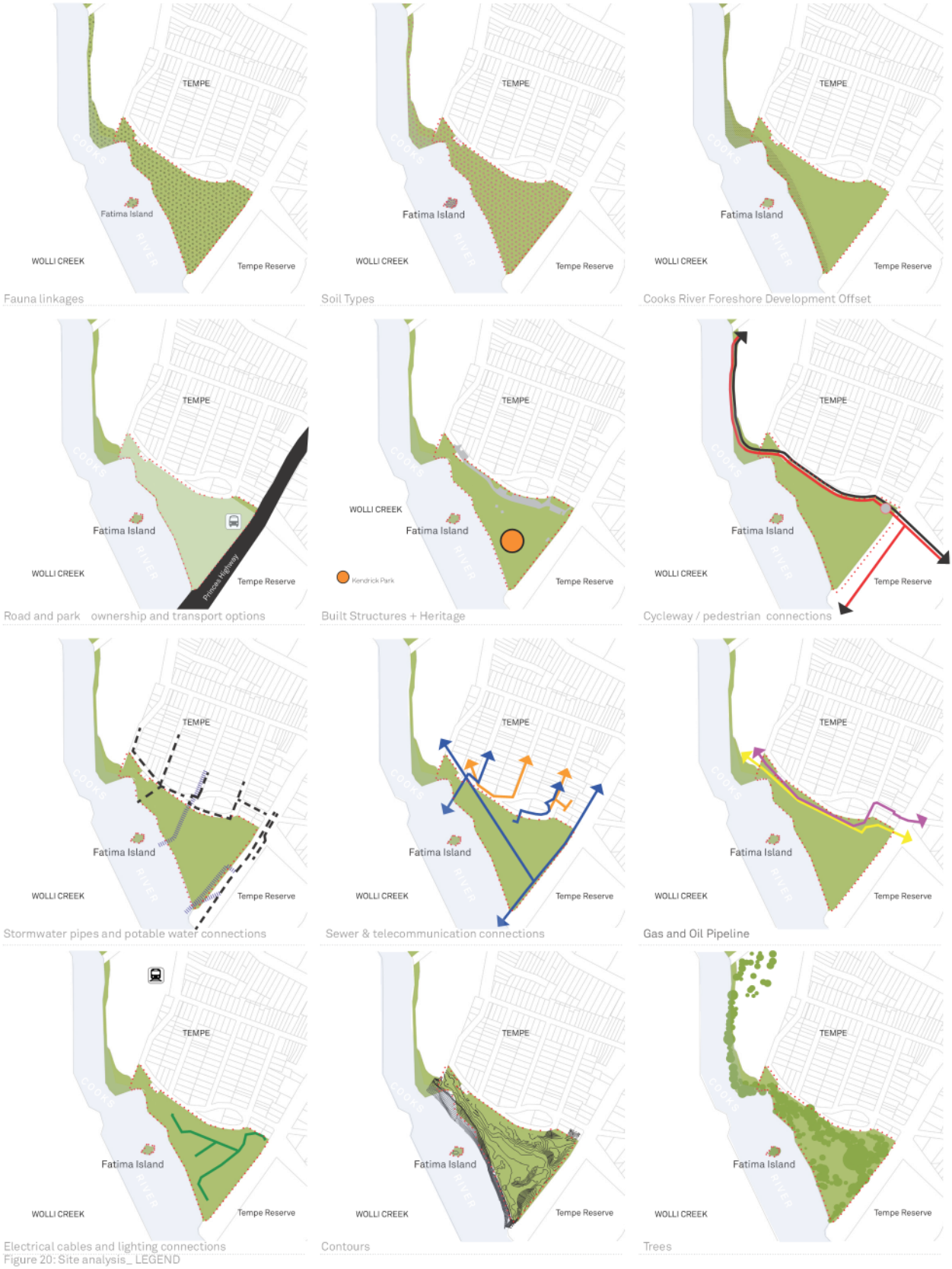


Figure 20: Site analysis_ LEGEND

Attachment 1

02_ Existing Site Appraisal + Site Analysis

Kendrick Park + Fatima Island - Constraints

Priority Biodiversity Area: Kendrick Park and Fatima Island is designated as a priority biodiversity area (Cooks River corrior). The river acts to connect remnant bushland and facilitate fauna movement and Council has highlighted this area needing to preserve and enhance the biodiversity values of these areas.

Soils: Kendrick Park and Fatima Island has two types of acid sulphate soil: type 02 and type 05. Excavation of soil within the park should proceed with caution not to disturb the acid sulphate soil. Class 02 soils may be exposed from any excavation works. Class 05 soils may be exposed when excavation is deeper than 5.0m. Construction work within Kendrick Park and Fatima Island will require appropriate construction methods and approvals to deal with Acid Sulphate Soil.

Cooks river foreshore development offset: The foreshore offset zone in Kendrick Park and Fatima Island limits construction within 10.0 m of the river edge. Full details of construction implications need to be discussed with the NSW Department of Primary Industries: Water.

Built structures: Built structures in Kendrick Park include the car park and vehicle access along the northern interface with the residential properties. At the eastern edge of the park there is an amenities building with male and female toilets. The parks also has a playground and picnic shelters. The only built structure on Fatima Island is a collapsing retaining wall of considerable age.

Road ownership: The roads around Kendrick Park are mostly local roads, the exception is the state owned and controlled Princes Highway that exists along the eastern park boundary.

Pedestrian and cycleway connections: The riverside shared pathway passes through the park with connections to Mackey Park and Tempe Reserve. There are also pedestrian pathways along the Princes Highway and the river edge. The share path link under the train line floods on each high tide limiting access. The link further west connecting Mackey Park is hard to way-find and is dangerous as it passes through the travel lanes of the train station car park.

Underground services: Kendrick Park has a number of underground services including electrical, telecommunications, sewer, potable water and stormwater. Oil and gas pipelines also pass through Steel Park, which have 6.0m easements. Ensure no new tree or infrastructure items are installed within the 6.0 of the gas pipeline. For more information contact the service provider.

Contours and landform: Kendrick Park is located on the Cooks River Floodplain. The northern edge of the park has a rock escarpment that rises approximately 7.0m to residential properties above. Fatima Island is an ephemeral river island that rises slightly above the high tide level.

Heritage: Kendrick Park is a heritage item of local significance. It was one of the earliest parks in the nearby suburbs and was designated as a reserve in 1912. It was named Kendrick Park in 1958 after William Edgar Kendrick, mayor of St Peters.

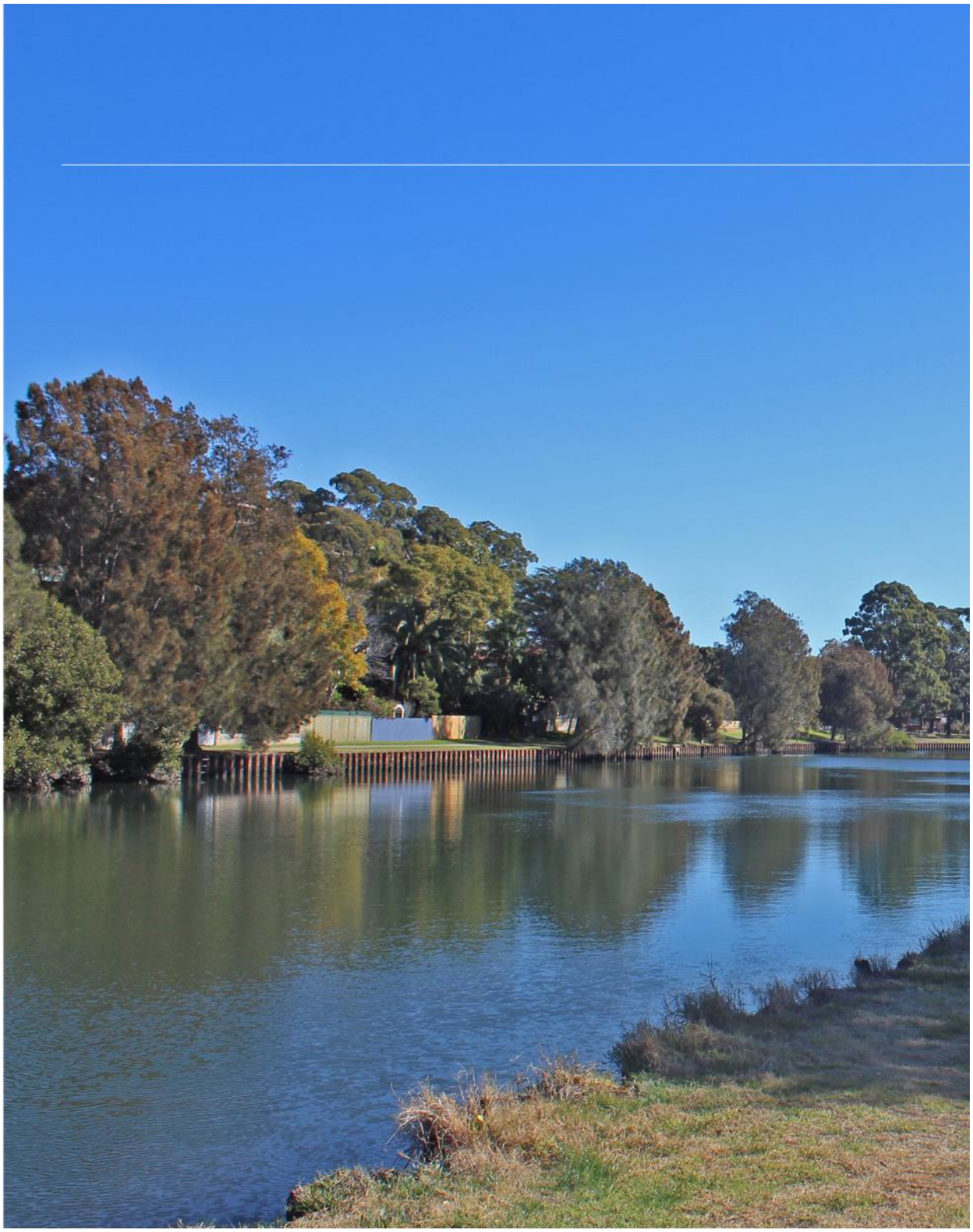
The park is significant for the preserved Aboriginal middens within the park, the remnants of the convict dam on the river and is a key part of the Tempe House (Wolli Creek site) curtilage. Much of the park has been altered since 1970, with the additional of a children's playground, tree plantings and picnic facilities. Refer Kendrick Park Conservation Management Plan 2010.

Field layout: Kendrick Park has open space areas that allow for informal recreation and general kick-a-bout.

Maintenance: Marrickville Council currently undertakes the majority of regular maintenance of the park including:

> Tree pruning.
> Grass maintenance - (mowing, edge trimming etc.).
> Inspection and repair of buildings.
> Maintenance of park furniture.
> Maintenance and repair of sports fields.
> Repairs to signage.
> Mulching of planting areas.
> Bush regeneration (via contract).

Item 22



View along the Cooks River from HJ Mahoney Reserve, Marrickville. Photography by Marrickville Council.

Attachment 1


03_ Engagement Overview + Common Themes

Item 22



View looking west along the Cooks River from near the River Canoe Club. Photography by Marrickville Council

Attachment 1

03_ Engagement Overview + Common Themes

Engagement Overview

The community engagement methodology aimed to be as inclusive as possible with a variety of forums on different days and nights in a number of locations.

Information was disseminated to the community via a number of means including social media, business cards, information flyers, the Council website and letter box mail outs. There were three mail outs distributed on three separate dates. The first mail out was aimed at the whole catchment around the parks and included 6000 flyer to residents in Marrickville, Tempe, Dulwich Hill in the Marrickville Local Government Area (LGA) and Earlwood in the Canterbury LGA. The second letter was distributed to residents within a 300m catchment of Mackey Park. The third letter was distributed to residents within 300m of Kendrick Park.

Social media, specifically Facebook and Twitter included several tweets and Facebook posts on different days and at different times. The Council website posted information at two locations; one on the homepage, the other via the key dates page. The homepage included an image on the banner with a quick link to the a survey and project information.

Advertising of the engagement was also present in the parks. Business Cards were printed and distributed by Council Officers and Rangers in the parks. A3 posters were printed and placed in parks highlighting both the engagement dates and the Council website.

Council Officers directly emailed relevant stakeholder groups and met with key personnel to increase awareness and participation.

All advertising information provided the website details for the Your Say Marrickville website. The site contained information outlining key dates, overview of the project and a link to a web survey.

The list of engagement sessions included:

Type of engagement	Date	Focus of engagement
Marrickville Festival	Sunday 19 October 2014	All parks
Engagement evening	Thursday 23 October 2014	HJ Mahoney Reserve
Engagement evening	Tuesday 28 October 2014	Steel Park
Day in the park	Saturday 01 November 2014	HJ Mahoney Reserve
Engagement evening	Wednesday 05 November 2014	Warren Park, Richardson's Lookout and Cooks River Foreshore Park
Day in the park	Saturday 08 November 2014	Steel Park
Engagement evening	Thursday 13 November 2014	Mackey Park
Day in the park	Saturday 15 November 2014	Warren Park, Richardson's Lookout and Cooks River Foreshore Park
Engagement Evening	Wednesday 19 November 2014	Kendrick Park
Day in the Park	Saturday 22 November 2014	Mackey Park
Day in the Park	Saturday 29 November 2014	Kendrick Park

An exhaustive list of stakeholders were also contacted with input sought to form the brief for the Master Plan design.

A full detailed description of the community engagement sessions and stakeholder input is available in the 'Community Engagement_ Summary Report – Cooks River Parklands _ Plan of Management + Master Plan' (Appendix A)

The following pages provide a summary of the feedback received as well as a list of recommendations for the development of the Master Plan strategies. The recommendations were therefore completed to prepare this document.

03_ Engagement Overview + Common Themes

Mahoney Reserve

Lifelong Recreation

Character:
The informal character of HJ Mahoney Reserve is much loved by park users. The open, green, undeveloped nature, with many canopy trees is what park user's love and want retained.

To be resolved in this report:
> Design proposals are to retain and enhance the parks existing informal character.

Pathways:
There are no pedestrian pathways through HJ Mahoney Reserve. Although walking (including walking dogs) was the most popular past-time in the park, only a very small proportion of people want new pathways in HJ Mahoney Reserve, however many requested better pedestrian and cycle connections to the park.

To be reviewed in this report:
> Review existing wear pathways and design lines to understand where pedestrian pathways may be required.
> Review pedestrian pathway connections to the park and evaluate where and what treatments can be used to better address park connections.

Street art wall:
The existing street art wall is a well-used area of the park. Users like the art wall and some users want the extent of the wall expanded.

To be reviewed in this report:
> Retain the existing art wall.
>Review opportunities to increase the wall size as well as integrate the wall into the park with other youth orientated sporting infrastructure.

Fencing:
AFL stakeholders request white picket fencing to demarcate the playing field, otherwise fencing was not raised as a priority except by dog owners for a dog off leash area.

To be reviewed in this report:
> Investigate fence design options, including a no fence option.

Active in Marrickville

Foreshore edge interface:
Park users request a natural edge treatment with additional tree plantings, groundcovers and grasses with salt marsh species along the river's edge. Some users also wanted to see the ability to launch canoes from HJ Mahoney Reserve.

To be reviewed in this report:
> Investigate options for the edge interface including naturalisation.
> Liaise with stakeholders on options for edge naturalisation.
> Investigate funding strategies for shared funding arrangements to deliver a naturalised river edge.

Trees:
Many users of HJ Mahoney Reserve appreciate the large existing trees. There were mixed comments in regards to the tree species. Some people do not like the Poplar trees along the river edge and would like to see them replaced. A large number of responses noted the need for additional tree planting and shade. Feedback also highlighted users wanted additional mulch to tree surrounds.

To be reviewed in this report:
> Investigate existing habitat trees with the aim to retain these specimens.
> Review existing tree species for tree health.
> Investigate potential species options and locations for new tree plantings.
> Review cost implications for increasing the extent of mulch around new and existing tree specimens.

Planting:
Some park users wish to establish revegetation areas in HJ Mahoney Reserve. Users disliked the use of coir matting as mulch. The introduction of native meadow plantings was also liked by the community.

To be reviewed in this report:
> Review the extent of potential revegetation along the river.
> Investigate whether staged revegetation is possible at locations.
> Develop options for coir matting replacements.
> Investigate options for native meadow planting areas.

Car parking & water sensitive urban design (WSUD):
Users wish to see increased water treatment in HJ Mahoney Reserve including the introduction of car park rain gardens.

To be reviewed in this report:
> Investigate options to implement WSUD initiatives.
> Review shade tree planting opportunities.

Play facilities:
The provision of children's play facilities was requested by users. The request has been for younger children's play equipment rather than an older children's age group. Stakeholders would like the field be available for multiple sports.

To be reviewed in this report:
> Review options for playground locations in HJ Mahoney Reserve.
> Review the proximity of other play facilities.

03_ Engagement Overview + Common Themes

Mahoney Reserve

Playing field:
Feedback from users specifically requested the removal of bindi weed from the turf. Stakeholders would like the field used for multiple sports and uses, including cricket in summer and AFL in winter.

To be reviewed in this report:
> Discuss with turf maintenance team options to remove bindi weed from the turf.
> Ensure the playing field design is flexible for different sports.

Furniture and picnic facilities:
More shade and weather protection is to be provided in HJ Mahoney Reserve. Additional picnic tables and seating was requested. Shaded seating was selected as an important element required in the park.

To be reviewed in this report:
> Review the quality of existing furniture items.
> Review the locations that do not have furniture, but would be ideal seating and picnic opportunities. Review shade options with the review.

Dogs:
The second most common activity undertaken by park users is dog walking. There were many requests for a dog off leash area and the provision of dog poo bags. Some requests included fencing to the dog off leash area.

To be reviewed in this report:
> Review Pets in Parks strategic document to ascertain the nearby dog park network.
> Investigate options for using Mahoney Reserve as a dog off leash park. Review opportunities, constraints and safety in design issues.

The Recreation Economy

Public toilets + amenities:
The community and sporting groups appreciate having the public toilets. The quality of the public toilets was noted as needing improvement. AFL stakeholders specifically request additional club facilities including showers, change rooms, umpire facilities and all items listed under 'local' amenities within the facilities guidelines for AFL.

To be reviewed in this report:
> Retain toilet and amenity facilities.
> Implement the draft Marrickville Public Toilet Strategy recommendations around best practice and design process for public amenities.
> Investigate funding opportunities for more specific requests with AFL stakeholder.

03_ Engagement Overview + Common Themes

Steel Park

Steel Park

Lifelong Recreation

Character
The green, well connected, family friendly nature of Steel Park is what its users appreciate. Users enjoy the ability to walk or drive to the park, use the picnic and seating facilities, under large shade trees next to the Cooks River. Many people used the words 'sanctuary', 'relaxed' or 'calming' in their description of the park, which highlights the value this green space has within the community.

To be reviewed in this report:
> Maintain the green connected family focus of the park.
> Review and aim to increase park amenity items such as seats, picnic facilities and barbecues.
> Balance recreation activities with the ability to retain and improve native vegetation and the 'relaxed', 'calming', 'sanctuary' appearance of the park.

Pathways:
The Cooks River foreshore path is highly valued and used heavily by both pedestrians and cyclists. Many pedestrians noted a conflict with bike users. It was noted by some that bike users appear to travel fast and startle pedestrians. Parents were also worried about children using the pathway and the potential danger of bicycle riders. Users requested a solution that will make the pathway safer for pedestrians and cyclists. No additional pathways were requested.

To be reviewed in this report:
> Investigate options to provide a safe environment for both pedestrian and bicycle users on the shared pathway.
> Collaborate with traffic planners to develop best practice solutions.
> Review wear paths and desire lines within the park that may require additional pathways.

Fencing:
Parents are concerned about children entering the Cooks River from the grassed bank near the children's playground. There were a number of requests for the installation of a fence or barrier either around the playground or between the playground and the water edge.

To be reviewed in this report:
> Review the appropriateness of existing fencing within Steel Park.
> Review whether additional fencing is required at any locations within Steel Park.

Active in Marrickville

Foreshore edge interface:
The existing vegetation along the river edge is important to the community that use Steel Park. Both further naturalisation and the development of an interactive river edge at Steel Park have been requested by users.

To be reviewed in this report:
>Investigate opportunities to improve the natural characteristics of the river edge in Steel Park.
>Investigate options to increase resilience of the foreshore interface from climate change impacts.
> Review CPTED guidelines to ensure proposals ensure a safe park experience.

Trees:
The trees in Steel Park are highly valued. Many enjoy the deciduous nature of the trees allowing shade in summer and sun in winter. Some though would prefer the trees to be native (non-deciduous). More tree plantings were also requested.

To be reviewed in this report:
> Investigate existing habitat trees with the aim to retain these specimens.
> Review existing tree species for tree health and good form.
> Investigate potential species options and locations for new tree plantings.

Planting:
Feedback has outlined the communities desire to increase river edge planting along the Cooks River in Steel Park. The vegetation should also help with animal habitat opportunities, as this is another key element seen as important to the community. The community has requested the condition of the existing park vegetation be improved. This needs to be balanced with other user desires to maintain views out to the river as well.

To be reviewed in this report:
> Review opportunities for increasing river edge vegetation.
> Ensure CPTED principles are being adhered to for new and existing plantings.

Car parking:
Car parking is limited within Steel Park. Users want the number of car parking spaces increased.

To be reviewed in this report:
>Review options for increasing parking opportunities within Steel Park.
> Review current on street parking opportunities along with the pedestrian connections to the park.

Water Sensitive Urban Design (WSUD):
Increasing WSUD elements within Steel Park (including the DAB car park) were requested by users. This included wanting storm water treatment, native meadows and car park rain gardens.

03_ Engagement Overview + Common Themes

Steel Park

To be reviewed in this report:
> Ensure the Master Plan considers the Sub catchment Management Plan covering Steel Park - integrating the WSUD items as multifunctional infrastructure.
> Review existing use patterns and maintenance options for reducing mowing regimes to promote areas of native meadow grass.
> Collaborate with environmental services to provide sustainable outcomes regarding WSUD and native meadows.

Play facilities incl. water play:
The existing play facilities and water park are loved by the community. Users request additional play equipment. Additional shade was also requested over particular items including the flying fox and some water play elements. A swimming beach and swimming pool was also requested by some along with expansion of the existing water play facilities.

To be reviewed in this report:
>Review shade options to the existing playground/water play facilities.
> Investigate cost implications and benefit analysis for expanding the water play elements.
> Investigate staged replacement requirements for any existing elements.
> Investigate opportunities for playground expansion.

Park pedestrian lighting:
Respondents noted the pedestrian lighting in Steel Park is poor. There was a request to upgrade the existing lighting.

To be reviewed in this report:
> Review lighting standards and requirements in Steel Park - both pedestrian and sporting.

Exercise equipment:
Users enjoy using the exercise equipment. People noted that shade over the equipment would be useful for exercising at times other than late afternoon / morning and mid-winter. Users also suggested the installation of additional pieces of equipment along the foreshore, to be developed as a series of stations and not just one area.

To be reviewed in this report:
> Review exercise equipment in regards to the potential for a series of stations along the river walkway.

Playing field:
The playing surface including the outer field still has an uneven surface. The addition of extra cricket wicket was requested by stakeholder groups.

To be reviewed in this report:
> Investigate the implications of adding an additional cricket pitch to Steel Park.
> Discuss opportunities with maintenance team to produce an even playing surface on the outer field.
> Investigate opportunities to upgrade Steel Park field drainage.
> Investigate opportunities to reconfigure field layout.

Furniture and picnic facilities:
The existing facilities at Steel Park are very well used and highly valued. Additional bins were requested as well as improvements to the existing bin amenities (cleanliness, visual appearance etc.) were requested. BBQ, picnic tables, seating and weather protection were requested as well as the provision of seating for spectator viewing over the playing fields (specifically near Illawarra Road).

To be reviewed in this report:
> Review existing furniture for quality and use.
>Investigate options for replacing and adding more furniture items within the park.

Dogs:
People enjoy walking their dogs on a leash through and around Steel Park.

To be reviewed in this report:
> Retain opportunities for dog walking on leash within Steel Park.

Signage:
Some park users requested additional signage for wayfinding and interpretation.

To be reviewed in this report:
> Investigate opportunities to update and consolidate park signage.

The Recreation Economy

Café:
Many users request the ability to buy coffee from within the park; either from a coffee shop or coffee cart.

To be reviewed in this report:
> Review the appropriateness of allowing commercial ventures within public open space.

Public toilets + amenities building:
The toilets were highlighted for an overhaul by the community as many of the respondents believed the condition of the toilets needs improvement. Stakeholders noted flooding issues with the change rooms and canteen during major rain events. Stakeholders wish for an upgraded amenities building.

To be reviewed in this report:
> Retain toilet and amenity facilities.
> Implement the draft Marrickville Public Toilet Strategy recommendations around best practice and design process for public amenities.
> Review the drainage situation that is causing flooding and review options for stopping / reducing impacts to the building.

Lifelong Recreation

03_ Engagement Overview + Common Themes

Richardson's Lookout, Warren Park + the Cooks River Foreshore

Character:
The generally flat open space surrounded by planted escarpments with trees, shrubs and groundcovers with scattered heritage elements is the character that users love the most in Warren Park, Richardson's Lookout and the Cooks River Foreshore. The plantings specifically provide a natural setting and quiet retreat for visitors which is appreciated by the community.

To be reviewed in this report:
> Upgrades the parks while retaining the existing park character.

Art:
Park users wish to see the addition of art elements within the parks. It is requested that art elements should provide insight into the history of the area. There is the opportunity to integrate art and signage. Some users also wish to have a practice street art wall erected for community use.

To be reviewed in this report:
> Investigate and collaborate with different sections of Council to review art and interpretation opportunities within the parks within the context of a heritage park.

Pathways:
The pedestrian and cycle pathway along the Cooks River is a highly valued park connection by many park visitors. The majority of visitors access the parks via the foreshore share pathway. Better connectivity between each of the parks (Warren Park, Richardson's Lookout and the Foreshore) was requested by the community.

To be reviewed in this report:
>Review pathway connections between parks. Ensure ease of pedestrian access and increase connectivity.
> Ensure the shared pathway along the river maintains safe pedestrian and cycle movements.

Active in Marrickville

Trees:
The community highly value the tree plantings and additional tree plantings were requested.

To be reviewed in this report:
> Review opportunities for additional tree plantings throughout the parks. Collaborate on tree species requirements.

Planting:
Plantings of shrubs and groundcovers to aid in habitat protection of animals have been requested.

To be reviewed in this report:
> Liaise with Environmental Services and maintenance teams for potential improvements to habitat understory vegetation.
> Investigate opportunities for increasing habitat areas.

Turf:
Users dislike the bindi weed in the grass. Users enjoy the open turf kick-about spaces.

To be reviewed in this report:
> Retain the open kick-about spaces within the parks.
> Discuss with turf maintenance team options to remove bindi weed from the turf.

Foreshore edge interface:
The vegetated edge to the river environment is valued and so are water views. A balance of each of these priorities was highlighted by the community.

To be reviewed in this report:
>Maintain river side vegetation. Investigate opportunities to establish new revegetation areas where possible.
> Investigate opportunities to maintain views where possible and provide a river viewing platform.

Signage:
Park users wish to have way finding and interpretive signage provided within the parks. Interpretive signage should be considered as part of a greater interpretive trail. Park identification signage will also help with park wayfinding.

To be reviewed in this report:
> Investigate opportunities to update and consolidate park signage.

Peace and reconciliation park co-naming:
The community has strong support for the designation of Richardson's Lookout as a peace and reconciliation park.

To be reviewed in this report:
> Review obstacles prohibiting the Richardson's Lookout co-naming from proceeding.

Lighting:
Users requested park lighting along pedestrian routes for night use of the parklands.

To be reviewed in this report:
> Review existing lighting within the parks. Investigate opportunities for improved pedestrian lighting.

Car parking:
As most visitors to Warren Park, Richardson's Lookout and the Cooks River Foreshore travel by foot, provision of car parking facilities is not a high priority for the community.

To be reviewed in this report:
> No action required.

Water Sensitive Urban Design (WSUD):
Provision of stormwater treatment and other WSUD measures are a high priority for park users in each of the parks.

03_ Engagement Overview + Common Themes

Richardson's Lookout, Warren Park + the Cooks River Foreshore

To be reviewed in this report:
> Review WSUD opportunities and constraints within the parks.
> Investigate limitations from implementing WSUD strategies.
> Ensure Subcatchment management plans are incorporated into park designs.

Play facilities:
The provision of both younger and older age play facilities were noted by the community as good outcomes, though were generally noted as low priorities for the parks.

To be reviewed in this report:
> Review opportunities for play facilities, specifically review park character and appropriateness.
> Review nearby facilities to understand distance between facilities as well as park type and hierarchy with adjacent facilities.

Furniture and picnic facilities:
More seating opportunities along the river were requested by the community.

To be reviewed in this report:
> Review existing furniture for quality and use.
>Investigate options for replacing and adding more furniture items within the parks.

Dogs:
Provision for a dog off leash area in Warren Park was highly requested by users.

To be reviewed in this report:
> Investigate the opportunity to provide a dog off leash area in Warren Park.
> Review and understand if there are any limiting factors, such as wildlife protection areas.

Fencing:
Fencing along the road edge at Thornley Street (Warren Park) is not liked by many surveyed. A permeable edge with easy access into the park is preferred.

To be reviewed in this report:
> Review the appropriateness of existing fencing.
> Review whether additional fencing is required at any locations.

Recreation Economy

Public toilets:
No toilets are currently located in Warren Park, Richardson's Lookout or the Cooks River Foreshore. Users wish to have easy access to quality toilet facilities along the Cooks River. The park location is less than 400m from facilities in Steel and Mackey Park.

To be reviewed in this report:
Implement recommendations of the Marrickville Public Toilet Strategy Plan.

03_ Engagement Overview + Common Themes

Mackey Park

Lifelong Recreation

Character:
The character of Mackey Park is quite open. Users wish to increase the tree plantings around Mackey Park to reduce this open appearance. The area of Mackey Park adjacent the river was noted as being quite picturesque though under utilised. The peacefulness of Mackey Park was highly valued. Sports users appreciate the open fields that are valued for their quality and size.

To be reviewed in this report:
> Investigate opportunities to increase tree planting around Mackey Park.
> Review opportunities to increase use along the river edge - review locations for pedestrian amenity items.
> Retain the peaceful nature of Mackey Park.
> Ensure the quality of the fields are maintained through the excellent maintenance regime.

Pathways:
The foreshore cycle link is highly valued and heavily used by commuters. Pathways within the park were noted as being in good condition.

To be reviewed in this report:
> Investigate options to provide a safe environment for both pedestrian and bicycle users on the shared pathway.
> Collaborate with traffic planners to develop best practice solutions.
> Review wear paths and desire lines within the park that may require additional pathways.

Fencing:
> Fencing was not noted as a critical item by the community at Mackey Park.

To be reviewed in this report:
> Review the existing fencing to ensure it is best located to fulfil function.

Active in Marrickville

Trees + planting:
The informal scattering of trees while appreciated, rating as being too few in number. An overwhelming proportion of responses requested additional tree, shrubs, grass and groundcovers to be planting in the park. Users wish to increase the extent of native vegetation and habitat values. Users also noted that seating under trees is desirable.

To be reviewed in this report:
> Investigate opportunities to increase tree planting within Mackey Park.
> Investigate opportunities to increase vegetation along the drainage channel.
> Investigate options for habitat planting.
> Investigate options to integrate planting areas and passive recreation opportunities.

Foreshore edge interface:
The community wishes to naturalise the river edge of Mackey Park. Saltwater reeds, trees, grasses and groundcovers are to be incorporated in park designs and upgrades.

To be reviewed in this report:
> Investigate river edge naturalisation.
> Maximise opportunities to provide recreation and habitat values along the river edge.

Playing field:
The playing field was highlighted as being in excellent condition with good maintenance practices. Some trees are shading / damaging the playing surface at the far southern edge of the field.

To be reviewed in this report:
> Recommend current maintenances are maintained.
> Review damage induced by tree shading and investigate mitigation strategies with Council officers.

Drainage line / creek:
The drainage line along the western edge of the park was noted as being 'ugly' and under-utilised.

To be reviewed in this report:
> Investigate options to provide passive recreation and naturalise the drainage line.
> Liaise with Sydney Water to ensure stakeholders endorse proposed design changes.

Car parking:
Park users often drive to the park and require additional car parking opportunities, particularly on weekends and during sporting events.

To be reviewed in this report:
> Investigate parking options within and around Mackey Park.

Water Sensitive Urban Design (WSUD):
The gross-pollution traps (GPTs) at the western park edge, at the interface with the Cooks River was highlighted by the community as an 'ugly' and 'smelly' part of the park that needs to be cleaned up.

To be reviewed in this report:
>Liaise with Sydney Water with options for improving the visual appearance of WSUD elements in Mackey Park including options of drainage channel naturalisation and options of relocating the GPT upstream.

Play facilities:
Additional play facilities have been requested, along with further shade over the playground and additional illumination during the evening. Conflict between cricket balls and the play facility was highlighted.

03_ Engagement Overview + Common Themes

Mackey Park

To be reviewed in this report:
> Review upgrade options to the play facilities.
> Investigate additional planting opportunities around the play facilities.
> Review options for providing a safe environment for children, including evening illumination, ease of access, shade and conflicts with playing field use.

Furniture and picnic facilities:
A large number of users wish to see additional seating and picnic tables in Mackey Park. It was noted the river edge was particularly picturesque place to picnic. Seating for spectator viewing was also requested.

To be reviewed in this report:
> Investigate potential locations for furniture and picnic facilities in Mackey Park. Specifically review locations along the river foreshore and for spectator viewing of sporting events.

Dogs:
Many community members wish to see a dog off leash area incorporated into Mackey Park.

To be reviewed in this report:
> Review the Pets in Parks strategy document for the network of dog off leash areas nearby to Mackey Park.
> Investigate opportunities to provide dog off leash area within Mackey Park.

The Recreation Economy

Public toilets:
There was strong feedback to upgrade or provide new public toilet facilities.

To be reviewed in this report:
> Retain toilet and amenity facilities.
> Implement the draft Marrickville Public Toilet Strategy recommendations around best practice and design process for public amenities.

Concordia Club:
A large number of park users wish to see the Concordia Club better integrated into the park, including fence removal and better connectivity for pedestrians.

To be reviewed in this report:
> Investigate opportunities to better integrate the Concordia Club into Mackey Park. Ensure pedestrians connections, both visual and physical are considered.

River Canoe Club:
The Canoe Club want to maintain river access and investigate options to improve the building including the provision of a mural.

To be reviewed in this report:
> Ensure designs retain river access for the Canoe Club.
> Review building improvement options, including the installation of a mural.

03_ Engagement Overview + Common Themes

Kendrick Park + Fatima Island

Lifelong recreation

Character:
The views and visual connections with the Cooks River and Fatima Island are very important to Kendrick Park users. The high levels of vegetation and natural appearance of much of the park is also a defining feature of the western half of the park.

To be reviewed in this report:
> Retain views to the Cooks River and Fatima Island.
> Retain existing vegetation within the Kendrick Park and maintain Fatima island as a natural system.
> Ensure the character of both parks and their visual connections are retained.

Pathways + connections:
Users wish to have the pedestrian connection and flooding issues under Tempe rail bridge fixed with an all-weather solution. Users also raised concerns about pedestrian and cyclist safety travelling through the Tempe train station car park as a connection between Mackey Park and Kendrick Park. The bridge crossing (to Rockdale LGA) and the pedestrian crossing to the train station were also noted as dangerous elements needing safe design solutions.

To be reviewed in this report:
> Ensure proposed improved all-weather pedestrian connections under the Illawarra train line are resolved and implemented.
>Review and provide options for a safe pedestrian connection through the Tempe station car park.
> Ensure safe travel for both pedestrians and cyclists.
> Liaise with traffic planners around pedestrian safety for the bridge crossing to Rockdale.

Active in Marrickville

Trees and planting:
Park users request additional tree planting within the park. Users also wish to ensure the bushland areas are protected and expanded.

To be reviewed in this report:
> Maintain existing vegetation.
> Investigate opportunities for new tree and ground cover planting.

Foreshore edge interface:
Park users like the salt water wetland terraces. Further works to naturalise the river edge have been requested by users. Users wish to ensure the park river edge is stabilised to minimise erosion. The erosion of Fatima Island was raised by the some in the community as a concern. The community raised interest in the ability to swim in the river at Kendrick Park in the future.

To be reviewed in this report:
> Investigate opportunities to increase edge naturalisation of the Cooks River.
> Implement best practice advice as adopted by Council regarding Fatima Island.
>Investigate limiting factors for swimming in the Cooks River and investigate opportunities within Kendrick Park to facilitate this opportunity in the future.

Car parking:
No additional car parking has been requested. The existing car park can accommodate park use requirements.

To be reviewed in this report:
> No action required.

Water sensitive urban design (WSUD):
Some park users have requested additional, more formal storm water treatment to occur in Kendrick Park.

To be reviewed in this report:
> Investigate opportunities for implementing WSUD initiatives within Kendrick Park.

Pedestrian lighting:
Park users request additional illumination during the evening via park pathway lighting.

To be reviewed in this report:
> Review existing pedestrian and vehicle lighting within Kendrick Park.
> If lighting is less than standard investigate pedestrian and vehicle lighting options.
> Review whether shade structures are currently illuminated.
>Liaise with stakeholders including police, prior to finalisation of strategies.

Play facilities:
The play facilities are noted as being well used, though aging. Users request an upgrade to the facility and better integration with the natural appearance of much of the park.

To be reviewed in this report:
> Review existing play facilities.
> Investigate replacement and addition of new children's play facilities.
> Investigate options for integration with existing and new planting.

Furniture and picnic facilities:
Park disposal of barbecue coals is an ongoing issue that needs resolution. Provision of additional bins and the design of bin enclosures / fixing elements that prohibit bin vandalism was required. Additional water points for drinking and hand washing have been requested along with more picnic tables, seating and barbecue facilities.

To be reviewed in this report:
> Review options for new seating and picnic facilities.
> Review opportunities for water points within the park for drinking.
> Investigate possible new barbecue facilities.

03_ Engagement Overview + Common Themes

Kendrick Park + Fatima Island

Dogs:
There were no significant requests for the provision of dog off leash areas in Kendrick Park. Dog owners tend to walk through the park rather than use it as a destination. The adjacent Tempe Recreation Reserve has dog facilities that currently accommodate the off leash function.

To be reviewed in this report:
No action required.

Signage:
Improved interpretative and way finding signage was requested by both the community and stakeholder groups. Interpretive signage should be considered as part of a great interpretive trail.

To be reviewed in this report:
> Investigate opportunities for way finding and interpretive signage within Kendrick Park.
> Review signage within context of a great signage strategy.

The Recreation Economy

Public toilets:
The existing public toilets are requested to be upgraded by park users.

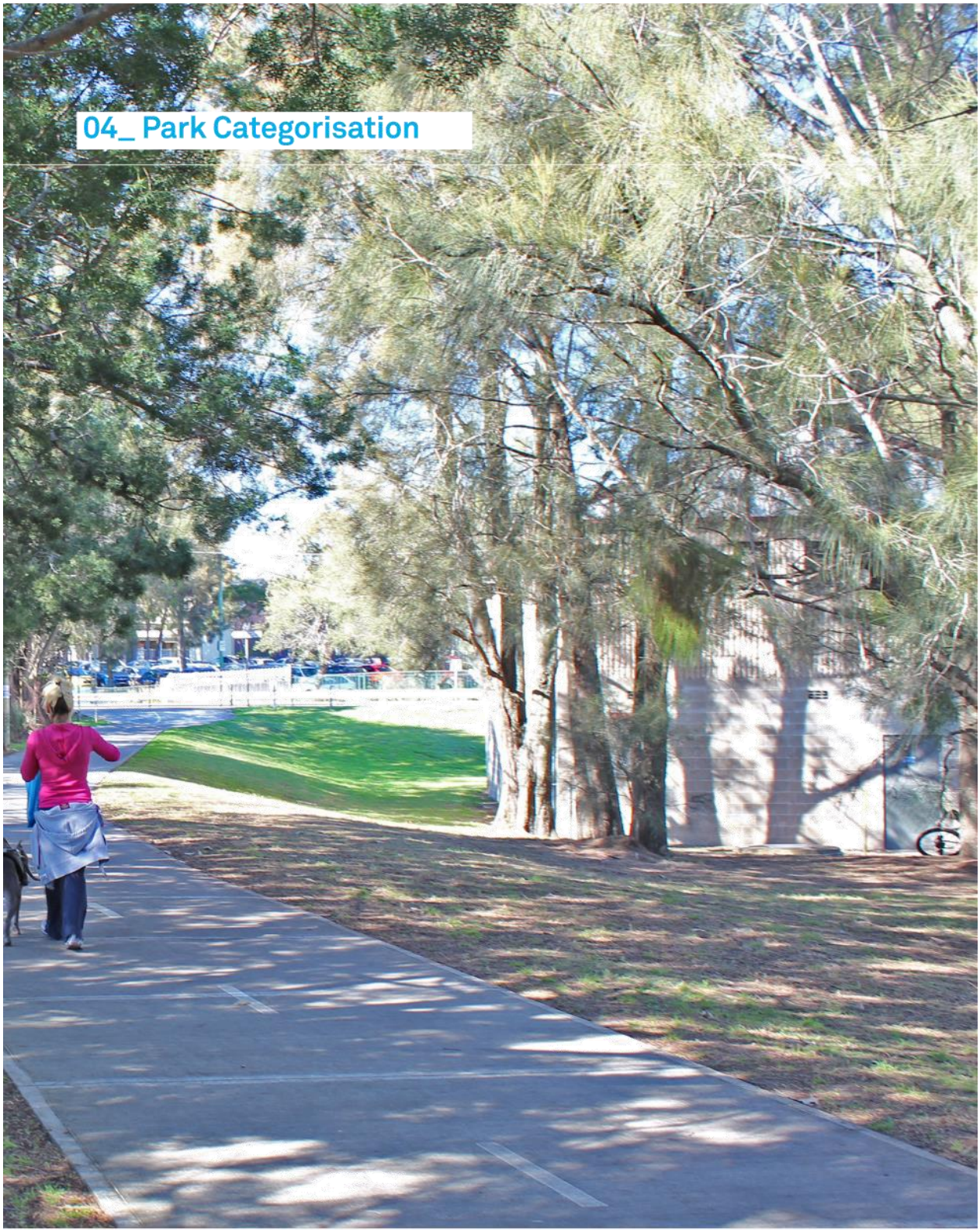
To be reviewed in this report:
> Retain toilet facilities and implement the Marrickville Public Toilet Strategy Plan proposals around best practice and design process for public amenities.

Item 22



View along the shared pathway near the Concordia Club, Mackey Park, Marrickville. Photography by Marrickville Council.

Attachment 1


04_ Park Categorisation

Item 22

04_ Park Categorisation

HJ Mahoney Reserve

LEGEND - Land Categorisation

- Community land: General community use
- Community land: Sportsfield
- Community land: Natural area - Foreshore

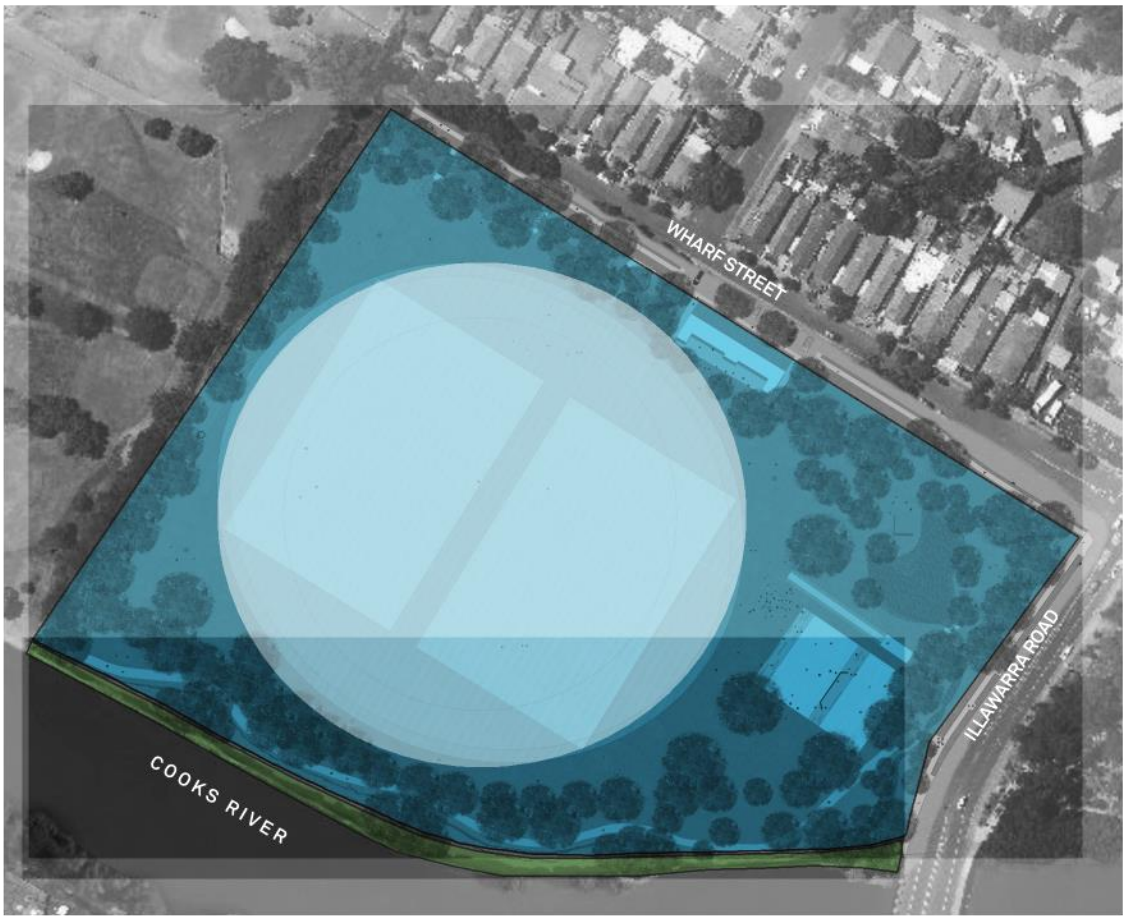


Figure 21: Land categorisation plan_ HJ Mahoney Reserve.

0 10 30
metres

Attachment 1

04_ Park Categorisation

HJ Mahoney Reserve

This plan of management categorises the community land in HJ Mahoney Reserve as follows:

Land Category	Core objective
Community land **Sportsground**	To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games; and To ensure that such activities are managed having regard to any adverse impact on nearby residences.
Community land **General community use**	The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land and to provide facilities on the land to meet the current and future needs of the local community and the wider public: (a) in relation to public recreation and the physical, cultural and social and intellectual welfare or development of individual members of the public; and (b) in relation to purposes for which a lease, licence of other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)

Land Category	Core objective
Community land **Natural area - Foreshore**	The core objective for management of community land categorised as a natural area are: (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which land is categorised as a natural area, and (b) to maintain the land, or that feature or habitat , in its natural state and setting, and (c) to provide for the restoration and regeneration of the land, and (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation At 1995 or the Fisheries Management Act 1994. The core objective for management of the community land (natural) categorised as foreshore are: (a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and (b) to facilitate the ecological sustainable use of the foreshore and to mitigate impact on the foreshore by community use.

Item 22

04_ Park Categorisation

Steel Park

LEGEND - Land Categorisation

- Community land: General community use
- Community land: Sportsfield
- Community land: Natural area - Foreshore



Figure 22: Land categorisation plan_ Steel Park.

0 10 30
metres

Attachment 1

04_ Park Categorisation

Steel Park

This plan of Management categorises the community land in Steel Park as follows:

Land Category	Core objective
Community land **Sportsground**	To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games; and To ensure that such activities are managed having regard to any adverse impact on nearby residences.
Community land **General community use**	The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land and to provide facilities on the land to meet the current and future needs of the local community and the wider public: (a) in relation to public recreation and the physical, cultural and social and intellectual welfare or development of individual members of the public; and (b) in relation to purposes for which a lease, licence of other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)

Land Category	Core objective
Community land **Natural area - Foreshore**	The core objective for management of community land categorised as a natural area are: (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which land is categorised as a natural area, and (b) to maintain the land, or that feature or habitat , in its natural state and setting, and (c) to provide for the restoration and regeneration of the land, and (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation At 1995 or the Fisheries Management Act 1994. The core objective for management of the community land (natural) categorised as foreshore are: (a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and (b) to facilitate the ecological sustainable use of the foreshore and to mitigate impact on the foreshore by community use.

Item 22

04_ Park Categorisation

Richardson's Lookout, Warren Park and Cooks River Foreshore

LEGEND - Land Categorisation

- Community land: General community use
- Community land: Natural area - Foreshore
- Crown Land: Purpose of public recreation

This plan of Management categorises the community land in Richardson's Lookout, Warren Park and Cooks River Foreshore as follows:

Land Category	Core objective
Community land **General community use**	The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land and to provide facilities on the land to meet the current and future needs of the local community and the wider public: (a) in relation to public recreation and the physical, cultural and social and intellectual welfare or development of individual members of the public; and (b) in relation to purposes for which a lease, licence of other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)

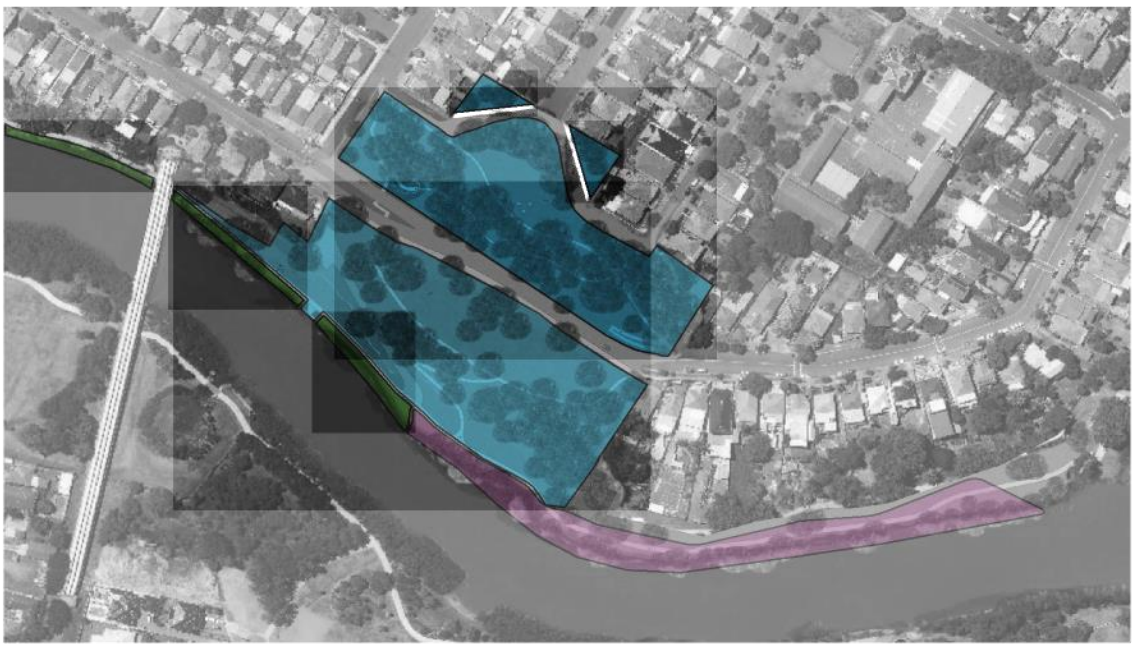


Figure 23: Land categorisation plan_ Richardson's Lookout, Warren Park and the Cooks River Foreshore.

0 10 30
metres

Attachment 1

04_ Park Categorisation

Richardson's Lookout, Warren Park and Cooks River Foreshore

Land Category	Core objective
Community land **Natural area - Foreshore**	The core objective for management of community land categorised as a natural area are: (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which land is categorised as a natural area, and (b) to maintain the land, or that feature or habitat , in its natural state and setting, and (c) to provide for the restoration and regeneration of the land, and (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation At 1995 or the Fisheries Management Act 1994. The core objective for management of the community land (natural) categorised as foreshore are: (a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and (b) to facilitate the ecological sustainable use of the foreshore and to mitigate impact on the foreshore by community use.

Land category	Management principle
Crown land **Recreation**	(a) that environmental protection principles be observed in relation to the management and administration of Crown land, (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, (c) that public use and enjoyment of appropriate Crown land be encouraged, (d) that, where appropriate, multiple use of Crown land be encouraged, (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles. **This plan of management allows use of the reserve for the purposes of public recreation.**

Item 22

04_ Park Categorisation

Mackey Park

LEGEND - Land Categorisation

- Crown Land: Purpose of public recreation
- Concordia Club
- Community land: General community use



Figure 24: Land categorisation plan_ Mackey Park.

0 10 30
metres

Attachment 1

04_ Park Categorisation

Mackey Park

Mackey Park is comprised of crown land and community land. The crown land section does not require the categorisation as community land, instead the principles for crown land management from the Act as outlined as follows:

Land category	Management principle
Crown land **Recreation**	(a) that environmental protection principles be observed in relation to the management and administration of Crown land, (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, (c) that public use and enjoyment of appropriate Crown land be encouraged, (d) that, where appropriate, multiple use of Crown land be encouraged, (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles. **This plan of management allows use of the reserve for the purposes of public recreation.**
Concordia Club	Excised from Council responsibility.

Land Category	Core objective
Community land **General community use**	The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land and to provide facilities on the land to meet the current and future needs of the local community and the wider public: (a) in relation to public recreation and the physical, cultural and social and intellectual welfare or development of individual members of the public; and (b) in relation to purposes for which a lease, licence of other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)

Item 22

04_ Park Categorisation

Kendrick Park + Fatima Island

LEGEND - Land Categorisation

Crown Land: Purpose of public recreation

Community land: General community use

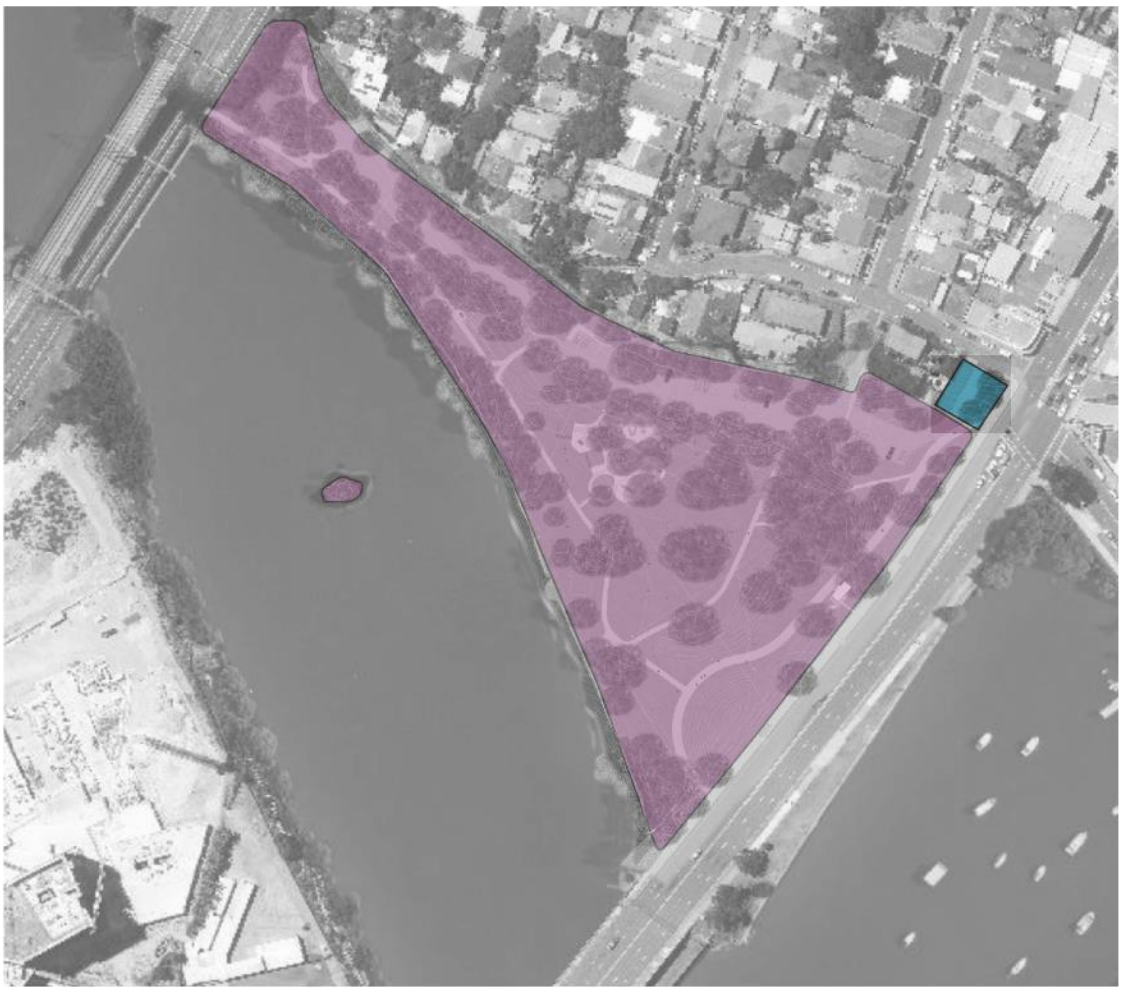


Figure 25: Land categorisation plan_ Kendrick Park.

0 10 30
metres

Attachment 1

04_ Park Categorisation

Kendrick Park + Fatima Island

This plan of Management categorises the community land in Kendrick Park and Fatima Island as follows:

Land category	Core objective
Crown land **Recreation**	(a) that environmental protection principles be observed in relation to the management and administration of Crown land, (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, (c) that public use and enjoyment of appropriate Crown land be encouraged, (d) that, where appropriate, multiple use of Crown land be encouraged, (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles. **This plan of management allows use of the reserve for the purposes of public recreation.**

Land category	Core objective
Community land **General community use**	The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land and to provide facilities on the land to meet the current and future needs of the local community and the wider public: (a) in relation to public recreation and the physical, cultural and social and intellectual welfare or development of individual members of the public; and (b) in relation to purposes for which a lease, licence of other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)

Item 22



Fatima Island as seen from Kendrick Park, Tempe. Photography by Marrickville Council.

Attachment 1


05_ Leases and Licences

Item 22



Kendrick Park, Tempe. Photography by Marrickville Council.

Attachment 1

05_ Leases and Licences

HJ Mahoney Reserve

Existing leases and licences
There are no long-term (12 month or longer) leases and licences in place over Mahoney Reserve at the time of developing this plan.

Future leases and licences
Future lease and licences will be allowable for any part of the park for uses consistent with this Plan of Management, the Marrickville Local Environment Plan and any other applicable legislation.

05_ Leases and Licences

Steel Park

Existing leases and licences
There are several long-term (12 month or longer) leases and licences in place over Steel Park at the time of developing this plan. The leases and licences include:
> Debbie and Abbey Borgia Community Recreation Centre
> Café Lease
> Social Enterprise Licence

Future leases and licences
Future lease and licences will be allowable for any part of the park for uses consistent with this Plan of Management, the Marrickville Local Environment Plan and any other applicable legislation.

05_ Leases and Licences

Richardson's Lookout, Warren Park and Cooks River Foreshore

Existing leases and licences

There are no long-term (12 month or longer) leases and licences in place over Richardson's Lookout, Warren Park and Cooks River Foreshore at the time of developing this plan.

Future leases and licences

Future lease and licences will be allowable for any part of the park for uses consistent with this Plan of Management, the Marrickville Local Environment Plan and any other applicable legislation.

05_ Leases and Licences

Mackey Park

Existing leases and licences
There are several long-term (12 month or longer) leases and licences in place over Mackey Park at the time of developing this plan. The leases and licences include:
> River Canoe Club
> Concordia Club

Future leases and licences
Future lease and licences will be allowable for any part of the park for uses consistent with this Plan of Management, the Marrickville Local Environment Plan and any other applicable legislation.

05_ Leases and Licences

Kendrick Park

Existing leases and licences
There are no long-term (12 month or longer) leases and licences in place over Kendrick Park at the time of developing this plan.

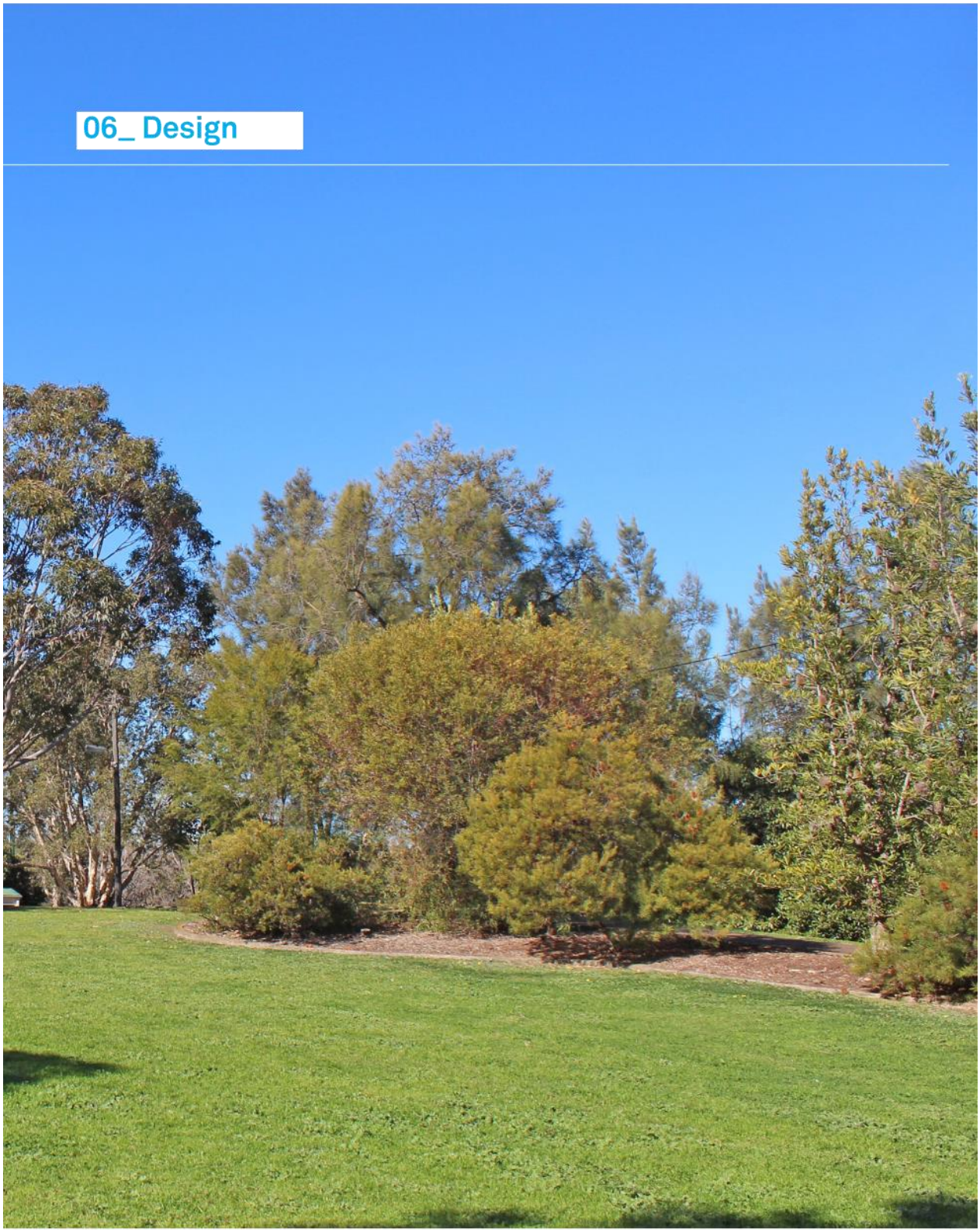
Future leases and licences
Future lease and licences will be allowable for any part of the park for uses consistent with this Plan of Management, the Marrickville Local Environment Plan and any other applicable legislation.

Item 22



Warren Park, Marrickville. Photography by Marrickville Council.

Attachment 1


06_ Design

06_ Design

Parkland Design Principles

Overview: The parkland design principles outline the lens for which all decisions should be made for each of the parks. By considering the design principles in the decision making process, it will ensure the project objectives for each park are met.

01



Develop the river as a natural system

[Naturalise riverbanks, establish tributaries – not drainage]

02



Provide a string of parklands

[Each park is to be a green urban park with natural river connections]

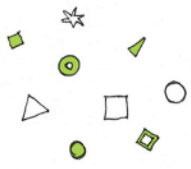
03



Ensure pedestrian and cyclist safety

[Design parklands with CPTED principles. Reduce user conflicts. Provide a safe environment for all users]

04



Maintain existing character and maintain diversity

[each park is unique and expresses a sense of its place – retain and celebrate these elements]

05



Provide solutions that are innovative

[cost effective, low maintenance, sustainable]

06_ Design

Parkland Design Principles

06



Provide park user amenity items

[Seating, exercise stations, BBQ facilities, shade trees, children's playground, green infrastructure]

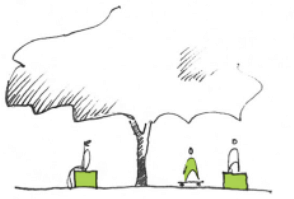
07



Maximise existing river connections and views

[Connectivity of the river is unique and vital; ensure future users have the ability to enjoy the river and its scenic qualities]

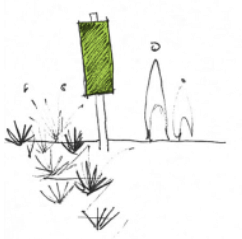
08



Provide for multiple users

[Provide flexible spaces fit for a range of users and experiences]

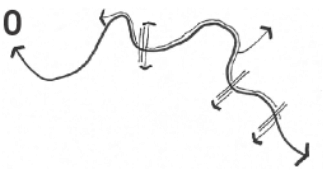
09



Education is key

[Celebrate stories, interpret history and inform about natural processes and systems]

10



Facilitate connections with surrounding suburbs

[River, fauna, flora, bicycle, pedestrians]

Item 22

06_Design

Master Plan



Figure 26: Cooks River Parklands Master Plan.

Attachment 1

Item 22

06_ Design

Master Plan



Figure 27: Cooks River Parklands Master Plan.

Attachment 1

Item 22

06_ Design

HJ Mahoney Reserve_ Master Plan



Figure 28: Master Plan_ HJ Mahon Reserve

Attachment 1

06_ Design

HJ Mahoney Reserve_ Master Plan



ADJOINS FIGURE 28

Figure 29: Master Plan_ HJ Mahoney Reserve

01 WSUD swale_ Install a vegetated swale to treat water from Wharf Street. Swale design to be integrated around trees, new rocks and habitat logs. Provide passive recreation opportunities and pedestrian crossings at regular intervals.

02 Car park_ Provide shade tree planting and rain garden within the car parking area.

03 Amenities building_ Reconfigure toilets as per the Marrickville Public Toilet Strategy 2015 document and investigate upgrades to change rooms meeting sporting club requirements.

04 Picnic and shade structures_ Install seating, with views over sporting field. Provide new picnic tables shade structures and BBQ facilities.

05 Ephemeral wetland_ Construct an ephemeral wetland around existing trees. Install rock lined overflow vegetated swale along the interface with Illawarra Road. Existing Poplar Trees shall be retained.

06 Athletics areas_ Renovate long jump pit to meet school requirements and provide a safe athletics area.

07 Multi-use facility_ Retain the street art wall. Expand the concrete surrounds to provide at least 2 multiuse courts. Provide concrete bench seating at the multi-court edges that can double as skate facilities.

08 Naturalise the Cooks River interface_ Remove river edge steel sheet piling. Construct a new river edge with either mangrove or sedges and saltmarsh.

09 New tree plantings_ Plant new local native shade trees along river edge area.

10 River pathway_ Option to provide pathway along the river edge with a long term goal of connecting with the pedestrian bridge over the Cooks River.

11 Playing field_ Retain the playing field. Install synthetic cricket pitch with synthetic cover and trial dog off leash use of field.

12 Golf course interface_ Retain existing tree species along the interface with the golf course. Plant new native ground cover and grasses to understory.

13 River poplars_ Replace poplars with appropriate native speices as existing trees pass their useful life expectancy.

Item 22

06_ Design

HJ Mahoney Reserve_ Master Plan Strategies - Pathways

LEGEND

- Wharf Street pathway
- Illawarra Road
- Cooks River edge permeable pathway
- Illawarra Road pedestrian crossing
- Pedestrian WSUD crossing_ Stepping stones
- Pedestrian WSUD crossing_ Timber walkways
- Property Boundary

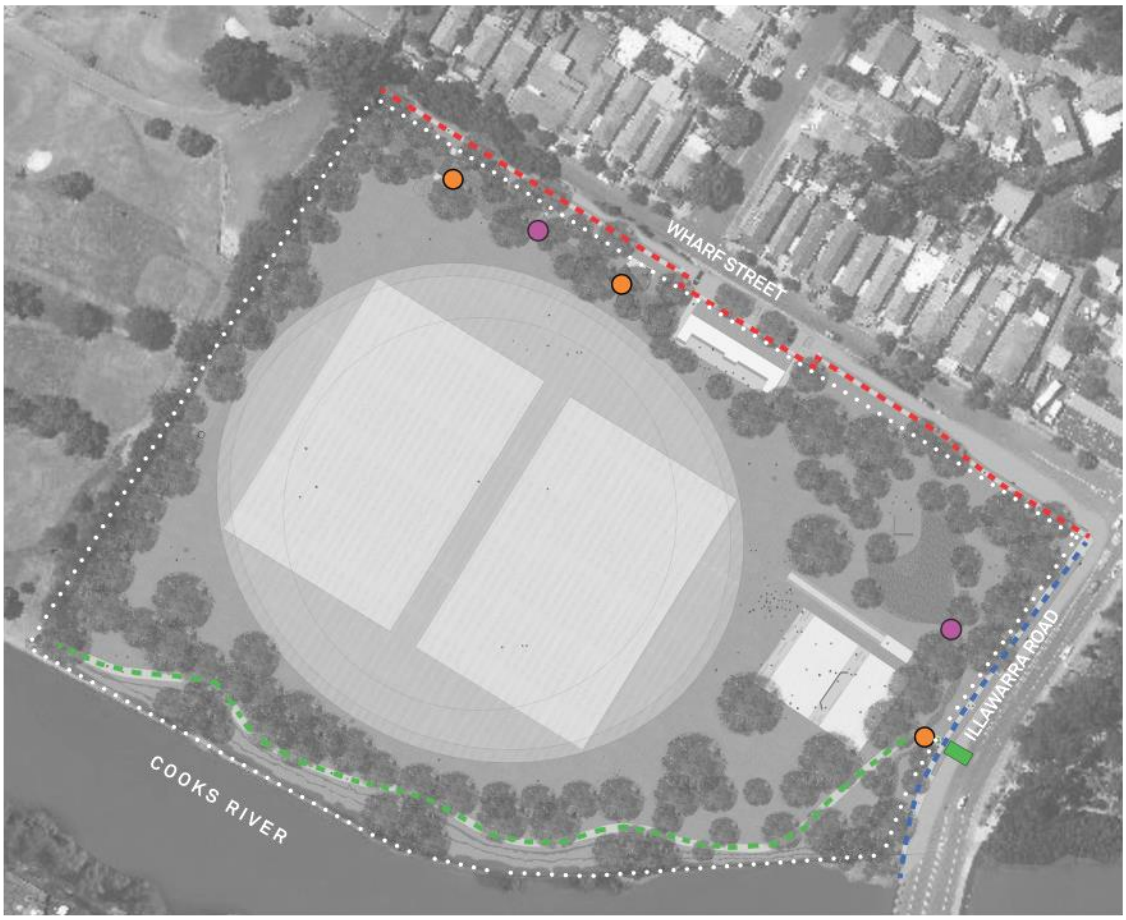


Figure 30: Master Plan Strategies_ Pathway connections HJ Mahoney Reserve

Attachment 1

06_ Design

HJ Mahoney Reserve_ Master Plan Strategies - Pathways

Pedestrian pathways overview

Pathway design is rationalised around two roadside pathway connections, a proposed future share pathway link and some minor pedestrian connections around the park to maintain permeability.

Wharf Street pathway_ Provide a new 2.0m wide pedestrian pathway along Wharf Street. The pathway is to be constructed from concrete with structural thickenings at vehicle access points.

Illawarra Road_ Maintain the concrete footpath along Illawarra Road.

Cooks River edge permeable pathway_ Construct a new 1.8m pedestrian pathway along the Cooks River edge post river edge naturalisation. The new pathway to have a future connection through the Golf Course to the pedestrian bridge across the river to Canterbury Council. Future connections and design will need to consider golf ball injury protection, river edge protection, user needs for passive recreation and maximising water infilration rather than run-off.

Illawarra Road pedestrian crossing_ Liaise with RMS to install a new pedestrian crossing on Illawarra Road. New crossing to access from the existing Steel Park shared pathway and a new share pathway along the Cooks River Edge that will have a future connection along the Golf Course.

Pedestrian WSUD crossings_ Provide pedestrian crossings over WSUD infrastructure. Crossing to include:
> Stepping stones; or
> Timber walkways.
Provide decomposed granite landings at each side of the crossing points at the interface with turf areas to reduce erosion.



Cooks River edge pathway - closed views



Cooks River edge pathway - open views



Provde a new riverside 1.8m wide pedestrian pathway constructed from a permeable surface.



Concrete pedestrian footpath - Wharf Street



Timber swale crossing with decomposed granite landings



Rock steppers across swale

Item 22

06_ Design

HJ Mahoney Reserve_ Master Plan Strategies - Environment

LEGEND

- Wharf Street swale and water treatment
- Ephemeral wetland
- Cooks River edge naturalisation
- Trees to be removed
- Understory planting area
- Property Boundary
- Poplars retained
- Existing habitat trees retained
- Habitat 'boxes' retained
- New synthetic cricket pictch with synthetic pitch cover for winter uses.



Figure 31: Master Plan Strategies_ Environment HJ Mahoney Reserve

Attachment 1

06_ Design

HJ Mahoney Reserve_ Master Plan Strategies - Environment

Environment overview:

The Master Plan proposes to naturalise the river edge as much as possible and return the river to a state that can sustain natural processes for both flora and fauna. Other environmental strategies are proposed to increase biodiversity and water treatment opportunities.

Wharf Street swale and water treatment_ Install a swale for the purpose of diverted water from Wharf Street. The swale is to be designed around the existing shade trees and service requirements. To minimise disruption to tree roots and underground services, the swale is to be designed with bunding and the natural ground level to be the swale base. The swale width should vary but generally be 5.0m wide with 2.0m wide invert. The swale is to be vegetated with a diverse range of local wetland plantings including sedges and grasses and rock lined to minimise scour. The vegetated swale shall include rocks and logs for habitat opportunities. The swale and associated plantings will be designed with seating, picnic facilities and access points to provide for pedestrian and park users.

Ephemeral wetland_ An ephemeral wetland is proposed towards the north-eastern corner of HJ Mahoney Reserve. The wetland is proposed not to infiltrate water, but rather temporarily hold water following heavy rainfall events, slowly releasing the water into the storm water system, reducing peak downstream flows. The wetland shall be vegetated with a diverse range of wetland species that shall provide habitat potential. An overflow swale should connect the wetland with the Cooks River for heavy storm events. The swale should be planted with local native grass and sedge species. The ephemeral wetland will be designed with seating, picnic facilities and access points for pedestrian and park users.

Cooks River edge naturalisation_ The Cooks River edge shall be naturalised in conjunction with stakeholders. The river edge naturalisation shall include alternate types of edge treatment; one that allows views to the river with low growing saltmarsh and wetland species and another that encourages mangrove species to colonise the intertidal zone. The existing sheet piling will be used as the starting point to lay back the river banks for the naturalisation process. This ensures no compromise to the river capacity to hold existing volumes of water and no impact on the playing field configurations.

Poplar trees_ The poplar trees along river edge (only) should be removed in stages as they pass their useful life expectancy while replacement vegetation establishes in order to provide appropriate riparian vegetation and increased biodiversity. Each tree should be checked for existing animals and either retained or animals if found, relocated. Replacement trees representative of floodplain forest species should include: Paperbark, *Melaleuca quinquenervia*, Swamp Oak, *Casuarina glauca*, Swamp Mahogany, *Eucalyptus robusta* and Port Jackson Fig, *Ficus rubiginosa*. Existing Poplars elsewhere within the park including along Illawarra Road and specifically near the street art wall are to be retained for as long as feasible.

Existing park trees_ Implement recommendations for existing trees as per the Marrickville Open Space Tree Inventory 2015.

Golf course interface understory_ There are existing established tree plantings along the boundary interface with the Marrickville Golf Course. A diverse range of local native groundcover, sedges, shrubs and grasses representative of the floodplain forest ecosystem should be introduced to the understory. Weed species should be removed during the planting process. Where space is available in the canopy, new tree plantings should be introduced to maximise canopy cover and increase species diversity. Consider other habitat features including rocks, logs and nest boxes.

Car park_ Reconfigure car park line marking and provide rainwater collection gardens with sedges, grasses and canopy trees for shade.

Turf / Playing field_ Review maintenance regime to minimise bindi weed within the turf and playing field. Investigate options for playing surface upgrades and the installation of alternate source irrigation via Discovery Point. Install synthetic cricket pitch with synthetic cover to playing field.Ensure the playing field is available for a variety of sports users as the Master Plan is aiming to facilitate uses by a multitude of sports.

Habitat trees_ Plant out with diverse local native species representative of floodplain forest aroudn existing habitat trees. Explore opportunities to retain proposed tree removal for habitat purposes.



Understory plantings of grasses and groundcovers along the Golf Course interface.



Vegetated, rock lined swale shall be designed and integrated with recreation facilities along Wharf Street.

Item 22

06_ Design

HJ Mahoney Reserve_ Master Plan Strategies - Furniture + Amenities

LEGEND

- Picnic shelter (with BBQ and picnic table)
- Picnic table
- Seat
- Flexible skate seating
- Amenities and change rooms
- Property boundary
- Wheeled bin enclosure
- Bike racks
- Drink foundtains
- BBQ

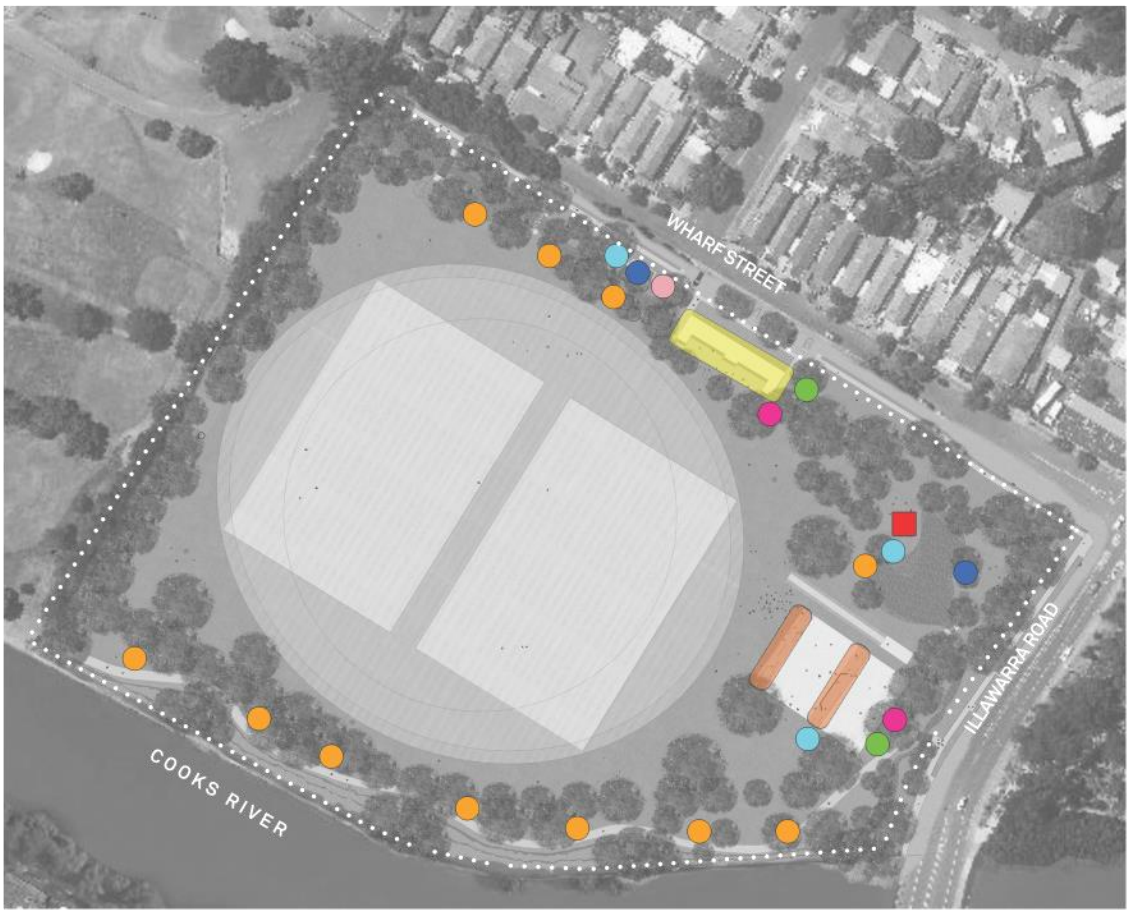


Figure 32: Master Plan Strategies_ Furniture and amenities HJ Mahoney Reserve

Attachment 1

06_ Design

HJ Mahoney Reserve_ Master Plan Strategies - Furniture + Amenities

Furniture and Amenities overview

The Master Plan proposed to relocate some facilities, while upgrading the suite of furniture items currently in the park. New facilities are also proposed to increase the amenity options available to park users. All park elements shall be robust for flexible use and be low maintenance.

Wharf Street swale and water treatment area_ The new swale and water treatment area will provide a shaded aesthetically pleasing place for quiet contemplation and recreation. Provide at least one picnic facility adjacent the swale and planting. The picnic facility is to be placed in decomposed granite or similar permeable surface. Provide at least one bin in close proximity to this area. New seating is to be provided on the oval side of the planting areas. The seating is to face the oval for spectator viewing. Seating is to have an adequate wear area at the front of the seat constructed of decomposed granite, crushed sandstone or similar to reduce foot traffic erosion.

Ephemeral wetland_ The ephemeral wetland will provide a shaded pleasant environment for picnics and passive recreation. A new shade structure will accommodate relocated BBQ facilities, picnic table and seating. Siting of the facility shall ensure adequate surveillance from Illawarra Road and Wharf Street, while also providing a pleasant experience adjacent the wetland. Additional picnic facilities shall be provided as well as seating with views over the playing field.

Cooks River edge naturalisation_ Provide seating at regular intervals along the foreshore pathway. Position seating to maximise views to the river between the mangrove plant communities. Unsure turf areas are retained for picnics on the grass.

Amenities building_ Upgrade the amenities building and public toilets as per the recommendations within the Marrickville Public Toilet Strategy 2015. Consult with users groups, specifically AFL to investigate options for user funding and requirements for upgrades to the change room facilities. Ensure drainage issues near the canteen are addressed during upgrades of the facilities.

Multi- use courts and youth facility_ Provide two multi- use court facilities configured around the existing art wall. Install concrete blade wall flexible seating at either end of the playing surface. Seating to be at different heights (adult and child), different lengths and with space between seating that is greater than normal to accommodate skate use and fall zones. Seating to be configured for use of watching playing fields and or multi-court facility. Detail seating to include metal edges to allow skate board use without damaging concrete edging. Upgrade the athletics long jump facilities adjacent the youth facility.

Bike racks_ install bike racks near the amenities building and with the mult use courts and youth facilitiy.

Lighting_ Minimise pedestrian lighting within the park. Provide pedestrian lighting along the foreshore share path when constructed.

Drinking water_ Provide drinking water near the BBQ facility, shade structures, the multi- use courts and amenities building. Drinking fountains to allow attachment of dog drinking bowls.

Bins_ Provide bins with bin enclosures. Ensure locations are adequately sited for maintenance access. A bin shall be provided at the youth facility near the street art wall.

Seating and picnic facilities_ Seats, picnic tables and shade structures are to be selected to be in keeping with facilities recently used elsewhere in the LGA that meet triple bottom line selection criteria.

Dogs_ Trial Mahoney Reserve as a dog off leash area for particular times that do not interfere with sports use. Liaise with sports users when determining times.



Multi-use courts and art wall



Flexible seating as skate facilities



Shade structure

Item 22

06_ Design

HJ Mahoney Reserve_ Master Plan Strategies - Signage

LEGEND

Integrated signage locations

Property boundary



Figure 33: Master Plan Strategies_ Signage HJ Mahoney Reserve

Attachment 1

06_ Design

HJ Mahoney Reserve_ Master Plan Strategies - Signage

Signage overview

Existing signage does not articulate clear messages for park users. New signage should be simple with clear information and graphics articulating information about location, wayfinding, interpretation and identification in one signage element. Signage shall be consistent across council parks with the same information display method and graphics.

Identification signage_ Identification signage should clearly identify the park and be vertical in nature.

Interpretive signage_ Combined with both identification and wayfinding signage, interpretive signage should be integrated and concise in nature. Choose site stories that are relevant about local history, environment or have an education theme.

Wayfinding signage_ Wayfinding signage should highlight the location of the signage in context of other major elements including toilet, the river, major pedestrian and cycle pathways and nearby roads and transport options.

Pets in Parks_ Integrate pets in Parks signage into the one signage element.



Combined signage, Redfern Park, City of Sydney



Combined signage, Richardson's Lookout, Marrickville Council

Item 22

06_ Design

Steel Park_ Master Plan

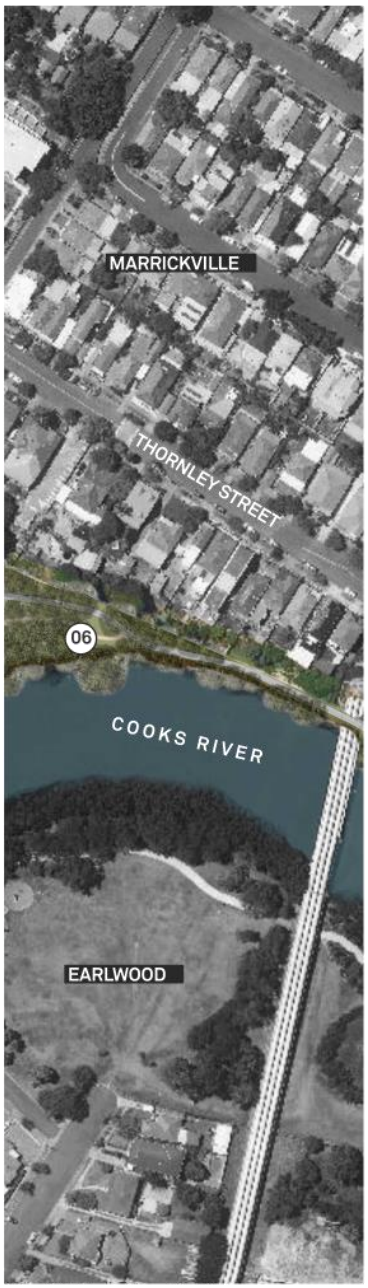


Figure 34: Master Plan_ Steel Park

Attachment 1

06_ Design

Steel Park_ Master Plan



ADJOINS FIGURE 34

Figure 35: Master Plan_ Steel Park

01 Children's river safety barrier and access_ Revegetate a strip along the river edge at high density with a diverse range of local native grasses andgroundcovers. Vegetation will act as a barrier for children gaining access to the river water. Use only low growing species and maintain views from the playground to the river. Maintain a turf area for recreation.

02 New tree plantings_ Provide new plantings between the water play park and the playing field. Consider use requirements from by the Magic Yellow Bus when planting new trees. Ensure access and set up space allowed for in the tree planting design.

03 User safety and CPTED_ Thin vegetation at eye level to provide views to pedestrians walking along the river foreshore share path and increase safety. Increased light provides the opportunity for additional grass and ground cover plantings to increase plant species diversity.

04 Playground_ Expand playground with new play opportunities. Ensure a diversity of ages is catered for with the opportunity for inter generational play. Adjacent the playground provide an additional shade structure with picnic facilities.

05 Poplar trees_ As poplar trees pass their useful life expectancy, implement a staged removal. Replace with appropriate floodplain forest species. Retain all structurally sound Poplar Trees around the children's playground.

06 Informal pathway_ Provide a secondary pathway through the foreshore planting as an exploratory pathway with information and signage and increase nearby plantings.

07 Pathways_ Retain the existing share pathway along the river edge. Provide a new pedestrian connection with Thornley Street. Locate the pathway adjacent a swale and wetland design. Provide seating to the pathway edge.

08 Car park rain gardens_ Puncture existing DAB car park kerb to allow stormwater to flow into a new rain garden planting adjacent the car park. Connect overflow to the stormwater system and proposed wetland and swale design. Ensure all new car parking areas are designed with water sensitive urban design (WSUD)initiatives.

09 Shade and seating_ Provide additional shade tree plantings to the playing field surrounds. Include seating opportunities under the trees for spectators viewing. Consider the DAB master plan for tree and seating locations.

10 Amenities and toilet building_ Upgrade the amenities building as per the Marrickville Public Toilet Strategy Plan 2015.

11 Debbie and Abbey Borgia Centre_ Implement the 'DAB Master Plan' for the DAB expansed building foorprint and child care facility.

12 Cricket practice_ Investigate potential locations along the Cooks River for Cricket Practice nets.

13 Seating and new trees_ Install concrete bench seating terraced into the existing slope. Configure around existing and new tree plantings and maximum view exposure.

14 Land ownership_ Confirm boundary locations with adjacent properties and liaise further to negotiate ownership issues with proposed park uses.

15_Expand Water Play Area_ Upgrade the water play park. Refer Major Projects for detailed designs.

Item 22

06_ Design

Steel Park_ Master Plan Strategies - Pathways

LEGEND

- Primary pathway
- Secondary pathway
- Tertiary pathway
- Property boundary
- DAB master plan expansion zone



Figure 36: Master Plan Strategies_ Pathways Steel Park

0 10 30 metres

Attachment 1

06_ Design

Steel Park_ Master Plan Strategies - Pathways

Pedestrian pathways overview

Existing pathways in Steel Park are adequate for their use. A few additional pathways will help with existing desire lines and increasing recreation opportunities.

Primary pathway - Share pathway_ Retain the existing riverside share pathway. Review lighting along the pathway to ensure it meets Australian Standards for share pathways - install additional lighting if required. Design lighting to minimise impacts on native fauna. Provide a connection with HJ Mahoney Reserve across Illawarra Road. The new crossing location and design will require detailed discussions with the Roads and Maritime Service (RMS). Continue to monitor user conflicts between bicycle and pedestrian users, particularly near the children's playground.

Secondary pathway - Connection with Thornley Street_ Provide a pedestrian pathway connection from the share pathway to Thornley Street. Pathway to be 1.8m with constructed from broom finished concrete. Pathway to follow the base of the contoured landscape near Thornley street and provide equal access connection along the slope. Pathway to deviate around the proposed storm water treatment wetland.

Tertiary pathways - Exploratory walks_ Provide an additional informal pathways constructed of decomposed granite, crushed sandstone or similar. Provide the pathway along the foreshore in the north east corner of the park.



Primary pathway - Shared riverside 2.5m wide concrete pathway



Secondary pathway - Proposed new 1.8m wide concrete pedestrian footpath



Tertiary pathway - Exploratory walks

Item 22

06_ Design

Steel Park_ Master Plan Strategies - Environment

LEGEND

- Poplar trees
- New trees
- Riparian vegetation
- WSUD car park
- WSUD wetland
- Buffer planting
- New trees to the playing field
- New terrace trees
- WSUD car park trees
- New groundcover planting
- DAB master plan expansion zone
- Property boundary
- River edge vegetation



Figure 37: Master Plan Strategies_ Environment Steel Park

Attachment 1

06_ Design

Steel Park_ Master Plan Strategies - Environment

Environmental strategies overview

Located along the Cooks River with habitat and existing canopy trees, Steel Park has excellent environmental qualities including mangrove communities, car park swales, saltmarsh wetland and eucalypt forest communities. The Master Plan proposes to retain existing features and increase environmental qualities.

New trees_ Plant new tree plantings around the existing flying fox and water play park. Ensure ongoing maintenance is performed to ensure quick establishment and maximisation of shade provision. Additional trees are to be planted between the play facilities, the ball net and existing services. The new shaded area can be considered by the Magic Yellow Bus as a potential play area for children. New trees are also proposed around the existing exercise equipment and the proposed water treatment wetland.

New Trees to the playing field_ Provide new fig tree (Ficus hilli) plantings around the edge of the playing area. Continue the existing tree spacing arrangement around new seating. Ensure lower branches are removed as trees grow to maximise cross park views and ensure upper branches do not over shade playing surface resulting in poor turf performance.

New terrace trees_ Infill new tree plantings on the existing batter slope. Increase shade provision and arrange to allow views out over the playing fields from Thornley Street. Design around service requirements.

Poplar Trees_ Retain the existing mature Poplar trees located in the children's playground. Ensure the trees are assessed by an arborist and proposed tree maintenance is undertaken to ensure good form and safe use of the space below the trees. implement a staged removal of the Poplar trees in the north-east corner of the park (adjacent the river) that have passed their useful life expectancy. Replace with appropriate native tree species. Trees shall be checked for habitat animals prior to removal.

Existing park trees_ Implement recommendations for existing trees as per the Marrickville Open Space Tree Inventory 2015.

Riparian vegetation_ Existing *Casuarina glauca* trees along the foreshore share pathway requires removal of lower branches to provide adequate CPTED sight lines and casual surveillance to maintain a safe environment. New groundcover planting of grasses and groundcovers are proposed to increase species diversity.

Buffer planting_ Install a vegetative buffer along residential properties with grasses, groundcovers and shrubs <1.5m high.

New groundcover planting_ Install new grass and groundcover plantings adjacent the existing car park to increase species diversity adjacent Illawarra Road.

Water Sensitive Urban Design (WSUD) car park_ Provide openings within the existing kerb in the car park to allow stormwater to drain into new rain gardens and plantings along the car park edge. New rain gardens to be minimum 2.0m wide with local native sedges, grasses and tree plantings. Ensure all new car parking facilities associated with DAB upgrades have shade trees and rain gardens provided.

Water Sensitive Urban Design (WSUD) wetland_ Integrate a new wetland within the north-east corner of the park. The wetland is to treat stormwater from Illawarra Road and Thornley Street. Ensure design adequately considers safety with dense planting to the waters edge. There is to be no fencing around the facility. Integrate with planting associated with the rock escarpment. Negotiations are required with property owners to ensure land swap can occur for installation.

Turf_ Review maintenance regime to minimise bindi weed within the turf and playing field. Top-dress or through other maintenance regimes improve surface levels to provide a level finish to the playing fields. Resolve options with maintenance staff. In the longer term upgrade field drainage and playing surface with new a slot drainage system, new sportsfield turf and the installation of alternate source irrigation via Discovery Point. Investigate a preferred locatoin along the Cooks River Parklands for installation of cricket practice nets - engage with all stakeholders. Ensure the playing field is available for a variety of sports users as the Master Plan is aiming to facilitate uses by a multitude of sports.

River edge vegetation_ Revegetate the river edge at high density with a diverse range of local native grasses, groundcovers and sedges.



Terrace seating integrated with shade trees.



Remove lower branches on existing Casuarina planting (pictured) to increase casual surveillance along the foreshore share pathway.



Provide recreation facilities including pathways and seating associated with water treatment elements including swales and wetlands.

Item 22

06_ Design

Steel Park_ Master Plan Strategies - Furniture + amenities

LEGEND

- New picnic shelter (with BBQ and picnic table)
- New block style seating
- New seat
- Playground expansion
- Amenities and change rooms upgrade
- New bin enclosure (slatted)
- Barbecue facilities (upgrade existing)
- Expand exercise equipment
- Fence removal
- Property boundary
- Retained drink fountain
- Wheeled bin enclosure
- Bike racks
- DAB master plan expansion zone
- Upgraded water play



Figure 38: Master Plan Strategies_ Furniture and amenities Steel Park

Attachment 1

06_ Design

Steel Park_ Master Plan Strategies - Furniture + Amenities

Furniture + amenities strategies overview

Steel Park is much loved and heavily used. Providing a staged renewal of existing facilities will provide for a long-lived low maintenance parkland.

Playground expansion_ Expand the existing play facility with new equipment that has a nature based theme. Consider maintenance and vandalism issues when selecting equipment. New equipment needs to be positioned around existing services, existing trees and their roots. Undertake a review of existing elements and replace any tired or dangerous elements. Use a mixture of rubber and bark mulch for softfall. Include native grass and low shrub plantings within the play facility.

Block style seating_ Provide new seating adjacent the share pathway near the children's playground with views to the Cooks River. Seating shall be concrete block style without backs. Block seating is to be integrated into the slope near Thornley Street to formalise hill seating that captures views across the playing field and park. Configure seating and tree plantings to provide summer shade.

Seats with backs_ Provide proprietary seating to the edges of the playing field near Illawarra Road and near the DAB. Configure seating around existing and new tree plantings.

New shade structure_ Provide a new shade structure with barbecue and picnic facilities. Detail design will require a further review of tree roots and construction impacts on existing trees. Shade structure to be a propriety item that is simple in design form and meets maintenance requirements.

Bin enclosures_ Provide slatted bin enclosure for multiple wheel bin storage near the park entry (playground). Provide additional wheeled bin enclosures for single bins in other locations within the park.

Barbecue facilities_ Upgrade barbecue facilities to ensure existing facilities are in working condition. Provide an additional facility as part of the new shade structure. Ensure the new barbecue has preparation bench included with its design.

Exercise equipment_ Retain existing exercise equipment. Replace any damaged equipment. Provide shade tree plantings to increase shade over equipment.

Amenities building_ Upgrade the toilet and amenities building as per the Marrickville Public Toilet Strategy 2015. Liaise with sporting groups for upgrades to the change rooms and investigate funding options and shared delivery methods.

Fencing_ Remove fencing from around the northern playing field and investigate alternatives for the childrens playground.

Bike racks_ Install bike racks near the existing exercise equipment and ensure there are adequate numbers associated with the DAB.

Wetland_ Install seating associated with the new wetland for recreation purposes.

Upgraded water play_ Implement design for the updated water play park. Refer detail design drawings from Council for layout.



Expand the existing playground, while retaining existing trees.



Concrete block style seating to be used near the playground and on the batter slope from Thornley Street.



Retain the existing exercise equipment. Plant additional shade trees.

Item 22

06_ Design

Steel Park_ Master Plan Strategies - Signage

LEGEND

- Integrated signage locations
- Property boundary
- DAB master plan expansion zone



Figure 39: Master Plan Strategies_ Signage Steel Park

Attachment 1

06_ Design

Steel Park_ Master Plan Strategies - Signage

Signage overview

Existing signage does not articulate clear messages for park users. New signage should be simple with clear information and graphics articulating information about location, wayfinding, interpretation and identification in one signage element. Signage shall be consistent across council parks with the same information display method and graphics.

Identification signage_ Identification signage should clearly identify the park and be vertical in nature.

Interpretive signage_ Combined with both identification and wayfinding signage, interpretive signage should be integrated and concise in nature. Choose site stories that are relevant about local history, environment or have an education element.

Wayfinding signage_ Wayfinding signage should highlight the location of the signage in context of other major elements including toilet, the river, major pedestrian and cycle pathways and nearby roads and transport options.

Existing Cooks River Signage_ Existing Cooks River signage should be retained due to its regional importance and context. New park signage should not replicate this signage style.



Install integrated identification, interpretation and wayfinding signage.

Item 22

06_ Design

Richardson's Lookout, Warren Park and Cooks River Foreshore_ Master Plan



Figure 40: Master Plan_ Steel Park

Attachment 1

06_ Design

Richardson's Lookout, Warren Park and Cooks River Foreshore_ Master Plan



Figure 41: Master Plan_ Steel Park

01 Richardson's Lookout fig trees_ Provide mulch to base of fig trees to remedy lawn mower and foot traffic impacts on tree roots.

02 Heritage pine_ Retain existing Cooks Pine.

03 Batter slope_ Provide a diverse range of local native plantings to the batter slope adjacent the road. Provide planting to all areas that are excessively steep and hard to maintain by mowing.

04 Fig tree plantings_ Extend the batter slope planting to areas under the existing fig trees. Provide local native rainforest species including palms, ferns and vines. Maintain desire lines with informal pathways. Include rock lined scour protection at key loctaions to eliminate stormwater erosion

05 Equal access- Provide equal access connection from Thornley Street to Richardson's lookout instead of stair configuration.

06 Warren Park swale and wetland_ Provide rock lined local, native vegetated swale to the existing low point at the eastern end of Warren Park. Provide bank stabilisation and ant-scour on steeper slopes. Provide a vegetated detention basin prior to the Cooks River.

07 River retaining_ Replace failing retaining wall with stone or similar permanent solution. Protect existing vegetation during construction. Integrate biodiversity opportunities into wall design.

08 Signage_ Provide appropriate park signage at key locations for wayfinding, identification and interpretation.

09 River edge planting- Provide additional revegetation along the river foreshore including batters, rock terraces and other difficult areas to maintain. Ensure turf is maintained at pathway intersections and sightlines are maintained.

10 River viewing_ Provide river viewing location with pontoon or jetty constructed from steel mesh or similar for a low maintenance outcome.

11 Fencing on Thornley Street_ Remove mesh fencing to the Warren Park / Thornley Street interface. Increase *Lomandara spp. Gahnia spp* and other local native plantings at high density to act as a barrier between the park and the road.

12 Exercise station_ Install an exercise station within the Foreshore Park. Equipment to be fixed style with low maintenance requirements.

ADJOINS FIGURE 40

Item 22

06_ Design

Richardson's Lookout, Warren Park and Cooks River Foreshore_ Master Plan Strategies - Pathways

LEGEND

- Primary pathways
- Secondary pathways
- Tertiary pathways
- New pathway connection
- Pathway upgrade
- Retain Thornley Street footpath
- Equal access connection
- Maintain vehicle access
- Property boundary



Figure 42: Master Plan Strategies_ Pathways Richardon's Lookout, Warren Park and Cooks River Foreshore

Attachment 1

06_ Design

Richardson's Lookout, Warren Park and Cooks River Foreshore_ Master Plan Strategies - Pathways

Pedestrian pathways overview

Existing pathways in Richardson's Lookout, Warren Park and along the Cooks River Foreshore are adequate for their use. Additional pathway connections and upgrades will help with desire lines and providing safe movements.

Primary pathway - Share pathway_ Retain the existing share pathway along the Cooks River. Provide pedestrian lighting along the share pathway for night use - ensure lighting meets Australian Standards for share pathways. Design lighting to minimise impacts on native fauna.

Secondary Pathway - Connection with Thornley Street_ Retain existing secondary pathway connections through Warren Park. Provide a new connection from the existing park pathway and the roadside footpath. Retain existing pathway width and construct from broom finished concrete.

Secondary pathway - Pedestrian dominant connection_ Install new pedestrian pathway along Thornley Street. Ensure the pathway provides for vehicle access, however is detailed with the pedestrian function being dominant over other uses. Construct from broom finished concrete and width to match pathway connection further east. Ensure connections to the Thornley Street pedestrian crossing facilitate safe movements.

Tertiary pathways - Exploratory walks_ Retain the exploratory walks. Provide additional exploratory walks beneath the existing fig trees and new rainforest understory plantings. Construct new tertiary pathways from decomposed granite, crashed sandstone or similar stabilised earth construction.

Equal Access_ Provide an equal access connection from Thornley Street into Richardson's Lookout. Integrate walkways with planting. Ensure design outcome provides minimal disturbance to the park character and biodiversity. Explore recessive pathway materials in dark colours such as asphalt.

Re-contour the secondary pathway at location 'A' in Richardson Lookout to accommodate several rest landings and a grade that does not exceed 1:14. The re-contouring should remove the steepest sections of the existing pathway, while not designing a 'ramp' and switch back. Re-contour the adjacent park surface to produce a smooth transition back to natural ground. Discuss designs further with Council's Access and Inclusion Officer to produce satisfactory pathway and park outcomes.

Reuse existing stair stone elsewhere in the park.

Vehicle access_ Maintain vehicle access from Thornley street to the Cooks River foreshore. Vehicle access pathway to be asphalt.



Retain the foreshore share pathway.



Connect the pathway in Warren Park with the footpath along Thornley Street.



Retain existing tertiary pathways and provide additional pathways beneath the fig trees.

Item 22

06_ Design

Richardson's Lookout, Warren Park and Cooks River Foreshore_ Master Plan Strategies - Environment

LEGEND

- New Batter Slope Vegetation
- Existing Fig Trees (Richardson's Lookout)
- Existing Cooks Pine
- Swale and wetland
- Revegetation
- Warren Park Vegetation
- Thornley Street rain garden
- Cook Island Pine revegetation
- Property boundary



Figure 43: Master Plan Strategies_ Environment Richardon's Lookout, Warren Park and Cooks River Foreshore

Attachment 1

06_ Design

Richardson's Lookout, Warren Park and Cooks River Foreshore_ Master Plan Strategies - Environment

Environment overview

The three parks have different environmental qualities. The master planning strategies aim to reinforce the existing environmental assets and expand the ability for the parks to improve environmental outcomes along the Cooks River.

Existing fig trees (Richardson's Lookout)_ Install mulch to the tree bases in Richardson's Lookout adjacent Holt Crescent to reduce mower impacts and damage from pedestrian foot traffic. Mulch and plant the understory area under the existing figs adjacent the residential properties with mixed local native understory rainforest species.

Cooks Island Pine + revegetation_ Retain existing Cook Island Pine. Revegetate the unusable area surrounding the pine. Retain a 1.5m min. verge strip along the roadside. Engage with neighbouring properties with species selection.

Existing park trees_ Implement recommendations for existing trees as per the Marrickville Open Space Tree Inventory 2015.

Batter slope vegetation_ The steep slope between Holt Crescent and the concrete pedestrian footpath is to be planted with grasses and groundcovers where there is a sunny aspect and understory rainforest species in the shade beneath the fig trees. Ensure planting areas are mulched and planting density is at least 6/m2 to minimise weed invasion. Planting is proposed to reduce the existing difficult maintenance regime.

Swale and wetland_ Vegetate with local, native species and rock line the existing gully to formalise water treatment in Warren Park. Install anti scour techniques to the steeper sections and provide a vegetated wetland area for water detention that is a minimum of 120m2 on the lower level prior to the Cooks River. Investigate weed tree removals to reduce over shading to the proposed wetland. Consider services locations when designing the green infrastructure.

Revegetation_ Revegetate the northern side of the riverside share pathway along the Cooks River Foreshore between Steel Park and Mackey Park. Remove weed species and install occasional shrub species, grasses, sedges and groundcovers. Negotiate with land owners to revegetate and maintain the riparian space. As the Poplar Trees between Mackey Park and Warren Park pass their useful life expectancy Progressively, implement a staged removal and revegetation process that allows continual vegetation on the riverbank. Retain felled logs in situ for habitat opportunities. At the intersection of the riverside share pathway and vehicle access from Thornley Street ensure turf is retained to maintain sightlines and the ability for pedestrians to stop, view the river, enjoy heritage elements and river edge environment. Revegetate with low growing local native plant species along existing rock walls as well as other hard to maintain areas. Ensure weed species are removed or managed to reduce environmental impacts throughout the riparian corridor. Ensure stormwater scour issues are addressed in planting layout and mulch selections.

Thornley Street rain garden_ Remove weed species, specifically Washingtonia spp. from existing vegetation adjacent to the rain garden if jouvenille palm seedlings become established.
Turf_ Update maintenance regime to remove bindi weed from the turf within the open space areas

Warren Park vegetation_ Increase species diversity with local, native groundcover and grass plantings within existing planting areas through bush revegation contracts. Increase vegetation along Thornley Street to act as a low level barrier to stop incidental pedestrian access from the park.

Existing Trees_ Implement recommendations for existing trees as per the Marrickville Open Space Tree Inventory 2015.



Establish understory rainforest species beneath existing fig trees.



Plant batter slope (pictured) to reduce maintenance and prove a safe solution.

Item 22

06_ Design

Richardson's Lookout, Warren Park and Cooks River Foreshore_ Master Plan Strategies - Furniture + Amenities

LEGEND

- Viewing platform
- New Seating
- New exercise station
- Fence removal
- Fence replacement
- Property boundary
- Bin enclosure
- Bike racks
- Picnic facilities / tables



Figure 44: Master Plan Strategies_ Furniture and amenities Richardson's Lookout, Warren Park and Cooks River Foreshore

Attachment 1

06_ Design

Richardson's Lookout, Warren Park and Cooks River Foreshore_ Master Plan Strategies -Furniture + Amenities

Furniture + Amenities overview

Proposed furniture and amenities shall improve pedestrian amenity and facilitate environmental education, while minimising maintenance and impacts on the river.

Viewing platform_ Formalise the existing viewing area over the stormwater outfall infrastructure. Provide seating integrated with the viewing area. Detail hand rail to provide a leading rail and integrate interpretive signage with the experience.

New seating_ Provide new proprietary seating to the Cooks River foreshore. Set back from the share pathway and orientate to view the river. Install seating in Warren Park facing the open space and in Richardson's Lookout under the fig trees and near new revegetation facing the street and park.

Fencing_ Remove fencing along Thornley Street in Warren Park. Plant additional *Lomandra spp.* to enure vegetation acts as a barrier between the park and the road. Replace aged and poor fencing along Thronley Street within Richardson's Lookout.

Heritage and ancillary items_ Retain existing heritage elements and other park furniture items including stones and pillars. Ensure listed heritage items are included with interpretive signage opportunities.

Exercise station_ Install a new exercise station near the driveway intersection with the shared pathway along the Cooks River Foreshore Park. Select static exercise equipment to minimise vandalism and maintenance requirements. The equipment is to be part of three stations along the Cooks River to be developed as a circuit. Consider services locations when locating new infrastructure.

Bike racks_ Install bike rack along the foreshore. install bike racks near the exercise equipment station.

Picnic facilities / tables_ Install picnic table and chairs within Richardson's Lookout.



Viewing platform over the river to include rest rails for leaning and viewing.



Use vegetation as a barrier between Thornley Street and the park. Remove existing fencing at the location.



Install simple exercise equipment with minimal moving parts. Equipment selection needs to be considered as part of a greater circuit including stations in Mackey and Steel Parks.

Item 22

06_ Design

Richardson's Lookout, Warren Park and Cooks River Foreshore_ Master Plan Strategies -Signage

LEGEND

- Integrated signage locations
- Property boundary



Figure 45: Master Plan Strategies_ Signage Richardson's Lookout, Warren Park and Cooks River Foreshore

Attachment 1

06_ Design

Richardson's Lookout, Warren Park and Cooks River Foreshore_ Master Plan Strategies -Signage

Signage overview

Excluding Richardson's Lookout, the existing signage does not articulate clear messages for park users. New signage should be simple with clear information and graphics articulating information about location, wayfinding, interpretation and identification in one signage element. Signage shall be consistent across council parks with the same information display method and graphics.

The signage in Richardson's Lookout is an example of what signage throughout Council should be aiming for. It has been implemented as a trial of graphics and styling, the evaluation of which should inform the Marrickville Council signage strategy.

Ensure all new signage is contemporary and borrows principles from the burra charter regarding heritage and heritage landscapes.

Richardson's Lookout is now co-named with signage that designates it as a peace park.

Identification signage_ Identification signage should clearly identify the park and be vertical in nature. New signage must be contemporary and not be a reinstallation of a period signage style.

Interpretive signage_ Combined with both identification and wayfinding signage, interpretive signage should be integrated and concise in nature. Choose site stories that are relevant, about history, the environment or have an education element

Wayfinding signage_ Wayfinding signage should highlight the location of the signage in context of other major elements including toilet, the river, major pedestrian and cycle pathways and nearby roads and transport options.

Existing Cooks River Signage_ Existing Cooks River signage should be retained due to its regional importance and context. New park signage should not replicate this signage style.



Integrated signage with identification, interpretation and wayfinding combined.

Item 22

06_ Design

Mackey Park_ Master Plan

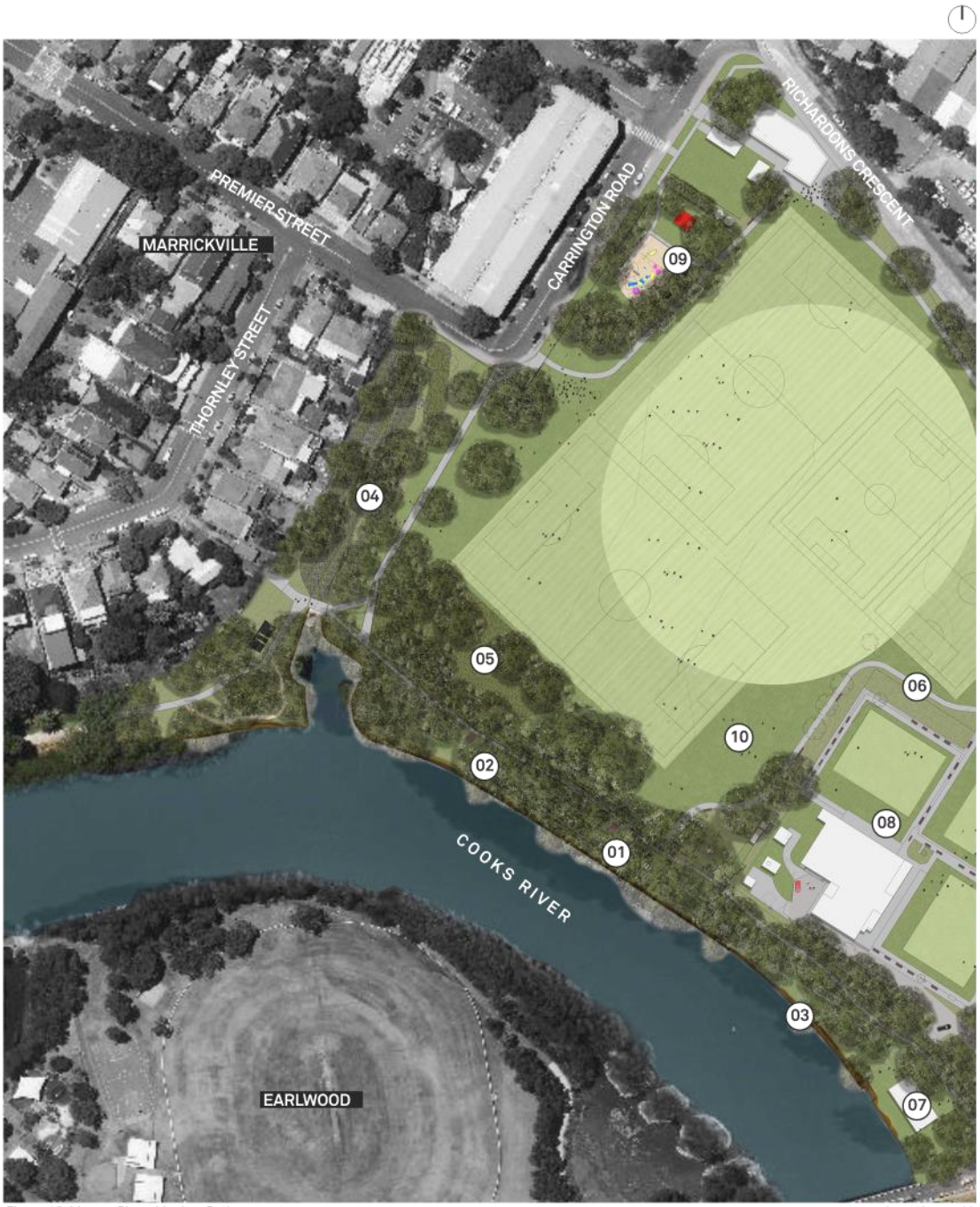


Figure 46: Master Plan_ Mackey Park

Attachment 1

06_ Design

Mackey Park_ Master Plan



Figure 47 Master Plan_ Mackey Park

01 Foreshore recreation_ Install seating and picnic tables along the foreshore edge between the share pathway and Cooks River.

02 Foreshore vegetation_ Trim lower branches from foreshore vegetation to maximise views from the share path and new seating.

03 River edge_ Plant salt marsh and local, native riparian species and sedges along the edge of the river from approximately 1.5m - 2.5m from the existing retaining wall. new vegetation shall improve soil stability and replace salt damaged turf areas.

04 Creek naturalisation_ Naturalise the drainage channel from Carrington Avenue to the Cooks River. Design with pathway opportunities and seating.

05 WSUD treatment wetland_ Remove the fences around the existing wetland and expand the area of vegetation.

06 Pedestrian connection_ Provide additional pedestrian connection from the share pathway to Richardson's Crescent.

07 River Canoe Club_ Provide vehicle access to the River Canoe Club for boat launch purposes. Investigate art options to the building facade. Liaise with River Canoe Club for art themes.

08 Concordia Club_ Remove fencing to the Concordia Club, except for back of house areas. Remove existing vegetation and replace with local, native trees and groundcovers to increase casual surveillance. Reconfigure car park to formal parking with shade trees and rain gardens. Introduce timed parking to reduce car park use by commuters.

09 Play ground_ Investigate the installation of additional play ground facilities that complement existing facilities. Install new planting areas in areas already demarcated by concrete mowing areas. Select native species, planted at very high density that are appropriate to the wet situation. Implement requirements of the Mackey Park Contamination Plan.

10 Cricket practice_ Investigate potential locations along the Cooks River for Cricket Practice nets.

Item 22

06_ Design

Mackey Park_ Master Plan Strategies - Pathways

LEGEND

- Primary pathway - Share pathway
- Secondary pathway
- Tertiary pathway
- Improved pedestrian connection

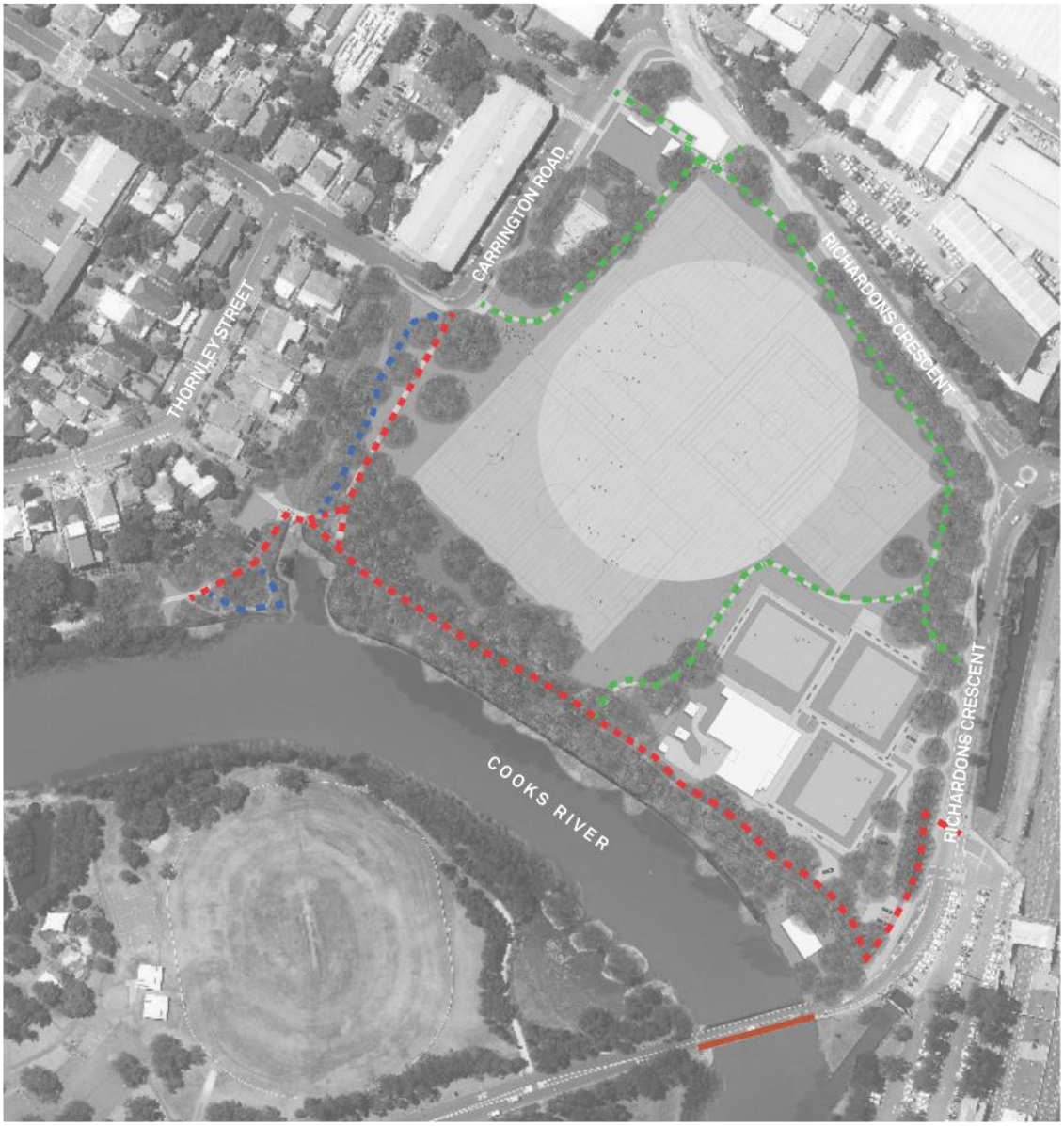


Figure 48: Master Plan Strategies_ Pathways Mackey Park

Attachment 1

06_ Design

Mackey Park_ Master Plan Strategies - Pathways

Pedestrian pathways overview

The existing pathways in Mackey Park provide excellent pedestrian and cycle connections. New pathway proposals build on these connection and close the park circuit around the playing fields.

Primary pathway - Share pathway_ Retain the existing share pathway along the Cooks River. Review lighting along the pathway to ensure it meets Australian Standards for share pathways - install additional lighting if required. Design lighting to minimise impacts on native fauna.

Secondary pathway_ Retain existing secondary pathway connections around Mackey Park. Provide an additional connection around the south-eastern corner of the park with a connection between the share pathway and Richardson's Crescent. The pathway shall be designed to not interfere with gas infrastructure, the Concordia Club and the playing field. The pathway shall be constructed of concrete and be 1.8m wide.

Tertiary pathways - Exploratory walks_ Provide a tertiary pathway link to the flood marker near the point where the existing drainage channel exists into the Cooks River. Investigate options for access into the reconfigured and naturalised creek channel. Tertiary pathways shall be constructed of decomposed granite, crushed sandstone or similar stabilised earth construction.

Improved pedestrian connections_ Liaise with RMS to deliver an improved pedestrian crossing over the Cooks River on the road bridge crossing.

Also investigate options with RailCorp for the development of a pedestrian bridge to be design off the railway bridge link to Wolli Creek.

Carrington Road verge_ Review the verge conditions along Carrington Road and make safe for pedestrian movements including access to vehicles and walking along side the park.



Maintain the primary pathway - share pathway along the Cooks River



Secondary pathway through low vegetation near the Concordia Club interface.



Tertiary pathway through revegetation along the naturalised drainage channel.

Item 22

06_ Design

Mackey Park_ Master Plan Strategies -Environment

LEGEND

- Creek naturalisation
- Playground planting
- Existing foreshore vegetation
- River edge planting
- WSUD treatment wetland
- Concordia / Croquet Club vegetation
- Peninsula vegetation

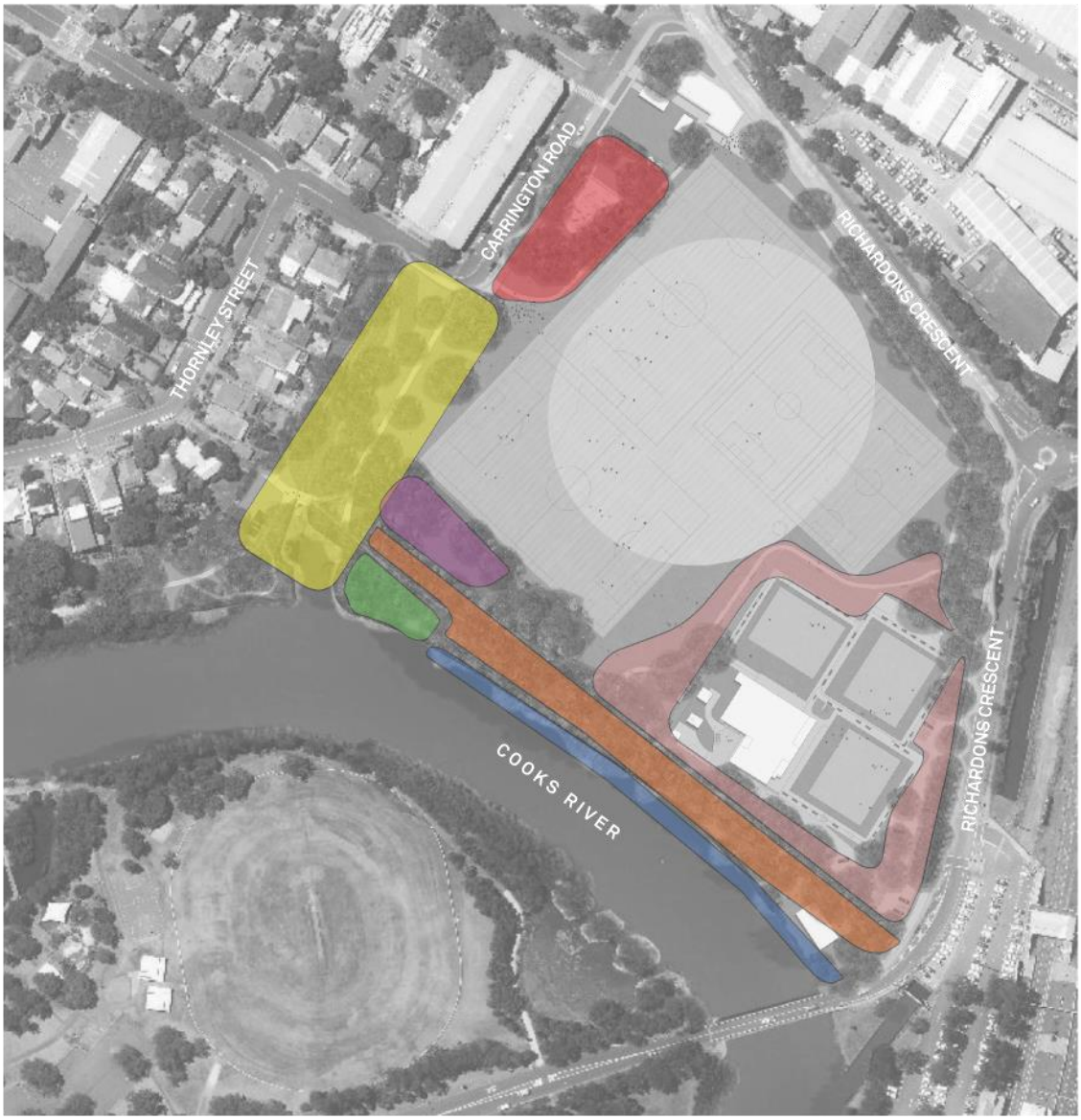


Figure 49: Master Plan Strategies_ Environment Mackey Park

Attachment 1

06_ Design

Mackey Park_ Master Plan Strategies - Environment

Environment overview

Improving the Cooks River environmental qualities is the key objective of the environment design strategies.

Creek naturalisation_ Naturalise the drainage channel from Carrington Avenue to the Cooks River. Follow engineering design requirements as set our by the Mackey WSUD concept design by Aluvium. Integrate creek design with new local native plantings with seating opportunities for views across the playing field. Investigate options for tertiary pathways into the planting and creek environment. Consider views from neighbouring properties when designing planting plans and seating locations. Remove exotic species from the area west of the existing pedestrian pathway and replace with appropriate local native tree species as advanced stock. Engage with Sydney Water for a shared delivery method for both the design and construction of the facility. Consider services locations when designing the creek layout.

Playground_ Provide new local native planting around the existing playground. Install shrub vegetation as a screen to the Sydney Water infrastructure. Plant new advanced fig trees to the north of the playground to increase canopy cover. Plant low local native grasses and groundcovers with species that respond to the poor drainage qualities of the park in the area already outlined with concrete mowing edges. Increase planting density in existing planting areas. implement requirements of the Mackey Park Contamination Plan

Existing foreshore vegetation_ Trim lower branches from foreshore vegetation to maximise views from the share path and new seating. Where grouped planting are in close proximity mulch tree bases as a group and plant local native grasses and groundcovers. Retain foreshore trees including Poplars.

River edge planting_ Plant salt marsh riparian species along the edge of the river from approximately 1.5m - 2.0m from the existing retaining wall. Vegetation will help stabilise the river edge and retaining wall. Select species that are salt tolerant, low (less than 0.8m) growing, with fine or spiky leaves preferred and maintain the open views to the river.

WSUD treatment wetland_ Remove the fences around the existing wetland and expand the area of vegetation to provide for a more naturalistic appearance. Provide seating associated with the new planting areas.

Concordia / Croquet Club and pathway vegetation_ Remove exotic vegetation to the Concordia Club and Croquet Club perimeter. A new pathway is proposed to link existing pathways near the Concordia Club. Provide low growing local, native revegetation between the Club boundary and the pedestrian pathway. Planting shall be dense to act as a pedestrian barrier, however the low height of the vegetation shall retain visual connections and casual surveillance. Reconfigure car parking to provide planting, rain gardens and regulated parking.

Peninsula revegetation_ Remove weed species from the existing vegetation areas. Plant new local native grasses, groundcovers, salt marsh and shrub species to out-compete weed species. Connect plantings on the western peninsula with the Cooks River Foreshore Parkland plantings and the other side to the foreshore salt marsh species along the Mackey Park river edge.

Existing park trees_ Implement recommendations for existing trees as per the Marrickville Open Space Tree Inventory 2015.

Turf_ Reconfigure playing field so that the cricket wicket is away from the children's play ground to reduce impacts of ball strike. Reconfigure soccer fields and install additional sleeves to allow the playing field to be shifted enough to reduce wear impacts near the goal nets. Review maintenance regime to minimise bindi weed within the turf and playing field. Ensure the playing field is available for a variety of sports users as the Master Plan is aiming to facilitate uses by a multitude of sports.



Naturalised river edge with plantings and recreation opportunities.



Replace the planting around the Concordia Club that maintain visual connectivity with the park.

Item 22

06_ Design

Mackey Park_ Master Plan
Strategies - Furniture + amenities

LEGEND

- Shade structure (with BBQ and seating)
- Picnic table
- New seats
- BBQ
- Exercise equipment
- Bin enclosure
- Retain drink fountain
- Bike racks

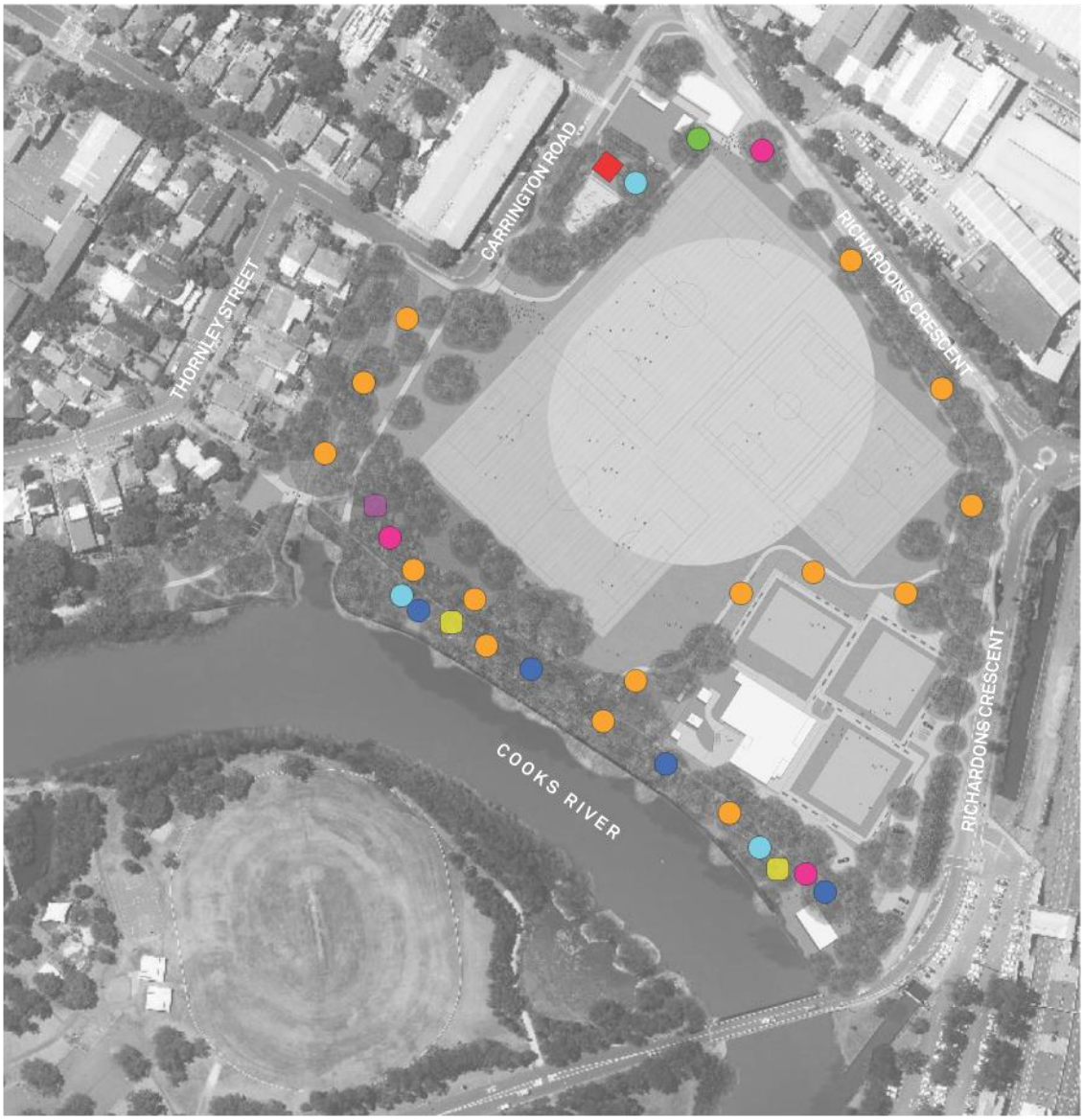


Figure 50: Master Plan Strategies_ Furniture and amenities Mackey Park

Attachment 1

06_ Design

Mackey Park_ Master Plan
Strategies - Furniture + amenities

Furniture + amenities overview

Furniture items in Mackey Park meet their function. The Master Plan proposes to increase recreation opportunities and upgrade existing elements

Creek naturalisation_ Install seating on the eastern edge of the creek along the planting edge with the turf. Seating shall be orientated to look east towards the playing fields.

Playground_ Install a new shade structure adjacent the playground. Provide barbecue facilities with associated preparation bench, bins and water tap. Provide additional seating associated with the playground. Install new playground equipment and integrate with new plantings. Review ball strike risk following reconfiguration of the playing fields, and if deemed necesary install net protection.

River interface_ Provide seating and picnic tables along the river interface. Site facilities under shade trees with views to the river. Install barbecue facilities with preparation benches along the foreshore. Install one within proximity and use by the River Canoe Club.

Staged replacement_ Implement a staged upgrade of existing furniture facilities within Mackey Park.

Exercise equipment_ Install a new exercise station along the Cooks River foreshore. Select equipment to minimise vandalism and maintenance requirements.

New seating_ As well as along the river interface new seating is proposed along pathways through the eastern and northern section of Mackey Park. These seats are to configured to view the park and playing field. Locate the seating near Richardson's Crescent with the opportunity for sitting in the shade.

Bike racks_ Install bike racks along the river foreshore associated with picnic facilities. Engage with the River Canoe Club for positioning the bike racks near the building.

Mural / street art_ Repaint the River Canoe Club with a mural / street art. Design to be developed with the River Canoe Club and a local public artist.



Barbecue and picnic facilities to be provide adjacent the playground.



Install planting within existing depressions within the play ground and integrate seating and other items in the play area.



Maintain the river views. Position furniture and picnic facilities to maximise river views.

Item 22

06_ Design

Mackey Park_ Master Plan Strategies - Signage

LEGEND

Integrated signage locations

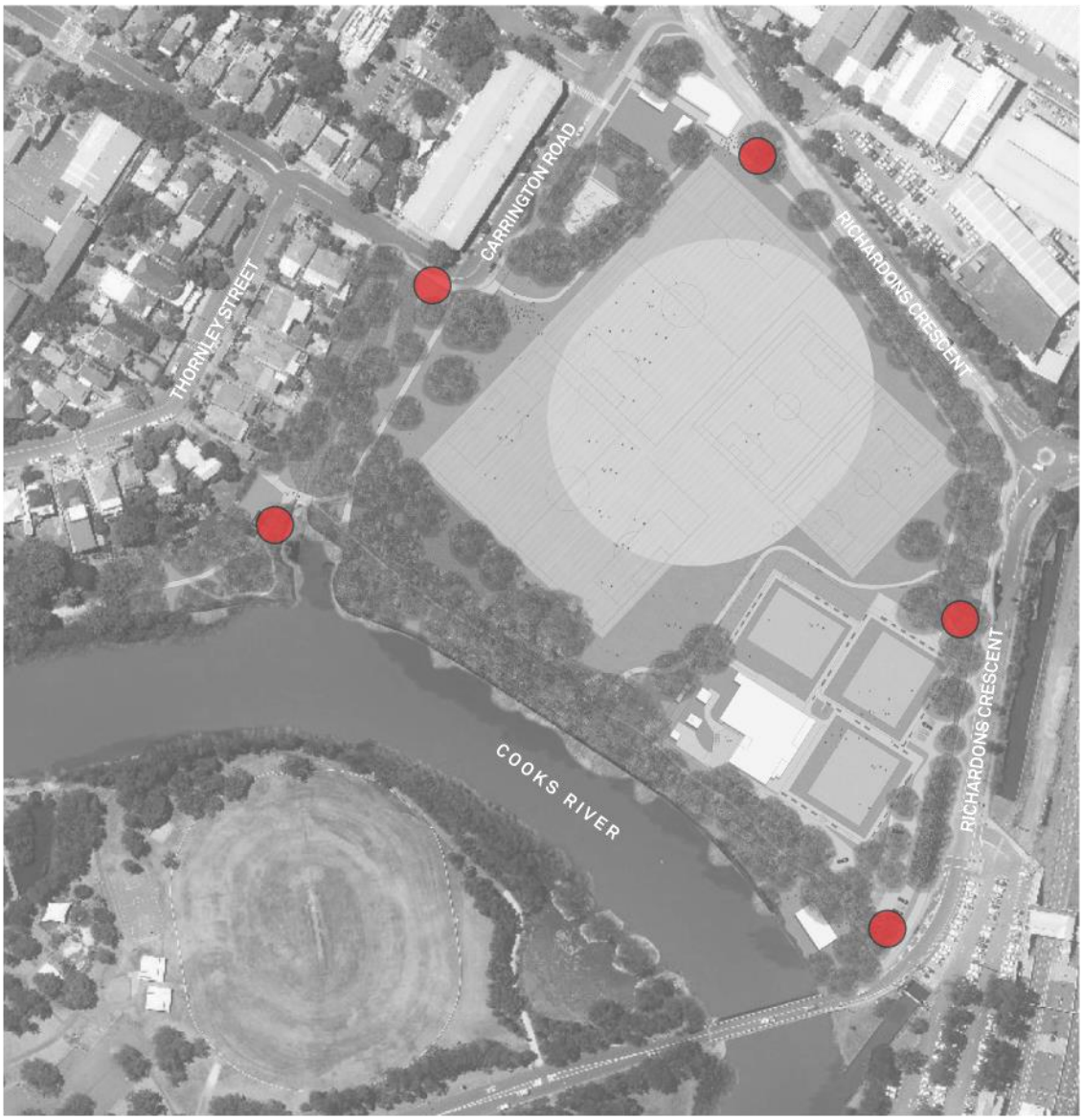


Figure 51: Master Plan Strategies_ Signage Mackey Park

Attachment 1

06_ Design

Mackey Park_ Master Plan Strategies -Signage

Signage overview

Existing signage does not articulate clear messages for park users. New signage should be simple with clear information and graphics articulating information about location, wayfinding, interpretation and identification in one signage element. Signage shall be consistent across council parks with the same information display method and graphics.

Identification signage_ Identification signage should clearly identify the park and be vertical in nature.

Interpretive signage_ Combined with both identification and wayfinding signage, interpretive signage should be integrated and concise in nature. Choose site stories that are relevant about local history, environment or have an education element.

Wayfinding signage_ Wayfinding signage should highlight the location of the signage in context of other major elements including toilet, the river, major pedestrian and cycle pathways and nearby roads and transport options.

Existing Cooks River Signage_ Existing Cooks River signage should be retained due to its regional importance and context. New park signage should not replicate this signage style.



Integrated multi-functional signage providing identification, wayfinding and interpretation on a single post.

Item 22

06_ Design

Kendrick Park_ Master Plan

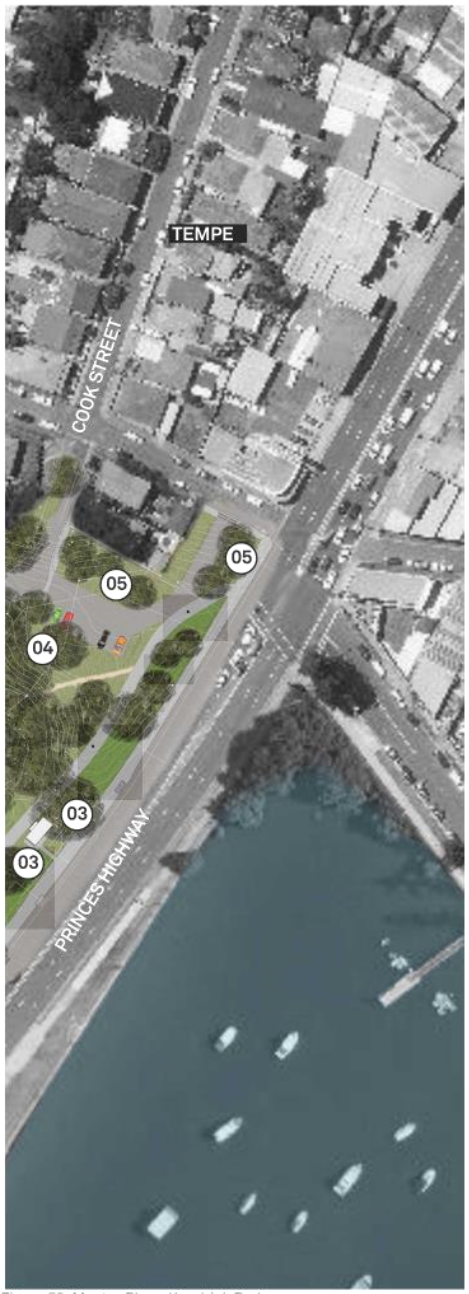


Figure 52: Master Plan_ Kendrick Park

Attachment 1

06_ Design

Kendrick Park_ Master Plan



ADJOINS FIGURE 52

Figure 53: Master Plan_ Kendrick Park

01 Princes Highway native meadow_ Install diverse local native meadow plantings refective of local microclimate along the interface with the Princes Highway. Maintain turf on the western side of the landscape mounding.

02 Bridge planting_ Plant local and native trees, shrubs grasses and groundcovers at the intersection of the pedestrian pathways and the Cooks River bridge. Set back shrub plantings away from pathways.

03 Toilet access_ Install tertiary pathway access on the diagonal to the existing public toilets. Review access as part of the toilets upgrades noted in the Marrickville Public Toilet Strategy 2015 document.

04 Rainforest planting_ Provide local and native planting to the area around the existing fig trees and extend this north to the car parking area. Species selection should reflect aspect including - understory rainforest species (beneath the figs) and new trees and grasses (open areas near car park).

05 Bikeway planting_ Plant new groundcover and grass plantings along the bike pathway and between the car park and the existing properties.

06 Playground_ Upgrade playground with new equipment, replace softfall with chip mulch and integrate play design with new low planting logs and rocks. Combine upgrades with picnic structure replacements

07 Picnic Structures_ Replace picnic structures and install decomposed granite around barbecue area, taps and connections to the playground to reduce foot traffic erosion. Combine upgrades with playground works.

08 Car Park_ Install additional planting to the understory around the car park including the rock escarpment areas. Works to be undertaken as part of bush regeneration contracts.

09 Forest areas_ Maintain maintenance and planting regimes within the floodplain forest areas to limit weed establishment and maintain species diversity via ongoing regeneration contracts.

10 Fatima Island_ Maintain Fatima Island as part of a natural river system.

11 Future swimming_ Maintain open turf area to fulfil the access function for future swimming in the Cooks River once water quality issues are resolved.

Item 22

06_ Design

Kendrick Park + Fatima Island_ Master Plan Strategies - Pathways

LEGEND

- Primary pathway - Share pathway
- Secondary pathway
- Tertiary pathway
- Princes Highway pathway

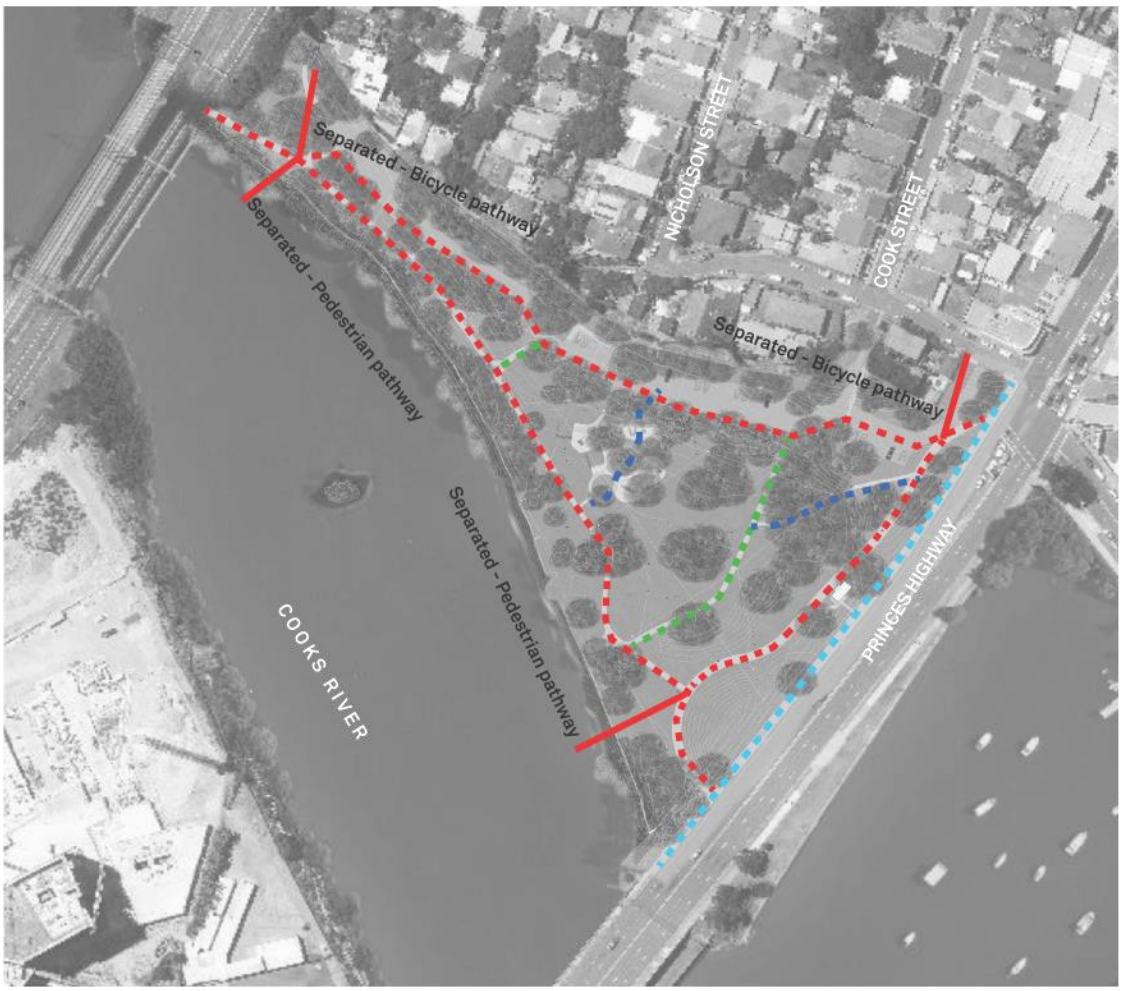


Figure 54: Master Plan Strategies_ Pathways Kendrick Park

Attachment 1

06_ Design

Kendrick Park + Fatima Island_ Master Plan Strategies - Pathways

Pedestrian pathways overview

The existing pathways in Kendrick Park provide excellent pedestrian and cycle connections. Only a minor amendment is proposed near the public toilets.

Primary pathway - Share pathway_ Retain the existing share and separated pathways. Review lighting along the pathway to ensure it meets Australian Standards for share pathways - install additional lighting if required.

Secondary pathway_ Retain existing secondary pathways.

Tertiary pathways_ Provide an additional connection from the public toilets to the existing pathways. Install an additional connection from the car park near the Princes Highway between the existing figs to the existing secondary pathway. New tertiary pathways are to be constructed of decomposed granite or similar stabilised earth construction.

Princes Highway pathway_ Retain the princess Highway pathway.



Maintain existing separated cycleway / pedestrian pathway.



Maintain existing share pathway



Tertiary pathway through planting

Item 22

06_ Design

Kendrick Park + Fatima Island_ Master Plan Strategies - Environment

LEGEND

- Princes Highway native meadow
- Bridge planting
- Rainforest planting
- Bikeway planting
- Playground
- Car park
- Forest areas
- Fatima Island

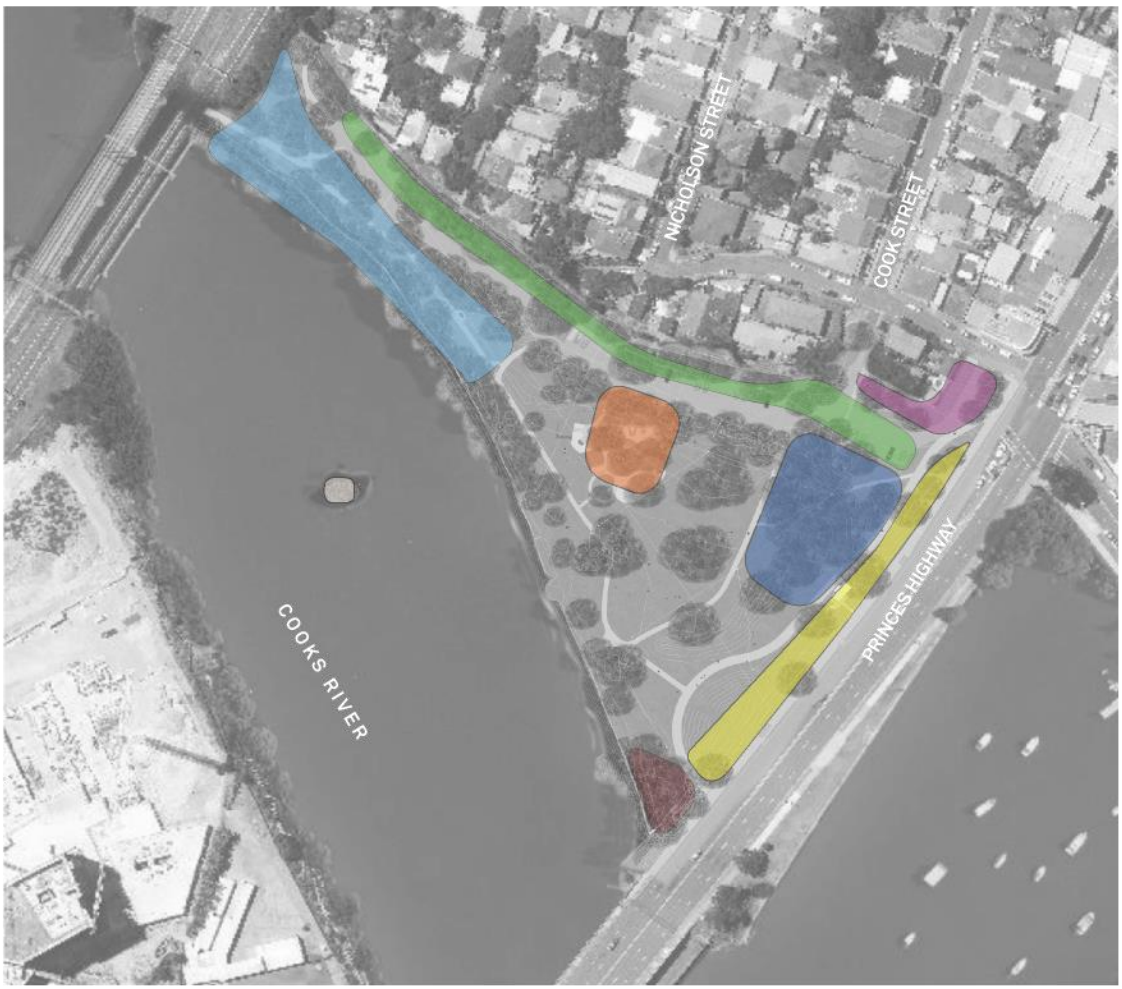


Figure 55: Master Plan Strategies_ Environment Kendrick Park

0 10 30 metres

Attachment 1

06_ Design

Kendrick Park + Fatima Island_ Master Plan Strategies - Environment

Environment overview

The environmental qualities of Kendrick Park are excellent. The Plan of Management and Master Plan aims to improve these qualities and improve the experience of being in Kendrick Park.

Princes Highway native meadow_ Install native meadow planting along the interface with the Princes Highway. Species to be reflective of context with river and riparian corridor and grow to a maximum height of no more 0.8m high. Maintain turf on the western side of the landscape mounding to allow for informal sitting with afternoon solar access.

Bridge planting_ Plant local native trees, shrubs, grasses and groundcovers at the intersection of the pedestrian pathways and the Cooks River bridge. Species selected should be reflective of riparian forest community. Set shrub planting away from pathways to allow casual surveillance.

Rainforest planting_ Provide local native planting to the area around the existing fig trees and extend this north to the car parking area. Species selection should reflect aspect including - understory rainforest species (beneath the figs) and new trees and grasses (open areas near car park).

Bikeway planting_ Plant new groundcover and grass plantings along the bike pathway and between the car park and the existing properties. Choose species that allow open views and casual surveillance.

Forest areas_ Maintain maintenance and planting regimes within the forest areas to limit weed establishment and maintain species diversity.

Rain gardens_ Ensure storm water from the car park can adequately access plantings areas to water vegetation and infiltrate ground water. Existing kerb perforations have leaf litter and vegetation hindering drainage system and need maintenance to maximise WSUD potential.

Existing park trees_ Implement recommendations for existing trees as per the Marrickville Open Space Tree Inventory 2015.

Playground_ Playground upgrades shall incorporate low planting, logs and rocks for education and exploration. Upgrade shall replace rubberised softfall with mulch.

Car park_ Install additional grasses and groundcovers within car park planting blisters. Install additional bollards to regulate vehicle access to the park for authorised vehicles only.

Fatima Island_ Retain Fatima island as a natural system within the river environment. Refer Biodiversity Action Plan 2016-2021 for specific environmental strategies for the island. Do not encourage access to the island.



Prince's Highway native meadow



Plant rainforest understory species beneath the existing fig trees.



Maintain Fatima Island as a natural system within the Cooks River.

Item 22

06_ Design

Kendrick Park + Fatima Island_ Master Plan Strategies -Furniture + Amenities

LEGEND

- New shade structure
- New picnic facilities
- New seating
- Playground upgrade
- Wheeled bin enclosure
- Bike racks
- Drink fountains

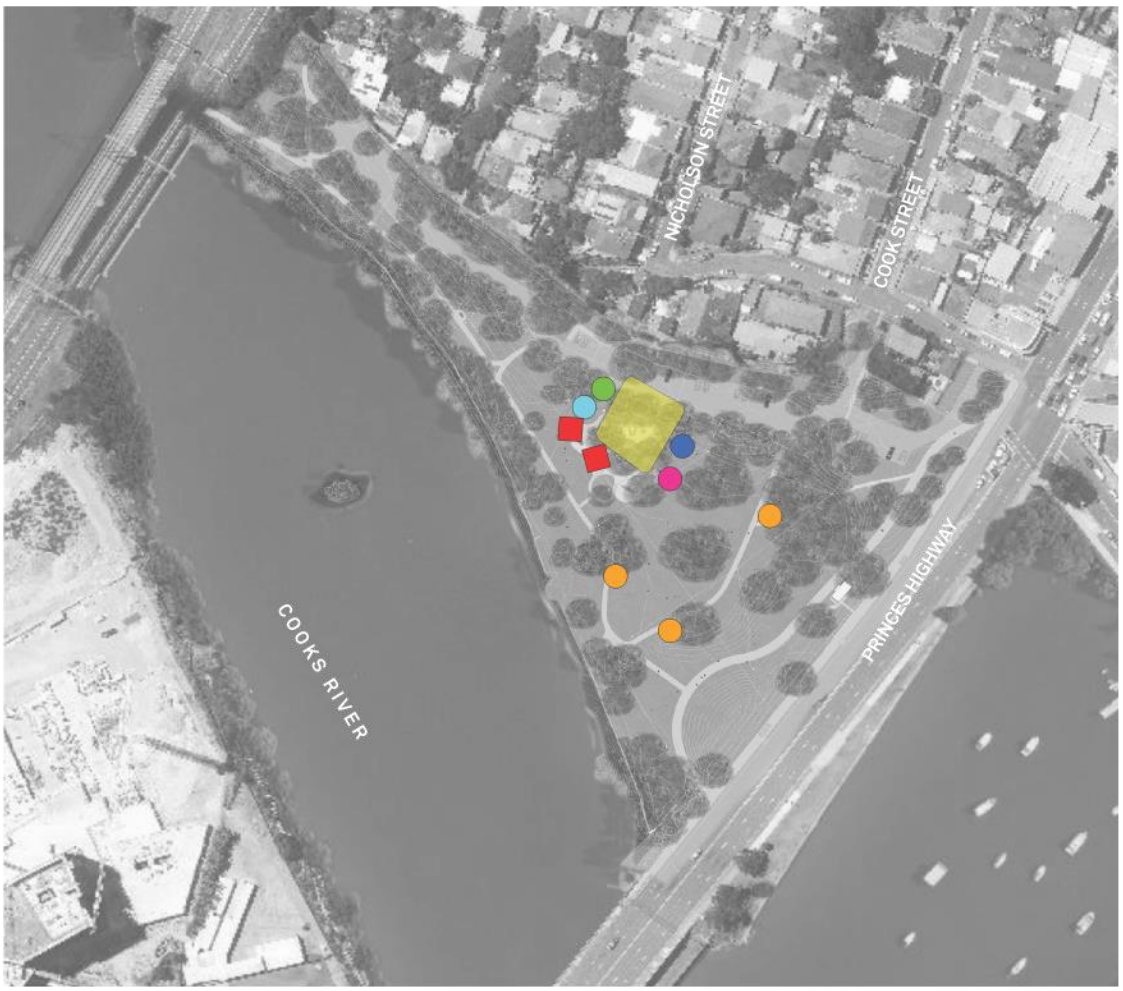


Figure 56: Master Plan Strategies_ Furniture and amenities Kendrick Park

Attachment 1

06_ Design

Kendrick Park + Fatima Island_ Master Plan Strategies -Furniture + Amenities

Furniture and amenities overview

The furniture and amenities in Kendrick Park meet basic user requirements but are however in need of updating. The Plan of Management and Master Plan aims to fulfil this requirement.

Shade structure_ Replace shade structures as existing timber structures fail. Replace with simple propriety facilities that are proven facilities elsewhere in the local government area.

New picnic facilities_ Install new picnic tables and chairs within the shade structures and adjacent the play ground. Select facilities that are propriety items and are known to be low maintenance and easily replaced. Install decomposed granite or crushed sandstone in the area between the shade structures, playground and barbecue facilities to reduce erosion. Design into the facilities a coal dispenser bin that allows for disposal and rinsing of coal BBQ's without water runoff damaging the environment or picnic facilities.

New seating_ Provide additional seating as part of the new play ground upgrades.

Playground upgrade_ Upgrade playground with new equipment, replace soft fall with chip mulch and integrate design with new low planting and rocks.

Amenities building_ Implement the recommendations as outlined in the Marrickville Public Toilet Strategy Plan 2015.

Bike racks_ Install bike racks adjacent to the playground and picnic facilities.



Replaced shade structures



Progressively upgrade the play facilities while maintaining a natural setting.



Additional play elements should include simple setting stones (rubberised) and log balance logs.

Item 22

06_ Design

Kendrick Park + Fatima Island_ Master Plan Strategies -Signage

LEGEND

Integrated signage locations

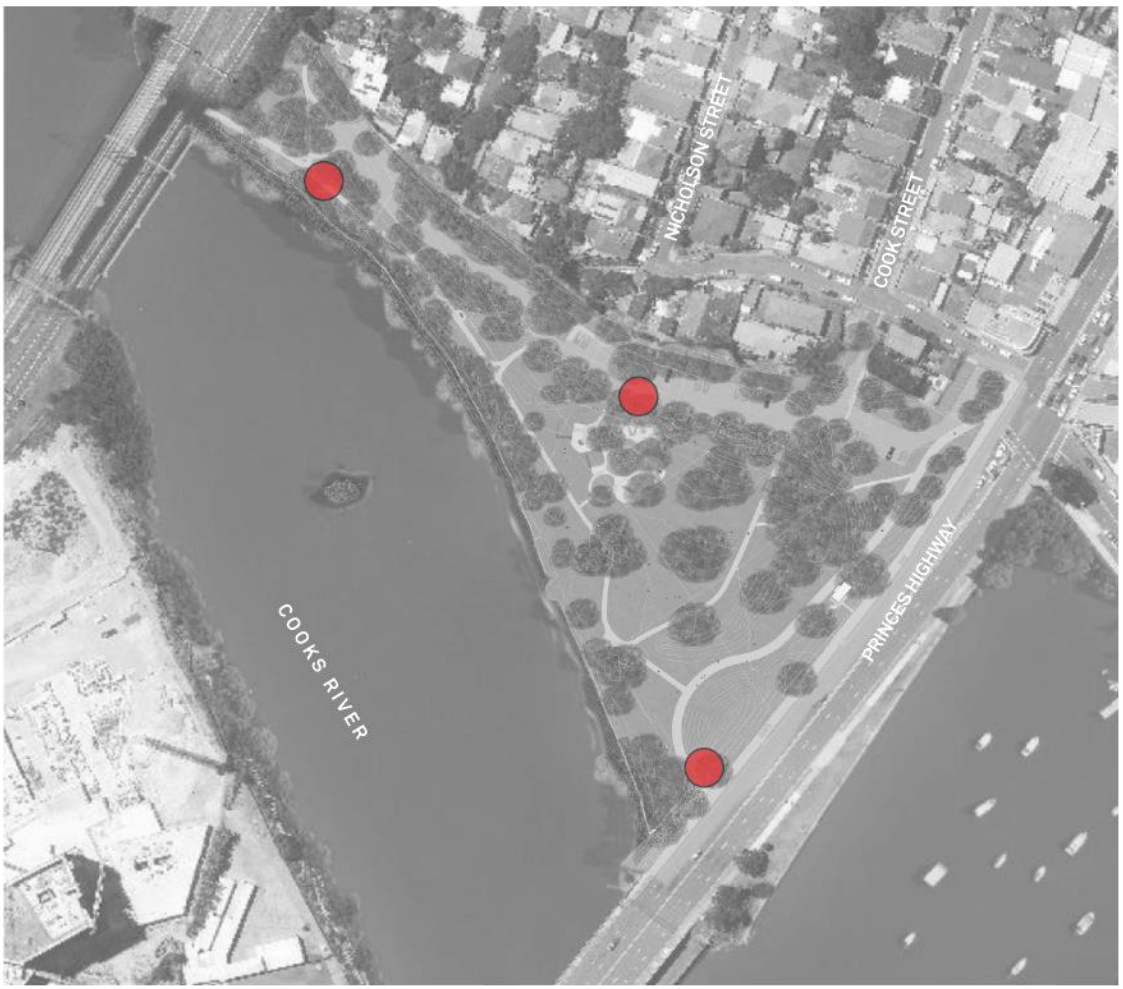


Figure 57: Master Plan Strategies_ Signage Kendrick Park

0 10 30
metres

Attachment 1

06_ Design

Kendrick Park + Fatima Island_ Master Plan Strategies -Signage

Signage overview

Existing signage is limited and does not articulate clear messages for park users. New signage should be simple with clear information and graphics articulating information about location, wayfinding, interpretation and identification in one signage element. Signage shall be consistent across council parks with the same information display method and graphics.

Identification signage_ Identification signage should clearly identify the park and be vertical in nature.

Interpretive signage_ Combined with both identification and wayfinding signage, interpretive signage should be integrated and concise in nature. Choose site stories that are relevant, about history or have an education element, specific stories may include historic dam, pre-european settlement and Fatima Island.

Wayfinding signage_ Wayfinding signage should highlight the location of the signage in context of other major elements including toilet, the river, major pedestrian pathways and nearby roads and transport options.

Existing Cooks River Signage_ Existing Cooks River signage should be retained due to its regional importance and context. New park signage should not replicate this signage style.



integrate signage element.

Item 22

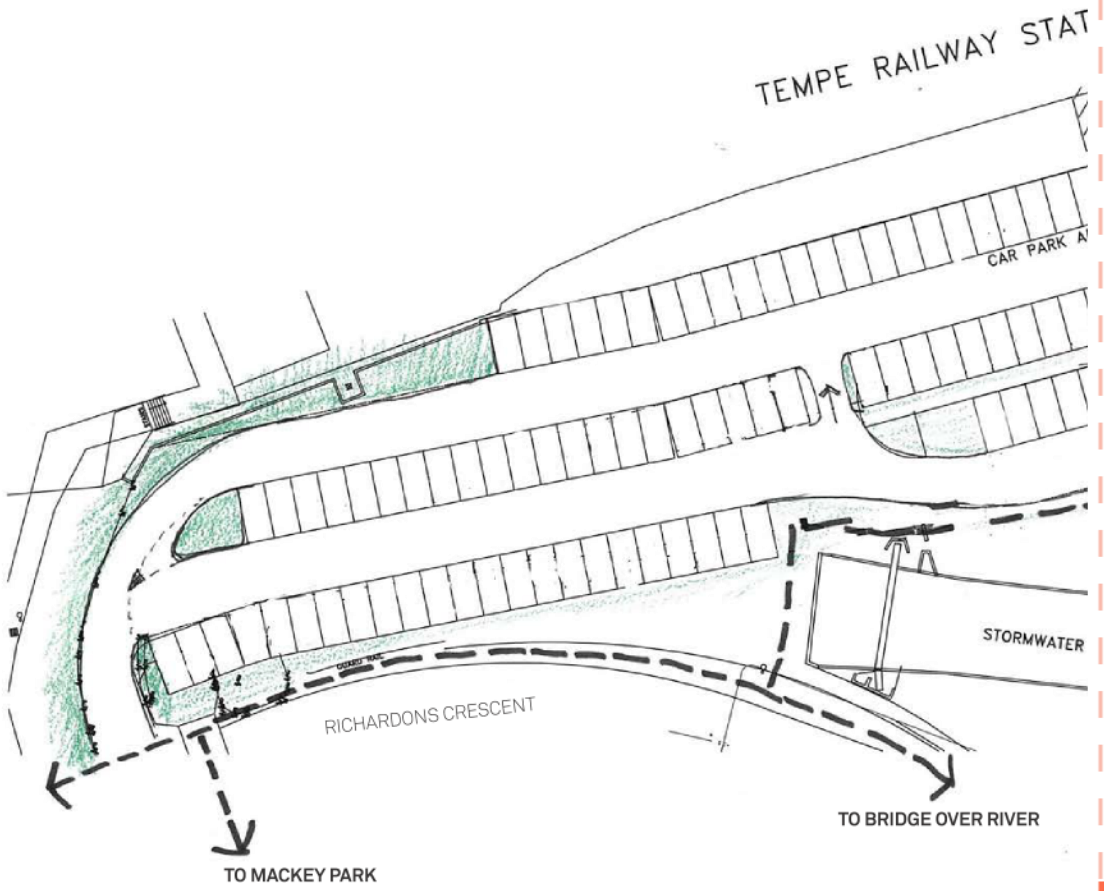
Attachment 1

06_ Design

Tempe Train Station_ Master Plan

Overview
The Tempe Train Station car park is not Council or Crown LLnd and as such is outside the scope of work within the Plan of Management. A Master Plan has been developed however as the car park is a key link between Mackey and Kendrick Parks.

Recommendations
The following design recommendations have been proposed within the Tempe Train Station Car Park:
> Reconfigure car parking to shorten isles widths and move parking bays towards the train station. The reconfigured parking will provide for a safe bicycle / pedestrian shareway connection between the car park and the existing stormwater infrastructure.
> Design planting within car park to function as rain gardens where possible.
> Maintain existing car park numbers.

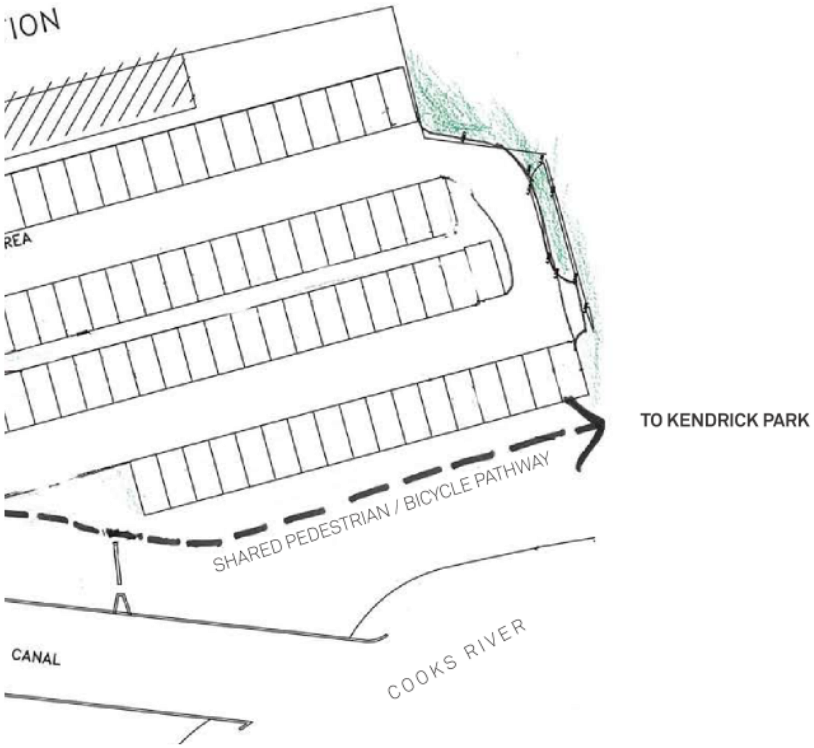


ADJOINS FIGURE 59

Figure 58: Master Plan Tempe Train Station

06_ Design

Tempe Train Station_ Master Plan



ADJOINS FIGURE 58

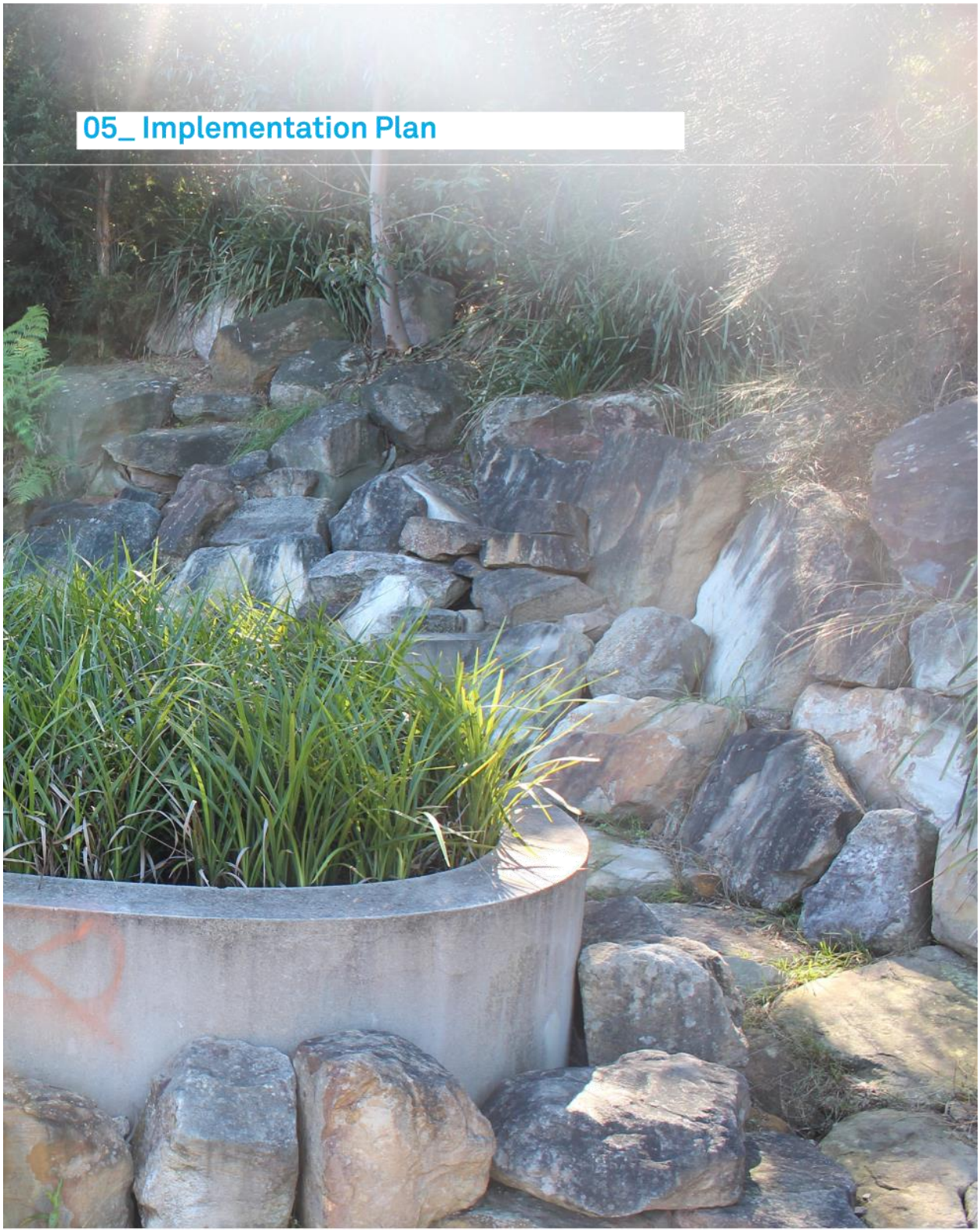
Figure 59: Master Plan Tempe Train Station

Item 22



Thornley Street rain garden, Marrickville. Photography by Marrickville Council.

Attachment 1


05_ Implementation Plan

07_ Implementation Plan

Overview

Introduction
The implementation plan is to guide the preferred implementation and staging of upgrades for the Cooks River Parklands. The implementation plan has been used to influence the Long term Financial Plan.

How to use the implementation plan
Each Park is highlighted as a heading. Below which, each project item is listed with all the elements that require costing e.g. pathways, trees or fencing. Each listed item has a quantity provides, a unit rate, a cost rate and total costs. At the end of each subsection, a project subtotal is provided.

The implementation of each project has been prioritised according to community engagement and funding available. Each project has been given a rating of 1 – 3, with a 1 being implemented within 3 years; 2 being implemented 4 to 6 years and a 3 being implemented in >7 years.

Evaluation criteria are provided as a cross reference for the Plan of Management to ensure we are delivering what we aimed to achieve under project objectives.

Exclusions
Some items have been excluded from project costs. These include:
> Works within road corridors.
> Tempe Train Station carpark works.
> Major services connections.
> Works described and costed in the Marrickville Public Toilet Strategy Plan.
> Debbie & Abbey Borgia Recreation Centre expansion Master Plan works.

External and or grant funding
Several projects will require external or grant funding from alternate sources and strong collaboration with stakeholders. These include:
> Bank naturalisation of the foreshore edge in HJ Mahoney Reserve. This expensive project will require collaboration and funding from other sources including Sydney Water; and
> Naturalisation of the Sydney Water drainage channel in Mackey Park with a new rock lined creek, habitat logs, vegetation, shade trees and passive recreation items including seating.

Financial Summary

A summary pf the cost implications include:

TOTAL Project costs (excl. external / grant funding)	**$9,203,531**
TOTAL priority 1 (excl. external / grant funding)	**$4,061,750**
TOTAL priority 2 (excl. external / grant funding)	**$1,661,375**
TOTAL priority 3 (excl. external / grant funding)	**$3,480,406**
TOTAL External / grant funding costs	$6,249,750
TOTAL Project costs (incl. external / grant funding)	$15,453,281
TOTAL priority 1 (incl. external / grant funding)	$6,505,500
TOTAL priority 2 (incl. external / grant funding)	$5,467,375
TOTAL priority 3 (incl. external / grant funding)	$3,408,406

Community comments about HJ Mahoney Reserve	Council Response	Changes to report text and descriptions in MP
I strongly oppose the creation of a "shared pathway along the river's edge". Council is proposing this even though their own engagement with park users found that "only a very small proportion of people want new pathways" and "The informal character of HJ Mahoney reserve is much loved by park users. The open green UNDEVELOPED nature is what park users love and want retained" The creation of a pathway along the river's edge will compromise this informal, undeveloped nature. Despite Councils community engagement finding that "The second most common activity undertaken by park users is dog walking. There were many requests for a dog off-leash area", no such area is proposed for HJ Mahoney reserve. There seams to be no off-leash area in the whole stretch of Cooks River from Canterbury Rd to Tempe. This is in contrast to other inner City Councils who provide many such areas close to where people live. Marrickville Council has been very slow to acknowledge and act on the proven benefits of proper dog exercising and socialisation.	1. The proposed share pathway is proposed only to be built if the river edge can be naturalised and if there is future support for a connection through the Marrickville Golf Course. Pedestrian traffic at this location is currently damaging tree roots of the existing trees. Other feedback has suggested investigating permeable pavement and not allowing bicycle use. 2. HJ Mahoney Reserve is already proposed to be Dog Off Leash area in the Master Plan.	1. No changes to the existing proposal for providing HJ Mahoney Reserve as a trial dog of leash area. 2. Adjust text in the report to remove the word 'share' from the pathway definition. 3. Adjust wording to ensure the option of a pathway at this location is an 'option only - to be investigated further' where it requires targeted engagement with the community and Golf Couse. 4. Change recommended pathway finish to a permeable surface.
I like the multi-use court concept and naturalisation of the river bank. Not sure about the new river path - it would be a "path to nowhere" initially and extending it through the gold course sounds pretty daft. I see no merit in replacing the poplars - once they die out, fine, but until such time just leave them alone.	1. The proposed share pathway is proposed only to be built if the river edge can be naturalised and if there is future support for a connection through the Marrickville Golf Course. Pedestrian traffic at this location is currently damaging tree roots of the existing trees. Other feedback has suggested investigating permeable pavement and not allowing bicycle use. 2. Replacement of the poplars is only once they have passed their useful life expectancy (i.e. as they are dying)	1. Adjust text in the report to remove the word 'share' from the pathway definition. 2. Adjust wording to ensure the option of a pathway at this location is an 'option only - to be investigated further' where it requires targeted engagement with the community and Golf Couse. 3. Change recommended pathway finish to a permeable surface. 4. Add text reference for trees to include 'once past usable life'.
I would strongly advise not to have concrete paths in Mahoney Park, the intended concrete path will impact on existing trees. It is beautiful part of Marrickville and concrete will only make it more urban	1. The proposed share pathway is proposed only to be built if the river edge can be naturalised and if there is future support for a connection through the Marrickville Golf Course. Pedestrian traffic at this location is currently damaging tree roots of the existing trees. Other feedback has suggested investigating permeable pavement and not allowing bicycle use.	1. Adjust text in the report to remove the word 'share' from the pathway definition. 2. Adjust wording to ensure the option of a pathway at this location is an 'option only - to be investigated further' where it requires targeted engagement with the community and Golf Couse. 3. Change recommended pathway finish to a permeable surface.
My only comment would be to add 1-2 park benches, but nothing else, enough has been given over to sports.	1. New park benches are included in the Master Plan. 2. The Master Plan proposes to expand options of use within the park and includes opportunities for passive recreation.	1. No amendments
13. Poplar trees should be retained. While not native, poplars are deciduous and offer an indication of the seasons not shown by other trees in the area or by proposed native	1. Poplar trees have been noted to be removed as they reach their useful life expectancy (i.e. as they are dying). 2. The selection of trees at locations should involve a list of criteria. The	1. Ensure useful life expectancy is used in all text when discussing the proposed Poplar removals.

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species. They allow sunlight in during winter and shade in summer offering greater pedestrian comfort. .	ability of solar access in winter from deciduous species should sometimes be a criteria for the trees retained, but depends on intended use. Sometimes other needs such as increasing species diversity and reducing leaf drop impacts on the water quality should take priority.	
I think the plans for Mahoney Reserve are great overall, except for the laying of concrete along the river's edge. I cannot see how the mangroves or the trees both in the park & in the golf course will not be negatively affected if a 3-metre wide concrete path is laid. Tree roots will need to be cut, the trees will be affected by the concrete & the compaction, plus the mangroves will need to be pruned back & so will many of the trees. I imagine that some of the trees will need to be removed. There are some significant trees in this area. The river side of this park is one of the few peaceful places along Marrickville's section of the river. Cyclists can use the road through the golf course in safety that already connects with the bridge over the Cooks River. There is already a shared pathway just across the river. Why not fix the riverbank, make it more beautiful & suitable for wildlife & allow this part of the park to remain peaceful? All around the world de-paving is happening, yet Council wants to lay concrete when it is not really necessary & in the most natural environment we have. Where will people be able to lay a picnic blanket if there are all kinds of plants along the river's edge & then a wide shared concrete pathway? I think it would be much more useful for the community to have a quiet space where one can sit & peacefully, have a picnic, read & watch the river.	1. The pathway will ensure existing trees roots are not continually affected by erosion and compacting from pedestrians already using the river edge. 2. The proposed share pathway is proposed only to be built if the river edge can be naturalised and if there is future support for a connection through the Marrickville Golf Course. Pedestrian traffic is currently damaging tree roots of the existing trees. Other feedback has suggested investigating permeable pavement and not allowing bicycle use. 3. Recommend providing the pathway in a permeable material. 4. Ensure areas for picnics and grass laying are included in the park design.	1. Include note in the report that indicates the design should allow for passive picnics on the grass near the river edge in the designs. 2. Pathway treatment - as above comments.
I am disappointed in aspects of the plan - there is way too much concrete planned which may affect many of the significant trees in the area. Also why can't there be some actual open space, concreting over some of these areas is not welcome at all. I don't support the plan to lay a 2-metre wide concrete footpath beside the park on Wharf Street, most people enter Mahoney Park crossing the road from Steel Park through an opening in the fence. Why do we need more concrete in one of the most natural environments in Marrickville? I also totally disagree with the removal of poplars No 13 on the map (p94 of	1. Significant pedestrian wear marks are evident on the grass verge along Wharf Street. This is causing erosion and damaging water quality. Providing a concrete pathway facilitates these movements and increases the opportunities for people with disabilities or prams. The increased concrete is offset with 2 new water treatment designs located in HJ Mahoney Reserve. 2. Replacement of the poplars is only once they have passed their useful life expectancy (i.e. as they are dying).	1. Retain Wharf Street pathway and associated text. 2. Ensure useful life expectancy is used in all text when discussing the proposal Poplar removals.

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the report) River poplars_ Establish a staged removal and replacement of the Poplar trees along the river edge.		
Please let us keep HJ Mahoney Reserve! My son plays for the Newtown Swans and the reserve is used for training. Thanks	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. No amendments.
My family and I are members of the Newtown Swans Junior AFL club and we strongly support the continued use of HJ Mahoney Reserve as a dedicated field for AFL football.The Newtown Swans has over 400 children playing AFL across all age groups.AFL is one of the fastest growing community sports in the Inner West of SydneyHJ Mahoney is the only fit for purpose AFL field in the whole Cooks River Parklands PrecinctHJ Mahoney Reserve was developed with a contribution from the AFL.Use by other groups limits the availability of the ground for use for training and matches.There are only three fit for purpose AFL grounds within the 5,000 square kilometre encompassed by the Inner West Local Government Area.AFL football cannot be played on a rectangular or small field unlike Soccer, Rugby, Touch or Softball that can share fields.I urge you to continue to support the use of HJ Mahoney for this great Australian game.	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. No amendments.
Our family are members of the Newtown Swans Junior AFL club and we strongly support the continued use of HJ Mahoney Reserve as a dedicated field for AFL football. As you will be aware AFL is amongst the fastest growing sports in our region and the Newtown Swans has hundreds of kids playing AFL across all age groups. There aren't many grounds appropriate nor dedicated to AFL and Mahoney is one of the few in the inner west that exist. Having several hundred kids out for training and games means its a squeeze anyway and I would encourage the Inner West Council to consider dedicating or building more fit for purpose AFL ovals.	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. No amendments.
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing	1. Option to investigate installation of summer synthetic cricket pitch in HJ Mahoney Reserve.	1. Include note in the Master Plan report that outlines the investigation of summer synthetic

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rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We strongly support the continued use of Steel Park and Mackey Park for cricket. We support Council improving safety at Mackey Park by putting in a fence between the playing field and the children's playground. This has been raised many times and should be done now. We urge Council to put cricket nets at Mackey Park and/or Steel Park to service our Club and local Tempe and Ferncourt Public and High school students. At Mackey, perhaps the nets could go in the section close to the Concordia Club, or run along next to the path close to the current clubhouse. At Steel, perhaps the nets could go somewhere suitable in the space around the PCYC. We support improved seating at Steel Park, along the Illawarra Rd side of the oval. We support improvements to Mahoney Reserve to include at least one synthetic cricket pitch for summer games, which of course would be covered in winter.	2. Investigate a potential location for cricket practice nets along the Cooks River. 3. There is an option to reconfigure the playing fields in Mackey Park and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	cricket pitch in HJ Mahoney Reserve. 2. Include note in the report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 3. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River. 4. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We support improvements to Mahoney Reserve to include at least one synthetic cricket pitch for summer games, which of course would be covered in winter.	1. Option to investigate installation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.	1. Include note in the Master Plan report that outlines the investigation of summer synthetic cricket pitch in HJ Mahoney Reserve. 2. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
We support the idea of putting a synthetic cricket pitch at Mahoney Reserve, which of course would be covered in winter.	1. Option to investigate installation of summer synthetic cricket pitch in HJ Mahoney Reserve.	1. Include note in the Master Plan report that outlines the investigation of summer synthetic cricket pitch in HJ Mahoney Reserve. 2. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
As a dog owner in the area of Marrickville, HJ Mahoney Reserve is a great open space for owners to exercise their dogs. The area is treated well by current respectful dog owners who are happy to share the space for what else might also be	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve.	1. No amendments.

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going on in the park. I fully support the off leash trial.		
I support the trial of an off-leash dog exercise area at Mahoney Reserve. It's great to see all the friendly and obedient dogs getting their owners out for a walk each morning along the river each morning and it would be even better if they had an off leash area to play together! It's a shame that we currently need to drive to the nearest doggie park so I think this is a great idea.	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve.	1. No amendments.
This park is a great space for all the community dogs to congregate, play and enjoy a little freedom in their lives. It is also important for community interaction between dog owners and the wider community. All other nearby reserves are essentially dedicated to various sporting groups meaning our canine friends are very limited in their options. I feel it would be fairer, and foster the great community spirit that Marrickville Council is known for, to allow mixed use of HJ Mahoney Reserve.Please consider this reasonable request in the same light that Council services the needs of all the various sporting groups, dog owners are community members too and deserve the same consideration.	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve.	1. No amendments.
The street art wall is unsightly, an eyesore, and lowers the tone of the area. It should be removed and relocated to another area perhaps the Dulwich Hill skate park adjacent to the Light Rail or to Steel Park adjacent to the DAB community centre near Thornley Street where it would be less obtrusive. Anywhere but stuck like a shag on a rock where it is now. Any new drinking fountains installed should be of the type Canterbury Council use in Whitlam Park which provide a dog drinking facility at the base rather than the type currently used in Steel Park with no such facility. I welcome an off leash dog walking area in the park.	1. The retention of the street art wall is aligned with former Council resolutions to permit regulated use of the street art wall. Youth Needs Research outlines that there is a need for more youth facilities in the LGA. The street art wall is one of only a few in Sydney and is well used, particularly by youth. Council would rather it be used as a practice wall than for youth to be bored and undertaking anti-social behaviour. Furthermore the wall is already regulated through a booking system and supported by NSW Police. 2. New drinking fountains can have dog drinking facilities provided.	1. Update text for drinking fountains to include providing dog drinking facilities.
I believe that HJ Mahoney Reserve should be an 'Off Leash' area for dogs. This is a community facility and most families and homes these days have a dog or two. Dogs need a large area in which to run and chase balls and socialise with other dogs. There are many new developments in the area that have been built and are 'Pet Friendly'. These pets need lots of area to run and play and interact in order to be content and relaxed at home. If there is not a large off leash local area these dogs will be frustrated and bark	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve.	1. No amendments.

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creating a nuisance for neighbours. Many older people living on their own have dogs as their 'family' now, and this social interaction with other dog owners whilst watching the dogs play is an important social event for many people who may never get to talk to another person all day. I myself have 2 dogs who need the use of this facility and this makes them happy contented puppies. I pay my rates and I am a responsible dog owner who cleans up after my dogs. My dogs are well trained and very gentle and sociable. We need this facility urgently. Please let it be.		
Please allow dogs to be off leash at HJ Mahoney Reserve. It is a large facility that is perfect for dogs to run around, there is very little people who come to this park in comparison to steel park therefore dogs wouldn't be a nuisance to the public, and there is no playground at the reserve so children don't need to fear that dogs will bite them. Please proceed in making this park an off leash park for dogs!	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve.	1. No amendments.
I'm a local resident of Marrickville and walk my dog at Mahoney reserve morning and night. This is both important to myself as well as my dog to run off leash to get adequate exercise. This reserve is used by many locals to walk their dogs off leash as the park is fenced and safe.	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve.	1. No amendments.
I would like to see this be a space that allows off lead dog walking, and to continue along the river through the golf course. This is the only large open space area that we can walk and run bigger dogs in the Marrickville area. In addition would be great to have a better fence protection around the park to keep our dogs safe from the busy Illawarra road.	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve. 2. Council does not encourage the fencing of dog off leash areas in parks as it reduces permeability and movement across park areas, has a detrimental impact on the grass and ability to use the fenced areas for other purposes. It also allows for entrapment, where vulnerable people could become trapped by anti-social behaviour	1. No amendments.
I'm a local dog owner. I have recently signed a petition to get council to look at having an off-the-leash area at Mahoney reserve. It's quite a distance to any other off-lead areas and our puppy Kaylee loves this park. It means she can get 2 walks a day. Your consideration to have this happen would be greatly appreciated by our family.	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve.	1. No amendments.
I generally support plans but disagree with proposal with concrete shared pathway along the naturalised riparian zone of the river, although I do support an informal walking track by the river. The concrete shared pedestrian/cycle path should run along the Wharf St	1. The proposed share pathway is proposed only to be built if the river edge can be naturalised and if there is future support for a connection through the Marrickville Golf Course. Pedestrian traffic is damaging tree roots of the existing trees. Other	1. Adjust text in the Master Plan report to remove the word 'share' from the pathway definition. 2. Adjust wording to ensure the option of a pathway at this location is an 'option only - to be investigated further' where it

Community comments about HJ Mahoney Reserve	Council Response	Changes to report text and descriptions in MP
edge of the park to link with the Wharf St entrance to the golf course. The path off the new bridge runs through the carpark to the Wharf St entrance. there is currently potential conflict between cars and cyclists in the carpark area. This area needs to be redesigned to mitigate conflict and risk of accidents. The Wharf St shared path at the other end meets Illawarra Rd at the current refuge islands linking with Steel Park. The refuge islands should be replaced with a pedestrian crossing linking Mahoney Reserve and Steel Park. There is a heavy volume of traffic on Illawarra Rd and it is difficult for pedestrians and cyclists to cross.	feedback has suggested investigating permeable pavement and not allowing bicycle use. 2. Recommend providing the pathway in a permeable material. 3. The width of the verge along Wharf Street would not facilitate the requirements of a share pathway. 4. The golf course car park design will be considered in a future study of the Marrickville Golf Couse lands Master Plan.	requires targeted engagement with the community and Golf Couse. 3. Change recommended pathway finish to a permeable surface.
Would love for this to become an off-leash area for dogs. My Italian greyhound needs a lot of area to run around and this is the perfect place (whenever there aren't games/training on).	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve.	1. No amendments.
Dog leash free times, especially in am or during the da m-f when the area is hardly in use.	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve.	1. No amendments.
Please consider including an enclosed off-leash dog park in either HJ Mahoney, Mackey or Steel Park. The plans are great but I am amazed there is no mention of a dog park. The area really needs one and it would be a great addition.	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve.2. Council does not encourage the fencing of dog off leash areas in parks as it reduces permeability and movement across park areas, has a detrimental impact on the grass and ability to use the fenced areas for other purposes. It also allows for entrapment, where vulnerable people could become trapped by anti-social behaviour.	1. No amendments.
Mahoney Reserve is a great oval and well maintained throughout the year The facilities are ok. Problems that need to be addressed: There's always a huge number of mosquitoes in the change rooms during summer. The canteen is small and there's not a lot of room to do anything in there and it becomes hazardous with stuff everywhere There's no seating for spectators near the oval - some seating would be great There's no covered areas for spectators in very hot or inclement weather - some shelter would be great Shelter for players and coaches on the side lines would be great as well A siren and scoreboard as part of the facility would be brilliant	1. Mosquitos are an operational issue, which will be raised with the maintenance teams. 2. The amenities facility is proposed to be renovated when the public toilet strategy recommendations are implemented. 3. Additional trees are proposed to increase the shade for spectators as well as meet other environmental strategies including urban tree strategies and climate change strategies that reduce urban heat island affect. 4. Sirens and scoreboards would need to be negotiated in combination with an updated recreation needs study for Marrickville and discussion with sporting bodies for funding options.	1. No amendments.
Generally supportive however very disappointed that aside from a trial of dog leash free areas (limited hours) in Mahoney Reserve, there are no plans to introduce a fenced leash free area	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve. 2. Council does not encourage the fencing of dog off leash areas in parks as it reduces permeability and	1. No amendments

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for dogs anywhere along the Cooks River Parklands. As I understand, the issue of a lack of leash free areas for dogs in the southern end of the Municipality has been raised by a number of residents in response to both the pets in parks surveys as well as the Cooks river parklands surveys. I also understand there have been similar representations to various councillors on this issue. While there are a number of fenced off leash areas in the northern end of the municipality, there are none in the south and this would be a perfect opportunity to rectify that deficiency. Please note that for many dog owners, an unfenced leash free area is useless. Also note that many dog owners currently use the adjoining golf course as a leash free area so providing an unfenced leash free area in Mahoney Reserve is of no great advantage other than legalise some of the current illegal use by dog owners. I would support a fenced leash free area in Mahoney reserve but do not support unfenced.	movement across park areas, has a detrimental impact on the grass and ability to use the fenced areas for other purposes. It also allows for entrapment, where vulnerable people could become trapped by anti-social behaviour	
As the Secretary of the Sydney Women's Baseball League (SWBL) I would like to provide comment on the plan for HJ Mahoney Reserve. SWBL is celebrating 21 years of existence this year and we are now enjoying our second season of baseball since relocating in 2015 to HJ Mahoney reserve. SWBL will continue to use the reserve as our home ground for future seasons. SWBL has a membership base of 100+ women playing Sundays during Winter (April to August). The league supports women's sport and active involvement in the local community with a majority of our league members residing in the local area. SWBL supports the Council's plans for HJ Mahoney Reserve as they appear to enhance the sporting facility by retaining existing playing fields, improving parking and toilet facilities. SWBL would like to request that in planning for the future of the playing fields that our requirement for 2 diamonds be incorporated into the plans which when originally drawn up in 2014 did not include baseball diamonds. SWBL also supports multi-purpose use of the park and as many of our league members are also dog owners would also appreciate having off-leash dog walking facilities and a walking path along the river's edge. In terms of upgrading of the natural environment	1. The Master Plan supports the dogs off leash trial in Mahoney Reserve. 2. Council does not support the single use of facilities. Applications for the use of fields is outlined in the Sports Ground Allocation Policy. The Master Plan does not prevent the use of Mahoney Reserve by SWBL.	1. No amendments.

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of the park, SWBL also supports the plans as outlined regarding improvements to natural drainage, tree plantings and riverside wetlands.		
Very pleased about the ephemeral wetland and swale for water treatment. Also very happy about the naturalisation of the river's edge. This should help increase biodiversity - as should the habitat creation. Not sure how a concrete share path will impact on this.	1. The proposed share pathway is proposed only to be built if the river edge can be naturalised and if there is future support for a connection through the Marrickville Golf Course. Pedestrian traffic at this location is currently damaging tree roots of the existing trees. Other feedback has suggested investigating permeable pavement and not allowing bicycle use.	1. Adjust text in the report to remove the word 'share' from the pathway definition. 2. Adjust wording to ensure the option of a pathway at this location is an 'option only - to be investigated further' where it requires targeted engagement with the community and Golf Couse. 3. Change recommended pathway finish to a permeable surface.
I see some art here	1. The Master Plan supports street art use of HJ Mahoney Reserve as previously endorsed by Council.	1. No amendments
I strongly support the continued use of Mahoney Reserve as a dedicated field for AFL in winter. It's one of the few grounds in our area fit for AFL I would also like at least one synthetic cricket pitch put into Mahoney Reserve (covered in winter of course), as cricket is really growing on our area. Cricket pitches can be covered by synthetic grass.	1. Option to investigate installation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve. 2. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. Include note in the Master Plan report that outlines the investigation of summer synthetic cricket pitch in HJ Mahoney Reserve. 2. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
My family and I are members of the Newtown Swans Junior AFL club and we strongly support the continued use of HJ Mahoney Reserve as a dedicated field for AFL football. AFL is one of the fastest growing community sports in the Inner West of Sydney. HJ Mahoney is the only fit for purpose AFL field in the whole Cooks River Parklands Precinct. HJ Mahoney Reserve was developed with a contribution from the AFL. Use by other groups limits the availability of the ground for use for training and matches.There are only three fit for purpose AFL grounds within the 5,000 square kilometre encompassed by the Inner West Local Government Area.AFL football cannot be played on a rectangular or small field unlike Soccer, Rugby, Touch or Softball that can share fields.I urge you to continue to support the use of HJ Mahoney for this great Australian game.	1. The Master Plan retains the park for public recreation including the sports field and potential opportunities for AFL use.	1. No amendments.
My son plays Australian Rules football as a member of the Newtown Swans junior AFL club. AFL is one of the fastest growing sports in the Inner West and there are very few sporting fields in the entire area that are suitable for use as AFL grounds. The pressure on existing facilities to meet demand for AFL fields is already very high. In this year we have already needed to travel as far as Maroubra in order to play what was designated a home game. The use of Mahoney	1. The Master Plan retains the park for public recreation including the sports field and potential opportunities for AFL use.	1. No amendments

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reserve for AFL is a very important resource for an area with a fast growing sport that is sorely under resourced.		
My family and I are members of the Newtown Swans Junior AFL club and we strongly support the continued use of HJ Mahoney Reserve as a dedicated field for AFL football. The Newtown Swans has over 400 children playing AFL across all age groups, in fact AFL is one of the fastest growing community sports in the Inner West of Sydney with Women's and girls footy growing rapidly as well. HJ Mahoney is the only fit for purpose AFL field in the whole Cooks River Parklands Precinct HJ Mahoney Reserve was developed with a contribution from the AFL. Use by other groups limits the availability of the ground for use for training and matches. There are only three fit for purpose AFL grounds within the 5,000 square kilometre encompassed by the Inner West Local Government Area. Crucially - it is important to recognise that AFL football cannot be played on a rectangular or small field unlike Soccer, Rugby, Touch or Softball that can share these smaller fields. I urge you to continue to support the use of HJ Mahoney for this great Australian game.	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. No amendments.
My family and I are members of the Newtown Swans Junior AFL club and we strongly support the continued use of HJ Mahoney Reserve as a dedicated field for AFL football. The Newtown Swans has over 400 children playing AFL across all age groups. AFL is one of the fastest growing community sports in the Inner West of Sydney HJ Mahoney is the only fit for purpose AFL field in the whole Cooks River Parklands Precinct HJ Mahoney Reserve was developed with a contribution from the AFL. Use by other groups limits the availability of the ground for use for training and matches. There are only three fit for purpose AFL grounds within the 5,000 square kilometre encompassed by the Inner West Local Government Area. o AFL football cannot be played on a rectangular or small field unlike Soccer, Rugby, Touch or Softball that can share fields. o I urge you to continue to support the use of HJ Mahoney for this great	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. No amendments

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Australian game.		
As I stand with exactly what he Newtown swans say: My family and I are members of the Newtown Swans Junior AFL club and we strongly support the continued use of HJ Mahoney Reserve as a dedicated field for AFL football. The Newtown Swans has over 400 children playing AFL across all age groups. AFL is one of the fastest growing community sports in the Inner West of Sydney HJ Mahoney is the only fit for purpose AFL field in the whole Cooks River Parklands Precinct HJ Mahoney Reserve was developed with a contribution from the AFL. Use by other groups limits the availability of the ground for use for training and matches. There are only three fit for purpose AFL grounds within the 5,000 square kilometre encompassed by the Inner West Local Government Area. AFL football cannot be played on a rectangular or small field unlike Soccer, Rugby, Touch or Softball that can share fields. I urge you to continue to support the use of HJ Mahoney for this great Australian game. Further to this I also play AFL 9's which is basically a 'touch footy' version of AFL. ITS VERY SOCIAL AND GETTING VERY VERY POPULAR... We need Mahoney oval to play and stay fit ... Keep Mahoney exclusively for AFL PLEASE!!!! Thank you	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. No amendments
My family and I are members of the Newtown Swans Junior AFL club and we strongly support the continued use of HJ Mahoney Reserve as a dedicated field for AFL football.The Newtown Swans has over 400 children playing AFL across all age groups.AFL is one of the fastest growing community sports in the Inner West of SydneyHJ Mahoney is the only fit for purpose AFL field in the whole Cooks River Parklands PrecinctHJ Mahoney Reserve was developed with a contribution from the AFL.Use by other groups limits the availability of the ground for use for training and matches.There are only three fit for purpose AFL grounds within the 5,000 square kilometre encompassed by the Inner West Local Government Area.AFL football cannot be played on a rectangular or small field unlike Soccer, Rugby, Touch or Softball that can share fields. I urge	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. No amendments.

Community comments about HJ Mahoney Reserve	Council Response	Changes to report text and descriptions in MP
you to continue to support the use of HJ Mahoney for this great Australian game.		
I'd love to see Mahoney Park used more for AFL. It has the facilities and more and more kids are playing AFL, not just AusKick, but proper club games. AFL is the fastest growing game with more and more kids playing. But we just don't have enough places to play official club games in this area. Please make it an official and dedicated AFL field. The only other one I can think of around here is Alan Davidson Oval and that is in City of Sydney lga, not Marrickville. This is quite important to our family. Thanks	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. No amendments
Needs to be open to more AFL clubs and games including Newtown swans	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. No amendments.
I have 3 kids who play afl. My family and I are members of the Newtown Swans Junior AFL club and we strongly support the continued use of HJ Mahoney Reserve as a dedicated field for AFL football. The Newtown Swans has over 400 children playing AFL across all age groups. AFL is one of the fastest growing community sports in the Inner West of Sydney HJ Mahoney is the only fit for purpose AFL field in the whole Cooks River Parklands Precinct HJ Mahoney Reserve was developed with a contribution from the AFL. Use by other groups limits the availability of the ground for use for training and matches. There are only three fit for purpose AFL grounds within the 5,000 square kilometre encompassed by the Inner West Local Government Area. AFL football cannot be played on a rectangular or small field unlike Soccer, Rugby, Touch or Softball that can share fields. I urge you to continue to support the use of HJ Mahoney for this great Australian game.	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL.	1. No amendments.
The addition of a synthetic cricket pitch	1. Option to investigate installation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.	1. Include note in the Master Plan report that outlines the investigation of summer synthetic cricket pitch in HJ Mahoney Reserve. 2. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
We support improvements to Mahoney Reserve to include at least	1. Option to investigate installation of summer synthetic cricket pitch and	1. Include note in the Master Plan report that outlines the

Community comments about HJ Mahoney Reserve	Council Response	Changes to report text and descriptions in MP
one synthetic cricket pitch for summer games, which of course would be covered in winter.	cover in HJ Mahoney Reserve.	investigation of summer synthetic cricket pitch in HJ Mahoney Reserve. 2. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
To include at least one synthetic cricket pitch for summer games, which of course would be covered in winter.	1. Option to investigate installation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.	1. Include note in the Master Plan report that outlines the investigation of summer synthetic cricket pitch in HJ Mahoney Reserve. 2. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
The small area of foreshore without a pathway is so valuable as a quiet place to be where you can relax without noise of a pathway, cyclists etc. and where conversation can take place with other park users where you're not blocking a path. A pathway makes traffic, we use this area for peace from traffic. We go there for a picnic or just to sit and unwind. If there was a path there we would have no place to go. Please, no pathway on this one section of the foreshore.	1. The proposed share pathway is proposed only to be built if the river edge can be naturalised and if there is future support for a connection through the Marrickville Golf Course. Pedestrian traffic is damaging tree roots of the existing trees. Other feedback has suggested investigating permeable pavement and not allowing bicycle use. 2. Recommend providing the pathway in a permeable material	1. Adjust text in the Master Plan Master Plan report to remove the word 'share' from the pathway definition. 2. Adjust wording to ensure the option of a pathway at this location is an 'option only - to be investigated further' where it requires targeted engagement with the community and Golf Couse. 3. Change recommended pathway finish to a permeable surface.
I strongly support the riverbank re-naturalisation, wetland, swale, poplar removal and general de-turf/reveg plans.concrete pathways; a tint away from dull gray and towards sandstone yellow/soil light brown would visually downplay the path being concrete, without the maintenance regime of a natural/stone pathway.	1. The proposed share pathway is proposed only to be built if the river edge can be naturalised and if there is future support for a connection through the Marrickville Golf Course. Pedestrian traffic at this location is currently damaging tree roots of the existing trees. Other feedback has suggested investigating permeable pavement and not allowing bicycle use.	1. Adjust text in the report to remove the word 'share' from the pathway definition. 2. Adjust wording to ensure the option of a pathway at this location is an 'option only - to be investigated further' where it requires targeted engagement with the community and Golf Couse.3. Change recommended pathway finish to a permeable surface.
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We support improvements to Mahoney Reserve to include at least one synthetic cricket pitch for summer games, which of course would be covered in winter.	1. Option to investigate installation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.	1. Include note in the Master Plan report that outlines the investigation of summer synthetic cricket pitch in HJ Mahoney Reserve. 2. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
It would be great to get a cricket pitch onto this oval. I have been coaching girls cricket for Marrickville for some time and we are often forced to host home games at far-flung locations due to the unavailability of local grounds. And this in turn is the type of factor that can make it tough to attract and retain healthy participant numbers in girls cricket.	1. Option to investigate installation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.	1. Include note in the Master Plan report that outlines the investigation of summer synthetic cricket pitch in HJ Mahoney Reserve. 2. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
Improvements to Mahoney Reserve	1. Option to investigate installation of	1. Include note in the Master Plan

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Community comments about HJ Mahoney Reserve	Council Response	Changes to report text and descriptions in MP
should include at least one synthetic cricket pitch, and better shelter for player and spectators near the amenities block.	summer synthetic cricket pitch and cover in HJ Mahoney Reserve.	report that outlines the investigation of summer synthetic cricket pitch in HJ Mahoney Reserve. 2. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
As a long term Marrickville resident of over 25 years I request that all actions on any development within the Marrickville council area be suspended until this region has democratic representation. As a rate payer I do not see Richard Pearson or Vanessa Chan as legitimate decision makers and indeed, the manner in which they have been installed into our area is corrupt. I have no trust that the so called "Inner West Council" is nothing more than an undemocratic developer driven excuse for Casino Mike Baird to further extend his questionable plan for NSW. No Action should take place under this illegitimate council and it's corporate administrator.	1. No action.	1. No amendments.
My family and I are members of the Newtown Swans AFL Club, which is growing rapidly. I support the continued use of Mahoney Reserve for AFL and athletics We would like to see a local Marrickville AFL club to be created and would like to see Mahoney Reserve bgin made the local home ground for training/ match day facilities for such a club. We support improvements to Mahoney Reserve to include at least one synthetic cricket pitch for summer games, which of course would be covered in winter.	1. With the shortage of open space across the Inner West, Council's strategy is for HJ Mahoney Reserve to cater for a variety of sports including AFL. 2. Option to investigate installation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.	1. Include note in the Master Plan report that outlines the investigation of summer synthetic pricked pitch in HJ Mahoney Reserve. 2. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve. 3.
I support the idea of bank naturalisation along the whole river & appropriate native planting to fill out vegetation in all the riverside parks. Also encouraging more active use of the river....kayaking & rowing.	1. The Master Plan report recommends the planting of vegetation along the river foreshore.	1. No amendments.
Needs a pedestrian pathway adjacent to river and more trees and vegetation native to area.	1. The Master Plan supports the installation of a pathway adjacent the river with more trees and vegetation, however, the proposed share pathway is to only to be built if the river edge can be naturalised and if there is future support for a connection through the Marrickville Golf Course. Pedestrian traffic is damaging tree roots of the existing trees. Other feedback has suggested investigating permeable pavement and not allowing bicycle use.	1. No amendments.

Community comments about Steel Park	Council Response	Changes to report text and descriptions
I generally support Council's proposals for Steel Park	1. The feedback supports the proposals in the Master Plan report.	1. No Amendments.
Can you please confirm if the master plan for the DAB sports stadium is retained within the current boundaries. I note in the recent exhibit of the proposed Child Care Centre that the stadium was shown with an extension to the south east. Can you please confirm if the stadium will be extended in the current Steel Park master plan.	1. The works for the DAB are within the existing footprint of the endorsed DAB Master Plan.	1. No Amendments.
Finally a proper pathway to Thornley St! The terraced seating looks interesting too. Users wanted among other things more parking. Not a single additional spot has been made.	1. A pathway to Thornley Street is supported by the Master Plan report. 2. Terraces near Thornley Street are supported by the Master Plan report. 3. Council does not support using public open space for vehicle parking. There is on street parking in the nearby street network, with only a short walk to the park.	1. No Amendments.
I use Steel Park & Whitlam Park everyday. But for some reason park users are not consider but Development is. I am guessing the company who developed the new Whitlam Park playground are now pushing this council to develop more children's playgrounds! Consider that the green space and unstructured play is important. I don't understand why the children's playground has to be extended. As it is now, it takes up a lot of space and particular now the fence is up, it creates a feeling of exclusion from the picnic area for those of us without children. There is little open space in the section for anyone other than those with kids. it would be nice if you considered those who use the park everyday and who wish to have a quiet green space to use. why is the council hell bent on covering up every inch of green space. Look at the shameful development by the council at Whitlam Park. A shady beautiful green space used everyday by all kinds of people was bulldoze to extend a kids playground. Most people who used this area can no longer use it and now weekend uses are complaining there is no longer enough natural shelter so the council is planning to build a shelter. So once again taking a natural green space and destroying it. we don't need seating in the sports area. The parents etc. can bring their own chairs as they always have done in the past. We need more unstructured green space for everyone, not just a few who use the park on the weekend and for sport. As it is now we have horns blaring all day on Saturday & Sunday from the extra sports usage here, I live in Glenn St and here this noise all weekend, add to that the basketball centre and its bedlam. how do the neighbours on the park edge fair with this?. There is no check on this and how it disturbs the park users. The park is not just for children who use this for a short while each week and probably only over a short period, a transient group, why get preference over those who are using the park everyday and for years, if not decades.	1. There were community requests during engagement for and expanded playground area. The Master Plan also supports a Councillor motion for expansion of the Children's Water Play facility. 2. There was community requests during engagement for seating around the playing field. 3. Whitlam Park is not in our local	1. No Amendments.
Pruning of vegetation and loss of shrubs for 'views' will also significantly decrease bird habitat in the area. People concerned about 'safety' should just avoid these areas. Poplar trees should be retained. While not native, poplars are deciduous and offer an indication of the seasons not	1. The removal of shrub vegetation near the pedestrian pathway is required to allow views for casual surveillance and provide a safe environment	1. Add text reference for trees to include 'once past usable life'

Community comments about Steel Park	Council Response	Changes to report text and descriptions
shown by other trees in the area or by proposed native species. They allow sunlight in during winter and shade in summer offering greater pedestrian comfort. .	for park users. NSW Police strongly support the pruning on this basis. 2. Replacement of the poplars is only once they have passed their useful life expectancy (i.e. as they are dying).	
I like most of what Council plans for Steel Park. However I am unhappy about Council's plans to plant vegetation in front of the river "to limit water access by users" - I would have thought the extensive fence between the shared path & the children's playground & barbecue areas would have been sufficient. Frankly, the plan to cut off access to the river makes me feel sad. To stop people being able to sit at or near the river's edge is a BIG LOSS to many in the community. Plenty of people like to sit here on picnic blankets & watch the river. I am very unhappy about the removal of the poplar trees in this park. I think the reasons given are ridiculous given the pollution in the Cooks River. If Council only wants native trees in parks, then they should carry this through to the street trees too. This would increase biodiversity across the whole area, rather than just a few corridors. This is a time of climate change and all trees, especially big trees are very important. Lastly, the cost of removal.	1. Fencing between the water and the children's playground was requested during community engagement. The planting is to act as a buffer without needing to fence the river. Grass above the planting adjacent the share pathway is to be retained for informal recreation. 2. Replacement of the poplars is only once they have passed their useful life expectancy (i.e. as they are dying).	1. Add text reference for trees to include 'once past usable life'
I love steel park, however I understand the plans are to install shrubs and plants along the riverfront. My family and friends often use this area as a picnic spot, especially with our young babies as its shaded, has a nice view of the water and is removed from the busy playground, I would be very disappointed if access to this area was restricted.	1. Fencing between the water and the children's playground was requested during community engagement. The planting is to act as a buffer without needing to fence the river. Grass above the planting adjacent the share pathway is to be retained for informal recreation.	1. No Amendments.
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We strongly support the continued use of Steel Park and Mackey Park for cricket. We support Council improving safety at Mackey Park by putting in a fence between the playing field and the children's playground. This has been raised many times and should be done now. We urge Council to put cricket nets at Mackey Park and/or Steel Park to service our Club and local Tempe and Ferncourt Public and High school students. At Mackey, perhaps the nets could go in the section close to the Concordia Club, or run along next to the path close to the current clubhouse. At Steel, perhaps the nets could go somewhere suitable in the space around the PCYC. We support improved seating at Steel Park, along the Illawarra Rd side of the oval. We support improvements to Mahoney Reserve to include at least one synthetic cricket pitch for summer games, which of course would be covered in winter.	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. There is an option to reconfigure the playing fields and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	1. Include note in Master Plan for Steel and Mackey Park. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real	1. Option to investigate installation of summer synthetic cricket pitch in HJ	1. Include note in the report that outlines the investigation of summer synthetic cricket

Community comments about Steel Park	Council Response	Changes to report text and descriptions
pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We strongly support the continued use of Steel Park and Mackey Park for cricket. We urge Council to put cricket nets at Mackey Park and/or Steel Park to service our Club and local Tempe and Ferncourt Public and High school students. At Steel, perhaps the nets could go somewhere suitable in the space around the PCYC. We support improved seating at Steel Park, along the Illawarra Rd side of the oval.	Mahoney Reserve. 2. Investigate a potential location for cricket practice nets along the Cooks River.	pitch in HJ Mahoney Reserve. 2. Include note in the report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 3. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River. 4. Amend Action Plan to include the investigation of summer synthetic cricket pitch and cover in HJ Mahoney Reserve.
We support cricket nets at Steel Park	1. Investigate a potential location for cricket practice nets along the Cooks River.	1. Include note in Master Plan for Steel and Mackey Park. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
Any expansion of facilities in Steel Park will be mean many more cars in the area. I am concerned about safety, parking, and traffic considering there will be more prams and toddlers in the area. Lighting along the whole path from Steel Park to Mackey Park is currently very bad and I welcome any improvement to this as soon as possible. I welcome an off leash dog walking area in the park. Replace the current drinking fountain near the cycleway with dog friendly ones used by Canterbury Council in Steel Park.	1. Council does not support using public open space for vehicle parking. There is on street parking in the nearby street network. 2. Lighting the pathway is supported by the Master Plan. 3. Mahoney Reserve is proposed as a trial dog off leash area. 4. The drinking fountains are too close to the playground for dogs to drink from the fountains. It would in contravention of the Companion Animals Act	1. No Amendments.
Would love for this to become an off-leash area for dogs. My Italian greyhound needs a lot of area to run around and this is the perfect place (whenever there aren't games/training on).	1. Mahoney Reserve is proposed as a trial dog off leash area.	1. No Amendments.
Dog leash free times, especially in am or during the da m-f when the area is hardly in use.	1. Mahoney Reserve is proposed as a trial dog off leash area.	1. No Amendments.
Please consider including an enclosed off-leash dog park in either HJ Mahoney, Mackey or Steel Park. The plans are great but I am amazed there is no mention of a dog park. The area really needs one and it would be a great addition. The waterplay park is terrific but could use an expansion. The waterplay area is very popular and gets very crowded in summer. It was a welcome addition to Steel Park when it opened but when you compare it to some of the other free waterplay parks opened by local councils (particularly those in QLD) it is very basic! And could and should be enhanced!	1. Mahoney Reserve is proposed as a trial dog off leash area. 2. Water Play area is already noted in the Master Plan for expansion.	1. No Amendments.
A second cricket pitch would be helpful for junior sport in the area	1. A summer synthetic cricket pitch is proposed for investigation at HJ Mahoney Reserve.	1. No Amendments.
Following my general comments above regarding leash free areas, Steel park would be the ideal location for a	1. Mahoney Reserve is proposed as a trial dog off	1. No Amendments.

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Community comments about Steel Park	Council Response	Changes to report text and descriptions
fenced leash free area for dogs. It's is fairly central to the Cooks River parklands and users could incorporate a walk along the Cooks River with use of the leash free area. There is sufficient open space at the north eastern end of the park to accommodate such a facility.	leash area. 2. NE corner of the park is proposed to provide stormwater treatment and passive recreation.	
Disconnect between the PCYC and the rest of the park - missed opportunity Love the water play area and the play space here really good and well loved Deciduous native trees - White Cedar (Melina azedarach) and Red Cedar Trees (Tooma Australia's) would be good replacement / succession planning trees.	1. The plan supports the proposed DAB expansion Master Plan. 2. Agree the native trees suggested could be grown in Steel Park successfully and new tree plantings are noted in the Master Plan.	1. No Amendments.
The vegetative buffer should also act as a wildlife friendly corridor.	1. Vegetative buffer acting as a wildlife friendly corridor is supported by the Master Plan report and the Biodiversity Action Plan.	1. No Amendments.
I enjoy cycling along the Cooks River and also walking along the paths provided. I congratulate Marrickville Council for the work already undertaken to upgrade the water quality of the river and the recreation areas available. In the 25 yrs. I have been using these open spaces, they have improved dramatically. Sadly, I no longer see the blue wrens and finches that were regular visitors on the southern side of the river. Perhaps you could include more low shrub, pea flowered plants to encourage these beautiful birds who are hunted out by all the noisy and Indian minors.	1. The requests and comments are supported by the Master Plan report. Increaed planting along the Cooks River is supported by the Biodiversity Action Plan.	1. No Amendments.
Recent upgrade to fence between playground and bike path/ river bank very positive and should be retained	1. Continued upgrades to the play ground area are supported by the Mater Plan report.	1. No Amendments.
Improved seating along Illawarra Rd would be fantastic. A bubbler at the northern end of Steel Park would be great.	1. Seating included in the Master Plan. 2. Water provided within the DAB - near the northern end of Steel Park.	1. No Amendments.
So pleased to see it opened up more for soccer games in the past couple of years. Of course we'd all still love to have a café down there at some point SOON! The waterplay park is fabulous, though my kids are well beyond that age group now. Please change the parking times, so that back packers in campervans can't park and reside there for days and weeks on end. Do what Byron Bay Council does, and restrict parking overnight. Locals go to use the car park, that we pay rates for, and can't get in, because of the travellers.	1. There is a shortage of open space across the Inner West. Council's strategy is for Steel Park to cater for a variety of sports. 2. The Plan of Management will allow the opportunity for a coffee cart to be used in Steel Park. 3. Regulated parking prohibiting overnight parking is already operating in Steel Park. 4.The water play park will be expanded as per a Councillor motion, engagement regarding scope and type of equipment is being undertaken separately by the Inner West Council.	1. No Amendments.
Great park. Expand kids play area. Needs a skate area for older kids	1. The Master Plan strategies outline an expanded play area. 2. Youth facilities including statable seating is proposed across the	1. No Amendments.

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Community comments about Steel Park	Council Response	Changes to report text and descriptions
	Illawarra Road in HJ Mahoney Reserve.	
Cricket nets Improved seating near Illawarra rd. side of park	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. Seating along Illawarra Road is already a strategy in the Master Plan.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We strongly support the continued use of Steel Park for cricket.	1. There is a shortage of open space across the Inner West. Council's strategy is for Steel Park to cater for a variety of sports. The Master Plan supports the use of Steel Park by the Marrickville Cricket Club.	1. No Amendments.
At Steel, perhaps some cricket nets could go somewhere suitable in the space around the PCYC as well as improved seating along the Illawarra Rd side of the oval.	1. Investigate a potential location for cricket practice nets along the Cooks River	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
Steel Park is desperate for a nets area	1. Investigate a potential location for cricket practice nets along the Cooks River	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We strongly support the continued use of Steel Park and Mackey Park for cricket. We support Council improving safety at Mackey Park by putting in a fence between the playing field and the children's playground. This has been raised many times and should be done now. We urge Council to put cricket nets at Mackey Park and/or Steel Park to service our Club and local Tempe and Ferncourt Public and High school students. At Mackey, perhaps the nets could go in the section close to the Concordia Club, or run along next to the path close to the current clubhouse. At Steel, perhaps the nets could go somewhere suitable in the space around the PCYC. We support improved seating at Steel Park, along the Illawarra Rd side of the oval. We support improvements to Mahoney Reserve to include at least one synthetic cricket pitch for summer games, which of course would be covered in winter.	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. The Master Plan supports the use of the playing fields for organised sports including cricket. 3. The Master Plan recommends seating along Illawarra Road. 4. There is an option to reconfigure the playing fields and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
I would like the plan to consider adding 2-3 all weather cricket nets to the park. South Marrickville is poorly served in terms of cricket practice facilities.	1. Investigate a potential location for cricket practice nets along the Cooks River	1. Include note in the report Master Plan that outlines the investigation of potential

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Community comments about Steel Park	Council Response	Changes to report text and descriptions
		location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
strongly support the expansion of plantings in the cooks river vegetation corridor (10m wide strip from the waterline) along the foreshore listed areas, including further re-naturalisation of the banks and expansion to the opposite side of the cycleway.. Allowing limited/controlled access to the river edge is a plus, as has been proven further along closer to the sewer line. most areas of vegetation in this area do not suffer damage from trampling and most people stick to the open areas in order to access the river edge. building swale/wetland areas around and adjacent to the established fern patch and flat, boggy ground east of the sports centre is also positive. this was once the waters edge of the river, prior to infill and river diversion along a gentler curve (refer 1943 aerial images from sixmaps.nsw.gov.au). the 2016 national tree day planting site is a welcome start to the increasing vegetation cover plans. the entrance to the carpark is a bottleneck in busy times, due to a combination of; number of vehicles using it, the increasing size of many of said vehicles, lack of middle dividing/indicating lines and subsequent inability of drivers to stay as far to the left as they can when leaving the car-park. widening the roadway and Increasing the radius of the guttering at the corners of this entrance would assist in this regard, subject to utilities placement. include info about the salt marsh at steel park in new park sign-age	1. New multi-function signage is proposed in Steel Park, The signage shall include interpretation of elements including the saltmarsh area. 2. The car park is a recent upgrade and while busy does meet Australian Standards for car parking. Additional parking is located on street in the nearby street network. Council does not support converting open space to car parking.	1. No Amendments.
We strongly support the continued use of Steel Park and Mackey Park for cricket. We support improved seating at Steel Park, along the Illawarra Rd side of the oval. At Steel, perhaps the nets could go somewhere suitable in the space around the PCYC.	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. Seating along Illawarra Road is a strategy in the Master Plan.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
A suite of cricket nets would be fantastic for junior cricket. There are very limited options available locally and there is a lot of competition for access to the existing nets at Marrickville Park and Beamon Park. (The lone net at Gough Whitlam is a bit inadequate for team practise sessions.)	1. Investigate a potential location for cricket practice nets along the Cooks River.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
Strongly support the continued use of Steel Park for cricket. Please keep working with local sporting groups to improve the playing surface at Steel Park. Please put cricket nets at Steel Park to service our Club and local Tempe and Ferncourt Public and High school students. Perhaps the nets could go near the PCYC. Please improve the seating at Steel Park, along the Illawarra Rd side of the oval.	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. Seating along Illawarra Road is a strategy in the Master Plan.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River. 3. Ground maintenance will continue. Future strategy in

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Community comments about Steel Park	Council Response	Changes to report text and descriptions
		the Master Plan for an upgraded playing surface with new drainage and turf
As a long term Marrickville resident of over 25 years I request that all actions on any development within the Marrickville council area be suspended until this region has democratic representation. As a rate payer I do not see Richard Pearson or Vanessa Chan as legitimate decision makers and indeed, the manner in which they have been installed into our area is corrupt. I have no trust that the so called "Inner West Council" is nothing more than an undemocratic developer driven excuse for Casino Mike Baird to further extend his questionable plan for NSW. No Action should take place under this illegitimate council and it's corporate administrator.	1. Noted.	1. No Amendments.
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We strongly support the continued use of Steel Park for cricket. We strongly support the building cricket nets at Steel (perhaps somewhere around the PCYC) to support the needs of Ferncourt Public, Marrickville West Primary and Tempe High children. We support improved seating at Steel Park, along the Illawarra Rd side of the oval. We support Council improving safety at Mackey Park by putting in a fence between the playing field and the children's playground. This has been raised many times and should be done now. We urge Council to put cricket nets at Mackey Park and/or Steel Park to service our Club and local Tempe and Ferncourt Public and High school students.	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. Seating along Illawarra Road is a strategy in the Master Plan. 3. There is an option to reconfigure the playing fields and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
Team, As a single Dad of a 9 year old girl who is trying so hard to be the best she can be at everything. I want to do what ever she wants to do ..and for the last 12 months she is playing cricket and watching cricket - she wants to be the next Eylse Perry. So I would like you to consider the following: My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. My daughter wants to train and get better but it hard to find places for kids. We strongly support the continued use of Steel Park and Mackey Park for cricket. We urge Council to put the nets somewhere suitable in the space around the PCYC. We support improved seating at Steel Park, along the Illawarra Rd side of the oval.	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. Seating along Illawarra Road is a strategy in the Master Plan.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
More tress and shrubs native to area are needed	1. The Master Plan report strategies articulate additional tree and shrub plantings along the Cooks River corridor.	1. No Amendments.
Concern raised about ambiguities regarding the DAB master plan	1. The Master Plan report supports the previously adopted Council position of the Master Plan for the DAB expansions.	1. Revised wording in the site appraisal and strategies sections of the Master Plan report.

Item 22

Attachment 2

Community comments about Richardson's Lookout, Warren Park and the Cooks River Foreshore	Council Response	Changes to report text/descriptions
Despite Council's own community engagement finding that "Provision for a dog off-leash area in Warren Park was highly requested by users", no such area is proposed. I strongly support the establishment of an off-leash area in Warren Park, and think this park is ideally suited to accommodating such an area.	1. The parks small size means that other parks along the Cooks River are preferred for dog off leash areas. HJ Mahoney will be trialled as a dog off leash area and if successful may be rolled out to other parks along the Cooks River.	
The Draft Plan of Management and Master Plan fail to include a Pedestrian/Cycle Bridge across the Cooks River to Gough Whitlam Park in Canterbury. A bridge from below Warren Park or Mackey Park would vastly improve the community's safe access to more parkland. Further, a Pedestrian/ Cycle Bridge across the river linking these parklands would deliver on Marrickville Council's KRA3 and KRA4, its Outcomes 1.1 to 1.4 then 3.3, 3.6, 3.9, 4.3, 4.4 and 4.5 and its Strategic Objectives 1.1.1 to 1.1.3, 1.2.2 to 1.2.4, 1.4.1, 2.1.1, 3.3.1 to 3.3.3, 3.6.2, 3.6.3, 3.7.3, 3.9.1 and 4.3.2. A Pedestrian/ Cycle Bridge should be built across the river and it should be included in The Draft Plan of Management and Master Plan.	1. The inclusion of a pedestrian bridge is not considered a viable option for the number of pedestrian users at this compared with the cost of a new bridge. Improvements to existing pedestrian connections are a priority and identified in the Master Plan.	1. No Amendments.
Areas in this precinct, especially Richardson's Lookout, should be reserved for passive recreation. No play or exercise equipment for this area. The saltmarsh vegetation needs to be protected at it is a natural remnant of an endangered ecological community.	1. The majority of the parklands is for passive recreation. An exercise station is proposed, however it will be small and designed into the space to minimise visual and environmental impacts. 2. The saltmarsh vegetation is proposed to be protected.	1. No Amendments.
Good things planed, though I am really unhappy about the plans to chop down 27 Poplar Trees between Mackey Park & Warren Park. The reasons given are poor. It is foolish to remove big trees in this time of climate change. Importantly, the bulk of the community who use this space LOVE these trees. I feel like Council is imposing their views on the community regarding the tree removal and I say this because I have known that this was Council's plan since 2010, yet it has always been denied since then.	1. Replacement of the Poplars is only once they have passed their useful life expectancy (i.e. as they are dying)	1. Add text reference in the Master Plan report for trees to include 'once past usable life'
The Cooks River Pine needs further protection	1. The proposal in the Master Plan is to provide a better growing environment around the base of the tree. This includes new planting areas with mulch to protect the tree roots.	1. Confirm text in Master Plan report clearly articulates this improvement
- I welcome an off leash dog walking area in the park.	1. The small park size and the proximity of vegetation and other fauna habitats, mean that the park has not been identified as a dog off leash area. The playing field in HJ Mahoney Reserve is being trialled as a dog off leash area. If successful other sports field areas may be trialled as dog off leash areas.	1. No Amendments.
Re signage. I suggest installation of facsimile of original entrance gateway in Holt Crescent but with new name "Richardson's Lookout - Marrickville Peace Park"' so as to clearly identify the park to visitors. The new signage is good but is not always obvious to visitors as was remarked at the opening of the Peace Park in 2015 and at the ANZAC Day event in 2016. Also I request that a suitable plaque be installed in front of the Peace Tree planted at the ANZAC Day 2016 event organised by	1. The Master Plan does not hinder the request for a plaque in front of one of the new trees in the park. 2. The existing signage is in keeping with the size, scale and character of the park. The park is a local park, its primary function is to provide open green space to local residents. The existing new	1. No Amendments.

Community comments about Richardson's Lookout, Warren Park and the Cooks River Foreshore	Council Response	Changes to report text/descriptions
the Gallipoli Centenary Peace Campaign (GCPC) the GCPC is happy to assist with the design and content of the plaque.	signage is also in keeping with the Burra Charter for heritage landscape preservation and as such the installation of larger signage is not supported.	
I welcome the attention to the parklands, a valuable community resource. However, a critical need, relevant to all the parklands and foreshore is the management of the huge amount of waste material which ends up in the Cooks River. This affects the amenity, aesthetic pleasure of the community, the environment and particularly the water quality, the birdlife, fish and ecosystem generally. I appreciate it is a complex problem involving the appalling attitudes of people to litter and consequent stormwater rubbish. However it is a problem that cries out for attention and may involve strategies including community education, the resources of the combined councils with responsibilities for the Cooks River, volunteers etc. etc.	1. The strategies in the Master Plan including swales, wetlands, additional vegetation and tree plantings which all help with water quality. Extensive consultation has occurred with stakeholders including Sydney Water with water quality improvements. Furthermore, Council strategies including the Subcatchment management plans aim to increase water quality in the Cooks River.	1. No Amendments.
Picnic table facilities at Richardson's lookout would be beneficial.	1. Include a picnic table in Richardson Lookout.	1. Update text and costings in the Master Plan report for a picnic table in Richardson's Lookout.
Please make a pedestrian crossing bridge to Gough Whitlam Park as previously planned for.	1. The inclusion of a pedestrian bridge is not considered a viable option for the number of pedestrian users at this location compared with the cost of a new bridge. Improvements to existing pedestrian connections are a priority and are identified in the Master Plan.	1. No Amendments.
Lovely spot Richardson's Lookout - could be promoted for wedding photography Cooks River Foreshore I like the introduction of endemic art, the bush regen , maybe some more endemic trees could be planted along the river pathways	1. The Master Plan report supports the requested uses.	1. No Amendments.
Pleased about additional vegetation/ naturalisation to increase habitat values and biodiversity. Good idea for a viewing platform to better see river life.	1. The Master Plan report supports the requested uses.	1. No Amendments.
Yep. More opportunities for art.	1. The Master Plan report supports the requested uses.	1. No Amendments.
There is such a great opportunity here to refurbish the heritage water and sewer pipeline into a pedestrian walkway (just west of Warren Park, item 9 in Figure 13)!! I can't think of a better way to immediately make the community feel safe and better connected. The amenity/usage value in connecting the north and south banks of the river here would be enormous--particularly since it would give people an option to avoid a traffic-laden river crossings (particularly at towards Tempe, where pedestrians currently have to cross Richardson's Crescent/Bayview Avenue twice (!) to get across the river). Please consider this option!! I'm sure there are safety, and heritage constraints etc. etc. that would make this a challenging project, but I am also sure they can be overcome with clever design and planning.	1. The pipe is a Sydney Water asset and is heritage listed as being of State Significant, which limits the ability to change the existing function of the pipes. Furthermore, the inclusion of a pedestrian bridge is not considered a viable option for the number of pedestrian users at this location compared with the cost of a new bridge. Improvements to existing pedestrian connections are a priority and are identified in the Master Plan.	1. No Amendments.
We love the bushland aspect of these parks and as our school is nearby, we visit them weekly. Please keep it a bit wild and free. We love to stand there and pretend that we are in a time before white colonisation and Australia was a wild and free place.	1. The Master Plan report supports the requested uses.	1. No Amendments.
Continued regeneration of wildlife Improved rubbish collection/ rubbish management system	1. The Master Plan report aims to improve water quality in the	1. No Amendments.

Community comments about Richardson's Lookout, Warren Park and the Cooks River Foreshore	Council Response	Changes to report text/descriptions
as rubbish from the cooks river washes up onto the shores of the river	Cooks River. A number of strategies are directly aiming to remove rubbish and other pollution sources through new planting, GPTs, naturalisation of creek and river environment, rain gardens and swales.	
Possibly some sort of playground so this area would become family-friendly.	The size and type of park (local park) does not support the use as a playground facility. Large playgrounds are located nearby in both Steel and Mackey Parks.	1. No Amendments.
equal access' path - please find a way to retain/reconfigure at least some of the existing sandstone stairway/retaining wall at the eastern end of Richardson's lookout, as I believe it is has somewhat of a heritage value? increasing/extending the planted areas to include the thin strip between the low fence and thornley St. retaining wall, and a strip on the upside of the fence at the east end of Richardson's reserve. Currently this strip is weed infested. it has good potential to extend and connect the more westerly natural areas and the eastern-most fig trees and to-be-planted understory, with dense groundcovers and sparse low shrubs, (if sight lines are to be retained). Warren Park; strongly support the naturalising of the upper storm water line and construction of a swale at the lower east end of the park. this drain regularly becomes clogged with sediment and over-tops, flowing across the turf and cycleway and making a mess of both. removal of thornley st fencing is great - anything done to increase the perceived or actual 'naturalness' of open areas has nothing but positive effects on those using the space. this is obviously important in an LGA with limited and fragmented green/open spaces...	1. The equal access will be designed to have minimal impact on the existing conditions, the existing stone shall be re-used.	1. Include note in Master Plan report that outlines the existing stone is to be reused.
suggest the possibility of removal of largest trees (Casuarina sp.) along the river edge strip between sewer line and east end of warren park. these are the most likely plants to have an impact on the oil and gas pipelines they are growing near/around/over.	1. Trees along the Cooks River have been reviewed for their health by Council. Recommendations for each tree is outlined in the Marrickville Open Space Tree Inventory 2015. Trees growing in the gas and oil pipeline easement have also been reviewed by the gas and oil pipeline owners and Council awaits copies of their report with associated recommendations. Any tree removals by the gas and oil provider would occur outside Council authority.	1. No Amendments.
Anything that can be done to improve the filtering of stormwater outlets would have to be to the benefit of the overall health of the Cooks river. The river is a very sad sight on wet days when it is typically teeming with discarded drink bottles etc.	1. Stormwater improvements are supported by Master Plan report and Council is committed to working with stakeholders to improve the Cooks River water quality.	1. No Amendments.
As a long term Marrickville resident of over 25 years I request that all actions on any development within the Marrickville council area be suspended until this region has democratic representation. As a rate payer I do not see Richard Pearson or Vanessa Chan as legitimate decision makers and indeed, the manner in which they have been installed into our area is corrupt. I have no trust that the so called "Inner West Council" is nothing more than an undemocratic developer driven excuse for Casino Mike	1. Noted. The feedback is not directly related to the Master Plan report.	1. No Amendments.

Community comments about Richardson's Lookout, Warren Park and the Cooks River Foreshore	Council Response	Changes to report text/descriptions
Baird to further extend his questionable plan for NSW. No Action should take place under this illegitimate council and it's corporate administrator.		
We support the maintenance of the Cooks River Foreshore Our family regularly use the Foreshore pathway both as pedestrians and cyclists. We particularly value the ability to cycle between sporting grounds along the Cooks River and for our children to be able to cycle safely without traffic along this path. We strongly support the continued use of the pathway for cyclists and pedestrians. We strongly support increased planting to create Green corridors along the river and around Marrickville. A nice, natural habitat is important to our family from an aesthetic, health and environmental perspective.	1. The retention of the Cooks River foreshore including bicycle pathways, sports fields, tree plantings and other environmental strategies are supported by Master Plan report.	1. No Amendments.
More historical information at the site relating to the Warren mansion would be good More information relating to the indigenous use of the site required.	1. Recommendations for additional interpretive signage is supported by the Master Plan report.	1. No Amendments.
We are in agreement with the proposals for Richardson's Lookout, Warren Park and Cooks River Foreshore and are pleased to see some of our own feedback incorporated including removal of the fencing in Warren Park and replacing with vegetative barrier, improved footpath access along Thornley Street including improved pedestrian crossing and accessible access to Richardson's Lookout. The proposal seems to build on the wonderful work already undertaken in these area and retains the bush regeneration and enhancement already in place.	1. Strategies in the Master Plan support the comments received.	1. No Amendments.
My comments are in relation to the Cooks River foreshore as it is a beautiful and fairly natural place to walk and take a dog and enjoy the "unbuilt" environment. As urbanisation increases in the suburbs it is vital to have places of peace and natural, organic vegetation to enjoy a bit of relatively natural habitat. I request that designs include substantial uncontrolled natural growth and not the overuse of structured paths. Concrete may be functional for bikes but a soft meandering path is better for walking. Concrete also encourages bikes to travel faster and they can become a danger to pedestrians - young and old - who are strolling and relaxing. Please place emphasis on an informal, unstructured approach - the more grass, trees, shrubs the better as these make the atmosphere vibrant and varied. It changes with the seasons and weather conditions and provides interest and arouses curiosity. For children and adults a natural environment encourages engagement and can facilitate learning about it. A nature reserve also provides an escape from hectic city life so is vital for good mental health as it is a key to reducing stress esp. as more and more people don't have their own backyard.	1. The Master Plan proposes increased green space with trees and planting. The pathways within these parks are to be used by all users to allow equal access for all.	1. No Amendments.
Not only is such a green environment critical for many bird, reptile, insect and other species it also provides a healthly space for people away from the noises of the built environment. It should provide a place of solace and serenity. There are other places to build race tracks for bikes or other sports facilities. The Cooks River foreshore has provided me and many others with many joyful experiences and we look forward to being able to continue to enjoy a calm place for relaxation and gentle exercise. Please consider dogs in the planning as they also love their walks along the riverside and most owners are very considerate to other park users. Many people choose to walk along the foreshore with their pets as this is a place where both species are revitalised.	1. The Master Plan report supports the existing character of each of the parks. The Master Plan aligns with the comments received.	1. No Amendments.

Item 22

Attachment 2

Your comments about Mackey Park	Council Response	Changes to report text/descriptions
Despite Council's own community engagement finding that "Many community members wish to see a dog off-leash area in Mackey Park", no such area is proposed. I strongly support the establishment of an off-leash area in Mackey Park.	1. Council will use HJ Mahoney off leash as a test case for dog off leash areas on sports fields and if successful review other potential locations.	1. No Amendments.
The Draft Plan of Management and Master Plan fail to include a Pedestrian/Cycle Bridge across the Cooks River to Gough Whitlam Park in Canterbury. A bridge from below Warren Park or Mackey Park would vastly improve the community's safe access to more parkland. Further, a Pedestrian/ Cycle Bridge across the river linking these parklands would deliver on Marrickville Council's KRA3 and KRA4, its Outcomes 1.1 to 1.4 then 3.3, 3.6, 3.9, 4.3, 4.4 and 4.5 and its Strategic Objectives 1.1.1 to 1.1.3, 1.2.2 to 1.2.4, 1.4.1, 2.1.1, 3.3.1 to 3.3.3, 3.6.2, 3.6.3, 3.7.3, 3.9.1 and 4.3.2. A Pedestrian/ Cycle Bridge should be built across the river and it should be included in The Draft Plan of Management and Master Plan.	1. The inclusion of a pedestrian bridge is not considered a viable option for the number of pedestrian users at this location compared with the cost of a new bridge. Improvements to existing pedestrian connections are a priority and are identified in the Master Plan.	1. No Amendments.
Mackey Park has undergone many positive changes quite recently. The only thing really missing was more car parking. Users are crying out for this. Not a finger was lifted to do this. As a park used for competitive sporting, people are coming from all over Sydney to play here and there's always a critical shortage of parking. Why have you done nothing about this? Even something as simply as introducing 90 degree parking on Carrington Rd would've been something. So many other options could've been introduced. Like instead of naturalising the stormwater channel, why not cover it, relocate the playground to there (would also solve many ball interference issues) and build a proper carpark in place of where the playground currently is? Everything else presented has been a "nice to have," but more parking at Mackey Park is probably the one thing that's really needed.	1. Council does not support using public open space for vehicle parking. There is on street parking in the nearby street network, with only a short walk to the park. The Concordia Club car park can be used for Mackey Park users. The Master Plan proposes its reconfiguration and initiation of regulated parking. The park also has active transport connections with the train station at Tempe and the shared pedestrian cycle pathway passing though the park that is well connected in all directions.	1. No Amendments.
No or minimal pruning of branches are necessary for river views. Branches improve the aesthetics of views, by adding interest and complexity. Many locations for branch-free views of river already exist. Fence needs to retained around WSUD area to protect frogs living there from cats, dogs and foxes. Extended planting is unlikely to offer sufficient protection. No or minimal pruning of branches are necessary for river views. Branches improve the aesthetics of views, by adding interest and complexity. Many locations for branch-free views of river already exist.	1. The removal of the lower branches will provide views to the river and will also remove potentially dangerous twigs that are at eye level and could cause harm to park users. 2. All animals can access the fenced area in Mackey Park. The fencing does not protect the native animals at this location. Expanded vegetation will increase habitat opportunities around the stormwater treatment facility.	1. No Amendments.
The plans for Mackey Park are okay, thought it is clear Council wants to remove peaceful places along the river by making them busy places. More barbecue smoke, more piles of hot coals, more litter will be the outcome. Just look at the other parks with these kinds of facilities to see that this is what has been happening. I do not like that Council plans to plant a 1.5-2 metre salt marsh riparian along the edge of the river. While I think it is great to re-vegetate the river, I wonder why Council wants to stop people from accessing the river's edge? Why not just plant sections and leave spaces where people can sit at the	1. The parks along the Cooks River are provided by Council for the enjoyment of all community members. If more people are using the parks, it is providing a safer environment and one that is fulfilling its purpose of green space in a city. 2. The river edge is being overtopped regularly at high	1. No Amendments.

Your comments about Mackey Park	Council Response	Changes to report text/descriptions
edge. Lots of people like to sit here and watch the river. Having a plant barrier will prevent this.	tide by saline water. This is causing the existing wall to start to erode and the nearby grass to fail. The proposition of planting of saltmarsh species will provide extra stability to the wall by the plant roots binding the soil as well as supporting the Biodiversity Action Plan by increase biodiversity in Mackey Park..	
I think the plans to remove some poplar trees in Mackey Park is disgraceful and will see community protests similar to what is happening with the light rail in Randwick. This is not justified in any shape or form. This is not a widely publicised aspect of the Plan - I am very disappointed this is not highlighted, simply buried without any thought to the contentious nature of this potential removal. Why doesn't council survey people who use this section of the park and ask them their thoughts - these 2 stands of trees are significant and very well loved. They are true landmarks and I love their different colours which mark the changing seasons. They are a local rarity and I find them very relaxing and calming, particularly the amazing noise they make in the wind. Council's report says that the Poplar trees beside the river "are damaging water quality and adjacent plant communities." Where are the facts to justify this? To say they are damaging water quality given the amount of pesticide, plastic bottles, and other runoff regularly in the river does beggar belief. It saddens me that Council plans to use a big chunk of the allocated $15 million to remove mature trees. Everything possible should be done to retain healthy mature trees because they are vital in the management of climate change, especially these poplars which stabilise the soil. Please don't remove them. The report also says that in Mackey Park they plan to, "Trim lower branches from foreshore vegetation to maximise views from the share path and new seating." The two new seats are being used daily and looking through a section of trees to the river does not lessen the experience. I use these seats regularly and they both have a clear view to the river, including trees as part of this view - which people clearly appreciate.	1. The Poplar trees in Mackey Park were not mentioned for removal. The trees will need to be replaced as they pass their useful life expectancy.	1. No Amendments.
The report also says that in Mackey Park they plan to, "Trim lower branches from foreshore vegetation to maximise views from the share path and new seating."	1. The removal of the lower branches will provide views to the river and will also remove potentially dangerous twigs that are at eye level and could cause harm to park users.	1. No Amendments.
* My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We strongly support the continued use of Steel Park and Mackey Park for cricket. We support Council improving safety at Mackey Park by putting in a fence between the playing field and the children's playground. This has been raised many times and should be done now.	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. The HJ Mahoney Reserve section has outlined the installation of summer synthetic cricket pitch.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.

Item 22

Attachment 2

Your comments about Mackey Park	Council Response	Changes to report text/descriptions
We urge Council to put cricket nets at Mackey Park and/or Steel Park to service our Club and local Tempe and Ferncourt Public and High school students. At Mackey, perhaps the nets could go in the section close to the Concordia Club, or run along next to the path close to the current clubhouse. At Steel, perhaps the nets could go somewhere suitable in the space around the PCYC. We support improved seating at Steel Park, along the Illawarra Rd side of the oval. We support improvements to Mahoney Reserve to include at least one synthetic cricket pitch for summer games, which of course would be covered in winter.		
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We strongly support the continued use of Steel Park and Mackey Park for cricket. We support Council improving safety at Mackey Park by putting in a fence between the playing field and the children's playground. This has been raised many times and should be done now. We urge Council to put cricket nets at Mackey Park and/or Steel Park to service our Club and local Tempe and Ferncourt Public and High school students. At Mackey, perhaps the nets could go in the section close to the Concordia Club, or run along next to the path close to the current clubhouse.	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. There is an option to reconfigure the playing fields and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
Mackey Park could use a couple of cricket nets, perhaps over near Concordia. All three of my children played for Marrickville Cricket Club this year.	1. Investigate a potential location for cricket practice nets along the Cooks River.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
I welcome an off leash dog walking area in the park.	1. Council will use HJ Mahoney off leash as a test case for dog off leash areas on sports fields and if successful review other potential locations.	1. No Amendments.
bridge over Cooks River at Richardson's Crescent needs pedestrian/cycleway on both sides of the bridge and should be wider than at present.	1. There is a recommendation in the Master Plan to widen the pedestrian section of the bridge on Richardson Crescent in order to provide a safe pedestrian crossing.	1. No Amendments.
It is great that the pedestrian connections across the Cooks river Bridge and the railway bridge to Wolli Creek have been raised. The former should give consideration to building a new footpath on the northern side of the bridge. The latter should be considered in conjunction with closing Tempe Station as this pedestrian and cycling connection could remove the need for this station altogether and thus result in reduced travel times for commuters. This should be taken up with Transport for NSW.	1. Wolli Creek Bridge option to be included in the Master Plan document.	1. Add extra text.
Dog leash free times, especially in am or during the da m-f	1. Council will use HJ	1. No Amendments.

Your comments about Mackey Park	Council Response	Changes to report text/descriptions
when the area is hardly in use.	Mahoney off leash as a test case for dog off leash areas on sports fields and if successful review other potential locations.	
Please consider including an enclosed off-leash dog park in either HJ Mahoney, Mackey or Steel Park. The plans are great but I am amazed there is no mention of a dog park. The area really needs one and it would be a great addition.	1. Council will use HJ Mahoney off leash as a test case for dog off leash areas on sports fields and if successful review other potential locations.	1. No Amendments.
An additional pedestrian path/bridge addition on the west side of the Temp Bridge linking Mackey Park (next to Canoe Club) with Gough Whitlam Park on the south side. This would allow a walking circuit of the Cooks river from Illawarra Road Bridge to Tempe Bridge and not have to cross Richardson's Crescent twice, to complete the circuit.	1. There is a recommendation in the Master Plan to widen the pedestrian section of the bridge on Richardson Crescent in order to provide a safe pedestrian crossing.	1. No Amendments.
Second preference for a fenced dog leash free area.	1. Council will use HJ Mahoney off leash as a test case for dog off leash areas on sports fields and if successful review other potential locations.	1. No Amendments.
Love what you have done with the upgrades (natural area, lighting, walking path and tree planting) except for: the blocking of pedestrian access to the main body of the park from Carrington Road (only access is to the play space), the general lack of a "welcoming entry" to the park at all - all are very poor access points lack of off-leash dog area within the park increased lighting along the shared path required speed of bikes on the entire shared path system (speed rumble bumps needed) and I think the kids have give a thumbs down to the play quality of the play space as they have set up their own area over next to the canal that is very cool and very well used!!	1. Updates to the park including the playground will generally improve the park appearance. 2. Council will use HJ Mahoney off leash as a test case for dog off leash areas on sports fields and if successful review other potential locations. 3. Transport engineers have reviewed the bikeway use and have a separate study with recommendations for providing a share pathway along the Cooks River. The Master Plan facilitates their recommendations.	1. No Amendments.
Would have liked to see some commitment to naturalisation/ habitat creation along the river to complement the opposite shore in Canterbury.	1. The Mackey Park river edge is proposed to be planted with saltmarsh species. The foreshore in the park has also been categorised as a natural area - Foreshore which requires its protection.	1. No Amendments.
Definitely need some art	1. The Master Plan supports Council resolutions on public art.	1. No Amendments.
In upgrading use of river bank need to consider the busy bike route and ensure any facilities do not create hazards for pedestrians or cyclists.	1. Transport engineers have reviewed the bikeway use and have a separate study with recommendations for providing a share pathway along the Cooks River. The Master Plan facilitates their recommendations.	1. No Amendments.
There needs to be a fence between the field and the children's playground. I have raised this many times. During cricket season, balls regularly fly through the	1. There is an option to reconfigure the playing fields and will result in lower chance of ball strike within	1. Check text in the Master Plan report to confirm it articulates the strategy

Your comments about Mackey Park	Council Response	Changes to report text/descriptions
playground, and in winter soccer balls do too.	the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	adequately
WE use Mackey for soccer games and love it.	1. There is a shortage of open space across the Inner West. Council's strategy is for Mackey Park to cater for a variety of sports.	1. No Amendments.
Addition of cricket nets Fence between sporting field and children's play equipment	1. Investigate a potential location for cricket practice nets along the Cooks River 2.There is an option to reconfigure the playing fields and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket We strongly support the continued use of Steel Park and Mackey Park for cricket. We support Council improving safety at Mackey Park by putting in a fence between the playing field and the children's playground. This has been raised many times and should be done now. We urge Council to put cricket nets at Mackey Park and/or Steel Park to service our Club and local Tempe and Ferncourt Public and High school students. At Mackey, perhaps the nets could go in the section close to the Concordia Club, or run along next to the path close to the current clubhouse. At Steel, perhaps the nets could go somewhere suitable in the space around the PCYC.	1. Investigate a potential location for cricket practice nets along the Cooks River 2. There is an option to reconfigure the playing fields and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
At Mackey, perhaps some cricket nets could go in the section close to the Concordia Club, or run along next to the path close to the current clubhouse. Also to improve safety at Mackey Park by putting in a fence between the playing field and the children's playground. This has been raised many times and should be done now.	1. Investigate a potential location for cricket practice nets along the Cooks River 2. There is an option to reconfigure the playing fields and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
My family and I are members of the Marrickville Cricket Club, which has over 500 players and is growing rapidly. With the growth in junior cricket in our area, there is real pressure on our Club to find places to train and also on the Association to get enough pitches / ovals for Saturday cricket. We strongly support the continued use of Steel Park and	1. Investigate a potential location for cricket practice nets along the Cooks River 2. There is an option to reconfigure the playing fields and will result in lower	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets

Your comments about Mackey Park	Council Response	Changes to report text/descriptions
Mackey Park for cricket. We support Council improving safety at Mackey Park by putting in a fence between the playing field and the children's playground. This has been raised many times and should be done now. We urge Council to put cricket nets at Mackey Park and/or Steel Park to service our Club and local Tempe and Ferncourt Public and High school students. At Mackey, perhaps the nets could go in the section close to the Concordia Club, or run along next to the path close to the current clubhouse. At Steel, perhaps the nets could go somewhere suitable in the space around the PCYC. We support improved seating at Steel Park, along the Illawarra Rd side of the oval. We support improvements to Mahoney Reserve to include at least one synthetic cricket pitch for summer games, which of course would be covered in winter.	chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
Again Cricket Nets are needed for warm ups leading into matches taking place.	1. Investigate a potential location for cricket practice nets along the Cooks River	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
would like to see the better use of the change room/amenities block. For example a second floor with deck and cafe. For both kids park and sports patrons. In addition, there is a lack of cricket practice facilities in the south Marrickville area and Mackey park would like have space for 2-3 all weather nets. This would be of benefit to local cricket clubs and residents	1. The upgrade of the amenities building is as per the Marrickville Public Toilet Strategy. Changes to the building as described can be further explored at this time. Funding options will need to be explored. 2. Proposal to investigate practice cricket nets in Steel Park.	1. No Amendments.
~ supportive of expansion of the rain garden, however, fence removal is a possible concern as in its current state the garden is quite deep in the middle and could pose a drowning hazard in heavy flow periods. an existing sprinkler head hidden in the upper level round area would need to be dealt with - it's a real shin-ripper! I am VERY happy to see plans to naturalise the canal from carrington road - this is a bleak, malodourous and unsightly construction that displays few redeeming aesthetic features. gross pollutant trapping closer to carrington road rather than at the river edge would make an enormous improvement in this situation and I urge council to consider it in order to avoid the naturalised creek line being beset with litter and storm water refuse as is the current situation. hopefully the newly minted NSW C.D.S will help!	1. The planting in the rain garden acts as a barrier to access. 2. The maintenance team has been notified of the 'shin-ripper' sprinkler head.	1. No Amendments.
We support Council improving safety at Mackey Park by putting in a fence between the playing field and the children's playground. This has been raised many times and should be done now. We urge Council to put cricket nets at Mackey Park and/or	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. There is an option to reconfigure the playing fields and will result in lower	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets

Your comments about Mackey Park	Council Response	Changes to report text/descriptions
Steel Park to service our Club and local Tempe and Ferncourt Public and High school students. At Mackey, perhaps the nets could go in the section close to the Concordia Club, or run along next to the path close to the current clubhouse.	chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
Again, a suite of cricket nets would be very welcome and the park itself seems large enough to be able to accommodate them. The current lack of available nets is a real impediment to junior cricket in the area and the Marrickville cricket club would hugely benefit from any new cricket nets. A high fence to reduce the risk of cricket balls entering the playground area seems sensible.	1. Investigate a potential location for cricket practice nets along the Cooks River. 2. There is an option to reconfigure the playing fields and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
We support the continued use of Mackey Park for cricket. Please keep working with local sporting groups to improve the playing surface at Mackey. Please improve safety at Mackey Park by putting in a fence between the playing field and the children's playground. Any consideration of moving the cricket pitch should be done in consultation with cricket and soccer clubs, as its current position allows for the correct boundary size for cricket and in winter the pitch sits neatly between soccer fields. Please plan for cricket nets at Mackey Park to service our Club and local Tempe and Ferncourt Public and High school students. At Mackey, perhaps the nets could go in the section close to the Concordia Club, or near the current clubhouse.	1. Proposal to investigate practice cricket nets in Steel Park. 2. There is an option to reconfigure the playing fields and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
As a long term Marrickville resident of over 25 years I request that all actions on any development within the Marrickville council area be suspended until this region has democratic representation. As a rate payer I do not see Richard Pearson or Vanessa Chan as legitimate decision makers and indeed, the manner in which they have been installed into our area is corrupt. I have no trust that the so called "Inner West Council" is nothing more than an undemocratic developer driven excuse for Casino Mike Baird to further extend his questionable plan for NSW. No Action should take place under this illegitimate council and it's corporate administrator.	1. Noted. The feedback is not directly related to the Master Plan report.	1.No Amendments
* We strongly support the continued use of Mackey Park for cricket training and games. * We urge Council to put cricket nets at Mackey Park to service Marrickville Cricket Club and local Tempe and Ferncourt Public and High school students. (These could go in the section close to the Concordia Club, or run along next to the path close to the current clubhouse).	1. Investigate a potential location for cricket practice nets along the Cooks River 2. There is an option to reconfigure the playing fields and will result in lower chance of ball strike within the playground. Additional shade trees in this location and a shade structure over playground reduces the risk of ball strike. It is also recommended that the situation be monitored.	1. Include note in the Master Plan report that outlines the investigation of potential location for cricket practice nets along the Cooks River. 2. Amend the Action Plan to include the investigation of cricket practice nets along the Cooks River.
Enhanced protection of native trees and shrubs should be a priority	1. The Master Plan report strategies prioritise the	1. No Amendments.

Your comments about Mackey Park	Council Response	Changes to report text/descriptions
	planting of native trees and shrubs in Mackey Park.	
The plans for Mackey Park are innovative and we are in agreement with the proposals to naturalise the area as much as possible. However in times of high rainfall and storm surge the storm water drain is a roaring torrent that could easily take the life of a child or adult. Safety of park users many of whom are non English speaking must be taken into consideration if naturalising this feature. We do not think barbecue facilities are needed or desirable at the river's edge and previous facilities in isolation along the river have been under-utilised and/or vandalised. The river bank is seriously compromised regularly near the peninsular and we are not sure whether vegetation as proposed will mitigate the rising river levels at this turn of the river.	1. Council does not support using public open space for vehicle parking. There is on street parking in the nearby street network, with only a short walk to the park. The Concordia Club car park can be used for Mackey Park users. The Master Plan proposes its reconfiguration and initiation of regulated parking.	1. No Amendments.
We agree with the proposal to extend the pathway around the Concordia Club and across to the river walk.	1. The feedback is supported by the Master Plan strategies.	1. No Amendments.
The master plan is silent on parking issues related to Mackey Park. This is a serious oversight as the extended number of playing fields and improved night lighting has meant an already extreme increase in use of the park for sporting activities on weekends and night-time training sessions. The park has no dedicated parking area and sporting patrons many from different suburbs are reckless in their double parking, heedless of child safety issues particularly on Saturdays and at dusk when additional traffic from parents collecting children from the childcare centre opposite the play area and parents dropping off children make for the potential of serious accident or child fatality. This is also a recommended bicycle route and bicyclists add to melting pot of danger at this location particularly at dusk and night. Overflow from Tempe Station parking also impacts on this area and adjoining streets.	1. Council does not support using public open space for vehicle parking. There is on street parking in the nearby street network, with only a short walk to the park. The Concordia Club car park can be used for Mackey Park users. The Master Plan proposes its reconfiguration and initiation of regulated parking. The park also has active transport connections with the train station at Tempe and the shared pedestrian cycle pathway passing though the park that is well connected in all directions.	1. No Amendments.

Your comments about Kendrick Park	Council Response	Changes to report text/descriptions
I generally support Council's proposals for Kendrick Park and Fatima Island	1. The feedback the supports the Master Plan report.	1. No Amendments.
Fatima island should be protected from further degradation by people walking on it and people fishing near it. Birds use this island as a refuge and I have rescued some who have hooks down their throats. The island itself could use a couple more mangroves just to keep it stable. The plantings near the road (hwy) could cause problems as wildlife that use it could exit the plantings straight into traffic. Therefore they should be many metres away on the western side of the footpath. This is already a common occurrence particularly with Ibis foraging near the road. The hwy is also very dangerous to people as cars and particularly trucks speed over the limit. Recently railings have been installed on the eastern side of the Hwy. Why can't they be installed all the way along the side of the road? Please do more about rubbish education. So much ends up in the river. can something be done to stop vehicles entering the park and ruining the grassed areas. Large well placed Rocks or bollards at entry points. People who fish at night drive their cars into the park along the river. It is not only ruining the grass but dangerous to people who walk or cycle through here at night.	1. The Master Plan report strategies follows the former Council decision to maintain the island as part of a natural system. The plans also include the recommendations from the Biodiversity Action Plan. 2. The native meadow is to act as a vegetative buffer between the park and the highway, while maintain CPTED sightlines. Precedents has been successfully established at Prince Alfred Park with the City of Sydney along Cleveland Street, Redfern and there have not been a serious increase of animal strike with traffic. 3. The Master Plan recommends installing additional bollards to limit vehicle access to the park.	1. No Amendments.
Ensure the river is the priority and there are more considerations to keeping it in its natural state (which means fixing it) than changing it for human enjoyment.	1. The parks along the Cooks River are provided by Council for the enjoyment of all community members. If more people are using the parks, it is providing a safer environment and one that is fulfilling its purpose of green space in a city. The natural surrounds provide an additional benefit for biodiversity values and foreshore protection, which is supported by the Biodiversity Action Plan.	1. No Amendments.
restore Fatima Island so the pelicans have a home	1. The Master Plan report strategies follows the former Council decision to maintain the island as part of a natural system. The plans also include the recommendations from the Biodiversity Action Plan.	1. No Amendments.
We need to protect Fatima Island	1. The Master Plan report strategies follows the former Council decision to maintain the island as part of a natural system. The plans also include the recommendations from the Biodiversity Action Plan.	1. No Amendments.
I love the meadow and new trees to buffer the Princes Highway. I have no idea what "Maintain Fatima Island as part of a natural river system." means, as Council has decided to do nothing to try to save the island. This is a huge shame as it is important for historical links, and is a significant bird sanctuary. This park is the only park where council does not plan to block access to the riverbank. I think this attitude should have been carried across all the other parks.	1. It is correct that the Master Plan report strategies follows the former Council decision to maintain the island "as part of a natural system". The plans also include the recommendations from the Biodiversity Action Plan. An independent audit of the costs associated of further engineering works to secure an ephemeral river island costed more than $400,000.	1. No Amendments.
There are many issues with shared pedestrian and cyclist movements in this area.	1. Transport engineers have reviewed the bikeway use and have a separate study with recommendations for providing a share pathway along the Cooks River. The Master Plan facilitates their	1. No Amendments.

Your comments about Kendrick Park	Council Response	Changes to report text/descriptions
	recommendations.	
Please ensure Fatima island is retained.	1. The Master Plan report strategies follows the former Council decision to maintain the island as part of a natural system. The plans also include the recommendations from the Biodiversity Action Plan.	1. No Amendments.
Fatima Island needs to be preserved from future erosion and degradation by implementing the boulder rock revetment option outlined in the erosion study commissioned by Marrickville Council	1. It is correct that the Master Plan report strategies follows the former Council decision to maintain the island "as part of a natural system". The plans also include the recommendations from the Biodiversity Action Plan. An independent audit of the costs associated of further engineering works to secure an ephemeral river island costed more than $400,000.	1. No Amendments.
The flooding of the pedestrian/cycling underpass must be addressed. Consideration should at least be given to installation of a sump and sump pump or similar. This is a major gap.	1. The Master plan supports the changes to stop flooding at the underpass	1. No Amendments.
The play area is dated (particularly around the swings, bouncers). Could use a facelift as this park is often used by huge groups on weekends.	1. The Master Plan strategies includes an upgrade of the play and picnic facilities.	1. No Amendments.
Princes Highway is extremely busy and noisy, and also dangerous if children stray to the road. Please consider set up artistic gabion walls (or gabion green walls) next to the road that can effectively block out noise and enhance safety. Such walls are not expensive, but can drastically improve the quality of the park next to the busy road. Please also advise RailCorp to set up proper noise reduction barriers on the bridge, where some trains are very loud going over the bridge.	1. For Crime Prevention Through Environmental Design (CPTED) it is necessary to maintain sight lines between the highway and the park. The Master Plan proposes to install a native meadow vegetative buffer.	1. No Amendments.
Vital that Fatima Island is retained for water birds etc. Good idea for the vegetative buffer along Princes Highway. Great opportunity to increase habitat value along the river here.	1. The Master Plan report strategies follows the former Council decision to maintain the island as part of a natural system. The plans also include the recommendations from the Biodiversity Action Plan.	1. No Amendments.
Hi, I go to Tai Chi classes every Monday morning in Kendrick Park in Tempe, it will be good if a shelter can be build that can be used on the rainy days, that will be great.	1. The Master Plan strategies recommend an upgrade to the existing picnic facilities and includes shade structures.	1. No Amendments.
Love a challenge. Stick some art on the island. A process work would be fabulous.	1. The Master Plan report strategies follows the former Council decision to maintain the island as part of a natural system. The plans also include the recommendations from the Biodiversity Action Plan.	1. No Amendments.
As someone who lives near Kendrick Park and regularly visits it, I'm delighted to see there are plans to upgrade the play equipment and vegetation generally throughout the park. The designs for a new playground that better incorporates the natural environment are very exciting indeed — it looks wonderful! Right now, although the park is well used, it looks neglected and dispiriting, particularly in comparison to other Marrickville Council parks and playgrounds such as Camperdown Park. So it would be great if the playground upgrade could begin as soon as possible. Additionally, this may already be part of	1. The Master Plan report strategies support the requested upgrades and are the playground are a high priority in the Cooks River Action Plan	1. No Amendments.

Your comments about Kendrick Park	Council Response	Changes to report text/descriptions
the plan for Kendrick Park, but hopefully the cracked and patched pebblecrete paths throughout the park can also be upgraded.		
Don't think council resources should be expended on trying to keep Fatima Island. Rivers in their nature change and things come and go. If Fatima Is is disappearing let it go. In any upgrades there should be continued consideration of the bike route through the park and not create conflict zones wit mixed pedestrian/ bike path	The Master Plan recommends that Fatima Island is maintained as part of a natural river system. 2. Conflict between pedestrian and bicycles in Kendrick Park is limited by the separation of uses through most of the park.	1. No Amendments.
We've not been users of these parks.	The master Plan report supports a range of users for passive recreation.	1. No Amendments.
Renovation on Fatima Island to make accessible to the public by making a footbridge. Kendrick Park would be great if there could be some cricket nets or basketball court.	1. The Master Plan report strategies follows the former Council endorsed position to maintain the island as part of a natural system. The plans also include the recommendations from the Biodiversity Action Plan. As such a pedestrian bridge to the island is not supported. 2. Playing fields and associated infrastructure is provided at nearby parks that are much larger including Tempe Reserve and Mackey Park. Kendrick Park should retained its passive recreation focus.	1. No Amendments.
would like to see Fatima island with further vegetation, acknowledging this is difficult due to the tidal range and flows. great spot for bird resting, isolated from human dangers and most predators.support the extra/infill reveg works wholeheartedly.revitalise and expand the existing swale which deals with the storm water load from up hill in Nicholson St. this swale and its outlet pipes regularly fill with sediment and over-top directly to the river. widening the area and/or mitring the ends of the outlet pipes to the east (cutting at 45' or more will assist) would allow more of the flow to travel in to the swale more frequently. perhaps an extra outlet for heavy-flows from the pit box adjacent to the footpath below nicholson st would also help. the slope below the box could easily be worked and planted with suitable species in order to cope with occasional deluge flows.a gross pollutant boom across the river at or near the train bridge and accessible for cleaning from the shore, would be of enormous visual benefit in reducing the awfully large and diverse range of refuse that is deposited along the Kendrick Park foreshore strip. film plastic and the dreaded styrofoam are perennial problems here.	1. The Master Plan report strategies follows the former Council decision to maintain the island as part of a natural system. The plans also include the recommendations from the Biodiversity Action Plan.2. A review of the stormwater options will be complete prior to finalisation of the document.3. A boom across the river would not be feasible for maintenance or water craft use of the river.	1. Review stormwater options and report findings in Master Plan report
As a long term Marrickville resident of over 25 years I request that all actions on any development within the Marrickville council area be suspended until this region has democratic representation. As a rate payer I do not see Richard Pearson or Vanessa Chan as legitimate decision makers and indeed, the manner in which they have been installed into our area is corrupt. I have no trust that the so called "Inner West Council" is nothing more than an undemocratic developer driven excuse for Casino Mike Baird to further extend his questionable plan for NSW. No	Noted. The feedback is not directly related to the Master Plan report.	1. No Amendments.

Your comments about Kendrick Park	Council Response	Changes to report text/descriptions
Action should take place under this illegitimate council and it's corporate administrator.		
Enhanced protection of native trees and shrubs should be a priority	1. The Master plan report supports the Biodiversity Action Plan and the addition of native trees and shrubs in Kendrick Park.	1. No Amendments.
The Marrickville Heritage Society has the following serious concerns about the proposed management of Kendrick Park, Fatima Island and downstream parks and foreshores to Alexandra Canal/Sheas Creek. The history section is woefully inadequate, with little or no mention of the following vital associations: Tempe House and A B Spark, and particularly Willy the Boatman. Fatima Island (no history of construction of bounding wall, naming, associations with Papal visits). James Backhouse (seeing aboriginals fishing on the river in 1835) Tempe Dam, Tempe Boat Harbour and remnant sandstone foundations of the dam the massive changes wrought to the Cooks River since white settlement, particularly with regard to the course of the River and its tributaries. The failure to acknowledge these important associations contributes to significant omissions in the Master Plan recommendation for the use and interpretation of these areas, including: no mention of the existing 'jetty steps' that have already been constructed by Council and are not consisted with the Master Plan recommendation to …"Maintain open turf area to fulfil the access function for future swimming in the Cooks River." no mention of interpretation signage for Willy the Boatman.	1. The heritage items listed in the report are items listed for state or local significance. 2. It is recommended that the items mentioned by the heritage society are included as a mention in the report, specifically around conservation and interpretation.	1. Include text in the Master Plan report for protection and interpretation of heritage items
no mention of continued evaluation of the conservation of the Fatima Island stone walls, which should be the optimum long term aim for Council. no mention of the Tempe Boat Harbour. no mention of Tempe Reserve, the Alexandra Canal and Sheas Creek.	1. The Master Plan report strategies follows the former Council decision to maintain the island as part of a natural system. The plans also include the recommendations from the Biodiversity Action Plan. 2. The Tempe boat Harbour, Tempe Reserve, the Alexandria Canal and Sheas Creek are outside the scope of this document.	1. No Amendments.

Item 22

PROPOSED CATEGORISATION OF COMMUNITY LAND

COOKS RIVER PARKLANDS MARRICKVILLE

Public Hearing Report

For Inner West Council

June 2016

Attachment 3

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Cooks River Parklands
Public Hearing Report

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1 INTRODUCTION

1.1 Purpose

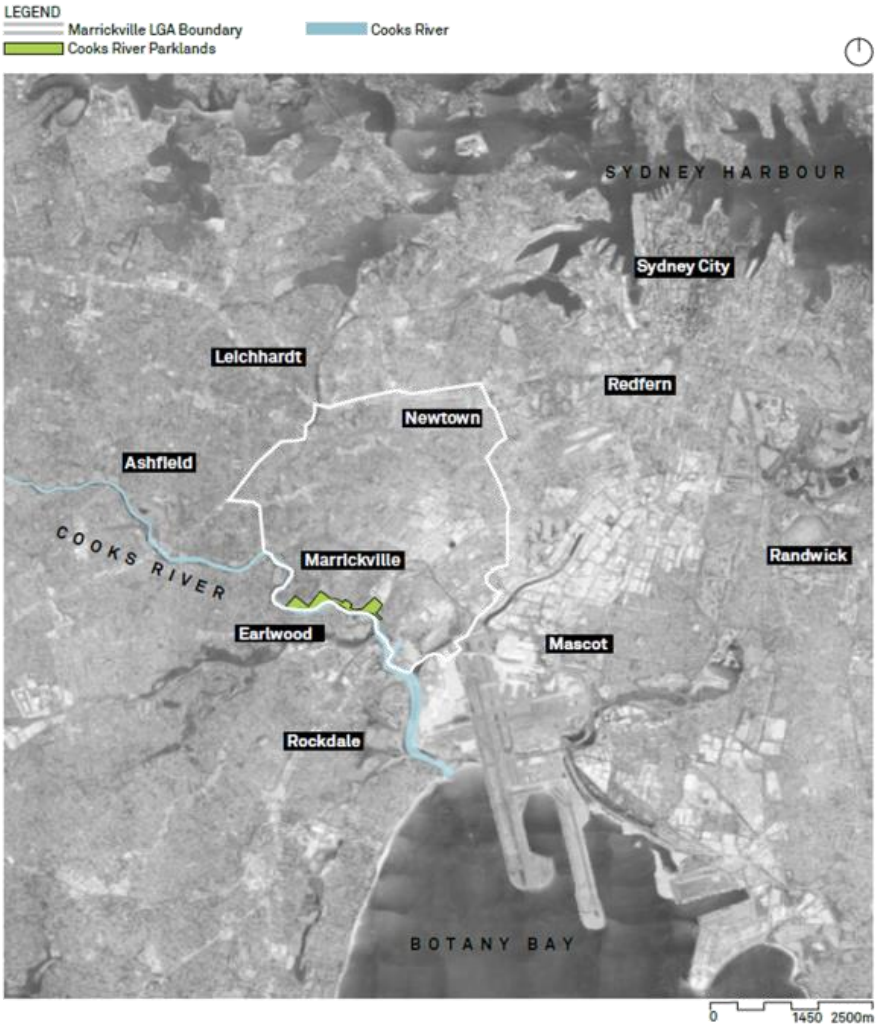
This report presents the proceedings of the public hearing held on 1 June 2016 regarding the categorisation of the community land described in the Cooks River Parklands draft Plan of Management (PoM) and Master Plan (MP) prepared by Marrickville Council (now Inner West Council), May 2016.

The Cooks River Parklands are a connected series of open space areas that form the northern riparian corridor of the lower Cooks River. The open space areas included in the PoM and MP are:

- HJ Mahoney Reserve;
- Steel Park;
- Richardson's Lookout;
- Warren Park;
- Cooks River Foreshore;
- Kendrick Park; and
- Fatima Island.

The Cooks River Parklands are located in the suburbs of Marrickville and Tempe, in the southern portion of the Local Government Area previously known as Marrickville (now Inner West Council) as shown in the regional context in Figure 1. The parks and reserves are adjacent to the Cooks River and zoned RE1 Public Recreation, two with heritage items.

Figure 1 – Location Plan - Regional Context



The area covered by the PoM and MP is shown in Figure 2.

Figure 2 – The area covered by the Plan of Management



1.2 Property Details

The legal description of the lands proposed for categorisation is outlined below. Land is classified as either community land or crown land.

HJ Mahoney Reserve

HJ Mahoney Reserve is bounded by Wharf Street to the north, Illawarra Road to the east, the Cooks River to the south and the Marrickville Golf Course to the west. It is a quiet park that is used for both passive and active recreation, with an informal open character. The perimeter of the park is lined with spreading mature shade trees, while the centre of the park is an open playing field. The river edge has excellent views along the river in both directions.

Land details	HJ Mahoney Reserve
Title information	Lot 1, DP504365, Lot 2, DP504365, Lot 3, DP10133, Lot 4, DP10133, Lot 5, DP10133, Lot 6 DP10133, Lots 7 & 8, DP10133, Lot A, DP1164, Lots 55 to 57 incl. Sec. 1 DP272, Lots 43 & 44, Sec. 2 DP272, Lot 45, Sec. 2, DP272, Lot 46 & 47, Sec. 2, DP272, Lot 48, Sec. 2, DP272, Lot 49 & 50, Sec. 2 DP272, Part Lots 46 to 49 incl. Sec 1 DP272, Lots 54 & 58, Sec 1 DP272, Lots B to F incl. and Part Lot G, DP1164, Part Lot G, DP1164, Part Lots 46 & 49, Sec. 1 DP272. Closed road (formerly Livingstone Rd) Govt. Gaz. 5.1.1945. Closed roads (formerly Beauchamp Rd and Riverside St) Land grant 26.5.1965.
Ownership	Marrickville Council
Location	HJ Mahoney Reserve is located in the suburb of Marrickville, in the southern portion of the Marrickville Local Government Area (Refer Figures 1 and 2)
Total area	33,000 m2
Zoning	RE1 Public Recreation
Classification	Community Land

Steel Park

Steel Park is bounded by Thornley Street to the north, residential properties and the Cooks River Foreshore Park to the east, the Cooks River to the south and Illawarra Road to the west.

Steel Park is one is the busiest parks in the Marrickville Local Government Area. The park has had recent upgrades and includes playing fields, natural areas, play elements including a water play park, sports centre, amenities building, a shared pathway along the riverside and exercise equipment.

The character of Steel Park is dominated by three major elements; the Debbie and Abbey Borgia Community Recreation Centre (DAB), the sports fields and the river edge with its vegetation and play facilities. The DAB is located in the north-western corner of the park, and the scale of the building, large car parking areas and fencing dominate this park area. The DAB includes indoor sports courts, administration offices, a café and circulation spaces. A separate Management Plan is being prepared to address the proposed expansion of the DAB which will include child care, an expanded DAB facility and relocated car parking. The DAB / future day care facility configuration 'turns away' from Steel Park, rather addressing Illawarra Road and Thornley Street.

The open nature of the playing fields contrasts strongly with the tall dense river edge and playground vegetation and the DAB. The tall trees planted in grid formation around the play facilities provide a unique experience with filtered light and shade in summer and access to sun in winter. The play facilities themselves contribute to the parks character with their high visitation and close proximity to the car park and access points to the park. The river edge is dominated by tall lush vegetation which is visible from all parts of the park and acts as a distinctive visual marker for the river.

Land details	Steel Park
Title information	Lot 8 to 14 inclusive in D, parts of Lots 1 to 7 inclusive and part of Lot 21 of Sec. 10 in DP1142, Lot 1 in DP165198, Lots 101 and 102 in DP872574, Lots A and B in DP444772, Lots B, C and E in DP396792, Lot B in DP312643 Lot 1 in DP169629, Lots 1 to 9 inclusive and Lot 12 DP10415, Lot 1 in DP304931, Lot 1 in DP106006, Lot 1 DP324452, Lot 1 in DP181731, DP180155, Part 10 in DP68580.
Ownership	Marrickville Council
Location	Steel Park is located in the suburb of Marrickville, in the southern portion of the Marrickville Local Government Area (Refer Figures 1 and 2)
Total area	63,000 m2 (approx.)
Zoning	RE1 Public Recreation
Classification	Community Land

Warren Park, Richardson's Lookout and the Cooks River Foreshore

Warren Park is bounded by Thornley Street to the north, residential properties to the east, the Cooks River Foreshore Park to the south and residential properties to the west.

Richardson's Lookout is bounded by Holt Crescent to the north, residential properties to the east, Thornley Street to the south and Mansion Street to the west.

The Cooks River Foreshore is bounded by Warren Park to the north, Mackey Park to the east, the Cooks River to the south and Steel Park to the west.

Richardson's Lookout, Warren Park and the Cooks River Foreshore are local parks dominated by their park topography. Each of the parks are flat or slightly undulating and are separated by steep rock escarpments that are covered in dense vegetation. The flat areas are dominated by open turf and used as flexible kick-about spaces.

The dense vegetation, terraced landscape and an outlook over the river and middle distant horizon, helps create a park character that is peaceful and natural. The parks orientate themselves towards the Cooks River and the vegetation within the parks shield park visitors from the rest of the city and the dense urban character of the nearby suburbs.

Land details	Warren Park
Title information	Lot 1, DP582062, Lot 2 DP582062
Ownership	Marrickville Council
Location	Warren Park is located in the suburb of Marrickville, in the southern portion of the Marrickville Local Government Area (Refer Figures 1 and 2)
Total area	7,435 m2 (approx.)
Zoning	RE1 Public Recreation and heritage item
Classification	Community Land

Land	Richardson's Lookout
Title information	Lot 3, DP582062, Lot 1, DP582062, Lot 4, DP582062, Lot 5, DP582062
Ownership	Marrickville Council
Location	Richardson's Lookout is located in the suburb of Marrickville, in the southern portion of the Marrickville Local Government Area (Refer Figures 1 and 2)
Total area	9,120 m2 (approx.)
Zoning	RE1 Public Recreation and heritage item
Classification	Community Land

Land	Cooks River Foreshore
Title information	Lot 2, DP582062
Ownership	Crown
Location	Cooks River Foreshore is located in the suburb of Marrickville, in the southern portion of the Marrickville Local Government Area (Refer Figures 1 and 2)
Total area	9,255 m2 (approx.)
Zoning	RE1 Public Recreation
Classification	Crown land and community land

Mackey Park

Mackey Park is bounded by Premier Street and Richardson's Crescent to the north, Richardson's Crescent and Bayview Avenue to the east, Cooks River to the south, and Carrington Avenue, Cooks River Foreshore Park and residential properties to the west. It is a large riverside park and has a strong sports focus with large areas of the park designated as playing fields. The park contains three buildings; an amenities building, the Concordia Club and Croquet greens, and River Canoe Club. The Concordia Club is located within the boundaries of Mackey Park, however is outside the scope of the PoM and MP. The Cooks River is adjacent the park, but is difficult to see from most areas due to riverside earth mounding.

Mackey Park is predominantly crown land with a small parcel of community land, as shown in the figure in section 2.2.

The character of Mackey Park is dominated by the vast open space of the playing fields, and horizon views can be obtained from the playing fields. The wide horizon and views provide a sense of space and openness. This character contrasts significantly with the river foreshore shared pathway. This section is dominated by tall trees, dense shade and picturesque water views along the Cooks River.

Land	Mackey Park
Title information	Lot 1, DP908763
Ownership	Marrickville Council
Location	Mackey Park is located in the suburb of Marrickville, in the southern portion of the Marrickville Local Government Area (Refer Figures 1 and 2)
Total area	53,000 m2
Zoning	RE1 Public Recreation
Classification	Community land

Kendrick Park and Fatima Island

Kendrick Park and Fatima Island are situated in the suburb of Tempe. Kendrick Park is bordered by the Illawarra railway line to the west, Cooks River to the south, the Princes Highway to the east and residential Tempe to the north. Kendrick Park is a moderately used park with picturesque views across the Cooks River. Fatima Island is a small ephemeral island located in the centre of the Cooks River channel. The island is comprised of several small trees and a failing rock wall.

Kendrick Park is bounded by View Street and residential properties to the north, Princes Highway to the east, Cooks River to the south and the Tempe train station and rail line to the west.

Fatima Island is an ephemeral island located in the Cooks River. The island is surrounded by tidal river water which means the island edges expand and contract according to the river tidal currents and flood levels.

Kendrick Park and Fatima Island are predominantly crown land, however Kendrick Park includes a small parcel of community land, as shown in the figure in section 2.2.

The character of Kendrick Park is defined by the proximity of the Princes Highway, the Cooks River and a planted escarpment north of the park. Close to the highway traffic noise and air pollution create an unfavourable experience along the transport corridor interface. Elsewhere, an open kick-a-bout space with picturesque views to the river, extensive native vegetation and a rock escarpment provide a relaxed natural character.

Land	Kendrick Park
Title information	Lot 1, DP124369
Ownership	Marrickville Council
Location	Kendrick Park is located in the suburb of Tempe, in the south-eastern portion of the Marrickville Local Government Area ((Refer Figures 1 and 2)
Total area	20,458 m2
Zoning	RE1 Public Recreation
Classification	Community land

Land	Fatima Island
Title information	Lot 638, DP46579
Ownership	Crown
Location	Fatima Island is located in the Cooks River within the suburb of Tempe, in the south-eastern portion of the Marrickville Local Government Area (Refer Figures 1 and 2)
Total area	190 m2
Zoning	RE1 Public Recreation
Classification	Crown Land

1.3 Details of Public Hearing

A public hearing was held during the public exhibition period for the *Cooks River Parklands Plan of Management + Master Plan, May 2016* (PoM and MP), in accordance with the provisions of Section 40A of the *Local Government Act (1993)*.

The draft PoM and MP provide the strategic framework for the future management and use of the Cooks River parks and reserves. The preparation of the PoM and MP included site appraisal, site analysis, community engagement and design. Community engagement provided an evidence base to inform the development of the PoM and MP.

Public exhibition of the draft PoM and MP was endorsed by Marrickville Council at their meeting on 3 May 2016. Notice of the public exhibition and the public hearing were advertised on Council website, and published in Council's column in the local newspaper, *The Inner West Courier*.

The public exhibition and display of the documents is for 28 days, with the submissions received until 15 June 2016.

The draft PoM and MP was made available for public review on Council website, at Council's Customer Service Centre in Petersham, and the public library in Marrickville, Dulwich Hill, Stanmore and St Peters. A notice was also placed on the subject lands and interest groups and organisations informed through a letterbox drop.

As required under the *Local Government Act (1993)*, Council appointed an independent facilitator to conduct the public the hearing and prepare the public hearing report. The public hearing was held on Wednesday 1 June 2016 commencing at 6.00 pm at the Petersham Administration Centre meeting room. The public hearing was attended by two Council officers and three members of the public. The hearing closed at 7.15pm.

2 CATEGORISATION OF COMMUNITY LAND

2.1 Guidelines for Categorisation of Community and Crown Lands

Community land - Local Government Act requirements

Public land under the control of Council must be classified as either 'community' or 'operational' land. Land classified as 'community' land is required to be categorised in accordance with the guidelines for categorisation listed in the Local Government (General) Regulation (Part 4, Division 1). In accordance with Section 36(4) of the *Local Government Act (1993)*, a Plan of Management for community land must identify the category of land.

The plan of management must include the following:

- The categorisation of the land.
- Objectives and performance targets of the plan with respect to the land.
- The means by which Council proposes to achieve its performance with respect to the plan's objectives and performance targets.
- The condition of the land and of any buildings improvements on the land.
- The use of the land and of any buildings or improvements as at the date of adoption.
- Specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.
- Describe the scale and intensity of any such permitted use or development.

Community land must be categorised as one of the following:

- A natural area
- A sportsground
- A park
- An area of cultural significance
- General community use

If an area is categorised as 'natural area', there are several subcategories - bushland, wetland, escarpment, watercourse and foreshore, with respective guidelines for each sub-category.

The nature and use of community land may not change without an adopted plan of management. All community land requires a plan of management to govern and manage use of the land.

Crown land - Management requirements

From the *Crown Lands Act 1989*, the principles of Crown land management are:

(a) That environmental protection principles be observed in relation to the management and administration of Crown land.
(b) That the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible.
(c) That public use and enjoyment of appropriate Crown land be encouraged.
(e) That, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and

(f) That Crown land be occupied, used, sold, leased, licenced or otherwise dealt with in the best interest of the State consistent with the above principles.

2.2 Proposed Categories

The draft PoM and MP proposes the re-categorisation of community and crown land to *Sportsground, General Community Use* and *Natural Area – foreshore*. The categorisations meet the core objectives of the *Local Government Act (1993)* and *Crown Lands Act 1989,* and Council's commitment to recreation facilities and services. The core objectives for each category are provided in the following table.

Category	Core Objectives for Management
Sportsground (LGA 1993 Section 36F)	• To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and • To ensure that such activities are managed having regard to any adverse impact on nearby residences.
General Community Use (LGA 1993 Section 36I)	To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and the wider public: (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).
Natural Areas – foreshore (LGA 1993 Section 36N)	• To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and • To facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

The categories *Sportsground, General Community Use* and *Natural Area – foreshore* are considered to be consistent with the proposed use of the community and crown lands within the requirements of the *Local Government Act 1993/Crown Lands Act 1989*, and as described in the draft PoM and MP. The following figures show the proposed categorisation of each park and reserve.

HJ Mahoney Reserve



Figure 21: Land categorisation plan_ HJ Mahoney Reserve.

Steel Park



Figure 22: Land categorisation plan_ Steel Park.

Warren Park, Richardson's Lookout and Cooks River Foreshore



Figure 23: Land categorisation plan_ Richardson's Lookout, Warren Park and the Cooks River Foreshore.

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Mackey Park



Figure 24: Land categorisation plan_ Mackey Park.

Kendrick Park and Fatima Island



Figure 25: Land categorisation plan_ Kendrick Park.

Attachment 3

3 DISCUSSION OF ISSUES

Three members of the public attended at the public hearing and two Council representatives who had been involved in the development of the PoM and MP. No written submissions were tabled regarding the proposed categorisation however one attendee said he had made a submission through Council's website.

Throughout the presentation of the PoM and MP and proposed categorisations, comments were sought, received and recorded. The presentation included the process of development of the PoM and MP, proposed changes to the parks and reserves, and discussion of the re-categorisation of each park or reserve.

Discussions throughout the presentation are summarised and focussed on the following issues and comments.

- Letterbox drop area: Comment that the letterbox drop notice was not received in Bruce Street Marrickville. *Council described the distribution area which included Bruce Street Marrickville.*
- Liaison with adjacent Councils: Discussion of meetings and conversations with adjacent Council areas (Rockdale and Canterbury) which have been undertaken to ensure the PoM and MP are aligned with other planning occurring in those areas.
- Riparian zone: Discussion of the boundary of the river riparian zone, and the location of proposed pathways to minimise impacts on the riparian zone. Concern about the impacts on the biodiversity and a path in the riparian zone, and a new path should not be in the riparian zone. *Council advised that the path locations are not located in the riparian zone.*
- Tempe Railway Station: Council advised that discussions with RailCorp have enabled an improved pedestrian access at Tempe Railway Station to bypass the car park, and that flooding issues are being addressed by RailCorp. *Attendees were pleased to hear about the improved pedestrian access.*
- Walking paths: Discussion that walking paths are used by cyclists and people, with some cyclists using the paths like a 'racecourse', which creates a rushed feeling rather than a relaxing walk. Concern that the bike path will connect at the golf course tee-off 1 in HJ Mahoney Reserve, an area where people congregate and talk together, and cyclist could impact on that activity. Comment that where there are bike paths people do not linger and talk, and 'linger spots' would be preferred. Concern that people on foot wait for golfers however bikers may not. *Council agreed to review the plans and consider these comments.*
- Steel Park: Discussion of path safety and the changes proposed to improve visibility for path users, so both pedestrians and cyclists will be able to see each other from a distance. Council commented that the childcare and sports centre are being addressed in another plan.
- Richardson's Lookout, Warren Park and Cook's River Foreshore: Discussion of the salt marsh area and retaining wall area with species selected by Council's biodiversity group.
- Submissions: Council explained the process that is undertaken to address issues raised through Council's "Your Say" web page.
- Mackey Park: Concern that changes to the Concordia Club car park may impact commuters, and park users.
- Kendrick Park and Fatima Island: Query about signage proposed. *Council stated that three new signs are planned.*

All attendees indicated they were in favour of each of the categorisations proposed as shown in the Figures in section 2 of this report and in the draft PoM and MP.

The public hearing was completed and closed following a reminder of the date for final submissions and where copies of the draft PoM and MP are available.

4 RECOMMENDATION

Having considered the information provided by Inner West Council (previously Marrickville Council), it is concluded that Council proceed with the proposed categorisation of the Cooks River Parklands community land as *Sportsground*, *General Community Use* and *Natural Area* – foreshore as described in the draft Plan of Management and Masterplan, dated May 2016.

Item 23

Item No: C0916 Item 23

Subject: SSROC TENDER FOR IMPROVING RECYCLING AND CONTAMINATION MANAGEMENT IN MULTI UNIT DWELLINGS (MUDS)

File Ref: 16/507/104990.16

Prepared By: Cheryl Walker - Resource Recovery / Waste Management Officer, Ashfield and Sarah Le - Sustainability and Resource Recovery Officer, Ashfield

Authorised By: Cathy Edwards-Davis - Director, Public Works and Phil Sarin - Director Environment & Planning

SUMMARY

The Southern Sydney Regional Organisation of Councils (SSROC) Incorporated, an association of member councils including the Inner West Council (IWC), has undertaken a tender process to select a consultant to conduct the works in the project "Improving Recycling and Contamination Management in Multi Unit Dwellings (MUDs)". The former Councils of Ashfield and Leichhardt are in a signed Memorandum of Understanding (MOU) to participate in this project. After a thorough tender evaluation, the SSROC Waste Management Group have selected a preferred tenderer.

The full tender report and findings is attached as **Confidential Attachment 1**.

RECOMMENDATION:

THAT:

1. **Council resolves that Confidential Attachment 1 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) and 10A(2)D(i) of the Local Government Act 1993;**

2. **the report be received and noted; and**

3. **under Section 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the tender recommended as the most advantageous tender for Tender Number SSROC T2016-02, Improving Recycling and Contamination Management in Multi Unit Dwellings (MUDs).**

BACKGROUND

As part of the Southern Sydney Regional Organisation of Councils (SSROC) Waste Management Group's work plan for 2016, it was identified that a tender process would be required to appoint a consultant to undertake the works in the project *Improving Recycling and Contamination Management in Multi Unit Dwellings (MUDs)*.

The project aims to test the effectiveness of various approaches to improving recycling in Multi-unit dwellings which tend to have lower recycling rates and higher contamination compared to single-unit dwellings. The former Councils of Ashfield and Leichhardt are in a signed Memorandum of Understanding (MOU) to participate in this pilot project.

Participating in this project will help residents of selected multi-units dwellings to recycle better and will provide useful insight to inform the planning of future recycling education programs.

Tender Process

The tender process was conducted in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and the Department of Local Government's Tendering Guidelines. The Tender Assessment Panel comprised of four (4) evaluation members and one (1) governance/probity evaluation chair (with representation from Resource Recovery/Sustainability Officers and Procurement & Contract Managers).

Four (4) tender submissions were received and evaluated. The evaluation criteria: quality and consistency as non-price criteria, plus submitting a suitable price (financial/ price criteria) with detailed pricing schedule as per the RFT requirements proved the difference in the overall ranking of one submission over another.

A detailed price comparison is located in **Confidential Attachment 1**.

FINANCIAL IMPLICATIONS

The project will be funded from the NSW EPA Better Waste and Recycling Funds held by SSROC on behalf of the region, together with small contributions from each of the participating councils. The former Ashfield and Leichhardt Councils had previously agreed to the funding contributions as part of the MOUs. The Inner West Council's contribution is allocated from the 2016-17 Better Waste and Recycling Funds of both Ashfield Service Centre and Leichhardt Service Centre.

PUBLIC CONSULTATION

No public consultation was required for this report.

CONCLUSION

The procurement process has complied with the relevant legislative requirements for tendering and with Council's Procurement Policy. It is recommended Council accept the successful tender respondent in accordance with the **Confidential Attachment 1**.

ATTACHMENTS

1. SSROC Inc. Waste Management Group Tender Recommendation Report - Improving Recycling and Contamination Management in Multi Unit Dwellings - *Confidential*

Item 24

Item No: **C0916 Item 24**

Subject: **SSROC TENDER FOR THE PROVISION OF TREE PRUNING SERVICES**

File Ref: 16/507/93054.16

Council at its meeting on 23 August 2016 resolved that the matter be deferred to the meeting to be held on 27 September 2016.

Prepared By: Joe Cavagnino - Procurement & Contracts Coordinator, Leichhardt

Authorised By: Peter Gainsford - Director, Corporate Services

SUMMARY

Inner West Council uses a mix of internal and external contractors for Tree Pruning Services across the Council area. The former Councils of Ashfield, Marrickville and Leichhardt have all agreed to participate in this tender, with a view to entering into a supply contract with a panel of preferred tenderers. After a thorough tender evaluation, SSROC have recommended a panel of contractors for the Inner West region for the above-mentioned services.

The full tender report and findings is attached as **Confidential Attachment 1**.

RECOMMENDATION

THAT:

1. **Council resolves that Confidential Attachment 1 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) and 10A(2)D(i) of the Local Government Act 1993;**
2. **the report be received and noted; and**
3. **Council enter into a supply agreement with a panel of tree pruning providers for tree pruning services across the Inner West Council area for a period of 2 years with an option to extend for a further 3 x 1 years.**

   The panel recommended for the Inner West Region is:

   - **Asplundh Tree Expert (Australia) Pty Ltd**
   - **Australian Urban Tree Services Pty Ltd**
   - **TreeServe Pty Ltd**
   - **Sydney Arbor Trees Pty Ltd**

BACKGROUND

The Inner West Council uses a mix of internal and external providers for tree pruning services across the Inner West Council area. All of the former Councils of Ashfield, Marrickville & Leichhardt have participated in this SSROC contract over the past and will use the panel of providers for operational needs.

FINANCIAL IMPLICATIONS

Council currently has an operational budget that allows for these services. A panel of pre-qualified contractors will enable the Council's to seek quotes on individual higher value works, which will provide for a more competitive environment and in turn deliver value for money.

OTHER STAFF COMMENTS

Staff of the former Councils of Ashfield, Marrickville & Leichhardt have been consulted and have agreed to participate in the provision of Tree Pruning Services.

PUBLIC CONSULTATION

This is an operational tender, thus no public consultation was required.

CONCLUSION

That council enters into a supply contract with the above panel of providers for under the terms offered in the SSROC Preferred Master Supplier Agreement for a period of 2 years with an option to extend for a further 3 x 1 years.

ATTACHMENTS

1. Executive SSROC Tender Recommendation Report - *Confidential*

Item 25

Item No: C0916 Item 25

Subject: TENDER T06-16 - REHABILITATION OF REGENT STREET, LEICHHARDT STORMWATER LINE PROJECT

File Ref: 16/507/106647.16

Prepared By: Tony Nguyen - Senior Project Engineer, Leichhardt

Authorised By: Wal Petschler - Director, Major Projects and Engineering

SUMMARY

The proposed works will address the rehabilitation of a deteriorated stormwater line located beneath residential properties within the area of Regent Street, Flood Street, Burfitt Street, Foster Street and Daniel Street, Leichhardt.

The full tender report and findings is attached as **Confidential Attachment 2**.

RECOMMENDATION

THAT:

1. **Council moves into closed session to deal with this matter as the information contained in Confidential Attachments 2 and 3 of this report are classified as confidential under the provisions of Section 10A (2) (c) and (d) of the Local Government Act 1993 for the following reasons:**

   a) **The information within this report, if disclosed, could confer a commercial advantage on persons with whom the Council proposes to or may conduct business; and**

   b) **It is not in the public interest to reveal all details of these Tenders or the assessment process. Companies have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by companies could result in the withholding of such information by companies and reduction in the provision of information relevant to Council's decision.**

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, WHERE THE MEETING IS NOT CLOSED:

THAT:

1. **Council resolves that Confidential Attachments 2 and 3 to the report be treated as confidential in accordance with Section 10A (4) of the local Government Act 1993, as they relate to a matter specified in Section 10A (2) (c) and (d) Local Government Act 1993 and as such should be confidential;**

2. **the report be received and noted; and**

3. **Council adopts the recommendations contained within Confidential Attachments 2 and 3.**

BACKGROUND

Council's CCTV pipeline inspection program has identified that the stormwater pipeline extending from the corner of Regent Street and Flood Street through to Daniel Street, via Burfitt Street and Foster Street, is in poor condition and requires rehabilitation. The majority of the pipeline passes through private properties, located between these streets.

The pipeline is in the order of 120 years of age and is constructed of brickwork, with concrete and vitrified clay inlet pipes connecting from the public roads and surrounding properties. The proposed rehabilitation works are essential to maintain the long term integrity of the pipeline for the conveyance of stormwater and to ensure no adverse impacts on the roads and properties above.

As the pipeline passes beneath or in close proximity to a large number of dwellings and residential flat buildings, replacement and/or upgrade of the pipeline through traditional methods involving excavation is not feasible. The rehabilitation of pipelines through non-destructive methods, such as pipe lining, is known to significantly extend the life of stormwater assets.

The area of stormwater assets for rehabilitation/renewal is shown in **Attachment 1**.

FINANCIAL IMPLICATIONS

$350,000 has been allocated in the 2016/2017 Stormwater Program to undertake this rehabilitation project.

OTHER STAFF COMMENTS

Council's officers have been liaising with Sydney Water throughout the design processes and were supportive of the project.

PUBLIC CONSULTATION

Residents affected by the works will be notified prior to the works starting as per Council's policy.

ATTACHMENTS

1. ⇩ Plan of Proposed Works
2. Executive Tender Recommendation Report - *Confidential*
3. Tender Evaluation Summary Sheet - *Confidential*

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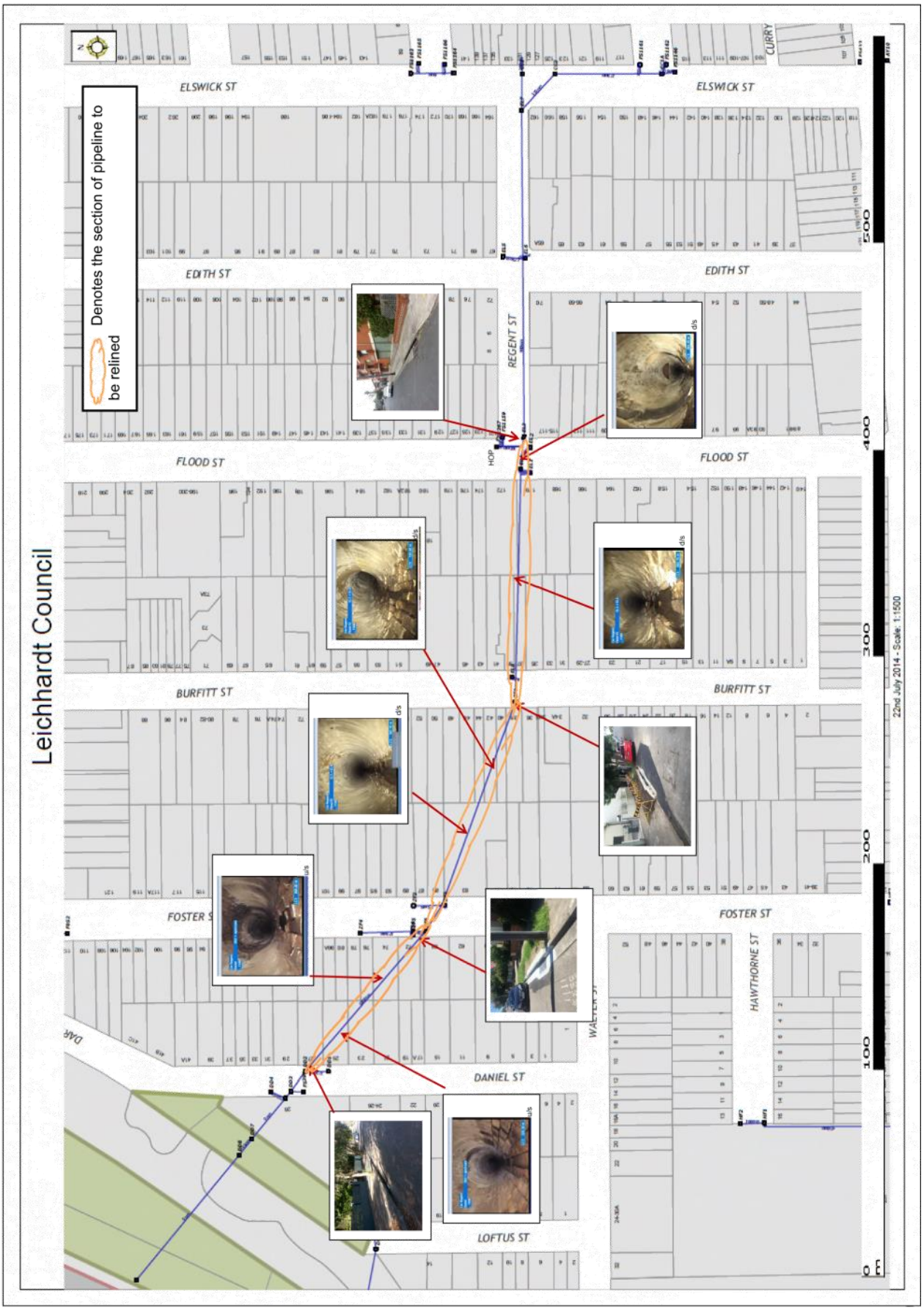

Attachment 1

Item No: C0916 Item 26

Subject: FORMATION OF AN AUDIT & RISK COMMITTEE OF INNER WEST COUNCIL

File Ref: 16/7105/106543.16

Prepared By: Tanya Whitmarsh - Manager Governance and Risk, Marrickville

Authorised By: Peter Gainsford - Director, Corporate Services

SUMMARY

The former Ashfield, Leichhardt and Marrickville Councils have strong traditions of voluntarily operating Audit & Risk Committees. The NSW Governor has recently granted royal assent to major changes to the *Local Government Act 1993* that will, among many other things, mandate the operation of an "Audit, Risk and Improvement Committee" at each Council.

It will take some time for all of the new legislative provisions to commence and subsequently take full effect. In the meantime, swift revitalisation of the internal audit function supported by a new Audit & Risk Committee is highly desirable for placing Inner West Council on a stronger footing as it navigates its way through an extremely important formative time. It will also provide an excellent foundation for making the transition to the new legislative framework.

RECOMMENDATION

THAT Council

1. **Council moves into closed session to deal with this matter as the information contained in Confidential Attachment 3 of this report is classified as confidential under the provisions of Section 10A (2) (c) of the Local Government Act 1993 for the following reasons:**

   a. information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

   and, in accordance with Sections 10A (4) of the Local Government Act 1993, that the Administrator allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, WHERE THE MEETING IS NOT CLOSED

THAT Council:

1. **resolves that Confidential Attachment 3 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they related to a matter specified in Section 10A(2)(d) of the Local Government Act 1993;**
2. **establishes an Audit & Risk Committee of Inner West Council comprising three independent members (including the Chair) and seeks expressions of interest from people who were serving as independent members of the Audit & Risk Committees of the former Ashfield, Leichhardt and Marrickville Councils when those Councils were dissolved;**
3. **seeks to appoint one former representative from each of the Audit & Risk Committees of the former Ashfield, Leichhardt and Marrickville Councils and in the event that there is insufficient interest to meet this criterion that a merit selection process be adopted to identify another candidate/s from the pool of interested persons;**

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4. **conducts a merit selection process where more than one person nominates themselves for the role Chair;**

5. **contracts independent members of the new Audit & Risk Committee to serve terms as members from 1 November 2016 to 31 October 2018;**

6. **adopts the proposed Audit Committee Charter and the proposed Internal Audit Charter appearing as Attachment 1 and Attachment 2 of this report; and**

7. **sets the remuneration of Audit & Risk Committee members of Inner West Council in accordance with the recommendations contained in Confidential Attachment 3.**

BACKGROUND

The operations of the former Ashfield, Leichhardt and Marrickville Councils all featured well established Audit & Risk committees. When those Councils were dissolved on 12 May 2016 to form the Inner West Council, the committees were also automatically dissolved as a result of the Proclamation that established the new Council. Since then officers of Council have been carefully monitoring legislative developments of relevance to the establishment and operation of such committees.

Even though the Department of Premier & Cabinet has provided advice encouraging early establishment of new Audit & Risk Committees in newly merged Councils, this aspiration was not mandated under legislation. The *Local Government Act 1993* does not currently make the establishment and maintenance of Audit & Risk Committees compulsory. However, many a Council has established them in the last 5 to 10 years. The most active Committees are typically those that have been sponsored by Councils that are particularly active in embracing enterprise risk management.

In February 2016 the NSW State Government released its first tranche of proposals for major changes to the *Local Government Act 1993* as part of its *Fit For The Future* local government reform program. The proposals were mainly focused on a range of governance and planning functions as well as auditing of Councils. They included provisions concerning the mandatory appointment of an "Audit, Risk & Improvement Committee" in each Council.

NSW Parliament recently passed legislation – the *Local Government Amendment (Governance and Planning) Act 2016* - to amend the *Local Government Act 1993* in line with all of the recommendations for change that were proposed in February 2016. The amending legislation was given royal assent on 30 August 2016 but only a small number of its provisions have commenced. The provisions pertaining to the mandatory operation of Audit, Risk & Improvement Committees are among the many that have not yet commenced.

A transitional provision under the *Local Government Act 1993* – see Schedule 8 Section 123 – indicates that the establishment of an Audit, Risk & Improvement Committee is not required until 6 months after the next ordinary election of councillors that follows the commencement of related provisions that have yet to commence. If the next ordinary election of councillors proceeds as expected in September 2017, this provision to commence compliance with all statutory requirements would be triggered for Inner West Council in March 2018, as long as the other provisions commence before a September 2017 election.

DISCUSSION

The former Ashfield, Leichhardt and Marrickville Councils have strong traditions of voluntarily operating Audit & Risk Committees. The NSW Governor has recently granted royal assent to major changes to the *Local Government Act 1993* that will, among many other things, mandate the operation of Audit, Risk & Improvement Committees.

It will take some time for all of the new legislative provisions to commence and take full effect. In the meantime, swift revitalisation of the internal audit function supported by a new Audit & Risk Committee is highly desirable for placing Inner West Council on a stronger footing as it navigates its way through an extremely important formative time. It will also provide an excellent foundation for making the transition to the new legislative framework.

The internal audit function has continued to be active to various degrees since the creation of Inner West Council. There is a backlog of completed assurance and compliance audits to be reviewed. Some internal audit activity has continued in line with established audit plans. Such audit planning needs to be reviewed and refreshed to better support challenges associated with the recent Council merger.

Charters for Audit Committees and the Internal Audit Function

A review of Charters for the Audit & Risk Committee and the Internal Audit function of the legacy Councils revealed strong similarities. New Charters modelled on the ones that were most recently the subject of third party review against international industry standards - set by the Institute of Internal Auditors (IIA) - appear to be the best balanced choices for the new Committee. Those Charters include requirements for annual review of the Charters. However, it is possible that the Charters and related obligations may need review in less than 12 months as a result of changes in NSW legislation for local government.

Council officers are well positioned to assist incoming Committee members with advice and resources on emerging statutory requirements and better practice approaches from industry leaders such as the IIA, the Australian National Audit Office (ANAO), the Audit Office of NSW and the NSW Office of Local Government (OLG). No doubt the OLG will work closely with Local Government Internal Auditors Network (LGIAN) to undertake a major revision of *Internal Audit Guidelines* issued under Section 23A of the *Local Government Act 1993*.

Proposed inaugural charters for the Audit & Risk Committee and the Internal Audit function appear as **Attachment 1** and **Attachment 2** respectively of this report.

Audit Committees of the former Ashfield, Leichhardt and Marrickville Councils

Audit Committees for each of the legacy Councils were composed somewhat differently:

- Ashfield – comprised three independent members, from which a chair was drawn annually by agreement among Committee members, and two Councillors
- Leichhardt – comprised two independent members and a Councillor with one of the independent members appointed as chair for the duration of their term on the Committee
- Marrickville – comprised two independent members and the Mayor (or Deputy Mayor in the Mayor's absence) with one of the independent members appointed as chair for the duration of their term on the Committee

Terms of appointment of independent members to each of the Committees have varied considerably across and within Committees due to a range of historical factors. In one case an appointment fill a vacancy occurred early this year. Other appointment periods were close to coming to an end, one appointment had been allowed to roll over without a clear end date and a couple were due to run for approximately another two years. Standard terms of appointment for independent members were typically three or four years. Collectively, the total number of independent members of the three former Committees was six (6).

All former Committees normally met four times a year. At the time that Committees were automatically dissolved on 12 May 2016 Leichhardt and Marrickville had the same person holding the position of chair for their Committees.

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Council could go to the market to seek fresh expressions of interest in membership of an Audit & Risk Committee of Inner West Council. However, it seems prudent to take advantage of existing expertise among former independent Committee members whose terms were cut short by the Council merger process. A minimum of three (3) independent members is viable to sustain a strong Audit & Risk Committee until such time as a newly elected Council is in place and ready to review Committee requirements. The current *Internal Audit Guidelines* (2010) issued by the NSW Office of Local Government under Section 23A of the *Local Government Act 1993* recommends that an Audit Committee "ideally" comprise three to five members.

It is in the interest of Council to form a new Audit & Risk Committee as soon as possible. There is a backlog of audit reports to consider and there is a compelling need to have Committee members consider very important requirements for Audit & Risk Committee operation that are emerging as part of legislative changes. It is likely that recently serving members of former Committees can be brought together more rapidly than ones brought together through an open Expression of Interest process. The other key advantage of encouraging members of former Committees to serve on the new Committee is that they can draw on recent local knowledge and experience that is particularly valuable during a period of transition.

It seems prudent to offer former Committee members the opportunity to serve 2 year terms from 1 November 2016 to 31 October 2018. This two year window will increase the chances of retaining the proven skills of experienced and knowledgeable members who may have otherwise been planning on stepping away from Committee once their former terms were complete. Potential candidates who are uncertain about what legislative changes may bring may be more inclined to commit to a relatively short term appointment. The arrangement will also give the incoming elected Council reasonable time to consider the performance of the Audit & Risk Committee and any structural changes it may wish to make to its composition and direction.

Remuneration Arrangements

Remuneration arrangements for independent members of Audit Committees were quite different across the legacy Councils when the former Committees were dissolved on 12 May 2016. The standard sitting fees offered to independent members varied. Two former Councils offered higher remuneration for the Chairs of their Committees compared to fees paid to independent members who did not hold that office. It also appeared that there were differing practices around review of payment levels. Two former Councils had a clear policy of indexation of pay increases in line with annual Local Government Remuneration Tribunal determinations.

More details about remuneration arrangements are contained in **Confidential Attachment 3** along with recommendations about future arrangements.

FINANCIAL IMPLICATIONS

Budget funding is already available to support the operation of an Audit & Risk Committee and ongoing operations of the Internal Audit Function.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Nil.

CONCLUSION

It is in the interest of Council to form a new Audit & Risk Committee as soon as possible. It is also in the interest of Council to draw upon the expertise of former independent members of Audit Committees from legacy Councils that have merged to become Inner West Council. Those former members who are willing to help Inner West Council on the early part of its journey as a new entity can bring very valuable knowledge and local experience to the table.

A new Audit & Risk Committee is needed promptly to help Inner West Council to:

1. Address major legislative changes focused on increasing attention to enterprise risk management, auditing and business improvement
2. Help sustain and build on momentum created in the former Ashfield, Leichhardt and Marrickville Council around enterprise risk management and internal audit
3. Provide Council with advice on priorities that align with fresh strategic directions of the recently formed Inner West Council
4. Establish a reporting regime which ensures that regular reports on the activities of the Audit & Risk Committee of Inner West Council are presented to the body politic of Council.

ATTACHMENTS

1. ⇩ Inner West Council Audit & Risk Committee Charter - v1.1 (Exposure Draft)
2. ⇩ Inner West Council Internal Audit Charter - v1.1 (Exposure Draft)
3. Remuneration Arrangements for Proposed Audit & Risk Committee of Inner West Council - Background Report - *Confidential*

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INNER WEST COUNCIL

AUDIT & RISK COMMITTEE CHARTER

1. PURPOSE

1.1 Special Committee of Council

The Audit & Risk Committee ('the Committee') is a special committee of Council that acts as an advisory body to the Council and has no executive powers, except those expressly provided by the Council.

1.2 Purpose of the Audit & Risk Committee

The purpose of the Committee is to provide independent assurance and assistance to Inner West Council in the effective discharge of its responsibilities for financial reporting, risk management, internal controls, governance and internal and external audit.

1.3 Exercise of authority and access

The Council authorises the Committee, within the scope of its role and responsibilities to:

a) Obtain any information it reasonably requires from the General Manager or external party (subject to legal obligations to protect information)

b) Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations)

c) Request, through the General Manager, attendance of any employee or councillor at Committee meetings

d) Initiate special investigations in relation to matters set out in this Charter

e) Obtain independent professional or legal advice or other professional advice considered necessary to assist in the proper exercise of its responsibilities.

2. COMPOSITION

2.1 Membership

The Committee will consist of:

Members (voting)

- Independent member who is appointed as Chair
- Two (2) independent members

Attendees (non-voting)

- General Manager (or delegate)
- Director Corporate Services (or delegate)
- Manager Governance & Risk (or delegate)

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- Council officers and third parties who have conducted internal assurance and compliance audits for Council (for the purposes of presenting and reviewing findings of those specific audits)
- External Auditor
- Other officers of Council may attend to address agenda items relevant to their area of responsibility

The independent members shall be appointed in accordance with the term set by Council. An independent member may be re-appointed for a further term but shall not serve more than two consecutive terms in either the role of Chair or Member. Consideration may be given to a part term extension to enable independent members to have overlapping terms.

2.2 Expertise

In appointing members to the Committee, the Council will have regard to the following:

a) at least one member shall have accounting or related financial management expertise and experience, with understanding of accounting and auditing standards in a public sector environment; and

b) the members, taken collectively shall have a broad range of skills and experience relevant to Local Government and the operations of Inner West Council.

2.3 Skills development

Committee Members will receive relevant information and briefings to assist them meet their Committee responsibilities. A member of the Committee may, with the approval of the General Manager, attend appropriate seminars or training in respect to issues related to the functions and responsibilities of the Committee.

2.4 Chairperson

One (1) of the independent external members shall be the Chairperson (Chair).

2.5 Secretariat

Council's Manager Governance & Risk shall provide secretariat support to the Committee.

3. Role and Responsibilities

In carrying out its responsibilities, the Committee recognises that primary responsibility for management of Council rests with the Council and the General Manager as defined by the *Local Government Act 1993*. It has a range of responsibilities as follows.

3.1 External Accountability

The Committee must promote an environment at Council that is consistent with best practice financial reporting and governance standards and appropriately reflects the financial status of Council to the community and wider public. In particular, the Committee shall:

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a) satisfy itself that the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements and the adequacy of internal controls

b) review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments

c) consider contentious financial reporting matters in conjunction with Council's management and external auditors

d) review the processes in place designed to ensure financial information included in the Annual Report is consistent with the signed financial statements

e) satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations

f) satisfy itself that there is a performance management framework linked to organisational objectives and outcomes.

3.2 Internal Audit

The Committee will review and assess key areas relating to the Internal Audit function of the Council. In particular the Committee will:

a) act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit

b) review and assess the scope and coverage of the internal audit plan, work program and resources. Consider the adequacy of internal audit resources to carry out its responsibilities including completion of the approved Annual Internal Audit Plan.

c) review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices information

d) review and monitor the implementation of internal audit recommendations by management

e) review the Internal Audit Charter annually to ensure appropriate organisational structures, authority, access and reporting arrangements are in place

f) periodically review the performance of Internal Audit.

3.3 External Audit

The Committee will review and assess key areas relating to the external audit of the Council. In particular, the Committee will:

a) act as a forum for communication between the Council, General Manager, senior management, internal and external audit

b) provide input and feedback on the financial statements and audit coverage proposed by external audit, and provide feedback on the external audit services provided

c) review all external plans and reports in respect of planned and completed external audits and monitor the implementation of audit recommendations by management

d) consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

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3.4 Legislative Compliance

The Committee will:

a) monitor changes of significance in relation to various legislation, statutory instruments, accounting policies and other regulatory and reporting requirements that apply to Council

b) review and consider the effectiveness of systems for monitoring and ensuring compliance with relevant laws, regulations and associated government policies.

3.5 Risk Management

The Committee will oversee the implementation and review of risk management throughout Council as follows:

a) review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud

b) review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings

c) review the impact of the risk management framework on its control environment and insurance arrangements

d) review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

3.6 Control Framework

The Committee will oversee the implementation and review of compliance and related internal control systems throughout Council as follows:

a) review whether management has adequate internal controls in place, including over external parties such as contractors and advisors

b) review whether management has in place relevant policies and procedures, and that these are periodically reviewed and updated

c) progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with

d) review whether appropriate policies and procedures are in place for the management and exercise of delegations

e) review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

3.7 Insurance Program

The Committee will satisfy itself of the adequacy of Council's insurance program.

4. MEETINGS

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4.1 Convening of Meetings

a) The Committee will meet regularly at the times determined by the Committee, but no less than three (3) times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion of same.

b) A forward meeting plan, including meeting dates and agenda items will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit & Risk Committee Charter.

c) A member of the Committee may request that a meeting of the Committee be convened at any other time and the General Manager shall liaise with the Chair in facilitating such a meeting.

d) The internal or external auditor may request that a meeting of the Committee be convened and the General Manager shall liaise with the Chair in facilitating such a meeting.

4.2 Quorum

A majority of members, present in person or by using any technology, constitute a quorum.

4.3 Secretariat

The Secretariat will ensure:

a) the agenda and supporting papers for each meeting are circulated at least one week prior to the meeting

b) the minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within two weeks of the meeting being held.

c) minutes of meetings shall be confirmed at the next meeting of the Committee.

4.4 Conflicts of Interest

a) All Committee members shall make an annual declaration of interests.

b) Committee members shall declare any conflicts of interests at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflicts of interests are to be appropriately minuted.

5. REPORTING

a) At each Committee Meeting, Internal Audit will provide a performance update of the approved Internal Audit Plan of work for the financial year showing the current status of each audit.

b) At the first Committee meeting after 30 June each year, Internal Audit will provide a performance report on the performance of Internal Audit for the financial year, as measured against agreed performance indicators.

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c) At the first Committee meeting after 30 June each year, the annual audited financial statements and reports and external auditor's opinion and reports are to be reviewed and presented for endorsement by the Committee.

d) The Committee may at any time consider any other matter it deems of sufficient importance.

The Committee will provide:

- copies of its minutes to the Council
- an annual report to the Council on the trends / issues that have arisen in the Committee's work over the previous 12 months
- such additional reporting as Council may require.

6. COMMITTEE REVIEW

a) The Committee shall review the scope and effectiveness of its activities and performance at least once every two years.

b) The Committee shall review the Audit & Risk Committee Charter at least once every year.

c) Amendment of this Audit & Risk Committee Charter is subject to the approval of the Council, after review by the Committee and Executive Leadership Team.

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INTERNAL AUDIT CHARTER

1. THE CHARTER

1.1 This Internal Audit Charter (Charter) establishes the purpose, authority and responsibilities of Internal Audit.

2. DEFINITION OF INTERNAL AUDITING

2.1 The following definition of from the Institute of Internal Auditors (IIA) is adopted for the purposes of this Charter:

Internal Auditing is an independent, objective assurance and consulting activity designed to add value and improve and organisation's operations. It helps an organisation to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

3. ROLE

3.1 Internal Audit is an integral part of the corporate governance framework of Inner West Council.

3.2 The primary objective of Internal Audit is to provide independent, objective assurance and consulting services designed to add value and improve Council operations.

4. AUTHORITY

4.1 Internal Audit is responsible for the independent appraisal, examination and evaluation of Council activities, and for reporting to Council on these activities through the Audit & Risk Committee.

4.2 Internal Audit will have full and unfettered access to Council activities, records, property, personnel and such information that is necessary to give full effect to the Internal Audit function.

4.3 Internal Audit will:

a) have full and free access to the Audit & Risk Committee

b) obtain the necessary assistance of staff in the sections of the Council where audits are performed, as well as other specialised services from within or outside the Council as approved by the General Manager.

4.4 All Council officers are obliged to provide any reasonably possible assistance in order to facilitate the efficient and orderly progress of work by Internal Audit.

5. OBJECTIVITY & INDEPENDENCE

5.1 Independence is essential to the effectiveness of internal auditing. This independence is obtained primarily through organisational status and objectivity.

5.2 Internal Audit is independent of the activities that it audits in order to ensure unbiased determinations are reached as part of its mandate to properly conduct its work and provide impartial advice to managers.

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5.2 Internal Audit is administratively responsible to the General Manager, through the Manager Governance & Risk and reports directly to the Audit & Risk Committee.

5.3 The Audit & Risk Committee:

a) reviews and commends Internal Audit Charter updates for adoption by Council

b) comments on the performance of the Internal Audit function

c) is a key discussion forum that identifies areas considered worthy of examination by Internal Audit.

6. RESPONSIBILITIES

6.1 The Audit & Risk Committee is responsible for approving and monitoring the scope of work and performance against the Annual Internal Audit Plan (Audit Plan).

6.2 Council managers are responsible for internal control and risk management of their activities.

6.3 The Manager Governance & Risk is the Chief Audit Executive and is responsible for ensuring that:

a) in-house and third party resources deployed to Internal Audit are well managed

b) the Audit Plan is developed, implemented and reported to relevant Council managers and to the Audit & Risk Committee

c) implementation of audit recommendations are monitored and reported to relevant Council managers as well as the Audit & Risk Committee.

6.4 Internal Audit is responsible for:

a) bringing a systematic, disciplined approach to evaluate and report on the adequacy and effectiveness of risk management, internal controls and governance processes within Council

b) ensuring that the approach is in accordance with the Audit Plan which may occasionally be modified in consultation with the Audit & Risk Committee

c) developing a risk based Audit Plan in consultation with relevant stakeholders

d) carrying out audits in a competent, timely and professional manner in accordance with the Audit Plan and better practice industry standards

e) systematic reporting to managers and the Audit & Risk Committee on audits that have been conducted.

6.5 The existence of Internal Audit does not diminish the financial and operational responsibilities of Council managers for the proper execution and control of activities, including their responsibilities for the periodic conduct of business system appraisals, management of internal controls and risk management.

7. SCOPE

7.1 The scope of Internal Audit activities include, but are not necessarily limited to:

a) reviewing systems and operations to assess the extent to which Council objectives are achieved, as well as the adequacy of internal controls over such activities

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b) assessing the relevance, reliability, timeliness and adequacy of management information

c) appraising expenditure with regard to how well it may represent value for money

d) ascertaining the extent of compliance with established internal policies, plans and procedures as well as legislative / regulatory requirements

e) reviewing the means of safeguarding assets and, as appropriate, verifying the existence of such assets

f) recommending improvements in procedures and systems to prevent extravagance, minimise waste and avoid loss

g) advising, in a consulting capacity, on appropriate systems of internal control and other operational matters

h) reviewing the implementation of software applications for financial management and other administrative systems

i) drawing attention to any apparent failures by responsible officers to effect remedial action

j) carrying out ad-hoc appraisals, investigations, or management reviews in the areas of fraud control, risk management and security or any related areas of focus as identified by the Audit & Risk Committee.

7.2 The scope of Internal Audit work does not extend to:

a) exercising executive or managerial authority or functions

b) performing any operational duties for Inner West Council

c) initiating or approving accounting transactions

d) directing the activities of any staff member, except to the extent such staff have been appropriately assigned to audit teams or to otherwise assist an Internal Auditor

e) involvement in any day to day operations of the Council or its day to day internal monitoring and review functions.

8. REPORTING

8.1 Internal Audit shall present the results of each audit engagement to the Audit & Risk Committee at the next meeting of the Committee that follows the completion of the audit. Draft reports are to be reviewed by relevant responsible managers beforehand so that they can be presented with their feedback, including details of completed actions arising from the audit and future actions to which they are committed.

8.2 At each Audit & Risk Committee meeting, Internal Audit shall provide the Committee with a report summarising all audit activities undertaken during the previous quarter, a status report on the progress of the Annual Internal Audit Plan and any other information sought by the Committee, or considered relevant by the Internal Auditor.

9. PLANNING

9.1 At the end of each financial year, Internal Audit shall update a rolling four (4) year Internal Audit Plan and prepare supporting details on the next Annual Internal Audit Plan of proposed audits so that that they may be endorsed by the Executive Leadership Team and the Audit & Risk Committee before the annual program of work commences for the coming financial year.

Attachment 2



9.2 Identification and prioritisation of work reflected in Audit Plans will be based on assessment of risks pertaining to the achievement of the Council objectives, and on additional information gathered from consultations with key internal stakeholders.

9.3 In developing the Annual Internal Audit Plan (Audit Plan), Internal Audit will consult with the:

a) External Auditor
b) Key managers responsible for business areas to be audited
c) Executive Leadership Team.

9.4 The Co-ordinator, Strategic Risk and Governance, in consultation with the Executive Leadership Team, will provide Internal Audit with relevant and up-to-date risk data to ensure that the final Audit Plan is properly aligned with the Council's risk profile.

9.5 For each audit engagement flagged within the Audit Plan, the Internal Auditor will prepare an individual audit plan and audit program of work for approval by relevant managers prior to the commencement of field work.

10. Quality Assurance & Internal Audit

10.1 The Manager Governance & Risk is to keep the Internal Audit function under review in order to ensure that its work observes relevant standards and meets the requirements of this Charter.

10.2 The Internal Auditor will ensure:

a) that all internal audit work is undertaken proficiently and with due professional care
b) that all information gained in the course of audit work remains confidential and is not used or conveyed for purposes beyond the scope of approved responsibilities
c) their compliance with all relevant Internal Audit policies and procedures
d) their compliance with the *International Standards for the Professional Practice of Internal Auditing* issued by the IIA
e) their compliance with codes of ethics and conduct issued by Inner West Council and the IIA
f) where applicable, they have regard to auditing standards and practice statements issued by the Auditing and Assurance Standards Board.

10.3 The Manager Governance & Risk will monitor the Internal Audit Program, including oversight of in-house resources and any contracts with third party suppliers, to ensure that Council receives value for money and professional internal auditing services.

11. Review of Internal Audit Charter

11.1 The Internal Audit Charter will be reviewed every year.

11.2 Amendment of this Internal Audit Charter is subject to the approval of the Council, after review by the Audit & Risk Committee and the Executive Leadership Team.

Item 27

Item No: **C0916 Item 27**

Subject: **WESTCONNEX - ADVICE FROM SENIOR COUNSEL**

File Ref: 16/4718/106314.16

Prepared By: Joe Strati - General Counsel, Marrickville

Authorised By: Peter Gainsford - Director, Corporate Services

SUMMARY

This report provides Council with a copy of recent advice provided by Mr Robertson SC regarding the legality of approvals given for Stages 1 and 2 of WestConnex.

RECOMMENDATION

THAT:

1. **Council moves into closed session to deal with this matter as the information contained in Confidential Attachment 1 of this report is classified as confidential under the provisions of Section 10A(2)(g) of the Local Government Act 1993 as it contains advice that would be privileged from production in legal proceedings on the ground of legal professional privilege.**

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

2. **Council takes no action to challenge the legality of approvals given for Stages 1 and 2 of WestConnex.**

BACKGROUND

On 10 May 2016, the former Leichhardt Council resolved, in part, as follows:

> "*That the Manager Legal Services seek advice on options for Leichhardt to challenge the legality of WestConnex as it relates to the Leichhardt LGA.*"

On 26 July 2016, the Council considered preliminary advice provided by Mr Tim Robertson SC which addressed salvage requirements of heritage material as required by the approval given to Stage 1B of WestConnex.

Attached at **Confidential Attachment 1** is Mr Robertson's further advice dated 12 September 2016 which addresses the broader issue of challenging the legality of approvals given for Stages 1 and 2 of WestConnex.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Not applicable.

ATTACHMENTS

1. Tim Robertson SC - Legal Advice - Westconnex Approvals - *Confidential*

Item No: **C0916 Item 28**

Subject: **LIVE STREAMING OF COUNCIL MEETINGS**

File Ref: 16/4718/106635.16

Prepared By: Renata Krchnakova - Executive Policy Officer, Ashfield

Authorised By: Peter Gainsford - Director, Corporate Services

SUMMARY

This report seeks Council's endorsement of a solution for live streaming of public meetings.

RECOMMENDATION

THAT:

1. **in accordance with the requirements under the Local Government Act 1993, the information contained in Confidential Attachments 2 and 3 of this report are classified as confidential under the provisions of Section 10A (2) (d) of the Local Government Act 1993 for the following reasons:**
   a) **commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it;**
   b) **commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.**

   Confidential information provided for assessment by Committee members is not to be shared or published; and
2. **Council implements option 3, using YouTube to webcast Council Meetings commencing from November 2016.**

BACKGROUND

On 12 July the Joint LRAC requested:

1. *that the Administrator investigates issues and options for the introduction of public streaming of meetings of Inner West Council;*
2. *that the analysis focuses principally on needs for streaming meetings of the body politic of Council;*
3. *the analyses considers the potential for eventually extending the use of such technology to facilitate initiatives like community consultations and the staging of innovation or economic development events similar to those sponsored by Boston City Council;*
4. *that the analysis provides a range of short term and long term options for consideration which may include recommendations for low cost interim capabilities, capabilities that are scalable and capabilities that offer high standards of fidelity and or functionality; and*
5. *the analysis reflects a strong interest in mobile solutions or other capabilities that are not depended upon staging the meeting or event at the site of which the solution is based.*

Livestreaming Solutions for Inner West Council

The merit of introducing live streaming of public meetings was raised in the June meeting of the Marrickville Local Representation Advisory Committee. Streaming is the process of delivering multimedia content via the internet, in audio and/or video format from a single content source to multiple viewers. Councils in NSW and other states are introducing live streaming of council's meetings at a fast pace. Increasing and expanding public access through streaming can significantly enhanced the ability of Inner West Council to meet open government obligations of transparency and accountability.

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While the benefits of livestreaming are well documented there are some legal issues that may be raised in opposition. Liability for defamation for republishing defamatory remarks and privacy considerations are usually the main objections.

In NSW, the *Defamation Act 2005* is likely to provide defence to any claim, namely section 29 which provides defence for the "fair report of proceedings of public concern'. Public Council meetings fall within the description of "proceedings of public concern".

Under the *Privacy and Personal Information Protection Act 1998*, Council has obligations regarding the disclosure of personal information. This can be managed by ensuring speakers are consenting to their personal information and circumstances being disclosed via the livestream. This can be achieved by developing Inner West Council Recording of Public Meetings policy (see sample **Attachment 1**), by reading a disclaimer that warns the public that the meetings are live streamed at the beginning of each meeting and by displaying it prominently in the council chambers or meeting rooms.

This item was discussed at the LRAC meeting and was deferred pending legal advice. Council is seeking external legal advice which will be tabled at the Council meeting. It is important to note the Council meetings are already recorded and there are numerous other Australian councils that have been successfully live streaming Council meetings without any concerns. There are community members that are unable to attend meetings in the early evening and this will provide the opportunity to increase the audience of Council meetings.

The web streaming solutions:

1. **Fully outsourced solutions** – The IT Department Marrickville obtained 3 quotes from providers of ad-hoc services. This solution is based on per event cost. The final recommendation from the IT department was to use provider with the best solution and lowest quote at $2,145.00[1] per event (**Confidential Attachment 2**)

   Advantages:
   - No set up cost immediate start
   - Fully operated and staffed by Webcasting Inc.
   - Live Closed Captioning for event with stenographer on site

   Disadvantages:
   - Cost, at per event based on 60 (5 meetings per month) council and committee meetings over the next 12 months $128,700
   - Limit on the time of the event 4 hours
   - Limited scope – no opportunities to build or expend as no control and not internal capacity building.

2. **Self- Managed Solution with external support** – An Australian Company with an expertise in council solutions. It requires initial set up costs for hardware, software and other equipment and ongoing costs for live streaming services, streaming set up and archive storage. This solution can be expanded to include other public meetings. (**Confidential Attachment 3**)

   Advantages:
   - Short set up time – 2-3 weeks to select and purchase equipment
   - Risk reduction – tried and tested solution
   - Initial training provided, extended training available on cost basis

   Disadvantages:
   - Set up costs $1,870.00 + hardware $7,000.00
   - Ongoing service costs - $429.00 per meeting ($25,740.00 - 60 meetings per year)

[1] All costs are GST inclusive

- Ongoing archiving costs - $71.00 (per month) reducing as number of archives increase $22.00 with 21+ archives ($568.00 per year based on average costs)
- Total running cost approximately $26,308.00 per year)
- It is a fixed solution that is set up in one or two location permanently

3. **Full in-house solution using YouTube as streaming platform**. This solution has a low uptake in Australian Local Government, however widely used by councils in the USA, UK and Canada and by Australian Universities to stream lectures, tutorial and seminars. There is a movement by a small group of innovative shires and councils that are joining the YouTube solution, the Alpine Shire and the Rural City of Wangaratta are streaming meeting on their YouTube channels. The former Marrickville Council has a YouTube channel and obtaining one for the Inner West Council is simple as joining YouTube with Inner West Details. This is an innovative solution which minimises costs to Council, has wide application, is very familiar to users and creates new 21st century jobs i.e. Digital Governance Officer. You Tube is a free livestreaming service and is capable to stream to all mobile and hand held devices.

   Advantages:
   - Equipment Costs approximately $7,000 - 10,000
   - Cost Effective Software and archives free
   - Easy to use for the viewer and accessible on mobile and hand held devices
   - Innovative using existing highly frequented distribution channel
   - Has wide application can be applied across all community engagement events

   Disadvantages:
   - Staging in process – initially council meetings in set locations the first meeting October 2016
   - Next stage – Committee meetings February 2017
   - Portable solutions fully tested and supported September 2017

FINANCIAL IMPLICATIONS

$10,000 to be funded in the first quarter budget review.

OTHER STAFF COMMENTS

IT, Legal, Governance and Communications were consulted and provided valuable feedback which was incorporated in the report.

PUBLIC CONSULTATION

Nil.

ATTACHMENTS

1.⇩ Policy on Recording of Public Meetings
2. Webcasting - *Confidential*
3. Apstream - *Confidential*

Item 28

City of KINGSTON

Recording of Public Council Meetings Policy

Approval	
Revision	Version 1
Review	2017 or earlier as required
Responsible Executive	General Manager, Organisational Development & Governance
Contact officer	Program Leader Governance
Delegated Authority	Not applicable
Exemption	Not applicable

Attachment 1

Contents

1. Purpose of the Policy
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9. Procedures
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11. Transition/Translation arrangements
12. Review

1. **Purpose of the Policy**

   The '*Recording of Council Meetings Policy*' (the Policy) provides information and procedures in relation to the the recording and live streaming of public meetings of Kingston City Council.

2. **Scope**

   The Policy applies to all public meetings of Kingston City Council. The Policy does not extend to meetings closed to the public in accordance with section 89(2) of the Local Government Act 1989 (the Act).

   The policy applies to the Council and it is intended that the default camera position will ensure that all Councillors present will be visible.

   The policy also applies to members of the public, both as visitors in the public gallery and as contributors to the public meeting.

3. **Definitions**

   Public meetings: Section 89(1) of the Act requires that meetings be open to the public. Reference to public meetings in the policy means Ordinary and Special Meetings of Council and Planning Committee Meetings.

   Meetings closed to the public: Section 89(2) of the Act provides that Council may resolve to close the meeting to the public on specified grounds.

4. **Responsible Officer**

   General Manager Organisational Development and Governance

5. **Contact Officer**

   Program Leader Governance

6. **Related Documents**

   - Local Law No.7
   - Local Government Act 1989 (Vic) section 89.
   - Information Privacy Act 2000 (Vic)

7. **Delegation Authority**

   Nil.

8. **Policy Statement**

   At the 27 May 2013 Ordinary Meeting of Council, it was resolved to implement the live streaming of Ordinary, Special and Planning Committee Meetings on the internet. This resolution reflects Council's commitment to transparent and accessible decision making processes.

9. Procedures

9.1 Councillors and Officers

9.1.1 Following Council's resolution to implement the recording and live streaming of public meetings, all Councillors and Officers will be recorded when in attendance at public meetings of Council commencing from the 22 July 2013 Ordinary Meeting of Council.

The default camera position will ensure that all Councillors present are in view throughout the meeting.

9.2. Meetings closed to the public

9.2.1. If Council resolves to close the meeting to the public in accordance with section 89 (2) of the Act, all recording devices will be switched off to protect the confidential status of the matters debated and resolved on by Council.

Recording and live streaming will not resume until it is resolved that the meeting be opened to the public.

9.3. Public Gallery

9.3.1. It is not intended that visitors in the public gallery be recorded and signage to this effect is to be visibly displayed in the foyer of the Council Chamber, which reads;

"This public meeting is being recorded and streamed live on the internet. The recording will be archived and available on Council's website www.kingston.vic.gov.au. All care is taken to maintain your privacy; however as a visitor in the public gallery, your presence may be recorded."

9.3.2. To ensure that people with a disability are aware of the recording and live streaming of Council meetings the Chairperson will read out the statement contained in clause 9.3.1. at the commencement of each meeting.

9.4. Question Time

9.4.1. It is practice for visitors at an Ordinary Meeting of Council to have the opportunity to submit a question during Question Time. It is practice that the visitor should be present in the gallery when the question is read out and responded to.

Questioners will not be recorded in the public gallery as per clause 9.3.1.; however their full name and where they are from will be read out and recorded.

9.4.2. If a visitor who asks a question does not wish for their full name to be read out this must be indicated in the appropriate section of the Question Form and only the visitors first name will be read out.

The visitor's full name and where they are from will continue to be recorded in the public minutes of the meeting.

9.5. Members of the public addressing Council

9.5.1. Members of the public who address Council or the Planning Committee either in support or objection of a Planning Application will be recorded. The following wording will appear in correspondence inviting applicants and objectors to address Council;

"This public meeting is being recorded and streamed live on the internet. The recording will be archived and available on Council's website www.kingston.vic.gov.au. All care is taken to maintain your privacy; however as a visitor in the public gallery, your presence may be recorded."

9.5.2. Members of Kingston's Village Committees or other Advisory Committees who present to Council will be recorded. The following wording will appear in correspondence inviting Chairperson's or representatives of the Village Committee to present;

"This public meeting is being recorded and streamed live on the internet. The recording will be archived and available on Council's website www.kingston.vic.gov.au. By contributing to the meeting you agree to being recorded during the public Council meeting."

9.5.3. By participating in a public Council meeting, members of the public agree to being recorded. In the event of exceptional circumstances rendering an individual unable to be recorded, it is at the Chairperson's absolute discretion to call for a motion to close the meeting to the public provided the request complies with the grounds stipulated in the Act under section 89(2) for the meeting to be closed.

If Council resolves to close the meeting to the public, clause 9.2.1 of the Policy applies.

9.6. Archived Recordings

9.6.1. All public meetings that are streamed live on the internet will later be archived on Council's website www.kingston.vic.gov.au. Due to the instantaneous nature of live streaming, there will be no editing of the contents of the recorded public meeting.

Bookmarks advising of the agenda items considered during the meeting will be added to the archived version of the recorded meeting to provide ease of navigation for viewers.

9.6.2. Members of the public can access all recorded public meetings free of charge on Council's website www.kingston.vic.gov.au.

10. Decision Guidelines

None

11. Transition/Translation arrangements

The Policy will commence from the date it is approved by Council.

12. Review

The Policy will be reviewed within the first 12 months of each new term of Council or earlier as required.

Item No: **C0916 Item 29**

Subject: **ICT SYSTEM CONSOLIDATION**

File Ref: 16/4718/108821.16

Prepared By: Peter Gainsford - Director, Corporate Services

Authorised By: Rik Hart - Interim General Manager

SUMMARY

The purpose of this report is to seek endorsement for a consolidated computer software / hardware platform for the Inner West Council and to delegate approval to the Interim General Manager to negotiate a contract with TechnologyOne.

A fee proposal will be tabled at the Council Meeting as **Confidential Attachment 1**.

RECOMMENDATION

THAT:

1. **Council moves into closed session to deal with this matter as the information contained in Confidential Attachment 1 of this report are classified as confidential under the provisions of Section 10A (2) (c) (di) and (dii) of the Local Government Act 1993 for the following reasons:**
   - **c. information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;**
   - **d (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it;**
   - **d (ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council;**

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed;

2. **in accordance with Section 55(3)(i) of the Local Government Act 1993, Council delegate the authority to the Interim General Manager to negotiate directly with TechnologyOne and execute a contract for the provision of a new consolidated ICT system; and**
3. **the extenuating circumstances are as follows:**
   - **a. the amalgamation of the three former councils;**
   - **b. the need to have a consolidated ICT system as a matter of priority in order to progress the integration of services across Council;**
   - **c. there are only two main service providers in the industry and TechnologyOne capabilities are already well established within two of the three former councils;**
   - **d. the tender process would add a significant and unreasonable time delay in consolidating ICT systems; and**
   - **e. the benefit to Council by partnering with a TechnologyOne solution in providing long term benefits to the Council and the Community.**

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BACKGROUND

The former Ashfield, Leichhardt and Marrickville Councils operated with a range of different software solutions to support a suite of typical modules that are core to local government business operations. The table below outlines the core modules and software providers that were in place at the three former Councils. There are two main software providers that provide fully integrated solutions for Local Government i.e. Civica and TechnologyOne. Software applications from both of those providers feature among the capabilities inherited from the legacy Councils – see table below.

Core Module	Ashfield *Provider / Software*	Leichhardt *Provider / Software*	Marrickville *Provider / Software*
Financials	Civica Authority	TechnologyOne Financials	TechnologyOne Financials
Property & Rating (P&R)	Civica Authority	Infor Pathway	TechnologyOne Property and Rating
Graphical Information System (GIS)/Mapping	Pitney Bowes Mapinfo / Exponare	Pitney Bowes Mapinfo / Spectrum	Pitney Bowes Mapinfo / Exponare / Spectrum
Electronic Document Management (EDM)	Hewlett Packard HP TRIM	TechnologyOne ECM (formerly Dataworks)	Hewlett Packard HP TRIM
Customer Relationship Management (CRM)	Civica Authority - CRM	TechnologyOne ECM (webforms)	Merit Technology Merit CRM
Payroll & Human Resources	Civica Authority	Frontier Software chris[21]	Frontier Software chris[21]
Asset Management	Civica Asset Manager	JRA Asset Database	Open Office AssetMaster

The NSW Department of Premier and Cabinet (DPC) has been providing support to amalgamated councils through technical forums and advice for ICT managers. It has identified the following critical emerging trends for ICT.

1. Moving away from the on premise in house model
2. Moving to cloud sourced services and managed services
3. Moving toward volume and transactional based pricing models
4. Increasing dependency on strategic suppliers
5. ICT operating model changing from a plan – build – run to an enable – integrate – manage model.

The DPC is investigating a whole-of-sector approach for certain purchasing and looking for councils that are prepared to invest in an ICT solution "in a box" shared services arrangement. This is a move away from the alternate model that allows the system owner to select their preferred system which then has to be integrated with other software solutions. Whilst there may be a loss in the functionality with individual software providers the one solution can provide better integration and economies of scale when rolled out across numerous councils.

TechnologyOne offers an enterprise solution for local government known as *OneCouncil* which has the following modules:

- corporate strategy & planning
- financial management
- budgeting and payroll
- property and revenue management
- procurement
- inventory and contracts
- human resource management
- capital planning and delivery
- asset and work management
- customer and community management
- development and regulatory services
- policy and compliance management
- document and records management

Civica offers the Authority Enterprise Software Suite for Local Government that includes modules for

- customer request management
- e-services
- electronic document and records management
- financial management
- human resources and payroll
- land information
- mobile applications

Given the choice of the two main software providers there is a firm view among Inner West Council staff that TechnologyOne offers a superior solution compared to Civica. It also has the advantage of being well established in more than one of three former Councils. The TechnologyOne solution is well proven throughout local government and has been implemented in many larger local authorities such as Blacktown City Council and Brisbane City Council.

A single integrated enterprise solution will improve efficiencies and lower costs by significantly minimising dependencies on customised software and integration. The end-to-end management of council operations will better facilitate customer self-service and will support improved service delivery. It will also be a major enabler for the overall integration and consolidation of the merged services of Inner West Council.

The DPC has approached Council about partnering with Cumberland Council and Georges River Council on an implementation framework for the TechnologyOne solution. The framework would establish a standardised implementation and transition model that could be used by other councils.

The amalgamation of the former Ashfield, Leichhardt and Marrickville Councils provides a unique opportunity to review all systems and processes. The TechnologyOne solution enables a suite of common processes across local government to be better integrated across the functions of Council. The implementation will require a strong project management focus which will be critical to the success of progressing the next stage of this initiative.

This procurement opportunity offers considerable benefit to Council through bulk purchasing across the three amalgamated Councils. It can deliver major savings in the costs of licensing, implementation and training.

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The decision to engage directly with a single preferred supplier rather than conduct an open tender process complies with Section 55(3)(i) of the Local Government Act 1993, which states that:

"… because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders"

The proposed exception to standard procurement requirements for business valued in excess of $150,000 is based upon the following extenuating circumstances:

1. The amalgamation of the three former councils
2. The need to have a consolidated ICT system as a matter of priority in order to progress the integration of services across Council
3. There are only two main service providers in the industry and TechnologyOne capabilities are already well established within two of the three former councils
4. The tender process would add a significant and unreasonable delay in consolidating ICT systems
5. The benefit to Council by partnering with a TechnologyOne solution in providing long term benefits to the Council and its community.

In light of the circumstances outlined above, it is recommended that Council delegate authority to the Interim General Manager to enter into negotiations with TechnologyOne and expedite the execution of a contract for the provision of a new integrated ICT system.

FINANCIAL IMPLICATIONS

Project costs will be met from monies granted from the NSW Government *New Council Implementation Fund*. (Details will be tabled in a confidential document at the meeting.)

OTHER STAFF COMMENTS

As part of Council's due diligence Council will ensure that the bulk purchase represents value for money as well as ensure that the agreed technical outputs for the consolidated ICT system are clearly defined in the procurement contract. Council's procurement officer and General Counsel will also assist in the finalisation of this contract.

A fee proposal will be tabled at the Council Meeting as **Confidential Attachment 1**.

PUBLIC CONSULTATION

No consultation is required.

CONCLUSION

Section 55 of the Local Government Act allows Council to negotiate with the one software vendor given its extenuating circumstances. Council has the ability to bulk purchase with Georges River and Cumberland Council to reduce the implementation costs. Council has the support of the DPC in developing a standardised implementation and transition model that could be used by other councils. TechnologyOne is a fully integrated system that will provide Council with an innovative technology solution for the future.

ATTACHMENTS

1. To be tabled - *Confidential*